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BEFORE THE  
DISCIPLINARY BOARD  
OF THE  
WASHINGTON STATE BAR ASSOCIATION

In re  
**CHRISTOPHER LEE NEAL,**  
Lawyer (Bar No. 30765).

Proceeding No. 17#00020  
FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND HEARING OFFICER'S  
RECOMMENDATION

This disciplinary proceeding is before the undersigned Chief Hearing Officer on written submissions under Rule 10.6 of the Rules for Enforcement of Lawyer Conduct (ELC).

**FINDINGS OF FACTS AND CONCLUSIONS OF LAW  
REGARDING CHARGED VIOLATIONS**

1. The First Amended Formal Complaint (Bar File No. 5) charged Christopher Lee Neal with misconduct as set forth therein. A copy of the First Amended Formal Complaint is attached to this decision.
2. Under ELC 10.6(a)(4), the Hearing Officer finds that each of the facts set forth in the First Amended Formal Complaint is admitted and established.
3. Under ELC 10.6(a)(4), the Hearing Officer concludes that each of the violations charged in the First Amended Formal Complaint is admitted and established as follows:

dlw

1            **Counts 1-12: Jack Burnette Grievance**

2            4. **Count 1:** By converting client funds for his own use, Respondent violated RPC  
3 1.15A(b), RPC 8.4(b) by committing the crime of first degree theft in violation of RCW  
4 9A.56.030, and RPC 8.4(c).

5            5. **Count 2:** By falsely stating to his client Mr. Hall, that he would deposit the funds he  
6 received into a trust account, Respondent violated RPC 8.4(c).

7            6. **Count 3:** By using Mr. Burnette's Power of Attorney to effectuate the sale of CJ  
8 Properties without Burnette's knowledge or authority, Respondent violated RPC 8.4(c).

9            7. **Count 4:** By using Mr. Burnette's Power of Attorney to effectuate the sale of Auto  
10 Machine without Burnette's knowledge or authority, Respondent violated RPC 8.4(c).

11           8. **Count 5:** By falsely stating to his clients that all of the funds he received were used  
12 to pay bills, Respondent violated RPC 8.4(c).

13           9. **Count 6:** By failing to communicate with Mr. Burnette about the terms of the sale,  
14 provide him with the sale documents, and inform him that the sale had occurred, Respondent  
15 violated RPC 1.4.

16           10. **Count 7:** By failing to notify Mr. Burnette that he had received funds from the sale  
17 of CJ Properties and Auto Machine, Respondent violated RPC 1.15A(d).

18           11. **Count 8:** By failing to communicate to his clients the basis or rate of his fees and  
19 expenses, Respondent violated RPC 1.5(b).

20           12. **Count 9:** By failing to deposit and hold in a trust account the funds he received  
21 from the sale of Auto Machine and CJ Properties, Respondent violated RPC 1.15A(c)(1).

22           13. **Count 10:** By failing to provide a written accounting to his clients either after  
23 distribution of funds or when requested, Respondent violated RPC 1.15A(e).

1           14. **Count 11:** By failing to promptly deliver to his clients the funds they were entitled  
2 to receive, Respondent violated RPC 1.15(A)(f).

3           15. **Count 12:** By representing Mr. Burnette and Mr. Hall when the representation  
4 involved a concurrent conflict of interest, Respondent violated RPC 1.7.

5           **Counts 13-18 Michelle and Matthew Traylor Grievance**

6           16. **Count 13:** By failing to diligently handle the Traylor's tax matters, including failing  
7 to file the Traylor's 2015 federal income tax return, Respondent violated RPC 1.3.

8           17. **Count 14:** By failing to communicate with the Traylor's regarding the status of their  
9 matters, Respondent violated RPC 1.4(a)(3) and (4), and RPC 1.4(b).

