

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

ORDER

LD-2021-0011, In the Matter of David C. Dunn, Esquire

On December 14, 2021, the Professional Conduct Committee (PCC) filed a recommendation that Attorney David C. Dunn be disbarred. The PCC's recommendation was based on a stipulation signed by Attorney Dunn and Disciplinary Counsel, in which Attorney Dunn admitted that he had violated numerous Rules of Professional Conduct and in which he conceded that disbarment was the appropriate sanction for his misconduct. In the stipulation, Attorney Dunn expressly waived his procedural rights under Supreme Court Rules 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 Dunn and Disciplinary Counsel as to Attorney Dunn's violations of the Rules of Professional Conduct and the appropriate discipline for the violations, and because Attorney Dunn has waived his rights under Rule 37(16), it is unnecessary to serve Attorney Dunn 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 Dunn admitted that he failed to act with competence and diligence in multiple estate matters; misappropriated client funds; commingled personal funds with client funds; knowingly submitted false trust account certificates to the Supreme Court for the periods from June 1, 2016 to May 31, 2020; 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 1.15, which requires a lawyer to safeguard the property of a client, and Supreme Court Rules 50 and 50-A, which impose certain requirements on lawyers regarding client trust accounts;

4. Rule 3.3, which prohibits a lawyer from knowingly making false statements to a tribunal;
5. Rule 8.4(c), which makes it professional misconduct for a lawyer to engage in conduct involving dishonesty, deceit, or misrepresentation; and
6. Rule 8.4(a), which makes it professional conduct for a lawyer to violate the Rules of Professional Conduct.

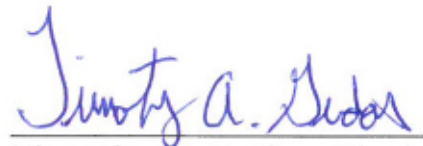
The court has reviewed the "Stipulation to Disbarment" and the PCC's recommendation that Attorney Dunn be disbarred. After considering the nature, seriousness, and extent of Attorney Dunn's misconduct, the court concludes that disbarment is the appropriate sanction in this case.

THEREFORE, the court orders that David C. Dunn 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.

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

DATE: January 14, 2022

ATTEST:


Timothy A. Gudas, Clerk

Distribution:
Professional Conduct Committee, 21-002
Sara S. Greene, Esquire
Mark D. Morrissette, Esquire
David C. Dunn, Esquire
File