

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

ORDER

LD-2024-0010, In the Matter of Steven N. Fuller, Esquire

On September 4, 2024, the Professional Conduct Committee (PCC) filed a recommendation that Attorney Steven N. Fuller be disbarred. The PCC's recommendation was based on a stipulation signed by Attorney Fuller and Assistant Disciplinary Counsel, in which Attorney Fuller admitted "the majority of the materials facts upon which the Notice of Charges is predicated," acknowledged that his failure to file an answer to the Notice of Charges caused the allegations therein to be "admitted" pursuant to Supreme Court Rule 37A(III)(b)(3)(A), admitted "all materials facts found in the Petition for Summary Suspension" filed in case no. LD-2023-0013, and agreed that disbarment is the "appropriate sanction for his misconduct." In the stipulation, Attorney Fuller expressly waived his 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. The PCC treated the stipulation as a "dispositive" one. The court agrees with that treatment.

Because the PCC's recommendation was based on a dispositive stipulation, and because Attorney Fuller has waived his rights under Rule 37(16), it is unnecessary to serve Attorney Fuller with the PCC's recommendation or to provide him an opportunity to be heard on the PCC's recommendation prior to court action.

As a result of the PCC-approved stipulation, Attorney Fuller admitted, at a minimum, that he misappropriated \$20,000.00 in settlement funds owed to a client; that he misrepresented to the client and to co-counsel the status of Attorney Fuller's remittance of those funds to the client; that he 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; that he failed to respond to the Attorney Discipline Office's (ADO) requests for information in the course of its investigation; and that he failed to cooperate with the ADO as required by the court order that summarily suspended him from the practice of law. The court agrees with the PCC that Attorney Fuller violated the following Rules of Professional Conduct:

1. Rule 1.3, which requires a lawyer to act with reasonable diligence and promptness in representing a client;

2. Rule 1.4, which requires a lawyer to keep the client reasonably informed about the status of the matter;
3. Rule 1.15, which requires a lawyer to safeguard the property of a client, and Supreme Court Rule 50, which imposes certain requirements on a lawyer regarding client trust accounts;
4. Rule 3.4, which prohibits a lawyer from knowingly disobeying a court order;
5. Rule 8.1(b), which prohibits a lawyer from knowingly failing to respond to the ADO's requests for information;
6. Rule 8.4(b), which makes it professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects; and
7. Rule 8.4(c), which makes it professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

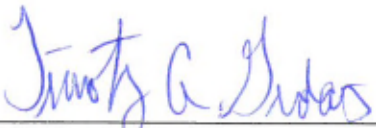
The court has reviewed the stipulation and the PCC's recommendation that Attorney Fuller be disbarred. After considering the nature, seriousness, and extent of Attorney Fuller's misconduct, the court concludes that disbarment is the appropriate sanction in this case.

THEREFORE, the court orders that Steven N. Fuller be disbarred from the practice of law in New Hampshire. He is hereby assessed all expenses incurred by the PCC in the investigation and prosecution of this matter.

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

DATE: October 16, 2024

ATTEST:


Timothy A. Gudas, Clerk

Distribution:

Professional Conduct Committee, 23-014

Steven N. Fuller, Esq.

Elizabeth M. Murphy, Esq.

NH Bar Association, Member Records

Jennifer McManus, Supervisor, Member Records/Renewal Group

Barbara Valenti, Billing, NH Bar Association

Sarah Blodgett, Executive Director, NH Bar Association

Cindy Roberts, Executive Department Assistant, NH Bar Association

Deborah Hawkins, NH Bar Association

File