

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

ORDER

LD-2019-0007, In the Matter of Jeffrey M. Brown, Esquire

On May 29, 2019, the Professional Conduct Committee (PCC) filed a recommendation that Attorney Jeffrey M. Brown be disbarred. The PCC's recommendation was based on a stipulation signed by Attorney Brown and Disciplinary Counsel, in which Attorney Brown admitted that he had violated numerous Rules of Professional Conduct and conceded that disbarment was the appropriate sanction for his misconduct. In the stipulation, Attorney Brown expressly waived his procedural rights under Supreme Court Rule 37 and 37A, including the right under Rule 37(16) to be served with the PCC's recommendation and to be heard on the recommendation prior to the imposition of discipline. Because the PCC's recommendation was based on the stipulation agreed to by both Attorney Brown and Disciplinary Counsel as to Attorney Brown's violations of the Rules of Professional Conduct and the appropriate discipline for the violations, and because Attorney Brown has waived his rights under Rule 37(16), it is unnecessary to serve Attorney Brown with the PCC's recommendation or to provide an opportunity to be heard on the PCC's recommendation prior to court action.

In the "Stipulation to Disbarment" approved by the PCC, Attorney Brown admitted that he charged unreasonable legal fees; paid personal expenses from his client trust account; made unauthorized withdrawals from his client trust account; misappropriated client funds; commingled personal funds with client funds; failed to competently manage and account for funds that he held as a fiduciary; failed to conduct monthly reconciliations or keep accurate client ledgers for his client trust account; knowingly submitted false trust account certificates to the Supreme Court for the periods from June 1, 2014 to May 31, 2017; and generally failed to maintain his client trust account in accordance with the requirements of Rule 50. He conceded that his conduct violated the following Rules of Professional Conduct:

1. Rule 1.1, which requires a lawyer to provide competent representation to a client;
2. Rule 1.3, which requires a lawyer to act with reasonable diligence and promptness in representing a client;

3. Rule 1.5, which prohibits a lawyer from charging and collecting unreasonable fees;
4. Rule 1.15, which requires a lawyer to safeguard the property of a client, and Supreme Court Rule 50, which imposes certain requirements on lawyers regarding client trust accounts;
5. Rule 3.3, which prohibits a lawyer from knowingly making false statements to a tribunal; and
6. Rule 8.4(c), which makes it professional misconduct for a lawyer to engage in conduct involving dishonesty.

The court has reviewed the “Stipulation to Disbarment” and the PCC’s recommendation that Attorney Brown be disbarred. After considering the nature, seriousness, and extent of Attorney Brown’s misconduct, the court concludes that disbarment is the appropriate sanction in this case.

THEREFORE, the court orders that Jeffrey M. Brown be disbarred from the practice of law in New Hampshire. He is hereby assessed all expenses incurred by the PCC in the investigation and prosecution of this matter.

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

DATE: July 16, 2019

ATTEST:



Eileen Fox, Clerk

Distribution:
Professional Conduct Committee, 17-027
David M. Rothstein, Esquire
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File