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**IN DISCIPLINARY DISTRICT IX
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE**

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BOARD OF PROFESSIONAL
RESPONSIBILITY
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**IN RE: CHRISTOPHER LEE BROWN, DOCKET NO. 2015-2411-9-WM
BPR #15788, Respondent
An Attorney Licensed and
Admitted to the Practice of
Law in Tennessee
(Shelby County)**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT

This matter came on for a telephonic hearing on October 28, 2015 before a Hearing Panel consisting of Timothy Paul Kellum, Alexander Christopher Elder and Loys A. "Trey" Jordan, III, Chair, upon a Petition for Discipline. William C. Moody, Disciplinary Counsel, participated in the hearing. Mr. Brown did not participate in the hearing despite being given notice. The Panel unanimously agrees to all findings of fact, conclusions of law, and the judgment rendered herein. Loys A. "Trey" Jordan, III, Chair, has entered this Findings of Fact, Conclusions of Law, and Judgment with the full authority, knowledge, and authorization of all Panel Members.

STATEMENT OF THE CASE

The Petition for Discipline was filed January 2, 2015. Mr. Brown filed an Answer to Petition for Discipline on January 29, 2015. As a result of Mr. Brown's failure to appear for his duly noticed deposition, the Board filed a Motion to Strike Respondent's Answer to Petition for Discipline and for Default Judgment on June 29, 2015. The Board's motion was granted and an Order for Default Judgment was entered on August 26, 2014.

FINDINGS OF FACT

The Hearing Panel has entered an Order for Default Judgment and, therefore, pursuant to

Tenn. Sup. Ct. R. 9, § 15.2, the charges contained in the Petition for Discipline are deemed admitted.

File No. 37379-9-BG – Complaint of Bill Swanner

Mr. Brown was retained to represent Bill Swanner on November 29, 2007 to negotiate with the Internal Revenue Service and the Arkansas Department of Revenue regarding back taxes for which Mr. Swanner paid a \$2,500 retainer. Mr. Brown took little, if any, action to pursue negotiations on Mr. Swanner's behalf with the Internal Revenue Service and the Arkansas Department of Revenue.

Mr. Brown was temporarily suspended by the Tennessee Supreme Court pursuant to Tenn. Sup. Ct. R. 9, § 4.3 (2006) on June 21, 2013. Mr. Brown failed to notify Mr. Swanner of his suspension. Mr. Brown was suspended for three (3) years by the Tennessee Supreme Court pursuant to Tenn. Sup. Ct. R. 9, § 4.2 (2006) on September 27, 2013. Mr. Brown failed to notify Mr. Swanner of his suspension.

As late as July 3, 2013, Mr. Brown made false representations to Mr. Swanner intended to lead him to believe that he was still negotiating on behalf of Mr. Swanner in regards to his back taxes. Mr. Brown made such a false representation in June 26, 2013 and July 3, 2013 emails from him to Mr. Swanner.

Mr. Brown was also retained by Mr. Swanner in 2007 for the purpose of filing suit against J. K. Harris, a tax resolution company from whom Mr. Swanner had previously sought assistance with his back taxes, for which Mr. Swanner paid to Mr. Brown \$950.00 in advance for expenses. On June 29, 2010, Mr. Brown filed suit against J. K. Harris, LLC, in the United States District Court for the Western District of Tennessee. On June 8, 2011, Mr. Brown obtained a default judgment against J. K. Harris, LLC, in the amount of \$400,000.00. Subsequent to entry of the default judgment, J. K. Harris, LLC, filed a petition for bankruptcy in South Carolina. Mr.

Brown represented to Mr. Swanner that he would make arrangements for a South Carolina attorney to represent him in an effort to enforce the judgment in the bankruptcy action. Mr. Brown failed to do so.

Mr. Brown failed to respond to multiple efforts by Mr. Swanner to communicate with him by telephone and email regarding both matters for which he was retained. Mr. Brown abandoned his representation of Mr. Swanner and abandoned his practice.

As a result of the Order for Default Judgment, all the facts contained in the Petition for Discipline, and summarized here, are deemed admitted.

CONCLUSIONS OF LAW

Pursuant to Tenn. Sup. Ct. R. 9, § 1, the license to practice law in this state is a privilege, and it is the duty of every recipient of that privilege to conduct himself or herself at all times in conformity with the standards imposed upon members of the bar as conditions for the privilege to practice law. Acts or omissions by an attorney which violate the Rules of Professional Conduct of the State of Tennessee shall constitute misconduct and be grounds for discipline.

The preponderance of the evidence establishes that Mr. Brown has committed the following violations of the Rules of Professional Conduct.

By failing to perform the work for which he was retained, Mr. Brown violated RPC 1.3 (Diligence). By failing to communicate with Mr. Swanner, he violated RPC 1.4 (Communication). By failing to properly terminate his relationship with him, Mr. Brown violated RPC 1.16(d) (Declining or Terminating Representation). By failing to refund the unearned retainer and advance payment of expenses, Mr. Brown violated RPC 1.16(d) (Declining or Terminating Representation). By making misrepresentations to Mr. Swanner intended to make him believe that he was still pursuing his matters, Mr. Brown engaged in conduct involving deceit in violation of RPC 8.4(c) (Misconduct). By failing to notify Mr. Swanner of his

suspensions, Mr. Brown knowingly failed to comply with a final court order entered in proceedings in which he was a party in violation of RPC 8.4(g) (Misconduct).

