

**IN THE SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL,	:	No. 2881 Disciplinary Docket No. 3
	:	
	:	No. 59 DB 2022
Petitioner	:	
	:	Attorney Registration No. 75426
v.	:	
	:	(Delaware County)
CHRISTOPHER P. FLANNERY,	:	
	:	
Respondent	:	
	:	

**ORDER**

**PER CURIAM**

**AND NOW**, this 21<sup>st</sup> day of June, 2022, upon consideration of the Recommendation of the Three-Member Panel of the Disciplinary Board, the Joint Petition in Support of Discipline on Consent is **GRANTED**, and Christopher P. Flannery is suspended on consent from the Bar of this Commonwealth for a period of six months. Respondent shall comply with all the provisions of Pa.R.D.E. 217 and pay costs to the Disciplinary Board. See Pa. R.D.E. 208(g).

A True Copy Nicole Traini  
As Of 06/21/2022

Attest:   
Chief Clerk  
Supreme Court of Pennsylvania

**BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL,	:	No.	Disciplinary Docket
Petitioner	:	No.	
	:		
	:	No.	DB
v.	:		
	:		Board File No. C2-21-803
	:		
	:		Attorney Reg. No. 75426
CHRISTOPHER P. FLANNERY,	:		
Respondent	:		(Delaware)

**JOINT PETITION IN SUPPORT OF DISCIPLINE ON CONSENT  
PURSUANT TO Pa.R.D.E. 215(d)**

Petitioner, the Office of Disciplinary Counsel ("ODC"), by Thomas J. Farrell, Chief Disciplinary Counsel and Mark Gilson, Disciplinary Counsel, and Respondent, Christopher P. Flannery, Esquire ("Respondent"), and Clifford B. Cohn, Esquire, Counsel for Respondent, respectfully petition the Disciplinary Board in support of discipline on consent, pursuant to Pennsylvania Rule of Disciplinary Enforcement ("Pa.R.D.E.") 215(d), and in support thereof state:

**PARTIES TO DISCIPLINE ON CONSENT**

1. Pursuant to Pa.R.D.E. 207, ODC, whose principal office is situated at Office of Chief Disciplinary Counsel, Pennsylvania Judicial Center, Suite 2700, 601 Commonwealth Avenue, P.O. Box 62485, Harrisburg, Pennsylvania, 17106, is invested with the power

**FILED  
05/02/2022  
The Disciplinary Board of the  
Supreme Court of Pennsylvania**

and 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 provisions of the Enforcement Rules.

2. Respondent was born on November 24, 1956, is currently 65 years old, and was admitted to the Bar of the Commonwealth of Pennsylvania on February 27, 1995. Respondent is on active status in Pennsylvania, and his last registered address is 4 Hillman Drive, Suite 104, Chadds Ford, PA 19317.

3. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court.

4. Respondent has no prior record of discipline.

**SPECIFIC FACTUAL ALLEGATIONS ADMITTED**

5. In and around August 2014, Ms. Brenda A. James retained Respondent to assist her in addressing various problems she encountered at a local car dealership while having her 2000 Jaguar automobile serviced and repaired. Respondent agreed to represent Ms. James and provided her a written contingent fee agreement, but failed to inform her that he did not maintain professional liability insurance.

6. Respondent initially attempted to informally resolve the matter with the dealership without success. On December 31, 2015, Respondent filed a civil complaint in the Delaware County Court of

Common Pleas against the dealership, but failed to perfect service of the complaint on the defendant. Thereafter, Respondent misrepresented to Ms. James that the complaint had been properly served and her legal matter was proceeding in the normal course.

7. Respondent subsequently informed Ms. James that defendant had failed to file an answer or responsive pleading to the complaint, and provided her with a copy of a motion for default judgment he claimed to have submitted to the court, but which he never filed. At a later time, Respondent informed Ms. James that the court had granted the motion for default judgment, entered a default verdict in her favor, and issued a writ of execution against the defendant. Respondent's representations to Ms. James were not true.

8. In response to Ms. James' request for documentation, Respondent created a falsified writ of execution and related documents purportedly bearing the signatures of the president judge and a court official as well as the court seal that Respondent had "cut and pasted" from another document. Respondent provided Ms. James the falsified documents and misled her into believing the writ of execution had been issued by the court, and that he had undertaken efforts to enforce it and collect the judgment Ms. James had allegedly been awarded by the court. Once again, none of Respondent's representation to Ms. James were true.

9. In reality, after filing the civil complaint in 2015, Respondent took no meaningful action over the course of several years to advance or pursue his client's legal matter. Instead, Respondent neglected the case, misrepresented the actual status of the case to Ms. James, and made false and misleading statements to her regarding actions he claimed he had taken on her behalf. Additionally and over the course of his representation, Respondent sporadically failed to respond to Ms. James' requests for updates regarding the status of her legal matter, and further failed to provide Ms. James with information and documentation upon request despite repeated promises and assurances to her that he would comply.

