

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

ORDER

LD-2023-0006, In the Matter of Lisa A. Wellman-Ally, Esquire

On April 27, 2023, the Professional Conduct Committee (PCC) filed a recommendation that Attorney Lisa A. Wellman-Ally be disbarred. The PCC's recommendation was based on a PCC-approved "Stipulation to Disbarment" (Stipulation) signed by Attorney Wellman-Ally and Disciplinary Counsel, in which Attorney Wellman-Ally admitted that she had violated numerous Rules of Professional Conduct and conceded that disbarment was the appropriate sanction for her misconduct. In the Stipulation, Attorney Wellman-Ally expressly waived her 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 Wellman-Ally and Disciplinary Counsel as to Attorney Wellman-Ally's violations of the Rules of Professional Conduct and the appropriate discipline for the violations, and because Attorney Wellman-Ally has waived her rights under Rule 37(16), it is unnecessary to serve Attorney Wellman-Ally 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, Attorney Wellman-Ally admitted the allegations set forth in an earlier petition for her summary suspension from the practice of law (case no. LD-2023-0004, In the Matter of Lisa A. Wellman-Ally, Esquire), including the following:

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).

Based on those and other allegations, the court summarily suspended Attorney Wellman-Ally on February 21, 2023. In the Stipulation, Attorney Wellman-Ally

also admitted that, as borrower, she entered into a loan transaction with a third client, without having advised the client to seek independent counsel and without having obtained the client's informed consent.

Attorney Wellman-Ally conceded in the Stipulation that the above-described misconduct violated the following Rules of Professional Conduct:

1. Rule 1.4, for failing to keep two clients reasonably informed of the status of their funds held in trust;
2. Rule 1.8, for entering into a business transaction with a client but failing to take the actions required by Rule 1.8(a) to protect the client from Attorney Wellman-Ally's conflict of interest;
3. Rule 1.15 and Supreme Court Rule 50, for failing to maintain accurate IOLTA records, failing to perform monthly reconciliations, being out of trust in two client matters, and failing to promptly turn over funds to two clients upon their request;
4. Rule 3.3, for filing knowingly false trust accounting compliance certifications;
5. Rule 4.1, for knowingly making false statements of fact to third parties concerning the status of clients' funds held in trust;
6. Rule 8.1, for knowingly failing to produce client ledgers for two clients to the Attorney Discipline Office (ADO) in response to the ADO's investigatory demand; and
7. Rule 8.4(a) and (c), for violating the Rules of Professional Conduct and for engaging in dishonesty and misrepresentation when she misappropriated the funds of two clients by being out of trust in those matters.

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

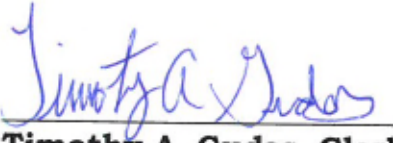
THEREFORE, the court orders that Lisa A. Wellman-Ally be disbarred from the practice of law in New Hampshire. In accordance with her "Agreement

to Pay Costs of Disciplinary Matter,” she is hereby assessed all expenses incurred by the PCC in the investigation and prosecution of this matter.

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

DATE: May 31, 2023

ATTEST:


Timothy A. Gudas, Clerk

Distribution:
Professional Conduct Committee, 22-008
Lisa A. Wellman-Ally, Esquire
Sara S. Greene, Esquire
File