STATE OF NORTH CAROLINA

WAKE COUNTY

FEB 2015 FILED DHC

BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
15 DHC 4

THE NORTH CAROLINA STATE BAR, Plaintiff v. SIR-CHRISTOPHER J. ANDERSON, Attorney, Defendant	COMPLAINT

Plaintiff, complaining of Defendant, alleges and says:

1. Plaintiff, the North Carolina State Bar ("Plaintiff" or "State Bar"), is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the rules and regulations of the North Carolina State Bar promulgated thereunder.

2. Defendant, Sir-Christopher J. Anderson ("Defendant" or "Anderson"), was admitted to the North Carolina State Bar on 28 August 2009 and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the rules, regulations and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.

3. During a portion of the relevant periods referred to herein, Anderson was actively engaged in the private practice of law in the city of Henderson, Vance County, North Carolina.

4. During a portion of the relevant periods referred to herein, Anderson was actively suspended from the practice of law pursuant to the State Bar's Order of Administrative Suspension dated 4 March 2014, effective 7 May 2014.

FIRST CLAIM FOR RELIEF

5. Paragraphs 1 through 4 are re-alleged and incorporated as if fully set forth herein.

6. During 2013, Anderson maintained an attorney trust account at Fidelity Bank, account number ending in 7263, to which he had exclusive access.

7. During 2013, Anderson maintained an operating account for his law practice at Fidelity Bank, account number ending in 7255, to which he had exclusive access.

8. In or around January 2013, Charles Hoyle ("Hoyle") retained Anderson for representation in a traffic case in Warren County.

9. Hoyle paid $363.00 to Anderson for the representation.

10. Hoyle's payment of $363.00 included $100.00 for Anderson's legal fee and $263.00 for anticipated court costs and fines.

11. The $263.00 provided by Hoyle to Anderson for anticipated court costs and fines were entrusted client funds.

12. Hoyle instructed Anderson and expected Anderson to pay the court costs and fines imposed in Hoyle's traffic case using the funds Hoyle provided to Anderson.

13. Anderson did not deposit Hoyle's $363.00 payment in his attorney trust account.

14. Anderson deposited Hoyle's $363.00 payment in his operating account.

15. Hoyle's traffic case was initially scheduled for hearing on 27 February 2013, but Anderson continued the case twice and set the case for hearing in May 2013.

16. Anderson did not inform Hoyle about continuing Hoyle's case.

17. After the original February 2013 hearing date, Hoyle made inquiries to Anderson requesting an update on the status of his case.

18. Anderson did not respond to Hoyle's inquiries.

19. At the May 2013 hearing, Hoyle – through Anderson – pled guilty to the traffic violation of improper equipment.

20. Anderson failed to pay Hoyle's court costs and fines imposed as a result of Hoyle's traffic violation.

21. After his traffic case was resolved, Anderson notified Hoyle of the resolution and instructed Hoyle to pay the imposed court costs and fines.

22. Hoyle responded to Anderson's communication by reminding Anderson that he had previously provided Anderson with funds to pay the imposed court costs and fines, and requesting Anderson contact him about the status of the case.

23. Anderson did not respond to Hoyle's communication.

24. Hoyle subsequently made numerous inquiries to Anderson requesting an update on the status of his case.

25. Anderson did not respond to Hoyle's inquiries.

26. Hoyle paid the court costs and fines imposed in his traffic case himself using additional personal funds.

27. Anderson never refunded any portion of Hoyle's $363.00 payment, including the $263.00 in entrusted client funds deposited in Anderson's operating account.

28. Anderson's operating account should have maintained a balance of at least $263.00 during the time Hoyle's entrusted funds were deposited in the operating account.

29. On or about 25 April 2013, Anderson's operating account balance dipped below $263.00.

30. Anderson disbursed Hoyle's $263.00 to himself or to a third party for Anderson's personal benefit or for the benefit of someone other than Hoyle.

31. Anderson was not entitled to the $263.00 he disbursed to himself or to a third party for his personal benefit or for the benefit of someone other than Hoyle, and Anderson did not have Hoyle's authorization to disburse those funds.

32. Anderson misappropriated $263.00 of Hoyle's funds.

33. On or about 12 August 2013, Hoyle filed a Petition for Resolution of Disputed Fee against Anderson with the State Bar, file no. 13FD0370.

34. On or about 12 August 2013, the State Bar sent Anderson a Notification of Mandatory Fee Dispute Resolution in file no. 13FD0370. Anderson was served with the fee dispute notification on 13 August 2013 and was required to provide a written response to the fee dispute notification within fifteen days of receiving the notification.

35. Anderson did not provide his written response within fifteen days of receiving the fee dispute notification as required.

