

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

ORDER

LD-2026-0001, In the Matter of Stephen P. Girdwood, Esquire

On January 15, 2026, the Attorney Discipline Office (ADO) filed an assented-to petition for the immediate interim suspension of the respondent, Stephen P. Girdwood, from the practice of law. The petition relies on Supreme Court 37(16)(f) and Rule 37(9-B)(a)(1) as authority for the immediate suspension of Attorney Girdwood.

Rule 37(16)(f) authorizes this court to suspend an attorney when it deems a suspension necessary for the protection of the public and the preservation of the integrity of the legal profession. When the court makes such a finding, the court may issue a temporary order of suspension, with or without a hearing. See Rule 37(16)(d). Rule 37(9-B)(a)(1) authorizes the court to suspend an attorney summarily when the ADO alleges that the 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.” “Serious misconduct” is 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.” Rule 37(9-B)(b). An attorney who is suspended summarily without a hearing is entitled, upon request, to a prompt post-suspension hearing. See Reiner’s Case, 152 N.H. 163 (2005); Rule 37(9-B)(f).

The ADO’s assented-to petition alleges that Attorney Girdwood violated Rule 1.15 of the New Hampshire Rules of Professional Conduct and Supreme Court Rule 50 by mishandling, commingling, and misappropriating funds that he was holding in escrow; violated Rule 4.1 of the Rules of Professional Conduct by knowingly failing to disclose to opposing counsel and her client his treatment of the escrowed funds; violated Rule 8.4(b) of the Rules of Professional Conduct by committing a criminal act under RSA 637:3 (theft by unauthorized taking or transfer) and/or RSA 637:10 (theft by misapplication of property); violated Rule 8.4(c) of the Rules of Professional Conduct by falsely stating to opposing counsel that he had mailed a check for her client’s portion of the escrowed funds, when he had, in fact, misappropriated those funds; and violated Rule 8.4(a) of the Rules of Professional Conduct by engaging in those actions. The ADO’s petition alleges that Attorney Girdwood misappropriated at least \$292,507.06 of escrowed funds.

Having reviewed the allegations in the ADO’s assented-to petition, the court finds that Attorney Girdwood’s immediate suspension from the practice

of law is necessary to protect the public and to preserve the integrity of the legal profession, see Rule 37(16)(d) and (f), and is warranted for his alleged commission of “serious misconduct,” see Rule 37(9-B)(a)(1). Accordingly, it is hereby ordered:

- (1) In accordance with Rule 37(16)(d) and (f) and Rule 37(9-B)(a)(1), Attorney Stephen P. Girdwood is immediately suspended from the practice of law in New Hampshire pending further order of this court.
- (2) A copy of the ADO’s petition and this order shall be served on Attorney Girdwood by first-class and certified mail at the latest address that Attorney Girdwood provided to the New Hampshire Bar Association.
- (3) Attorney Girdwood is enjoined from further use of his IOLTA account. 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.
- (4) On or before January 22, 2026, Attorney Girdwood may request a hearing on the issue of whether the interim suspension should be lifted. The hearing will be promptly scheduled.
- (5) On or before January 22, 2026, Attorney Girdwood 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). Attorney Girdwood shall file an affidavit on or before February 17, 2026, stating that he has complied with this requirement. 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 Girdwood, and to take the following actions:

- (1) Attorney Labonte shall notify all banks and other entities where Attorney Girdwood has trust or fiduciary accounts and operating accounts of Attorney Girdwood’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 Girdwood’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 Girdwood'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 Girdwood's suspension.
- (4) Attorney Labonte shall prepare an inventory of Attorney Girdwood's client files and shall file a copy of the inventory with this court on or before March 2, 2026, together with a report of her actions taken under this order and recommendations as to what further actions should be taken.
- (5) If Attorney Girdwood was in possession of any client funds or property, Attorney Labonte may file an appropriate motion requesting authority to distribute them.

Attorney Girdwood is ordered to cooperate with Attorney Labonte in performing the tasks as directed by the court. The expenses of Attorney Labonte shall be paid in the first instance from the funds of the attorney discipline system, which may seek reimbursement from Attorney Girdwood.

The clerk is directed to send a copy of the ADO's petition and this order to Vermont's Professional Responsibility Program.

MacDonald, C.J., and Donovan and Gould, JJ., concurred.

DATE: January 16, 2026

ATTEST:


Timothy A. Gudas, Clerk

Distribution:
Andrea Q. Labonte, Esq.
Gary N. Apfel, Esq.
Stephen P. Girdwood, Esq.
File