

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

ORDER

LD-2024-0003, In the Matter of David C. Newton, Esquire

On January 31, 2024, the Attorney Discipline Office (ADO) filed a certified copy of the November 17, 2023 order of term suspension issued against the respondent, David C. Newton, by the Massachusetts Supreme Judicial Court for Suffolk County (Massachusetts SJC). The order suspended Attorney Newton from the practice of law in Massachusetts for a period of two years as a result of his misappropriation of funds from his law firm and his misrepresentations to Massachusetts bar counsel during the disciplinary investigation.

The ADO contends that Attorney Newton's "misconduct does not warrant the imposition of identical discipline in New Hampshire." Rather, the ADO contends that Attorney Newton "should be disbarred in New Hampshire." On February 21, 2024, this court ordered Attorney Newton to respond on or before March 22, 2024, by informing the court in writing of his position as to whether the court should impose discipline identical or substantially similar to that imposed by the Massachusetts SJC and setting forth the reasons supporting his position, with reference to the three grounds listed in Supreme Court Rule 37(12)(d).

Given the nature of Attorney Newton's misconduct and the discipline imposed in Massachusetts, the court concludes that a temporary order of suspension is warranted pending the imposition of final discipline. See Rule 37(12)(b) ("Upon receipt of a certified copy of an order demonstrating that an attorney admitted to practice in this State has been disciplined in another jurisdiction, the court may enter a temporary order imposing the identical or substantially similar discipline or, in its discretion, suspending the attorney pending the imposition of final discipline."). Accordingly, the court now orders as follows:

- (1) In accordance with Rule 37(12)(b), Attorney David C. Newton is immediately suspended from the practice of law in New Hampshire on a temporary basis pending further order of this court.
- (2) A copy of this order shall be served on Attorney Newton by first-class mail and certified mail, return receipt requested. A copy of this order shall also be sent to the ADO electronically.

- (3) Attorney Newton is enjoined from transferring, assigning, hypothecating, or in any manner disposing of or conveying any assets of clients, whether real, personal, beneficial or mixed.
- (4) On or before March 20, 2024, Attorney Newton 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 Newton shall file an affidavit on or before April 4, 2024, 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 Newton, and to take the following actions:

- (1) Attorney Labonte shall notify all banks and other entities where Attorney Newton has trust or fiduciary accounts and operating accounts of Attorney Newton'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 Newton'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 Newton'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 Newton's suspension.
- (4) Attorney Labonte shall prepare an inventory of Attorney Newton's client files and shall file a copy of the inventory with this court on or before April 19, 2024, together with a report of her actions taken under this order and recommendations as to what further actions should be taken.
- (5) If Attorney Newton was in possession of any client funds or property, Attorney Labonte may file an appropriate motion requesting authority to distribute them.

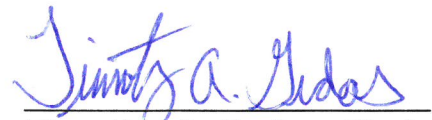
Attorney Newton is ordered to cooperate with Attorney Labonte in performing the tasks as directed by the court. Pending further order of this

court, Attorney Newton is assessed for all expenses that may be incurred by the ADO in this matter.

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

DATE: March 5, 2024

ATTEST:


Timothy A. Gudas, Clerk

Distribution:

Mark P. Cornell, Esq.

David C. Newton, Esq.

Andrea Q. Labonte, Esq.

File