

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, : No. 2091 Disciplinary Docket No. 3
Petitioner :
: No. 106 DB 2013
v. :
: Attorney Registration No. 59395
CHRISTOPHER ROULHAC BOOTH, JR., :
Respondent : (Philadelphia)

ORDER

PER CURIAM:

AND NOW, this 13th day of November, 2014, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board dated July 29, 2014, the Joint Petition in Support of Discipline on Consent is hereby granted pursuant to Rule 215(g), Pa.R.D.E., and it is

ORDERED that Christopher Roulhac Booth, Jr., is suspended on consent from the Bar of this Commonwealth for a period of two years, the suspension is stayed in its entirety, and he is placed on probation for a period of two years, subject to the following conditions:

1. Respondent shall continue treatment with Thomas A. Bartlett, M.A., or another similarly qualified mental healthcare professional, who is to direct and supervise his activities.
2. Respondent shall cooperate with directions of the mental healthcare professional supervising his treatment, take medications as prescribed and engage in therapy and counseling sessions as directed.
3. Respondent shall file quarterly written reports with the Secretary of the Board and shall attach physician's reports verifying the above counseling and treatment.

Mr. Justice Stevens dissents and would deny the Joint Petition in Support of Discipline on Consent.

A True Copy Patricia Nicola
As Of 11/13/2014

Attest: 
Chief Clerk
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

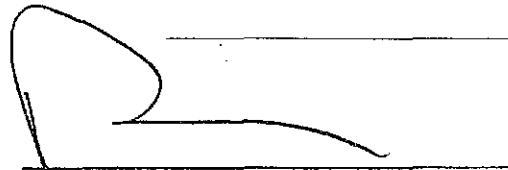
OFFICE OF DISCIPLINARY COUNSEL : No. 106 DB 2013
Petitioner :
v. : Attorney Registration No.59395
CHRISTOPHER ROULHAC BOOTH, JR. :
Respondent : (Philadelphia)

RECOMMENDATION OF THREE-MEMBER PANEL
OF THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

The Three-Member Panel of the Disciplinary Board of the Supreme Court of Pennsylvania, consisting of Board Members Brian John Cali, R. Burke McLemore, Jr., and Tracey McCants Lewis has reviewed the Joint Petition in Support of Discipline on Consent filed in the above-captioned matter on March 31, 2014.

The Panel approves the Petition consenting to a two year stayed suspension and two years' probation as set forth in the Joint Petition and recommends to the Supreme Court of Pennsylvania that the attached Joint Petition be Granted.

The Panel further recommends that any necessary expenses incurred in the investigation and prosecution of this matter shall be paid by the respondent-attorney as a condition to the grant of the Petition.



Brian John Cali, Panel Chair
The Disciplinary Board of the
Supreme Court of Pennsylvania

Date: 7/29/2014

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

In the Matter of :
: No. 106 DB 2013
CHRISTOPHER ROULHAC BOOTH, Jr.:
: ODC File No. C1-09-479
:
: Atty. Reg. No. 59395
:
: (Philadelphia)

JOINT PETITION IN SUPPORT OF DISCIPLINE
ON CONSENT UNDER RULE 215(d), Pa.R.D.E.

Petitioner, Office of Disciplinary Counsel ("ODC"), by Paul J. Killion, Chief Disciplinary Counsel, and Robert P. Fulton, Esquire, Disciplinary Counsel, and Respondent, Christopher Roulhac Booth, Jr., file this Joint Petition In Support of Discipline On Consent Under Rule 215(d) of the Pennsylvania Rules of Disciplinary Enforcement ("Pa.R.D.E.") and respectfully represent that:

1. Petitioner, whose principal office is located at the Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, Harrisburg, Pennsylvania 17106, is vested, pursuant to Pa.R.D.E. 207, with the power and the duty to investigate all matters involving alleged misconduct of an attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of the aforesaid Rules.

FILED

AUG -2 2013

Office of the Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

2. Respondent, Christopher Roulhac Booth, Jr., was born in 1965 and was admitted to practice law in the Commonwealth on December 13, 1990. At all times relevant hereto, Respondent's registered office address was Booth & Tucker, L.L.P ("B & T"), 1617 JFK Boulevard, Suite 1700, Philadelphia, Pennsylvania 19103. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

SPECIFIC FACTUAL ADMISSIONS AND
RULES OF PROFESSIONAL CONDUCT VIOLATED

3. Respondent stipulates that the following factual allegations are true and correct and that he violated the Rules of Professional Conduct set forth in paragraph 24, *infra*.

