

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

ORDER

LD-2018-0010, In the Matter of Julian H. Lebeck, Esquire

On November 20, 2018, the Attorney Discipline Office (ADO) filed a certified copy of an order of the Massachusetts Supreme Judicial Court, suspending Attorney Julian H. Lebeck from the practice of law in Massachusetts for a period of fifteen (15) months. The discipline was based upon the finding that Attorney Lebeck violated numerous court rules in his representation of a client in a criminal case. Attorney Lebeck was found to have violated the following Massachusetts Rules of Professional Conduct:

1. Rule 1.1 and Rule 1.3, by failing to provide competent and diligent representation to the client;
2. Rule 1.2(a), as then in effect, by failing to pursue the client's lawful objectives;
3. Rule 3.3(a)(1) and Rule 8.4(c) and (h), as then in effect, by making an intentional misrepresentation to the trial court about the status of his client's appeal; and
4. Rule 8.1(a), and Rule 8.4(c) and (h), as then in effect, by making intentional misrepresentations to the Office of Bar Counsel during the course of its disciplinary investigation.

In accordance with Supreme Court Rule 37(12)(b), the court ordered that a copy of the order of the Supreme Judicial Court be served on Attorney Lebeck. It ordered Attorney Lebeck and the ADO to inform the court if either contended that the imposition of identical or substantially similar discipline was unwarranted. Attorney Lebeck did not file a response to the order. The ADO notified the court that, in its view, a suspension of fifteen (15) months was equivalent discipline and that it was warranted in this case.

Rule 37(12)(d) provides for the imposition of reciprocal discipline by the court unless the respondent attorney or the ADO demonstrates, or the court finds, based upon the face of the record from which the discipline is predicated, that: (1) the procedure followed by the jurisdiction imposing discipline was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; (2) the imposition of the same or substantially similar discipline

by the court would result in grave injustice; or (3) the misconduct established warrants substantially different discipline in New Hampshire.

Having reviewed the order of the Supreme Judicial Court, the court concludes that none of these factors are present. It appears from the order that Attorney Lebeck participated in the Supreme Judicial Court proceeding. As the record of the Massachusetts proceeding shows, Attorney Lebeck committed numerous rule violations. In light of the number and seriousness of Attorney Lebeck's misconduct, the court does not find that the imposition of the same discipline would result in grave injustice or that his misconduct would warrant substantially different discipline in New Hampshire. Accordingly, the court concludes that a reciprocal suspension of fifteen (15) months should be imposed.

Therefore, the court orders that Attorney Julian H. Lebeck be suspended from the practice of law in New Hampshire for a period of fifteen (15) months. The suspension shall become effective immediately.

Any motion for reinstatement will be governed by Rule 37(14)(b). Attorney Lebeck is hereby assessed all expenses incurred by the Professional Conduct Committee in the investigation and prosecution of this matter. See Rule 37(19).

Lynn, C.J., and Hicks, Bassett, Hantz Marconi, and Donovan, JJ., concurred.

DATE: February 4, 2019

ATTEST:


Eileen Fox, Clerk

Distribution:
Mark P. Cornell, Esquire
Julian H. Lebeck, Esquire
File