10          18. **Count 15:** By intentionally misappropriating the Traylor's funds to his own use and  
11 wrongfully obtaining or exerting unauthorized control over the Traylor's funds with intent to  
12 deprive the Traylor's of such funds, thereby converting client property for his own use,  
13 Respondent violated RPC 1.15A(b), and by committing the crime of theft in the first degree, in  
14 violation of RCW 9A.56.030, Respondent violated RPC 8.4(b), RPC 8.4(c), and RPC 8.4(i).

15          19. **Count 16:** By failing to deposit and hold the Traylor's funds in a trust account,  
16 Respondent violated RPC 1.15A.

17          20. **Count 17:** By failing to notify the Traylor's that he was suspended from the practice  
18 of law, Respondent violated RPC 8.4(l) by violating ELC 14.1.

19          21. **Count 18:** By practicing law while he was suspended, Respondent violated RPC  
20 1.16(a)(1), RPC 5.5(a), RPC 5.8(a), RPC 8.4(d), RPC 8.4(l) (by violating ELC 14.2(a)), and  
21 RPC 8.4(i).

22                           **FINDINGS OF FACTS AND CONCLUSIONS OF LAW**  
23                           **REGARDING RECOMMENDED SANCTION**

24          22. The following ABA Standards presumptively apply in this case:

1 23. ABA Standard 4.1 applies to Respondent's violations of RPC 1.15A in Counts 1, 7,  
2 9, 10, 11, 15, and 16.

3 **4.1 Failure to Preserve the Client's Property**

4 4.11 Disbarment is generally appropriate when a lawyer knowingly converts  
client property and causes injury or potential injury to a client.

5 4.12 Suspension is generally appropriate when a lawyer knows or should  
6 know that he is dealing improperly with client property and causes injury or  
potential injury to a client.

7 4.13 Reprimand is generally appropriate when a lawyer is negligent in dealing  
with client property and causes injury or potential injury to a client.

8 4.14 Admonition is generally appropriate when a lawyer is negligent in  
dealing with client property and causes little or no actual or potential injury to a  
9 client.

10 24. Respondent acted intentionally in converting \$142,600.14 belonging to Burnette and  
Hall for his own use. There was serious injury to Burnette and Hall as they have been deprived  
11 of a substantial sum of money.

12 25. The presumptive sanction for Respondent's violations of RPC 1.15A(b) is  
13 disbarment.

14 26. Respondent acted intentionally in converting \$262,815 belonging to the Traylor  
15 for his own use. Respondent's conduct caused serious injury to the Traylor  
16 as they have been deprived of a substantial amount of money.

17 27. The presumptive sanction for Respondent's violations of RPC 1.15A(b) is  
18 disbarment.

19 28. Respondent acted knowingly in failing to deposit the Burnette and Hall funds he  
20 received from the sale of their business into a trust account. There was serious injury to his  
21 clients.

22 29. The presumptive sanction for violating RPC 1.15A(c) is suspension.

23 30. Respondent acted knowingly in failing to deposit the funds the Traylor paid him  
24

1 into a trust account. There was serious injury to the Traylors.

2 31. The presumptive sanction for violating RPC 1.15A(c) is suspension.

3 32. Respondent acted knowingly in failing to notify Hall and Burnette of the receipt of  
4 the funds from the sale of their business, thereby violating RPC 1.15A(d). There was serious  
5 injury to Hall and Burnette. Had Respondent notified them of the receipt of their funds, they  
6 might have been able to take action to recover the money.

7 33. The presumptive sanction for Respondent's violations of RPC 1.15A(d) is  
8 suspension.

9 34. Respondent acted knowingly in failing to provide a written accounting to Hall and  
10 Burnette because it would show that Burnette and Hall were entitled to receive funds from the  
11 sale of their business. There was serious injury to Burnette and Hall as they were prevented  
12 from taking action to recover their funds.

13 35. The presumptive sanction for Respondent's violations of RPC 1.15A(e) is  
14 suspension.

