

**THE STATE OF NEW HAMPSHIRE**

**SUPREME COURT**

**ORDER**

**LD-2007-0001, In the Matter of Sharon L. Demmerlé**

On January 17, 2007, the Professional Conduct Committee (PCC) filed a petition seeking the disbarment of the respondent, Attorney Sharon L. Demmerlé. The court issued an order requiring that the petition be sent to the respondent by first class and certified mail to the latest address provided by the respondent to the New Hampshire Bar Association. The order notified the respondent that she was required to file an answer to the petition within 30 days of service or the allegations of the petition would be deemed to be admitted. Although the petition sent to the respondent by certified mail was returned to the court unclaimed, the petition sent by first class mail was not. In accordance with Rule 37(16)(b), service of the petition at the latest address provided to the bar association is deemed sufficient.

The respondent has not filed an answer to the PCC's petition. Rule 37(16)(c) provides that if a respondent attorney fails to answer a petition filed by the Professional Conduct Committee, the allegations of the petition "shall be deemed to be admitted and no further hearing shall be required." In this case, the petition alleged violations of the following Rules of Professional Conduct:

- (1) Rule 1.3(a). This rule requires a lawyer to act with reasonable promptness and diligence in representing a client. The PCC alleged that the respondent violated this rule by failing to file a bankruptcy petition on behalf of a client after agreeing to do so and accepting a fee for this service.
- (2) Rule 1.4. This rule requires a lawyer to keep a client reasonably informed regarding the status of a matter and to promptly respond to requests for information about the matter. The PCC alleged that the respondent violated this rule by failing to respond to the client's requests for information about the status of the bankruptcy matter and about the filing of the bankruptcy petition.
- (3) Rule 1.15(b). This rule requires a lawyer to promptly deliver to a client any funds that the client is entitled to receive. The PCC alleged that the respondent violated this rule by failing to return any portion of the fee paid to the respondent for filing the bankruptcy petition.

- (4) Rule 8.1(b). This rule prohibits a lawyer from failing to respond to lawful demand for information from a disciplinary authority. The PCC alleged that the respondent violated this rule by failing to respond to the Attorney Discipline Office's request for a response to a misconduct complaint and by failing to appear at the PCC hearings on the complaint.
- (5) Rule 8.4(a). This rule makes it professional misconduct to violate the Rules of Professional Conduct.

In accordance with Rule 37(16)(c), the committee's allegations are deemed admitted.

Based on the serious nature of the violations and on Attorney Demmerlé's failure to cooperate with the Attorney Discipline Office and to respond to this court's order, the court concludes that disbarment is the appropriate sanction in this case.

THEREFORE, the court orders that Sharon L. Demmerlé be disbarred from the practice of law in New Hampshire. Attorney Demmerlé is hereby assessed all expenses incurred by the Professional Conduct Committee in the investigation and prosecution of this matter.

Broderick, C.J., and Dalianis, Duggan, Galway and Hicks, JJ., concurred.

DATE: May 14, 2007

ATTEST:

  
**Eileen Fox, Clerk**

Distribution:  
Professional Conduct Committee  
Sharon L. Demmerlé, Esquire  
Landy B. McCafferty, Esquire  
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File