

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

ORDER

LD-2023-0013, In the Matter of Steven N. Fuller, Esquire

On September 22, 2023, the Attorney Discipline Office (ADO) filed a petition for the summary suspension of Attorney Steven N. Fuller from the practice of law in New Hampshire. The ADO has alleged, among other claims of professional misconduct, that:

- (1) Attorney Fuller misappropriated \$20,000.00 in settlement funds owed to a client.
- (2) Attorney Fuller misrepresented to the client and to co-counsel the status of Attorney Fuller's remittance of those funds to the client.
- (3) Attorney Fuller commingled the client's funds with his own funds by depositing the settlement funds into a bank account that he used primarily for personal purposes.
- (4) Attorney Fuller failed to respond to the ADO's requests for information in the course of its investigation.
- (5) Attorney Fuller's conduct violates Supreme Court Rule 50 and Rules of Professional Conduct 1.3, 1.4, 1.15, 8.1(b), 8.4(b), and 8.4(c).

The ADO cites Supreme Court Rule 37(9-B)(a)(1) as grounds for suspending Attorney Fuller summarily. Rule 37(9-B)(a)(1) authorizes summary suspension when an attorney "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." The term "serious misconduct" is defined by Rule 37(9-B)(b) as "any misconduct involving (1) mishandling or misappropriation of client or third party property or funds or (2) any other misconduct which by itself could result in a suspension or disbarment."

Based on the information submitted by the ADO in its petition, to which Attorney Fuller has yet to respond, the court finds that Attorney Fuller "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." His summary suspension from the practice of law is therefore necessary to protect

the public and to preserve the integrity of the legal profession. Accordingly, it is hereby ordered:

- (1) In accordance with Rule 37(9-B), Attorney Steven N. Fuller is immediately suspended from the practice of law in New Hampshire pending further order of this court. This suspension is in addition to, and independent of, the administrative suspension imposed on Attorney Fuller by this court's order dated February 10, 2023, in case no. ADM-2023-0003.
- (2) A copy of the petition for summary suspension and of this order shall be served on Attorney Fuller by certified and first-class mail at the latest address that Attorney Fuller provided to the New Hampshire Bar Association.
- (3) On or before October 2, 2023, Attorney Fuller may request a hearing on the issue of whether the summary suspension should be lifted. If a request is made, the hearing will be scheduled for October 6, 2023, or sooner. See Rule 37(9-B)(f). In any event, the administrative suspension imposed in case no. ADM-2023-0003 will not be lifted unless and until Attorney Fuller successfully petitions for reinstatement in accordance with Rules 42A, 50-A, and 53.4.
- (4) Attorney Fuller is enjoined from further use of any IOLTA and operating accounts. He 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.
- (5) On or before October 13, 2023, Attorney Fuller shall inform his clients in writing of his suspension from the practice of law and of his inability to act as an attorney, and shall advise them to seek other counsel. See Rule 37(13)(b). Attorney Fuller shall file an affidavit on or before October 16, 2023, stating that he has complied with this requirement. See Rule 37(13)(d). A copy of the affidavit shall be sent to the ADO.

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 Fuller, and to take the following actions:

- (1) Attorney Labonte shall notify all banks and other entities where Attorney Fuller has trust or fiduciary accounts and operating accounts of Attorney Fuller's suspension from the practice of

law and of Attorney Labonte's appointment by the court.

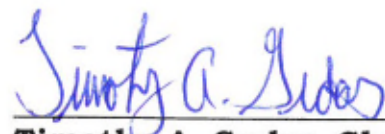
- (2) Attorney Labonte shall, to the extent that she deems necessary, notify Attorney Fuller's clients of his suspension, inform them of any scheduled hearings, advise them to obtain the services of other lawyers of their choice, and advise them how they or their new attorneys may obtain their files. Attorney Labonte shall not, however, undertake the representation of any of Attorney Fuller's clients.
- (3) Attorney Labonte shall, to the extent that she deems necessary, notify the courts in which any hearings are scheduled in the near future of Attorney Fuller's suspension.
- (4) Attorney Labonte shall prepare an inventory of Attorney Fuller's client files and shall file a copy of the inventory with this court on or before November 14, 2023, together with a report of her actions taken under this order and recommendations as to what further actions should be taken.
- (5) If Attorney Fuller was in possession of any client funds or property, Attorney Labonte may file an appropriate motion requesting authority to distribute them.

Attorney Fuller is ordered to cooperate with Attorney Labonte in performing the tasks as directed by the court. Pending further order of this court, Attorney Fuller is assessed for all expenses that may be incurred by the ADO in the investigation and prosecution of this matter and in the performance of the tasks undertaken by Attorney Labonte.

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

DATE: September 26, 2023

ATTEST:


Timothy A. Gudas, Clerk

Distribution:

Sara S. Greene, Esquire
Andrea Q. Labonte, Esquire
Steven N. Fuller, Esquire
File