THEREFORE, Plaintiff alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) in that Defendant violated the Rules of Professional Conduct as follows:

(a) By failing to deposit Hoyle's entrusted client funds in his trust account and instead depositing Hoyle's entrusted funds in his operating account, Anderson failed to preserve entrusted funds provided to him and failed to deposit entrusted funds in either a general trust account or a dedicated trust account of the lawyer in violation of Rules 1.15-2(a) and (b);

(b) By failing to pay the court costs and fines associated with Hoyle's traffic violation as instructed by Hoyle, Anderson failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3 and failed to promptly pay or deliver entrusted property to a third person as directed by his client to which his client was entitled in violation of Rule 1.15-2(m);

(c) By failing to respond and/or promptly respond to Hoyle's inquiries about the status of his case, Anderson failed to keep his client reasonably informed about the status of his matter in violation of Rule 1.4(a)(3) and failed to promptly comply with reasonable requests for information in violation of Rule 1.4(a)(4);

(d) By disbursing $263.00 of entrusted client funds to himself, his law practice, or to a third party for his personal benefit or the benefit of a person other than the legal or beneficial owner of the funds without authorization to do so from the legal or beneficial owner of the funds, Anderson failed to preserve entrusted funds provided to him in violation of Rules 1.15-2(a) and (b), misappropriated and used entrusted funds for his personal benefit or the benefit of a person other than the legal or beneficial owner of the funds in violation of Rule 1.15-2(j), committed a criminal act that reflects adversely on his honesty, trustworthiness or fitness as a lawyer in violation of Rule 8.4(b), and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation in violation of Rule 8.4(c); and

(e) By failing to provide a written response to fee dispute file no. 13FD0370 as required, Anderson failed to participate in good faith in the State Bar's fee dispute resolution process in violation of Rule 1.5(f)(2).

SECOND CLAIM FOR RELIEF

36. Paragraphs 1 through 35 are re-alleged and incorporated as if fully set forth herein.

37. In or around February 2013, Nicholas Lind ("Lind") retained Anderson for representation in a traffic case in Franklin County.

38. Lind paid $363.00 to Anderson for the representation.

39. Lind's payment of $363.00 included $100.00 for Anderson's legal fee and $263.00 for anticipated court costs and fines.

40. The $263.00 provided by Lind to Anderson for anticipated court costs and fines were entrusted client funds.

41. Lind instructed Anderson and expected Anderson to pay the court costs and fines imposed in Lind's traffic case using the funds Lind provided to Anderson.

42. Anderson did not deposit Lind's $363.00 payment in his attorney trust account.

43. Anderson deposited Lind's $363.00 payment in his operating account.

44. Lind's traffic case was scheduled for hearing in or around May 2013.

45. Anderson failed to appear on Lind's behalf at the May 2013 hearing.

46. By letter dated 20 May 2013, the North Carolina Department of Motor Vehicles informed Lind that his license would be suspended for his failure to appear at the May 2013 hearing date.

47. Throughout the representation, Lind made numerous inquiries to Anderson requesting an update on the status of his case.

48. Anderson did not respond to Lind's inquiries.

49. Lind's traffic case was eventually dismissed, and Lind was never required to pay court costs or fines associated with his traffic case.

50. Anderson never refunded any portion of Lind's $363.00 payment, including the $263.00 in entrusted client funds deposited in Anderson's operating account.

51. Anderson's operating account should have maintained a balance of at least $263.00 during the time Lind's funds were deposited in the operating account.

52. On or about 25 April 2013, Anderson's operating account balance dipped below $263.00.

53. Anderson disbursed Lind's $263.00 to himself or to a third party for Anderson's personal benefit or for the benefit of someone other than Lind.

54. Anderson was not entitled to the $263.00 he disbursed to himself or to a third party for his personal benefit or for the benefit of someone other than Lind, and Anderson did not have Lind's authorization to disburse those funds.

55. Anderson misappropriated $263.00 of Lind's funds.

THEREFORE, Plaintiff alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) in that Defendant violated the Rules of Professional Conduct as follows:

(a) By failing to deposit Lind's entrusted client funds in his trust account and instead depositing Lind's entrusted funds in his operating account, Anderson failed to preserve entrusted funds provided to him and failed to deposit entrusted funds in either a general trust account or a dedicated trust account of the lawyer in violation of Rules 1.15-2(a) and (b);

(b) By failing to appear at Lind's hearing date, Anderson failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3 and engaged in conduct that was prejudicial to the administration of justice in violation of Rule 8.4(d);

(c) By failing to respond and/or promptly respond to Lind's inquiries about the status of his case, Anderson failed to keep his client reasonably informed about the status of his matter in violation of Rule 1.4(a)(3) and failed to

promptly comply with reasonable requests for information in violation of Rule 1.4(a)(4); and

(d) By disbursing $263.00 of entrusted client funds to himself, his law practice, or to a third party for his personal benefit or the benefit of a person other than the legal or beneficial owner of the funds without authorization to do so from the legal or beneficial owner of the funds, Anderson failed to preserve entrusted funds provided to him in violation of Rules 1.15-2(a) and (b), misappropriated and used entrusted funds for his personal benefit or the benefit of a person other than the legal or beneficial owner of the funds in violation of Rule 1.15-2(j), committed a criminal act that reflects adversely on his honesty, trustworthiness or fitness as a lawyer in violation of Rule 8.4(b), and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation in violation of Rule 8.4(c).

