

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

ORDER

LD-2023-0004, In the Matter of Lisa A. Wellman-Ally, Esquire

On February 17, 2023, the Attorney Discipline Office (ADO) filed a petition for the summary suspension of Attorney Lisa A. Wellman-Ally from the practice of law in New Hampshire. The ADO's petition states that Attorney Wellman-Ally has engaged in the following "serious misconduct," as defined by Supreme Court Rule 37(9-B)(b):

Here, Ms. Wellman-Ally mishandled client funds in two client matters, as she was out of trust in the amount of \$13,831.36 for one client and \$5,790.19 for another client. She was dishonest regarding the amounts she held in trust for these clients with third parties who sought to intercede on these clients' behalf, and could not write checks to these clients for funds due to them without first "replenishing" her IOLTA with personal funds (i.e. commingling).

According to the petition, Attorney Wellman-Ally's misconduct violates several Rules of Professional Conduct, including Rules 1.4, 1.15, 3.3, 4.1, 8.1, 8.4(a), 8.4(c), as well as Supreme Court Rule 50, and "poses an immediate and substantial threat of serious harm to the public or the integrity of the legal profession." Attorney Wellman-Ally has assented to the ADO's petition.

Based on the information contained in the ADO's assented-to petition, the court finds that Attorney Wellman-Ally has engaged in serious misconduct which poses an immediate and substantial threat of serious harm to the public or the integrity of the legal profession, and, therefore, that Attorney Wellman-Ally's summary suspension from the practice of law is necessary. See Supreme Court Rule 37(9-B).

Accordingly, it is hereby ordered:

- (1) Pursuant to Rule 37(9-B), Attorney Lisa A. Wellman-Ally is immediately suspended from the practice of law in New Hampshire pending further order of this court.
- (2) Copies of the petition for summary suspension and of this order shall be served on Attorney Wellman-Ally by first-class and certified mail at the latest address that Attorney Wellman-Ally provided to the New Hampshire Bar Association. If Attorney Wellman-Ally seeks a hearing pursuant to Rule 37(9-B) notwithstanding her assent to the petition, she shall file a written hearing request on or before February 24, 2023.

- (3) Attorney Wellman-Ally is enjoined from further use of her IOLTA and operating accounts. She is further enjoined from transferring, assigning, hypothecating, or in any manner disposing of or conveying any assets of clients, whether real, personal, beneficial or mixed.
- (4) Attorney Wellman-Ally is required to inform all clients of her suspension, and to submit an affidavit to the ADO and this court attesting to same, no later than February 24, 2023, as set forth in Supreme Court Rule 37(13)(b), (d).

Pursuant to Supreme Court 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 Wellman-Ally, and to take the following actions:

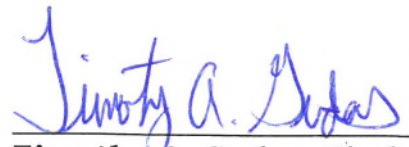
- (1) Attorney Labonte shall notify all banks and other entities where Attorney Wellman-Ally has trust or fiduciary accounts and operating accounts of Attorney Wellman-Ally's suspension from the practice of law and of Attorney Labonte's appointment by the court.
- (2) Attorney Labonte shall prepare an inventory of Attorney Wellman-Ally's client files and shall file a copy of the inventory with the Supreme Court on or before April 21, 2023, together with a report of her actions taken under this order and recommendations as to what further actions should be taken.
- (3) If Attorney Wellman-Ally was in possession of any client funds or property, Attorney Labonte shall file an appropriate motion requesting authority to distribute them.

Attorney Wellman-Ally is ordered to cooperate with Attorney Labonte in performing the tasks as directed by the court. The expenses of Attorney Labonte and all other expenses that have been or may be incurred by the ADO in the investigation and prosecution of this matter are assessed against Attorney Wellman-Ally. To the extent that expenses are paid in the first instance from the funds of the attorney discipline system, Attorney Wellman-Ally is responsible for reimbursement.

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

DATE: February 21, 2023

ATTEST:


Timothy A. Gudas, Clerk

Distribution:

Sara S. Greene, Esquire

Lisa A. Wellman-Ally, Esquire

Andrea Q. Labonte, Esquire

File