

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

O R D E R

LD-2019-0005, In the Matter of Michael Bedard, Esquire

On April 18, 2019, the Professional Conduct Committee (PCC) filed a recommendation that Attorney Michael Bedard be suspended from the practice of law for a period of two years, with one year of the suspension stayed on the condition that Attorney Bedard comply with certain requirements. The PCC also recommended that Attorney Bedard be ordered to pay the costs associated with the investigation and enforcement of the disciplinary matter. The PCC's recommendation approved a stipulation signed by Attorney Bedard and the Attorney Discipline Office's disciplinary counsel in which Attorney Bedard 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, with one year of the suspension conditionally stayed. Attorney Bedard expressly waived his right to a hearing before the court. 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 Bedard violated the following Rules of Professional Conduct:

1. Rule 1.1 and Rule 1.3, which require a lawyer to provide competent and diligent representation to a client;
2. Rule 1.5, which requires that contingency fee agreements be in writing;
3. Rule 1.8, which prohibits a lawyer from entering into a business arrangement with a client without disclosing the terms in writing and advising the client of the desirability of seeking independent legal advice;
4. Rule 1.15, which requires a lawyer to safeguard client property and to maintain records relating to client funds in the lawyer's possession;
5. Rule 3.3, which prohibits a lawyer from making a false statement of fact or law to a tribunal; and
6. Rule 8.4(a), which makes it misconduct to violate the Rules of Professional Conduct.

The court has reviewed the PCC's findings and rulings and concludes that they are supported by the record. The court accepts the PCC's recommendation for the appropriate sanction for this misconduct, and concludes that a two-year suspension from the practice of law, with one year of the suspension conditionally stayed, is warranted. The court approves the conditions of the stay, which are set forth in the stipulation and which include requirements that must be met prior to reinstatement, as well as conditions that would remain in effect for a one-year period following reinstatement. The stipulation also sets forth a procedure to be followed if it is alleged that Attorney Bedard has not complied with a condition or conditions.

Accordingly, having approved the PCC's findings, rulings and recommended sanction, the court orders as follows:

- (1) Attorney Michael Bedard is suspended from the practice of law in New Hampshire for a period of two years, with one year stayed on the condition that Attorney Bedard comply with the requirements set forth in the stipulation.
- (2) The suspension shall take effect on June 20, 2019, unless a motion for reconsideration is filed, in which case a further order shall be issued.
- (3) After a period of one year, Attorney Bedard may apply for reinstatement in accordance with Rule 37(14)(b), if he has complied with the requirements of the stipulation and of this order.
- (4) Attorney Bedard 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.
- (5) Attorney Bedard is ordered to comply with the provisions of Supreme Court Rule 37(13). Within 30 days of this order, Attorney Bedard shall file an affidavit attesting to his compliance 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: June 17, 2019

ATTEST:


Eileen Fox, Clerk

Distribution:
Professional Conduct Committee, 18-024
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File