THIRD CLAIM FOR RELIEF

56. Paragraphs 1 through 55 are re-alleged and incorporated as if fully set forth herein.

57. During 2013, Anderson failed to deposit entrusted funds he received for the benefit of multiple clients in his trust account. Instead, Anderson deposited the entrusted client funds into his operating account along with his personal funds.

58. During the State Bar's investigation of Anderson's conduct, and in response to a State Bar inquiry, Anderson falsely claimed that the only entrusted client funds he ever deposited into his operating account were the funds belonging to Hoyle.

59. Anderson failed to perform all quarterly or monthly reconciliations of accounts into which he deposited entrusted client funds as required by the Rules of Professional Conduct.

60. Anderson failed to maintain proper client ledgers which accurately tracked the deposit and withdrawal of all clients' funds entrusted to him.

THEREFORE, Plaintiff alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) in that Defendant violated the Rules of Professional Conduct as follows:

(a) By failing to deposit entrusted client funds in his trust account and instead depositing entrusted client funds in his operating account, Anderson failed to preserve entrusted funds provided to him and failed to deposit entrusted funds in either a general trust account or a dedicated trust account of the lawyer in violation of Rules 1.15-2(a) and (b);

(b) By failing to maintain proper client ledgers and by failing to perform monthly and quarterly reconciliations of the accounts into which he deposited entrusted client funds, Anderson failed to properly handle and disburse entrusted funds in violation of Rule 1.15-2(a) and failed to adequately monitor and maintain

his attorney trust account in violation of Rules 1.15-3(b)(5), 1.15-3(d)(1), and 1.15-3(d)(2); and

(c) By falsely stating to the State Bar that he never deposited entrusted client funds other than the entrusted client funds belonging to Hoyle into his operating account, Anderson knowingly made a false statement of material fact in connection with a disciplinary matter in violation of Rule 8.1(a) and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation in violation of Rule 8.4(c).

FOURTH CLAIM FOR RELIEF

61. Paragraphs 1 through 60 are re-alleged and incorporated as if fully set forth herein.

62. On or about 27 September 2013, Anderson was served by the State Bar with a Notice to Show Cause why his license to practice law in North Carolina should not be suspended for his failure to comply with mandatory membership requirements.

63. Anderson did not resolve his membership requirement deficiencies as instructed by the Order to Appear and Show Cause.

64. On or about 8 March 2014, Anderson was served by the State Bar with an Order of Suspension for his failure to comply with mandatory membership requirements.

65. Effective 7 May 2014, Anderson was suspended from the practice of law in North Carolina.

66. Anderson did not inform his employer or his clients of his suspension.

67. Anderson continued to practice law in North Carolina while suspended from the practice of law, including but not limited to multiple foreclosure hearings and appearing on behalf of a client in Pitt County Superior Court.

68. In June 2014, during the State Bar's investigation of Anderson's conduct and in response to a State Bar inquiry, Anderson acknowledged to State Bar staff that he was aware of his suspension but falsely represented that he did not engage in the practice of law after the suspension went into effect.

69. In July 2014, Anderson's employer learned of Anderson's suspension and asked Anderson if he knew of the suspension.

70. Anderson falsely represented to his employer that he first learned of the suspension from his employer.

THEREFORE, Plaintiff alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) in that Defendant violated the Rules of Professional Conduct as follows:

(a) By continuing to practice law while administratively suspended from the practice of law in North Carolina, Anderson engaged in the unauthorized practice of law in violation of Rule 5.5(a);

(b) By falsely representing to the State Bar that he did not engage in the practice of law during his administrative suspension, Anderson made a false statement of material fact in connection with a disciplinary matter in violation of Rule 8.1(a) and engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation in violation of Rule 8.4(c); and

(c) By falsely representing to his employer that he first learned of the administrative suspension from his employer, Anderson engaged in conduct involving dishonesty, fraud, deceit, or misrepresentation in violation of Rule 8.4(c).

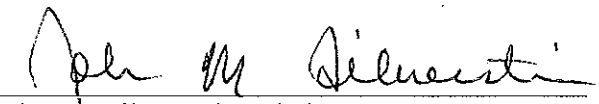
WHEREFORE, Plaintiff prays that:

(1) Disciplinary action be taken against Defendant in accordance with N.C. Gen. Stat. § 84-28(a) and § .0114 of the Discipline and Disability Rules of the North Carolina State Bar (27 N.C. Admin. Code 1B § .0114), as the evidence on hearing may warrant;

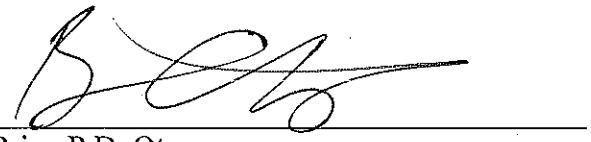
(2) Defendant be taxed with the administrative fees and costs permitted by law in connection with this proceeding; and

(3) For such other and further relief as is appropriate.

This the 20th day of February, 2015.



John M. Silverstein, Chair
Grievance Committee



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