

**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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EXEC. SEC.

**IN RE: CHRISTOPHER LEE BROWN,      DOCKET NO. 2015-2497-9-WM**  
**BPR #15788, Respondent**  
**An Attorney Licensed and**  
**Admitted to the Practice of**  
**Law in Tennessee**  
**(Shelby County)**

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**FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT**

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This matter came on for a hearing on March 28, 2015 before a Hearing Panel consisting of Harriett Halmon, Max L. Ostrow and Michael David Tauer, 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.

**STATEMENT OF THE CASE**

The Petition for Discipline was filed October 6, 2015. Mr. Brown was personally served on November 19, 2015. Mr. Brown failed to respond to the Petition for Discipline and on December 22, 2015 the Board filed a Motion for Default Judgment. This Hearing Panel entered its Order for Default Judgment granting the Board's motion on February 18, 2016. There has been no further response from Mr. Brown since entry of the Order for Default Judgment.

**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. 41037-9-BG – Edward DiMaggio**

Mr. Brown was retained to represent Edward DiMaggio regarding a tax dispute with the Internal Revenue Service for which he paid a \$2,000 retainer on July 14, 2011. Mr. Brown took little, if any, action to pursue negotiations on Mr. DiMaggio's behalf with the Internal Revenue Service.

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. DiMaggio of this 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. DiMaggio of this suspension.

Mr. Brown failed to perform the work for which he was retained. Mr. Brown abandoned his representation of Mr. DiMaggio and failed to properly terminate his representation. Mr. Brown failed to refund the unearned retainer. Mr. Brown failed to respond to multiple efforts by Mr. DiMaggio to communicate with him by telephone and email. Mr. Brown abandoned his practice.

Mr. Brown failed to respond to the Board's request for information in response to the complaint.

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. DiMaggio, 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, Mr. Brown violated RPC 1.16(d) (Declining or Terminating Representation). By failing to respond to the complaint, Mr. Brown violated RPC 8.1(b) (Bar Admission and Disciplinary Matters). By failing to notify Mr. DiMaggio 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. DiMaggio. After accepting a retainer, he failed to perform the services for which he was retained. He failed to adequately communicate with Mr. DiMaggio.

#### 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. DiMaggio and by failing to provide him a refund.

#### 8.1 Disbarment is generally appropriate when a lawyer:

- (a) intentionally or knowingly violates the terms of a prior disciplinary order and such violation causes injury or potential injury to a client, the public, the legal system, or the profession; or
- (b) has been suspended for the same or similar misconduct, and intentionally or knowingly engages in further similar acts of misconduct that cause injury or potential injury to a client, the public, the legal system, or the profession.

Mr. Brown knowingly violated the terms of his prior suspension orders by failing to notify Mr. DiMaggio of them. He has been previously suspended and disbarred for similar misconduct.

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 selfishly failed to refund the unearned fee.

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), 8.1 (Bar Admissions and Disciplinary Matters) and 8.4(a) 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 a 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. DiMaggio in the amount of \$2,000.00, or to the Lawyer's Fund for Client Protection if appropriate.

IT IS SO ORDERED.

s/Michael D. Tauer  
Michael David Tauer, Panel Chair

s/Harriett Halmon  
Harriett Halmon, Panel Member


s/Max L. Ostrow  
Max L. Ostrow, Panel Member

**NOTICE TO RESPONDENT**

**This judgment may be appealed by filing a Petition for Review in the appropriate Circuit or Chancery Court in accordance with Tenn. Sup. Ct. R. 9, § 33 (2014).**

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing *Findings of Fact, Conclusions of Law and Judgment* has been sent to Respondent, Christopher Lee Brown, by First Class U. S. Mail to 612 Western Drive, Memphis, Tennessee 38122, and hand-delivered to William C. Moody, Disciplinary Counsel, on this the 31<sup>st</sup> day of March, 2016.

  
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Rita Webb  
Executive Secretary