

New Hampshire Supreme Court
Professional Conduct Committee

a committee of the attorney discipline system

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Fuller, Steven N.

advs.

Attorney Discipline Office

#23-014

ORDER

On August 20, 2024, the Professional Conduct Committee deliberated the Hearing Panel's Recommendation that the Stipulation be approved. The Committee also reviewed the Stipulation, in which the Respondent admitted "the majority of the material facts upon which the Notice of Charges is predicated" and "all material facts found in the Petition for Summary Suspension," and also admitted that disbarment was the "appropriate sanction for his misconduct."

The Stipulation does not include an explicit admission of rule violations and thus does not appear to meet the definition of a "dispositive stipulation" in Supreme Court Rule 37A(III)(aa)(1). Rather, it better fits the definition of "partial stipulation" that "resolve[s] some but not all issues of fact, rule violation and sanction." Supr. Ct. R. 37A(III)(aa)(2)(A).

The Respondent failed to file an Answer to the Notice of Charges; thus, all factual allegations contained therein are deemed admitted. Supr. Ct. R. 37A(III)(b)(3)(A). So too are the alleged rule violations: Rule 1.3 (diligence), 1.4 (communication), 1.15 (safeguarding client property), 3.4 (disobeying court order), 8.1(b) (failure to respond to the discipline authority), 8.4(b) (committing a crime), 8.4(c) (dishonesty), and 8.4(a) (general rule).

As the Supreme Court found, in issuing a summary suspension, the Respondent's alleged rule violations constitute "serious misconduct," which "by itself could result in a suspension of

disbarment," as alleged by the ADO. Supr. Ct. R. 37(9-B)(b); *see also* ABA Standards for Imposing Lawyer Sanctions 4.11 (disbarment appropriate when lawyer knowingly converts client property and causes injury) and 4.61 (disbarment appropriate when lawyer knowingly deceives client with intent to benefit the lawyer and causes serious injury). "[N]o single transgression reflects more negatively on the legal profession than a lie." *O'Meara's Case*, 164 N.H. 170, 181 (2012). Thus, even though there is not an explicit stipulation as to rule violations, given the posture of the case and the appropriateness of disbarment as a sanction for the rule violations alleged, the Committee treated the stipulation as a dispositive stipulation.

Accordingly, the Committee voted to accept the Stipulation and recommend to the Supreme Court that the Respondent be disbarred. The Committee also voted to approve the agreement to pay costs.

DATED; September 3, 2024

/s/ Stephanie C. Hausman
Stephanie C. Hausman, Chair

cc: Elizabeth M. Murphy, Assistant Disciplinary Counsel
Steven N. Fuller (via email and U.S. Mail)