

**THE STATE OF NEW HAMPSHIRE  
SUPREME COURT**

**ORDER**

**LD-2003-0009, In the Matter of Mark E. Wolterbeek, Esquire**

On December 16, 2003, the Committee on Professional Conduct (PCC) filed a petition seeking an order suspending the respondent, Mark E. Wolterbeek, of Rindge, New Hampshire, from the practice of law in New Hampshire for six months. The respondent answered the petition on February 27, 2004.

On March 12, 2004, the court referred this matter to a referee (Murphy, C.J., retired) "for a hearing and the filing of a written report with specific findings of fact and rulings of law as to the alleged violations of the rules of professional conduct and recommended sanction."

On February 23, 2005, the parties filed a stipulation settling this action, which the referee recommends that the court approve. In this stipulation, the parties agreed that Attorney Wolterbeek's conduct violated the following Rules of Professional Conduct:

1. Rule 1.1(a) by failing to provide competent representation to his clients, Dwight and Tanis Whitcomb;
2. Rule 1.1(b)(5) by failing to appear at a September 6, 2000 structuring hearing and by failing to inform his clients of this fact or to correct the situation;
3. Rule 1.4(a) by failing to keep his clients informed of the status of their case and failing to advise them that their case had been dismissed;
4. Rule 1.3(a) by failing to manage his clients' case with due diligence;  
and
5. Rule 8.4(a) by violating provisions of the Rules of Professional Conduct.

Having reviewed the parties' stipulation, the court concludes that further proceedings are unnecessary for the disposition of this case. The court accepts the parties' stipulation and the referee's recommendation that the court approve it. The court agrees with the parties and the referee that the respondent's violations of the Rules of Professional Responsibility justify a six-month suspension.

Mark E. Wolterbeek is hereby suspended for a period of six months from the practice of law in New Hampshire for violating Rules of Professional Conduct 1.1(a), 1.1(b)(5), 1.4(a), 1.3(a) and 8.4(a). He is ordered to notify the PCC of any other jurisdictions in which he is licensed to practice law of the issuance of the court's order.

Mark E. Wolterbeek is hereby assessed all expenses incurred by the PCC in the investigation and prosecution of this matter. See Rule 37(19).

The PCC shall inform the court on or before March 25, 2005, whether the court should appoint an attorney to make an inventory of the respondent's files and trust accounts and to take such action as may be necessary to protect the interests of the respondent and his clients. See Rule 37(17).

Broderick, C.J., and Dalianis, and Galway, JJ., concurred.

DATE: March 15, 2005

ATTEST: :

  
Eileen Fox  
**Eileen Fox, Clerk**

Distribution:

Honorable Walter L. Murphy  
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