4. At all relevant times and for approximately nine years, Respondent was a partner with Joe H. Tucker, Jr., Esquire ("Tucker"), at the law firm of B & T.

5. Beginning in approximately 2007 and continuing to approximately 2009, Respondent:

- a. neglected his clients' cases;
- b. failed to communicate with his clients regarding the status of their respective cases;

- c. failed to provide discovery to opposing counsel in his clients' cases;
- d. failed to appear for hearings; and
- e. failed to apprise his partner, Tucker, of his neglect of the details of his clients' respective cases.

6. Respondent admittedly failed to act diligently in his representation of his clients including, but not limited to, Wachovia Bank ("Wachovia").

7. Respondent admittedly failed to effectively communicate with his clients, including Wachovia, regarding the status of their litigation matters.

8. As a result of Respondent's failure to supply discovery to opposing counsel, opposing counsel filed sanctions motions against Respondent's clients.

9. As a result of Respondent's failure to appear at the hearings on these sanctions motions, Respondent's clients were assessed an aggregate of \$65,000 in sanctions.

10. As a result of his neglect and inattention to some of his cases, Respondent had court-ordered sanctions assessed against him and default judgments entered against B & T.

11. In an effort to hide the consequences of his neglect, Respondent paid the sanctions and defaults from

his firm's operating account without informing Tucker or the clients. The total amount paid from firm funds was approximately \$65,000 and was made without Tucker's knowledge or assent.

12. Respondent misrepresented to Tucker the true reason for the expenditure of the aggregate of \$65,000 of operating funds from B & T.

13. A bill was submitted through Respondent to Wachovia for \$15,000, which amount represented one sanction order.

14. At the time the bill was submitted to Wachovia, Respondent knew that the sanction order had been entered.

15. At the time the bill was submitted to Wachovia, Respondent failed to inform Tucker of the sanction order.

16. The bill that was submitted to Wachovia was submitted as a bill for services rendered by B & T.

17. Wachovia rejected the bill that Respondent caused to be sent for payment because the bill was for sanctions against Respondent. This rejection revealed Respondent's behavior to his partner. Wachovia asserted a claim against Respondent, which was submitted to Respondent's malpractice insurer. The claim was settled and paid using Respondent's personal funds.

18. As a result of Respondent's neglect, Wachovia requested that its files be transferred to another law firm.

19. On or about April 27, 2009, Respondent resigned from B & T. After this resignation, Respondent's partner transferred Respondent's cases either to the client or to other counsel. Respondent has had no contact with his former clients since his resignation. Respondent's partner has dissolved the firm.

20. During his tenure with B & T, Respondent dispersed, or caused to be dispersed, monies from the firm's operating account in an amount in excess of \$117,000, which disbursements he concealed from the firm and which were in excess of the fees and profits of the partnership to which he would have been entitled under the partnership agreement.

21. Respondent has repaid the firm the amount of \$40,000 and has arranged for the repayment of the remainder of the funds by relinquishing fees that were due to Respondent. In particular, by letter dated November 17, 2009, to Joseph M. Donley, Esquire, who was Tucker's attorney, Respondent proposed that Respondent "receive 50% of the account receivables generated by [Respondent] and collected by [B & T] after [Respondent's] departure, and

15% of the contingent fees generated solely from the [] personal injury case." However, by letter dated December 22, 2009, Respondent informed Tucker that "[Respondent is] withdrawing the financial terms contained in [Respondent's] letter to Joe Donley, Esquire of November 17, 2009" and "in consideration of my waiver of any and all claims to the assets, account receivables and/or contingency fee cases originated with [B & T], [Respondent] request[s] that [Respondent's] proportionate interest in such assets or fees be credited against any future claims against [Respondent] or [B & T] (if any) before any contribution by [Respondent]." Respondent has represented to ODC that his share of the contingent fee in the [] personal injury matter alone was approximately \$450,000.