15 36. Respondent acted knowingly in failing to promptly pay Hall and Burnette the funds  
16 he received from the sale of their business and which they were entitled to receive. There was  
17 serious injury to Burnette and Hall as they were deprived of their money.

18 37. The presumptive sanction for Respondent's violation of RPC 1.15A(f) is suspension.

19 38. ABA Standard 4.4 applies to Respondent's violations of RPC 1.3 and RPC 1.4 in  
20 Counts 6, 13, and 14.

21 **4.4 Lack of Diligence**

22 **4.41 Disbarment is generally appropriate when:**

23 **(a) a lawyer abandons the practice and causes serious or potentially  
24 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**

1           (c)    **a lawyer engages in a pattern of neglect with respect to client matters  
2           and causes serious or potentially serious injury to a client.**

3           4.42   Suspension is generally appropriate when:

4           (a)    a lawyer knowingly fails to perform services for a client and causes  
5           injury or potential injury to a client, or

6           (b)    a lawyer engages in a pattern of neglect and causes injury or potential  
7           injury to a client.

8           4.43   Reprimand is generally appropriate when a lawyer is negligent and does  
9           not act with reasonable diligence in representing a client, and causes injury or  
10          potential injury to a client.

11          4.44   Admonition is generally appropriate when a lawyer is negligent and does  
12          not act with reasonable diligence in representing a client, and causes little or no  
13          actual or potential injury to a client.

14          39. Respondent acted knowingly in failing to prepare and file the Traylors's tax returns  
15          and failing to communicate with them about their matter.

16          40. The Traylors were seriously injured as they have been deprived of \$262,815, and  
17          additional penalties and interest continued to accrue on the taxes they owed, which they would  
18          have to pay.

19          41. The presumptive sanction for Respondent's violation of RPC 1.4 is disbarment.

20          42. Respondent acted knowingly in failing to communicate with Burnette about the  
21          terms of the sale, provide him with the sale documents, and inform him that the sale had  
22          occurred. Respondent didn't communicate with Burnette in order to keep Burnette in the dark  
23          and prevent him from objecting to the terms of the sale or otherwise interfering with the sale.

24          43. Burnette was seriously injured because he lost the opportunity to participate in the  
25          sales.

26          44. The presumptive sanction for Respondent's violation of RPC 1.4 is disbarment.

27          45. ABA Standard 4.3 applies to Respondent's violation of RPC 1.7 in Count 12.

#### 28           **4.3 Failure to Avoid Conflicts of Interest**

29           **4.31 Disbarment is generally appropriate when a lawyer, without the  
30           informed consent of client(s):**

31           **(a)    engages in representation of a client knowing that the lawyer's**

1 interests are adverse to the client's with the intent to benefit the lawyer or  
2 another, and causes serious or potentially serious injury to the client; or  
3 (b) simultaneously represents clients that the lawyer knows have adverse  
4 interests with the intent to benefit the lawyer or another, and causes serious  
5 or potentially serious injury to a client; or  
6 (c) represents a client in a matter substantially related to a matter in  
7 which the interests of a present or former client are materially adverse, and  
8 knowingly uses information relating to the representation of a client with  
9 the intent to benefit the lawyer or another and causes serious or potentially  
10 serious injury to a client.

11 **4.32** Suspension is generally appropriate when a lawyer knows of a conflict of  
12 interest and does not fully disclose to a client the possible effect of that conflict,  
13 and causes injury or potential injury to a client.

14 **4.33** Reprimand is generally appropriate when a lawyer is negligent in  
15 determining whether the representation of a client may be materially affected by  
16 the lawyer's own interests, or whether the representation will adversely affect  
17 another client, and causes injury or potential injury to a client.

18 **4.34** Admonition is generally appropriate when a lawyer engages in an  
19 isolated instance of negligence in determining whether the representation of a  
20 client may be materially affected by the lawyer's own interests, or whether the  
21 representation will adversely affect another client, and causes little or no actual  
22 or potential injury to a client.

