

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

O R D E R

LD-2021-0003, In the Matter of David C. Dunn, Esquire

On June 4, 2021, the Attorney Discipline Office (ADO) filed a petition for the immediate interim suspension of Attorney David C. Dunn from the practice of law in New Hampshire. The ADO has alleged, among other claims of professional misconduct, that:

- (1) Attorney Dunn misappropriated funds from an estate for which he was executor;
- (2) Attorney Dunn misappropriated over \$100,000 from a client whose funds he held as trustee, and lied to the beneficiary of the trust about funds held for her benefit;
- (3) Attorney Dunn knowingly filed false accountings with the probate division; and
- (4) Attorney Dunn commingled his personal funds in his client trust account.

Supreme Court Rule 37(16)(f) authorizes the court to suspend an attorney when it deems a suspension necessary for the protection of the public and the preservation of the integrity of the legal profession. When the court makes such a finding, the attorney may be suspended on a temporary order, with or without hearing. See Rule 37(16)(d).

Based on the information submitted by the ADO in its petition, the court finds that Attorney Dunn's immediate suspension from the practice of law is necessary to protect the public and to preserve the integrity of the legal profession. See Rule 37(16)(d) and (f). Accordingly, it is hereby ordered:

- (1) In accordance with Rule 37(16)(d) and (f), Attorney David C. Dunn is immediately suspended from the practice of law in New Hampshire pending further order of this court.
- (2) A copy of the petition for immediate suspension and of this order shall be served on Attorney Dunn by first-class mail at the latest address that Attorney Dunn provided to the New Hampshire Bar Association.

- (3) Within 15 days from the date of this order, Attorney Dunn may request a hearing on the issue of whether the interim suspension should be lifted. The hearing will be promptly scheduled. See Reiner's Case, 152 N.H. 163 (2005).
- (4) Within 30 days of the date of this order, Attorney Dunn shall file an answer to the petition for immediate interim suspension.
- (5) Attorney Dunn is enjoined from transferring, assigning, hypothecating, or in any manner disposing of or conveying any assets of clients, whether real, personal, beneficial or mixed.

Pursuant to Rule 37(17), the court appoints Attorney Andrea Q. Labonte, ADO Assistant General Counsel, to take immediate possession of the client files and trust and other fiduciary accounts of Attorney Dunn, and to take the following actions:

- (1) Attorney Labonte shall notify all banks and other entities where Attorney Dunn has trust or fiduciary accounts and operating accounts of Attorney Dunn's suspension from the practice of law and of Attorney Labonte's appointment by the court.
- (2) Attorney Labonte shall notify clients of Attorney Dunn of his suspension, inform them of any scheduled hearings, advise them to obtain the services of other lawyers of their choice, and advise them how they or their new attorneys may obtain their files. Attorney Labonte shall not undertake the representation of any of Attorney Dunn's clients, however.
- (3) Attorney Labonte shall notify the courts in which any hearings are scheduled in the near future of Attorney Dunn's suspension.
- (4) Attorney Labonte shall prepare an inventory of Attorney Dunn's client files and shall file a copy of the inventory with the Supreme Court on or before July 22, 2021, together with a report of her actions taken under this order and recommendations as to what further actions should be taken.
- (5) If Attorney Dunn was in possession of any client funds or property, Attorney Labonte may file an appropriate motion requesting authority to distribute them.

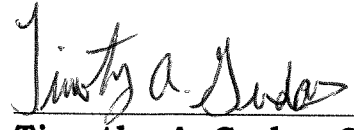
Attorney Dunn is ordered to cooperate with Attorney Labonte in performing the tasks as directed by the court. The expenses of Attorney

Labonte shall be paid in the first instance from the funds of the Professional Conduct Committee, which may seek reimbursement from Attorney Dunn.

MacDonald, C.J., and Bassett, Hantz Marconi, and Donovan, JJ., concurred.

DATE: June 4, 2021

ATTEST:


Timothy A. Gudas, Clerk

Distribution:

Sara S. Greene, Esquire

Andrea Q. Labonte, Esquire

Mark D. Morrissette, Esquire

David C. Dunn, Esquire

File