10. Frustrated with Respondent's representation, neglect and failure to communicate, Ms. James retained Drew Salaman, Esquire, to assist her in monitoring the progress of her civil case. Attorney Salaman requested Respondent provide him the status of the case and a detailed chronology regarding his handling of the matter, as well as a copy of the client's file. Initially, Respondent indicated he would cooperate with Attorney Salaman, but ultimately Respondent never complied with any of his requests. As a result, Attorney Salaman filed a writ of summons in the Delaware County Court of Common Pleas on Ms. James' behalf alleging Respondent's negligent handling of her civil case.

11. By letter dated November 14, 2021, ODC provided Respondent a DB-7 Request for Statement of Respondent's Position setting forth the factual averments regarding his misconduct and the alleged violations of the Rules of Professional Conduct.

12. By letter dated January 20, 2022, Respondent provided a counselled Statement of Respondent's Position in which he admitted to the factual averments regarding his misconduct and the corresponding Rule violations, accepted responsibility for his actions, and stated that he is "deeply remorseful for the harm he caused Ms. James."

13. If the matter went to a hearing, Respondent would testify by way of explanation that during the time he was handling Ms. James' legal matter in 2015, he started to experience significant psychiatric issues (including thoughts of suicide) that led to his requesting help through the Pennsylvania Lawyers Concerned for Lawyers ("LCL") hotline. Respondent was referred to a mental health professional and subsequently diagnosed with severe chronic depression, attention deficit disorder, and a mild form of autism. Following his diagnosis, Respondent started treating with a psychiatrist who has prescribed a regimen of medication and therapy for Respondent's condition. Respondent has provided his medical records regarding his diagnosis and treatment, as well as a report from his doctor stating that in his expert opinion a causal

connection existed between Respondent's psychiatric illness and his misconduct in this matter pursuant to the requirements of the **Braun**<sup>1</sup> decision.

Respondent would also testify that during this same time period he experienced additional stress in his personal and family life involving having to care for a severely autistic adult son. Respondent would add that his primary field of practice is corporate and securities matters, and that "[a]lthough he was motivated by a desire to help [Ms. James], he recognizes that he should have never assumed responsibility for a matter outside his primary practice area involving corporate and securities matters, and that once he did so, he felt lost, trapped, and unable to avoid taking actions that were unjustifiable." Respondent would assert that he "no longer considers taking on representations outside his primary practice area," and limits his law practice to his area of expertise. Finally, Respondent would add that "he has offered to pay compensation to Ms. James" for the harm he caused her.

14. Respondent accepts full responsibility for neglecting Ms. James' legal matter, failing to provide competent and diligent representation, misrepresenting to her the actual status of the case, and providing her falsified documents in an attempt to cover

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<sup>1</sup> *Office of Disciplinary Counsel v. Seymour Braun*, 553 A.2d 894 (Pa. 1989).

up and conceal his neglect.

**VIOLATIONS OF THE RULES OF PROFESSIONAL CONDUCT**

15. By his conduct as set forth in paragraphs 6 through 14 above, Respondent acknowledges he violated the following Rules of Professional Conduct:

- a. RPC 1.1, which states that a lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation;
- b. RPC 1.3, which states that a lawyer shall act with reasonable diligence and promptness in representing a client;
- c. RPC 1.4(a)(3), which states that a lawyer shall keep the client reasonably informed about the status of the matter;
- d. RPC 1.4(a)(4), which requires a lawyer to promptly comply with reasonable requests for information from the client;
- e. Rule 1.4(b), which requires a lawyer to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation;



- f. Rule 1.4(c), which requires a lawyer in private practice to inform a new client in writing that the lawyer does not maintain professional liability insurance;
- g. 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
- h. 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.

**JOINT RECOMMENDATION FOR DISCIPLINE**

16. Petitioner and Respondent jointly recommend that the appropriate discipline for Respondent's misconduct is a six month suspension from the practice of law.

17. Respondent hereby consents to the discipline being imposed upon him by the Disciplinary Board of the Supreme Court of Pennsylvania. Attached to this Petition as Exhibit A is Respondent's executed Affidavit as required by Pa.R.D.E. 215(d)(1) through (4).

