

New Hampshire Supreme Court
Professional Conduct Committee

a committee of the attorney discipline system

4 Chenell Drive, Suite 102
Concord, New Hampshire 03301
603-224-5828 ♦ Fax 228-9511

Stephanie C. Hausman, Esq., Chair
*Kathleen M. Ames, Vice Chair
Caroline K. Leonard, Esq., Vice Chair
*Ronald K. Ace
Richard C. Gagliuso, Esq.
*Everett S. Grass
*Peter J. Kiriakoutsos

Robert R. Lucic, Esq.
Karyl R. Martin, Esq.
Robin D. Melone, Esq.
Mitchell M. Simon, Esq.
Eric R. Wilson, Esq.
Trudy Renfors, Admin. Asst.

*non-lawyer member

Ray, Christopher D.
advs.
Attorney Discipline Office - #23-028

ORDER

On March 8, 2024, the Attorney Discipline Office issued a notice of charges, alleging that the respondent, Attorney Christopher D. Ray, violated Rules of Professional Conduct 1.1, 1.3, 1.15, 8.1, 8.4(c), and 8.4(a). Mr. Ray did not respond to the notice of charges by filing an answer and thereby is deemed to have admitted the allegations set forth in the notice of charges. Supreme Cour Rule 37A(III)(b)(3)(A).

A hearing panel was convened to address the issue of sanction only. That panel determined that disbarment was the appropriate sanction. On December 17, 2024, the Professional Conduct Committee deliberated the matter, considering the hearing panel report, transcript of the hearing panel, and other relevant portions of the record. The PCC affirmed the hearing panel's conclusion that disbarment is the appropriate sanction and makes that recommendation to the Supreme Court.

Facts

Mr. Ray was admitted to the New Hampshire Bar on May 24, 2016, after having practiced in Massachusetts for over a year. Mr. Ray never opened a client trust account in New Hampshire and, in August 2022, he closed his Massachusetts client account. Mr. Ray filed his last Trust Account Compliance Certification (TACC) on July 30, 2023, for the reporting period

ending May 31, 2023. Mr. Ray did not file a TACC for the reporting period ending May 31, 2024.

In July 2023, Mr. Mark Maupin retained Mr. Ray to domesticate a foreign judgment in New Hampshire. Mr. Maupin paid Mr. Ray a \$3,000 retainer for the work. The Attorney Discipline Office was unable to determine where Mr. Ray deposited this retainer and there was no evidence that it was placed in a client trust account, as required.

In August 2023, Mr. Ray twice represented to his client that he had filed the Registration of Foreign Judgment in the 6th Circuit Court – District Division – Hillsborough. Mr. Ray also represented to Attorney David DeBold, counsel for another interested party in the case, that the Registration of Foreign Judgment had been filed. Although Mr. Ray had drafted a document for this purpose, no Registration was filed with the circuit court in Hillsborough and there was no evidence that it had been filed in any other court.

Mr. Ray had no further communication with his client after August 30, 2023, nor did he complete any other cognizable work on the case. After having discovered on his own that no Registration of Foreign Judgment had been filed, the client filed a grievance on October 24, 2023. At no point has Mr. Ray returned any portion of the retainer to Mr. Maupin.

Mr. Ray has not responded to any of the Attorney Discipline's Office many attempts to speak to him or to any proceeding in the disciplinary matter.

Mr. Ray was administratively suspended on July 2, 2024, by the Supreme Judicial Court of Massachusetts for failing to comply with his CLE requirements.

Rule Violations

Mr. Ray violated Rule 1.1 when he failed to prepare and file the appropriate pleading to domesticate the judgment. Mr. Ray violated Rule 1.3 when he failed to complete the work for which he was hired and instead essentially abandoned Mr. Maupin and his matter. Mr. Ray violated Rule 1.15 when he took \$3,000 from Mr. Maupin as a retainer, did not deposit it in a client trust account, and commingled the funds, failed to account for any work completed in the matter, failed to complete the task for which he was hired and thus misappropriated the retainer, and failed to return that portion of the retainer that was unearned. Mr. Ray violated Rule 8.1 by failing to respond to the disciplinary matter. Mr. Ray violated Rule 8.4(c) by misappropriating the retainer and misrepresenting to his client that the Registration of Foreign Judgment had been filed. As a result of these violations, Mr. Ray has also violated Rule 8.4(a).