Violation of the aforementioned Rules of Professional Conduct constitutes a violation of RPC 8.4(a) (Misconduct).

Once disciplinary violations have been established, the Panel shall consider the applicable provisions of ABA Standards for Imposing Lawyer Sanctions.

Prior to consideration of any aggravating or mitigating circumstances, the following ABA Standards apply to this case:

4.41 LACK OF DILIGENCE

Disbarment is generally appropriate when:

- (a) a lawyer abandons the practice and causes serious or potentially serious injury to a client; or
- (b) a lawyer knowingly fails to perform services for a client and causes serious or potentially serious injury to a client; or
- (c) a lawyer engages in a pattern of neglect with respect to client matters and causes serious or potentially serious injury to a client.

Mr. Brown abandoned his practice including his representation of Mr. Swanner. After accepting a retainer, he failed to perform the services for which he was retained. He failed to adequately communicate with Mr. Swanner.

4.61 LACK OF CANDOR

Disbarment is generally appropriate when a lawyer knowingly deceives a client with the intent to benefit the lawyer or another, and causes serious injury or potential serious injury to a client.

Mr. Brown knowingly deceived Mr. Swanner into believing that he was still pursuing his matters with the apparent intent of concealing the fact that he had abandoned his practice.

6.22 ABUSE OF THE LEGAL PROCESS

Suspension is generally appropriate when a lawyer knows that he or she is violating a court order or rule, and causes injury or potential injury to a client or a party, or causes interference or potential interference with a legal proceeding.

Mr. Brown knowingly violated court orders requiring him to notify his clients of his suspensions.

7.2 VIOLATION OF DUTIES OWED AS A PROFESSIONAL

Suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional, and causes serious or potentially serious injury to a client, the public, or the legal system.

Mr. Brown violated his duty as a professional by failing to properly terminate his relationship with Mr. Swanner and by failing to provide him a refund.

Pursuant to ABA Standard 9.22, aggravating factors are present in this case. The following aggravating circumstances justify an increase in the degree of discipline to be imposed against Mr. Brown:

1. Prior Disciplinary Offenses: Mr. Brown was disbarred on July 20, 2015 in a case involving eighteen (18) complaints where he abandoned his practice, lacked diligence, communication and competence, made misrepresentations to clients, misappropriated funds from clients, failed to refund unearned fees, improper advertising, failed to notify clients of suspensions and failed to respond to the Board, among other things. Mr. Brown received a three (3) year suspension on September 27, 2013 for a lack of diligence and communication regarding five (5) clients, accepting referrals from unregistered intermediary organizations and making a false statement to the hearing panel. He received a private informal admonition on July 10, 2008 for a lack of competence and diligence. He received a private informal admonition on November 29, 2001 for a lack of competence and diligence, improper withdrawal and conduct prejudicial to the administration of justice.

2. Dishonest or Selfish Motive: Mr. Brown was dishonest in his misrepresentations to Mr. Swanner.

3. Pattern of Misconduct: Throughout his various disciplinary proceedings, Mr. Brown has shown a pattern of abandoning his clients.

4. Multiple Offenses: Mr. Brown has committed violations of RPC 1.3 (Diligence), 1.4 (Communication), 1.16 (Declining or Terminating Representation), and 8.4(a), (c) and (g) (Misconduct).

5. Respondent's substantial experience in the practice of law: Mr. Brown was licensed to practice law in 1993.

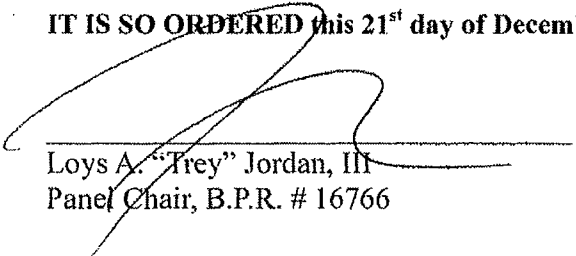
There are no mitigating circumstances.

Based upon the evidence and admissions in this matter, the appropriate discipline is disbarment from the practice of law.

JUDGMENT

In light of the Findings of Fact and Conclusions of Law and the aggravating factors set forth above, the Hearing Panel hereby finds that Mr. Brown should be disbarred from the practice of law. As a condition of reinstatement, Mr. Brown shall make restitution to Mr. Swanner in the amount of \$3,450.00, or to the Lawyer's Fund for Client Protection if appropriate.

IT IS SO ORDERED this 21st day of December, 2015.


Loys A. "Trey" Jordan, III
Panel Chair, B.P.R. # 16766

NOTICE

This judgment may be appealed pursuant to Tenn. Sup. Ct. R. 9, § 33 (2014) by filing a Petition for Review in the Circuit or Chancery court within sixty (60) days of the date of entry of the hearing panel's judgment.