

**THE STATE OF NEW HAMPSHIRE**

**SUPREME COURT**

**ORDER**

**LD-2019-0002, In the Matter of Donald R. Nary, II, Esquire**

On February 21, 2019, the Professional Conduct Committee (PCC) filed a recommendation that Attorney Donald R. Nary, II, be suspended from the practice of law for a period of two years and ordered to pay the costs associated with the investigation and enforcement of the disciplinary matter. The PCC's recommendation approved a stipulation executed by Attorney Nary and the Attorney Discipline Office's disciplinary counsel in which Attorney Nary agreed that he had violated several Rules of Professional Conduct and further agreed that the appropriate sanction for these violations was a two-year suspension. In the stipulation, Attorney Nary expressly waived his right to a hearing. In accordance with Rule 37(16), because this matter was resolved by a dispositive stipulation, the court may consider this matter without further notice and hearing.

Based on the parties' stipulation, the PCC found that Attorney Nary violated the following Rules of Professional Conduct:

1. Rule 1.1 and 1.3, requiring a lawyer to represent clients competently and with diligence;
2. Rule 1.4, requiring a lawyer to keep clients reasonably informed about the status of their matters;
3. Rule 8.4(c), making it misconduct to engage in conduct involving deceit; and
4. Rule 8.4(a), making it misconduct to violate the Rules of Professional Conduct.

After reviewing the PCC's recommendation and record, the court accepts the PCC's findings and its recommendation that Attorney Nary should be suspended from the practice of law in New Hampshire for a period of two years. Accordingly, the court orders as follows:

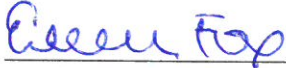
- (1) Attorney Donald R. Nary, II, is suspended from the practice of law in New Hampshire for a period of two years.

- (2) Attorney Nary is ordered to reimburse the Attorney Discipline Office for all costs and expenses incurred by the attorney discipline system in the investigation and prosecution of this matter.
- (3) Attorney Nary is ordered to comply with the provisions of Supreme Court Rule 37(13).
- (4) Within 30 days of this order, Attorney Nary shall file with this court an affidavit showing that he has fully complied with the requirements of Rule 37(13). A copy of the affidavit shall be sent to the Attorney Discipline Office.

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

DATE: March 15, 2019

ATTEST:

  
**Eileen Fox, Clerk**

Distribution:  
Professional Conduct Committee, 18-0238  
Donald R. Nary, II, Esquire  
David M. Rothstein, Esquire  
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File