Sanction Analysis

While the Supreme Court has not explicitly adopted the American Bar Association *Standards for Imposing Lawyer Sanctions*, it looks to them for guidance. *Conner's Case*, 158 N.H. 299, 303 (2009). Under the *Standards*, we consider: (a) the duty violated; (b) the lawyer's mental state; (c) the actual or potential injury caused by the lawyer's misconduct; and, after determining the baseline sanction, (d) the existence of aggravating or mitigating factors. *ABA Standards*.

The "most important ethical duties are those obligations which a lawyer owes to clients." *ABA Standards*, Sec. II. Mr. Ray violated his duty to Mr. Maupin by commingling the retainer, failing to complete the work for which he was hired, lying to his client about the status of the work, and abandoning his client. When lawyers act dishonestly, they violate duties to the public, who are "entitled to be able to trust lawyers" and the legal profession, by failing to maintain the integrity of the profession. *ABA Standards*, Sec. II. Mr. Ray's failure to respond to the disciplinary authority also violated the duty he owed to the legal profession.

Mr. Ray acted intentionally as to many of the Rule violations. He not only lied to his client, but also to another lawyer involved in the case. Disciplinary counsel took steps to determine whether Mr. Ray's abandonment of his client was the result of death or serious injury but found no such evidence. The course of conduct – commingling the retainer, not completing the work, misrepresenting the status of the work, never invoicing, never returning any portion of the retainer, and abandoning the client – evince an intentional mental state.

Mr. Ray caused actual injury. Mr. Maupin's Registration of Foreign Judgment was not filed by Mr. Ray despite the payment of a \$3,000 retainer. Thus, Mr. Ray's acts caused actual financial injury to Mr. Maupin as well as potential legal injury from the delay caused by his abandonment of his client. These acts would necessarily also injure a client's and the public's faith in the legal system.

Under Standards 4.11, 4.41(b), 5.11(b), and 7, 1 call for a baseline sanction of disbarment for the violations of Rules 1.15, 1.3, 8.4(c), and 8.1. Once a baseline is determined, consideration of aggravating and mitigating factors guide the decision of whether to depart from the baseline. The only mitigating factor present here is Mr. Ray's lack of a disciplinary history. However, this factor is outweighed by the aggravators: dishonest or selfish motive, multiple offenses, and obstruction of the disciplinary process.

Disbarment in this matter is consistent with other New Hampshire disciplinary cases. This is so because "[n]o single transgression reflects more negatively on the legal profession and erodes public confidence in the bar more completely than a lie." *In re: Gallant's Case*, 170 N.H.

528, 538 (2017) (quotation omitted). In addition, a lawyer’s obligation to “refrain, at the least, from misuse of a client’s property must stand among the most insistent of professional norms.” *Coddington’s Case*, 155 N.H. 66, 70 (2007) (quotation omitted). See also *In re Salomon’s Case*, 171 N.H. 694, 707 (2019) (“attorney misconduct involving dishonesty justifies disbarment,” quotation omitted).

When determining to impose the ultimate sanction of disbarment,” the Supreme Court focuses “not on punishing the offender, but on protecting the public, maintaining public confidence in the bar, preserving the integrity of the legal profession, and preventing similar conduct in the future.” *In re O’Meara’s Case*, 164 N.H. 762, 179 (2012). Here, Mr. Ray’s self-dealing with client money, dishonesty, abandonment of his client, and refusal to participate in the attorney discipline process all support disbarment.

DATED: January 14, 2025

/s/ Stephanie C. Hausman
Stephanie C. Hausman

cc: Sara S. Greene, Disciplinary Counsel

Christopher D. Ray (via email christopher@rayatlaw.com)

Mark Maupin (via email maupin.mark@gmail.com and U.S.Mail:1655 Highland Park
Highland MI 48356