22. On or about May 6, 2009, Respondent self-reported to the ODC that he had engaged in unethical conduct.

23. Respondent was a former Hearing Committee Member in District I.

24. Respondent admits that by his conduct as detailed above in Paragraphs 3 through 20 above, Respondent has violated the following Rules of Professional Conduct ("RPC"):

- a. RPC 1.3, which states that a lawyer shall act with reasonable diligence and promptness in representing a client;
- b. RPC 1.4(a)(3), which states that a lawyer shall keep the client reasonably informed about the status of the client's matter;
- c. RPC 1.4(b), which states that a lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation;
- d. RPC 3.2, which states that a lawyer shall make reasonable efforts to expedite litigation consistent with the interests of the client;
- e. RPC 8.4(c), which states that it is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation; and
- f. RPC 8.4(d), which states that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

SPECIFIC JOINT RECOMMENDATION FOR DISCIPLINE

Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's admitted misconduct is a two-year suspension, stayed in its entirety, and two

years of probation to be monitored by the Board Secretary during which time Respondent shall be required to seek and maintain treatment for his depression. As conditions of Respondent's probation, Respondent shall continue with mental health treatment and medication as directed by his treating mental health provider, and provide the Board Secretary with quarterly reports from his treating mental health provider during the period of probation.

Respondent hereby consents to the discipline being imposed upon him. Attached to this Petition is Respondent's executed Affidavit required by Pa.R.D.E. 215(d), stating that he consents to the recommended discipline and including the mandatory acknowledgements contained in Pa.R.D.E. 215(d)(1) through (4).

There is one aggravating factor. Respondent received a Private Reprimand in 2005 for neglect based upon Respondent's failure to respond to preliminary objections that were filed in a civil action. As a result of this neglect, the objections were sustained and the civil complaint was dismissed with prejudice. Respondent took no further action, did not advise the client that the matter had been dismissed, and did not return the client's several telephone calls.

In support of Petitioner and Respondent's joint recommendation, it is respectfully submitted that there are several mitigating circumstances:

- a. Respondent voluntarily self-reported his conduct to ODC and has cooperated with the investigation;
- b. Respondent has expressed remorse;
- c. To date, Respondent has repaid the firm the amount of \$40,000 and has arranged for the repayment of funds by relinquishing fees that were due to him;
- d. Respondent cooperated with Mr. Tucker to resolve outstanding legal matters and the dissolution of the firm;
- e. Respondent has regularly been involved in numerous community activities;
- f. Respondent suffers from depression; and
- g. Respondent has sought ongoing weekly psychotherapy with a licensed psychologist. A copy of the report and treatment regimen is attached hereto, made a part hereof, and marked "Appendix A."

In *ODC v. Michael D. Rentschler, 33 and 127 DB 2009* (S.Ct. Order 8/27/2010), the Supreme Court of Pennsylvania imposed on the respondent a suspension of one year and one

day, stayed in its entirety, and two years of probation with a sobriety monitor. The respondent neglected to take action on three different client matters: one immigration matter, one harassment suit, and one criminal matter. The respondent had two instances of prior discipline (informal admonition, private reprimand) for similar conduct. The respondent met his burden of establishing mitigation under *ODC v. Braun*, 520 Pa. 127, 553 A.2d 894 (1989), as the respondent suffered from depression and alcohol abuse.

In *ODC v. Stephen R. Greenberg*, 146 DB 2007 (S.Ct. Order 2/25/2009), the respondent allowed the statute of limitations to run in a client matter and then engaged in a course of deceptive practices with regard to the clients, who were husband and wife, including, but not limited to: 1) having the clients drive 95 miles to "meet with a judge"; 2) falsely telling the clients that they had prevailed on their claim because no witnesses appeared for the defense; 3) filing a complaint but never serving it; 4) having the clients come to a "settlement conference" with a "judge" and an "insurance adjuster" and conveying settlement values, all of which was a hoax; and 5) communicating with the clients that they would have a "green" Christmas. One client sued the respondent for malpractice and obtained a \$240,000 judgment. The Court

imposed a two-year suspension, stayed in its entirety, and four years of probation with the condition that the respondent continue to remit monthly payments of \$5,000 under a restitution agreement with one of his clients.

Although the instant matter does not involve the misappropriation of client funds, *ODC v. Thomas Ray Shaner 38 DB 2006* (S.Ct. Order 6/14/06) provides direction. In that matter, the respondent received a two-year suspension, stayed in its entirety, and two years of probation with conditions and a sobriety monitor for misappropriating client funds, the majority of which belonged to his father. The respondent's father supported the respondent and did not require that the respondent make restitution. The respondent abused alcohol and crack-cocaine. The respondent cooperated with ODC and showed remorse. The *Shaner* Joint Petition for Consent Discipline ("Shaner Petition") provides an overview of disciplinary cases that support the instant consent discipline petition.