23 46. Respondent acted knowingly when he engaged in a concurrent conflict of interest by  
24 representing Burnette in investigating his concern that Hall was taking money to which he  
wasn't entitled while also representing Hall. Respondent benefitted in that his conclusion that  
Hall was not taking money allowed Respondent to continue representing both Hall and  
Burnette.

47. The presumptive sanction for Respondent's violation of RPC 1.7 is disbarment.

48. ABA Standard 5.1 applies to violations of RPC 8.4(b) and RPC 8.4(c) in Counts 1,  
2, 3, 4, 5, and 15.

### 5.1 *Failure to Maintain Personal Integrity*

5.11 **Disbarment is generally appropriate when:**

(a) **a lawyer engages in serious criminal conduct, a necessary element of  
which includes intentional interference with the administration of  
justice, false swearing, misrepresentation, fraud, extortion,  
misappropriation, or theft; or the sale, distribution or importation of  
controlled substances; or the intentional killing of another; or an**

1 attempt or conspiracy or solicitation of another to commit any of  
these offenses; or

2 (b) a lawyer engages in any other intentional conduct involving  
3 dishonesty, fraud, deceit, or misrepresentation that seriously  
adversely reflects on the lawyer's fitness to practice.

4 49. Respondent acted intentionally when he took \$142,600.14 from Burnette and Hall  
5 for his own use, thereby committing the crime of theft in the first degree, in violation of RCW  
6 9A.56.030. There was serious injury to Burnette and Hall as they have been deprived of a  
7 substantial sum of money.

8 50. The presumptive sanction for Respondent's violation of RPC 8.4(b) is disbarment.

9 51. Respondent acted intentionally when he took \$262,815 from the Traylor's, thereby  
10 committing the crime of theft in the first degree, in violation of RCW 9A.56.030. There was  
11 serious injury to the Traylor's as they have been deprived of a substantial sum of money.

12 52. The presumptive sanction for Respondent's violation of RPC 8.4(b) is disbarment.

13 53. Respondent acted intentionally when he engaged in conduct involving dishonesty,  
14 deceit, and misrepresentation by falsely telling Mr. Hall that he would deposit the funds he  
15 received into a trust account, when he executed documents on behalf of Burnette when he had  
16 no authority to do so, and falsely stating that all of the funds were used to pay bills. There was  
17 serious injury to his clients.

18 54. The presumptive sanction for Respondent's violations of RPC 8.4(c) is disbarment.

19 55. Respondent acted intentionally when he engaged in dishonest and fraudulent conduct  
20 by taking the Traylor's \$262,815 for his own use. There was serious injury to his clients as they  
21 have been deprived of a substantial sum of money.

22 56. The presumptive sanction for Respondent's violations of RPC 8.4(c) is disbarment.

23 57. ABA Standard 7.0 applies to Respondent's violations of RPC 1.5, RPC 1.16(a),  
24



1 RPC 5.5(a), RPC 5.8(a), RPC 8.4(d), and RPC 8.4(l) in Counts 8, 17, and 18.

2 7.0 Violations of Duties Owed as a Professional

3 **7.1 Disbarment is generally appropriate when a lawyer knowingly**  
4 **engages in conduct that is a violation of a duty owed as a professional**  
5 **with the intent to obtain a benefit for the lawyer or another, and**  
6 **causes serious or potentially serious injury to a client, the public, or**  
7 **the legal system.**

8 7.2 Suspension is generally appropriate when a lawyer knowingly  
9 engages in conduct that is a violation of a duty owed as a professional  
10 and causes injury or potential injury to a client, the public, or the legal  
11 system.

12 7.3 Reprimand is generally appropriate when a lawyer negligently  
13 engages in conduct that is a violation of a duty owed as a professional  
14 and causes injury or potential injury to a client, the public, or the legal  
15 system.