18. In support of the Joint Petition, the parties respectfully submit the following mitigating circumstances are present:

- a. Respondent is 65 years old and has no record of discipline in over 27 years of practice;
- b. Respondent admitted to the factual allegations and the corresponding Rule violations in his Statement of Respondent's Position Letter;
- c. Respondent accepts full responsibility for his misconduct, is remorseful, and has apologized for his actions;
- d. Respondent has expressed his willingness to compensate Ms. James for any harm he has caused her;
- e. Respondent recognized he was experiencing mental health problems during his representation of Ms. James that negatively affected his ability to attend to her legal matter and competently represent her. He reached out to LCL for help, and has been under the care and treatment of a psychiatrist since 2017. Respondent voluntarily took these remedial measures in recognition and response to his misconduct in neglecting Ms. James' case, and did so well before he was reported to disciplinary authorities.
- f. Respondent has provided evidence indicating that during the relevant time period he experienced a psychiatric illness that contributed to his misconduct, and that he

also experienced other personal and family issues that may have affected his actions;

- g. Respondent's misconduct in this matter appears to be an isolated incident confined solely to a single client matter in an otherwise unblemished career spanning nearly three decades. Since beginning treatment in 2017 and being placed under a doctor's care, Respondent has continued to practice law limited to his area of expertise. Respondent's treatment regimen has addressed and remedied the issues he experienced during the time he was representing Ms. James, and no subsequent complaints have been filed with ODC against Respondent.
- h. Respondent fully cooperated with Disciplinary Counsel in its investigation; and
- i. Respondent understands discipline is necessary and appropriate as evidenced by his agreement to enter into this petition for consent discipline, and has expressed his willingness to accept public discipline in the form of a six month suspension.

19. In Pennsylvania, there is no *per se* discipline for a particular type of misconduct; instead, each case is reviewed individually while being mindful of precedent and the need for

consistency. *Office of Disciplinary Counsel v. Lucarini*, 472 A.2d 186, 190 (Pa. 1983).

20. The parties believe, and therefore aver, that their recommendation for a suspension of six months is consistent with the imposition of public discipline imposed in other cases involving lawyers who neglected a client's matter, misrepresented the status of the case, and provided the client falsified documents in an effort to cover-up and conceal their neglect. See e.g.:

- a. *Office of Disciplinary Counsel v. Ronald James Gross*, **174 DB 2014**, D.Bd. Rpt. 3/20/15 (S.Ct. Order 4/10/15) (on consent) (six month suspension imposed on respondent who neglected a will contest matter and failed to file anything on his client's behalf, misrepresented the status of the legal matter to his client, and provided the client with documentation falsely indicating he had initiated the will contest; respondent was also charged in a separate matter with engaging in ex-parte communications with a district court judge; respondent had a prior record of private discipline for making misrepresentations in a motion);
- b. *Office of Disciplinary Counsel v. Angela E.M. Montgomery-Budd*, **29 DB 2021**, (S.Ct. Order 4/9/21) (on consent) (one year suspension imposed on respondent who

neglected her clients' adoption matter for over a year, repeatedly misrepresented to her clients that she had filed a petition to initiate the adoption process, and filed a petition with the court 14 months after she was retained to which she attached forged client verification forms);

- c. *but see In re Anonymous, 23 DB 93*, 26 Pa. D. & C.4<sup>th</sup> 339 (1994) (the Supreme Court approved a private reprimand for respondent who neglected her client's divorce case, failed to inform the client regarding important developments in the case, and forged a divorce degree; respondent had no prior history and provided **Braun** mitigation evidence).

21. The parties believe and therefore aver, that since seeking treatment for his psychiatric illness in 2017, Respondent has continued to competently practice law while under his doctor's care without further incident for over four years. The parties respectfully submit that this demonstrates Respondent's fitness to resume the practice of law after serving a six month suspension; dispenses with the need for greater discipline to be imposed that might otherwise be appropriate given the nature of Respondent's misconduct; and obviates the necessity of a reinstatement hearing requiring Respondent to prove his fitness to return to the practice

of law.

22. Respondent's age and lack of prior discipline in nearly three decades of practice, admission of wrongdoing, acceptance of responsibility, expression of remorse, willingness to compensate his client, cooperation with ODC, remedial efforts to address his psychiatric illness before a complaint was filed, and **Braun** mitigation evidence all serve to make Respondent a suitable candidate for public discipline in the form of a six month suspension.

23. Based on the totality of the circumstances presented as more fully described and set forth above, the parties submit that discipline in the form of a six month suspension is consistent with the precedence cited above, and will adequately address Respondent's misconduct, protect the public, and maintain the integrity of the legal profession while also take into consideration Respondent's substantial mitigating factors.

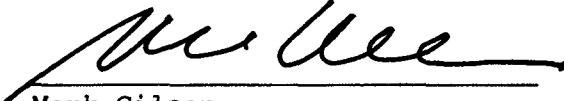
WHEREFORE, Petitioner and Respondent respectfully request, pursuant to Pennsylvania Rules of Disciplinary Enforcement 215(e) and 215(g), that a three member panel of the Disciplinary Board review and approve the Joint Petition in Support of Discipline on Consent and recommend that the Pennsylvania Supreme Court enter an Order imposing a six month suspension.