The Shaner Petition relied on *In re Anonymous No. 101 DB 1990* (Gerald J. Wassil), 18 D. & C.4th 11 (1992), where the respondent received a two-year suspension, six months to be served and eighteen months to be stayed with two years of probation with a sobriety monitor and a

financial/practice monitor for neglect and the misappropriation of client funds.

In *In re Anonymous No. 67 DB 1988*, 18 Pa. D.& C. 4th 360 (1993), the respondent received a two-year suspension, stayed in its entirety, and two years of substance abuse probation for neglecting client matters, including allowing a statute of limitations to expire, and misappropriation of client funds.

In *In re Anonymous No. 168 DB 2002*, 68 Pa. D.& C. 4th 562 (2004), the respondent received a five-year suspension, stayed in its entirety, and five years of probation with substance abuse treatment and a sobriety monitor for misappropriating and converting client funds.

In *In re Anonymous No. 18 DB 1999* (S.Ct. Order 12/14/2000), the respondent received a four-year suspension, stayed in its entirety, and four years of probation with a sobriety and practice monitor for misappropriating client funds and for allowing his escrow account to be out-of-trust for significant periods of time.

In *In re Anonymous 49 DB 2004* (S.Ct. Order 3/23/06), the respondent received a one-year suspension, stayed in its entirety, and two years of probation with a practice monitor for "borrowing" approximately \$229,000 from his mother; after the respondent's mother passed away, the

respondent failed to provide an accounting to his sisters, who were beneficiaries of the estate, and then misrepresented to his sisters the status of the mother's estate.

In *ODC v. John F. Mizner*, 46 DB 2007 (D.Bd. Rpt. 3/14/08) (S.Ct. Order 8/29/08), the respondent received a five-year suspension, stayed in its entirety, with five years of probation with mental health treatment for misappropriating and converting \$69,000 from his law firm using false travel vouchers. That respondent self-reported his misconduct to ODC, made full restitution, and showed remorse. The respondent proved that he suffered from obsessive compulsive disorder that "substantially" caused his misconduct. D.Bd. Rpt. p. 11.

In *ODC v. Jarett Rand Smith*, 4 DB 2011 (S.Ct. Order 5/4/11), the respondent received a suspension of one year and one day, stayed in its entirety, and three years of probation with conditions, including a mental health evaluation and treatment as recommended, for the neglect of client matters, misrepresentation to a court, and contempt of court.

The instant matter does not involve the misappropriation of client funds; rather it involves the "misdirection" of operating funds and subsequent

misrepresentation to Respondent's partner of the true purpose of the use of the operating funds, which was to satisfy sanctions orders resulting from Respondent's neglect. Furthermore, Respondent attempted to deceive the client, Wachovia, into believing that Respondent's billings were for services rendered rather than for services and sanctions.

Respondent's neglect lasted for a longer time period than the neglect of the respondent in *Rentschler*. Based on the facts, mitigating circumstances, and supporting caselaw, the appropriate discipline is a two-year suspension, stayed in its entirety, and two years of probation with mental health evaluation and treatment to be monitored by the Secretary of the Board through quarterly reports from Respondent's treating mental health provider.

WHEREFORE, Petitioner and Respondent respectfully request that:

- a. Pursuant to Rule 215(e) and 215(g), Pa.R.D.E., a three-member panel of the Disciplinary Board review and approve the above Joint Petition In Support of Discipline On Consent for the imposition of a two-year suspension, stayed in its entirety, and probation with mental health evaluation and treatment to be monitored by the


Secretary of the Board through quarterly reports from Respondent's treating mental health provider.

- b. Pursuant to Rule 215(i), the three-member panel of the Disciplinary Board order Respondent to pay the necessary expenses incurred in the investigation of this matter as a condition to the grant of the Petition and that all expenses be paid by Respondent before the imposition of discipline under Rule 215(g), Pa.R.D.E.

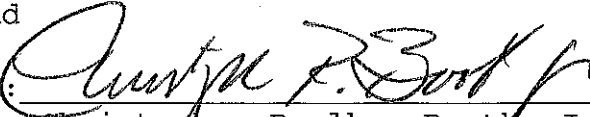
Respectfully submitted,
OFFICE OF DISCIPLINARY COUNSEL

PAUL J. KILLION
CHIEF DISCIPLINARY COUNSEL

31 July 2013
Date

By: 
Robert P. Fulton, Esquire
Disciplinary Counsel
Attorney Regis. No. 37935
Seven Penn Center, 16th Floor
1635 Market Street
Philadelphia, PA 19103
(215) 560-6296

7/31/13
Date

and
By: 
Christopher Roulhac Booth, Jr.
Attorney Regis. No. 59395
Respondent

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

In the Matter of :
: No. DB 2013
CHRISTOPHER ROULHAC BOOTH, Jr.:
: ODC File No. C1-09-479
:
: Atty. Reg. No. 59395
:
: (Philadelphia)

AFFIDAVIT UNDER RULE 215(d), Pa.R.D.E.