16 7.4 Admonition is generally appropriate when a lawyer engages in an  
17 isolated instance of negligence that is a violation of a duty owed as a  
18 professional, and causes little or no actual or potential injury to a client,  
19 the public, or the legal system.

20 58. Respondent acted knowingly in failing to communicate the basis or rate of his fees  
21 and expenses to Burnette and Hall. There was serious injury to his clients as they had no way of  
22 knowing how much Respondent received for his services and how much they were entitled to.

23 59. The presumptive sanction for Respondent's violation of RPC 1.5 is disbarment.

24 60. Respondent acted knowingly when he failed to notify the Traylors that he was  
suspended from the practice of law and knowingly continued to practice law while he was  
suspended in order to benefit himself. There was serious injury to the Traylors, the public, and  
the legal system.

61. The presumptive sanction for Respondent's violations of RPC 1.5, RPC 1.16(a),  
RPC 5.5(a), RPC 5.8(a), RPC 8.4(d), and RPC 8.4(l) is disbarment.

62. Under In re Disciplinary Proceeding Against Petersen, 120 Wn.2d 833, 854, 846  
P.2d 1330 (1993), the "ultimate sanction imposed should at least be consistent with the sanction  
for the most serious instance of misconduct among a number of violations."

1  
2 63. Disbarment is the appropriate sanction for Respondent's misconduct in Counts 1  
3 through 18.

4 64. The following aggravating factors set forth in Section 9.22 of the ABA Standards  
5 apply in this case:

- 6 (a) prior disciplinary offenses
- 7 • Respondent received a Reprimand in 2015 for failing to diligently  
8 complete a tax matter for a client, failing to communicate with the  
9 client, and charging fees in violation of RPC 1.5.
  - 10 • Respondent was suspended for one year on March 24, 2016 for  
11 failing to maintain trust account records, failing to provide a written  
12 accounting, failing to safeguard his client's money and disbursing  
13 funds from his IOLTA account that exceeded the amount of funds  
14 on deposit;
- 11 (b) dishonest or selfish motive;
- 12 (c) a pattern of misconduct;
- 13 (d) multiple offenses;
- 14 (g) refusal to acknowledge wrongful nature of conduct;
- 15 (i) substantial experience in the practice of law [Respondent was admitted to  
16 the practice of law in Washington on January 29, 2003];
- 17 (j) indifference to making restitution.

18 65. It is an additional aggravating factor that Respondent failed to file an answer to the  
19 Formal Complaint as required by ELC 10.5(a).

20 66. We believe there are no mitigating factors identified in ABA Standard 9.32 that may  
21 be raised.

### 22 RECOMMENDATION

23 67. Based on the ABA Standards and the applicable aggravating factors and no  
24 mitigating factors, the Hearing Officer recommends that Respondent Christopher Lee Neal be  
25 DISBARRED and that he be ordered to pay the following Restitution:

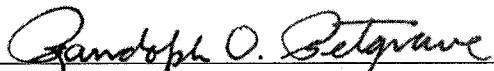
26 Jack Burnette in the amount of \$142,600.14.

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Matthew and Michelle Traylor in the amount of \$262,815.

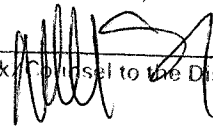
Restitution shall bear interest at the rate of 12% until paid in full.

DATED this 12th day of October, 2017.

  
Randolph O. Petgrave, WSBA No. 26046  
Chief Hearing Officer

CERTIFICATE OF SERVICE

I certify that I caused a copy of the IOE, COE & HPS Recommendation  
to be delivered to the Office of Disciplinary Counsel and to be mailed  
to Christopher Neal, Respondent's Counsel  
at 7025 Westland Way, Bldg #02, Kenmore WA 98146, by certified/first class mail,  
postage prepaid on the 10th day of Oct, 2017.

  
Clerk of Counsel to the Disciplinary Board