

**THE STATE OF NEW HAMPSHIRE**

**SUPREME COURT**

**ORDER**

**LD-2025-0005, In the Matter of Robert M. Waters, Jr., Esquire**

On June 2, 2025, the Professional Conduct Committee (PCC) filed a recommendation that the respondent, Attorney Robert M. Waters, Jr., be suspended from the practice of law for a period of two years, retroactive to December 7, 2023, the date of his interim suspension in supreme court case no. LD-2023-0018. The PCC also recommended that Attorney Waters be ordered to pay the costs associated with the investigation and enforcement of the disciplinary matter.

The PCC's recommendation approved a stipulation signed by Attorney Waters and Disciplinary Counsel, in which Attorney Waters agreed that he had failed to personally conduct monthly three-way reconciliations of his IOLTA or to supervise properly and review thoroughly such reconciliations by his nonlawyer employee; allowed his employee to act as a signatory for the IOLTA without her having the necessary bond; failed to keep his own funds separate from client funds; knowingly filed three false Trust Account Compliance Certifications (TACC) with this court for the time period covering June 1, 2021, through May 31, 2024, which falsely certified that he performed monthly reconciliations, was never out of trust, and maintained all client funds "in full compliance" with Rule 1.15 of the New Hampshire Rules of Professional Conduct and Supreme Court Rule 50; and failed to make reasonable efforts to properly supervise his employee to ensure that her conduct was compatible with his professional obligations, by allowing her to act as signatory without a bond and allowing her to effectuate the bulk of the IOLTA transactions for the applicable time period. According to the stipulation, the Attorney Discipline Office "did not identify any instances of intentional misappropriation on the part of [Attorney] Waters or his staff."

Attorney Waters further agreed in the stipulation that the appropriate sanction was a two-year suspension. Attorney Waters expressly waived his right to a hearing before the court. In accordance with Rule 37(16), because this matter was resolved by a dispositive stipulation, the court may consider this matter without further notice and hearing.

Based on the parties' stipulation as to facts, violations, and sanction, the PCC found that Attorney Waters violated Supreme Court Rule 50 (governing trust accounts) and the following Rules of Professional Conduct:

1. Rule 1.15, which imposes obligations on a lawyer with respect to safekeeping the property of clients;
2. Rule 3.3, which provides that a lawyer shall not knowingly make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer; and
3. Rule 5.3, which imposes obligations on a lawyer with respect to the conduct of nonlawyers assistants.


The court has reviewed the PCC's findings and rulings and concludes that they are supported by the record. The court accepts the PCC's recommendation regarding the appropriate sanction for this misconduct and concludes that a two-year suspension from the practice of law, retroactive to December 7, 2023, is warranted. Accordingly, having approved the PCC's findings, rulings and recommended sanction, the court orders as follows:

- (1) Attorney Robert M. Waters, Jr. is suspended from the practice of law in New Hampshire for a period of two years, retroactive to December 7, 2023; and
- (2) Attorney Waters is ordered to reimburse the Professional Conduct Committee for all costs and expenses incurred by the attorney discipline system in the investigation and prosecution of this matter.

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

DATE: July 3, 2025

ATTEST:

  
**Timothy A. Gudas, Clerk**

Distribution:

Professional Conduct Committee, 23-022

Robert M. Waters, Jr., Esq.

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File