Respondent, Christopher Roulhac Booth, hereby states that he consents to the imposition of a two-year suspension, stayed in its entirety, and two years of probation with conditions to be monitored by the Secretary of the Board, as jointly recommended by Petitioner, Office of Disciplinary Counsel, and Respondent in the Joint Petition In Support Of Discipline On Consent and further states that:

1. His consent is freely and voluntarily rendered; he is not being subjected to coercion or duress; and he is fully aware of the implications of submitting the consent;
2. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. He has knowingly and voluntarily chosen not to retain counsel in connection with his decision to consent to discipline;

3. He is aware that there is presently pending an investigation at ODC File No. C1-09-479 into allegations that he has been guilty of misconduct as set forth in the Joint Petition;

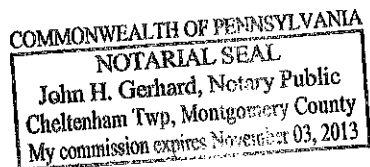
4. He acknowledges that the material facts set forth in the Joint Petition are true; and

5. He consents because he knows that if charges predicated upon the matter under investigation were filed, he could not successfully defend against them.


Christopher Roulhac Booth, Jr.
Respondent

Sworn to and subscribed
before me this *31st* day
of *July*, 2013.


Notary Public



TELEPHONE: 215 732-3103
FAX: 215 732-8584
EMAIL: thomasbartlett@comcast.net

1735 LOMBARD STREET
PHILADELPHIA, PA 19146-1518

PA LICENSE: PS-005737-L
SOC. SEC.: 527-96-1834
NPI: 1003030479

THOMAS A. BARTLETT, M.A.
LICENSED CLINICAL PSYCHOLOGIST

Christopher Booth
335 Bent Road
Wyncote, PA 19095

June 16, 2012

To Whom It May Concern,

This is a follow-up to my letter of May 22nd (attached), to confirm that Mr. Christopher Booth and I have agreed to begin ongoing once weekly psychotherapy starting the first week of July, 2010.

Yours sincerely,

Thomas A Bartlett, MA
Licensed Psychologist PS-005737-L

Cc : TAB

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NPI: 1003030479

THOMAS A. BARTLETT, M.A.
LICENSED CLINICAL PSYCHOLOGIST

Christopher Booth
335 Bent Road
Wyncote, PA 19095

May 22, 2012

To Whom It May Concern,

Mr. Christopher Booth has asked that I write to describe his psychiatric status at the time that I met with him, in April and May, 2009. For the purposes of this letter, I also met with him today, to review changes since that time.

Mr. Booth first came to see me after turning himself into the legal disciplinary board. In brief, he explained that he was at the time a partner in a small law firm and had gotten himself into serious trouble by neglecting a number of his legal cases, secretly paying sanctions for late filings, etc, while devoting his attention to other, more demanding and more complex cases and transactions.

Ironically, Mr. Booth struck me as a man with a tremendous sense of personal responsibility, who, under a series of financial and personal stressors, had grown depressed and disenchanting but mostly overwhelmed by the minutiae of some aspects of his work. What started out as procrastination and ordinary avoidance grew into outright denial as the problem grew ever larger.

His depression began at the time of his move to a new office in 2005, vacillated but mostly increased in intensity the subsequent years. In hindsight, had he been his normal self, he could at any point have turned to colleagues for help. I think it fair to say he had not been himself, and that he had been clinically depressed (296.22 Major Depression) throughout this period.

We met only briefly, at which point Mr. Booth opted to obtain therapy that was more affordable and not such a long travel from his home. I gather from our meeting today that he continued in therapy with a Pastoral Counselor, once or twice weekly for the following one to two years. He appears to have benefited greatly from his therapy and from his time of reflection. I strongly doubt he would let himself be negligent in this way again, but more importantly, I think this experience has led to reappraising his life and his priorities in such a way that he would not let himself take on more than he could conscientiously handle.

I hope this letter will be kept as confidential as is possible, within the limits of whatever purposes it needs serve.

Yours sincerely,

Thomas A Bartlett, MA
Licensed Psychologist PS-005737-L

Cc : TAB