

**THE STATE OF NEW HAMPSHIRE**

**SUPREME COURT**

**ORDER**

**JD-2014-0001, In the Matter of William H. Lyons**

On December 12, 2014, the Committee on Judicial Conduct filed its report and recommendation in proceedings involving Circuit Court Judge William H. Lyons. It found that there was clear and convincing evidence to show that Judge Lyons had violated Rule 2.6 and Rule 2.8 of the Code of Judicial Conduct, and it recommended that the court impose a sanction. In accordance with Rule 40(12)(e), Judge Lyons requested a de novo hearing before a judicial referee. Retired Superior Court Judge Peter H. Fauver was appointed to serve as judicial referee to conduct a de novo hearing.

The de novo hearing before Judge Fauver took place on March 9-10, 2015. Following the hearing, Judge Fauver filed a report of his findings and recommendations. He found, by clear and convincing evidence, that Judge Lyons violated Rule 2.8(B) of the Code of Judicial Conduct, which requires a judge to "be patient, dignified, and courteous to litigants, . . . and others with whom the judge deals in an official capacity." Judge Fauver found that Judge Lyons also violated Rule 2.6(A) of the Code of Judicial Conduct, which requires a judge to "accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law." He recommended that Judge Lyons be suspended for 60 days without pay; that he be publicly censured for his conduct; and that he be ordered to reimburse the JCC for its legal fees and expenses.

The referee's report was provided to the parties. The parties have filed a stipulation in which they agreed that the "court may adopt the Referee's report and recommendation dated April 13, 2015, finding violations of Code of Judicial Conduct Rules 2.6(a) and 2.8." They further agreed that "Judge Lyons shall be suspended without pay for sixty (60) days, publicly censured, and shall reimburse the Committee for its expenses . . . ."

Having reviewed the referee's report of his findings and recommendations, the record of the de novo hearing, and the parties' stipulation, the court concludes that briefing and oral argument is unnecessary. The court determines that the referee's findings are supported by the evidence at the de novo hearing. It concludes that the sanction recommended by the referee is the just and proper sanction for the violations of the Code of Judicial Conduct. See Rule 40(13).

Accordingly, it is ordered that:

- A. Effective August 1, 2015, Judge William H. Lyons is suspended from sitting as a judge for a period of sixty (60) days, without pay;
- B. Judge Lyons is publicly censured for his misconduct; and
- C. Judge Lyon shall reimburse the Committee on Judicial Conduct for its expenses in accordance with the terms set forth in the parties' stipulation of June 23, 2015.

Dalianis, C.J., and Conboy, Lynn, and Bassett, JJ., concurred.

DATE: July 10, 2015

ATTEST:

  
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**Eileen Fox, Clerk**

Distribution:

Judicial Conduct Committee; JC-13-025-C, JC-13-032-C  
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