Respectfully submitted,


OFFICE OF DISCIPLINARY COUNSEL

THOMAS J. FARRELL  
Attorney Registration Number 48976  
Chief Disciplinary Counsel

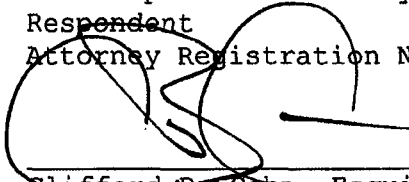
5/2/22  
DATE

  
Mark Gilson  
Disciplinary Counsel  
Attorney Registration Number 46400

4/28/2022  
DATE

  
Christopher P. Flannery, Esquire  
Respondent  
Attorney Registration Number 75426

4/29/22  
DATE

  
Clifford B. Conn, Esquire  
Counsel for Respondent  
Attorney Registration Number 25847

**VERIFICATION**

The statements contained in the foregoing *Joint Petition In Support of Discipline on Consent* are true and correct to the best of my knowledge or information and belief and are made subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

5/2/22

DATE



Mark Gilson, Esquire  
Disciplinary Counsel

4/28/2022

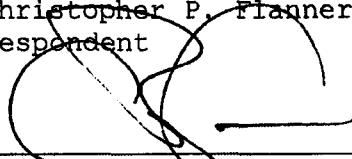
DATE



Christopher P. Flannery, Esquire  
Respondent

4/29/22

DATE



Clifford B. Sohn, Esquire  
Counsel for Respondent



# **EXHIBIT A**

**BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL,	:	No.	Disciplinary Docket
Petitioner	:	No.	
	:		
	:	No.	DB
v.	:		
	:		Board File No. C2-21-803
	:		
	:		Attorney Reg. No. 75426
CHRISTOPHER P. FLANNERY,	:		
Respondent	:	(Delaware)	

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

CHRISTOPHER P. FLANNERY, being duly sworn according to law, deposes and submits this affidavit consenting to the recommendation of a six month suspension in conformity with Pa.R.D.E. 215(d), and further states as follows:

1. He is an attorney admitted to the Bar of the Commonwealth of Pennsylvania on or about February 27, 1995.

2. He desires to submit a Joint Petition in Support of Discipline on Consent pursuant to Pa.R.D.E. 215(d).

3. 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 this affidavit.

4. He is aware that there is presently pending a proceeding regarding allegations that he has been guilty of misconduct as set forth in the Joint Petition in Support of Discipline on Consent

Pursuant to Pa.R.D.E. 215(d) to which this affidavit is attached.

5. He acknowledges that the material facts set forth in the Joint Petition are true.

6. He submits this affidavit because he knows that if charges predicated upon the matter under investigation were filed, or continued to be prosecuted in the pending proceeding, he could not successfully defend against them.

7. He acknowledges that he is fully aware of his right to consult and employ counsel to represent him in the instant proceeding. He has retained, consulted, and acted upon the advice of counsel, Clifford B. Cohn, Esquire, in connection with his decision to execute the Joint Petition.

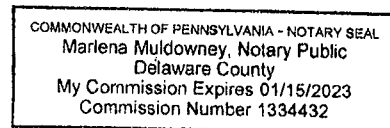
It is understood that the statements made herein are subject to the penalties of 18 Pa.C.S.A. §4904 (relating to unsworn falsification to authorities).

Signed this 28<sup>th</sup> day of April, 2022.

  
\_\_\_\_\_  
Christopher P. Flannery, Esquire

Sworn to and subscribed  
Before me on this 28<sup>th</sup>  
day of April, 2022

Marlena Muldowney  
Notary Public



**BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA**

OFFICE OF DISCIPLINARY COUNSEL,	:	No.	Disciplinary Docket
Petitioner	:	No.	
	:		
v.	:	No.	DB
	:		
	:		Board File No. C2-21-803
	:		
	:		Attorney Reg. No. 75426
CHRISTOPHER P. FLANNERY,	:		
Respondent	:	(Delaware)	

**CERTIFICATE OF SERVICE**

I hereby certify that I am this day serving the foregoing document upon all parties of record in this proceeding in accordance with the requirements of 204 Pa. Code §89.22 (relating to service by a participant).

First Class Mail and electronic mail as follows:

Christopher P. Flannery, Esquire  
c/o Clifford B. Cohn, Esquire  
1604 Locust Street, 4<sup>th</sup> Floor  
Philadelphia, PA 19103  
cbcohn@cbcohn.com

Dated: 5/2/22



MARK GILSON  
Disciplinary Counsel  
Office of Disciplinary Counsel  
District I Office  
1601 Market Street  
Philadelphia, PA 19103  
(215) 560-6296

**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Office of Disciplinary Counsel

Signature: 

Name: Mark Gilson

Attorney No.: 46400