

IN RE: CHRISTIAN A. PAHL

BBO # 638104

NO. BD-2020-043

Order (Term Suspension) entered by the Massachusetts Board of Bar Overseers of the Supreme Judicial Court on April 16, 2021.¹

On default, the respondent was suspended for a year and a day for repeated misrepresentation to the Board's registration department that he had liability coverage and for sending altered documents to CPCS that falsely created the appearance of having such coverage.

SUMMARY²

The respondent's default established the allegations and charges of the petition for discipline filed in October 2020. In brief:

Around 2013, the respondent let his professional liability insurance lapse; he carried none from 2013 through February 2020. Beginning on September 2, 2014, the respondent began a practice of knowingly and falsely certifying to the Board on his annual registration statements that he was covered by professional liability insurance. He repeated his false certification to the Board each year for the next five years, through October 2019.

At all relevant times, the respondent was certified to accept appointments to represent indigent defendants through the Committee for Public Counsel Services. The respondent knew that, as a condition of getting such appointments, an attorney is required to carry professional liability insurance. Nevertheless, during the period when the respondent did not have insurance, he accepted at least 340 appointments through CPCS. CPCS relied on attorney registration statements to verify that they carried liability insurance.

In September 2019, CPCS's Audit and Oversight department, conducting a random audit, requested proof of coverage from the respondent. The respondent replied with two expired insurance certificates he had altered to create the appearance of coverage from October 2019 to October 2020. CPCS also obtained two more altered certificates the respondent had provided to Middlesex Bar Advocates, for 2017 to 2018 and 2018 to 2019.

¹ The complete order of the Court is available by contacting the Clerk of the Supreme Judicial Court for Suffolk County.

² Compiled by the Massachusetts Board of Bar Overseers' Office of General Counsel based on the record filed with the Supreme Judicial Court.

During a telephone conversation with a CPCS staff member and during a statement under oath before Bar Counsel, the respondent admitted that he had altered these certificates.

The respondent obtained coverage in February 2020.

The respondent's false registration statements with the Board violated S.J.C. Rule 4:02(2A) and Mass. Rules of Prof. C. 3.4(c) (knowing disobedience of obligations under the rules of a tribunal), 8.4(c) (dishonesty, deceit, misrepresentation, or fraud), 8.4(d) (conduct prejudicial to the administration of justice), and 8.4(h) (other conduct reflecting adversely on fitness to practice). The respondent's knowing acceptance of CPCS appointments while not covered by professional liability insurance, and his alteration of insurance certificates and submission of them to CPCS or Middlesex Bar Advocates, violated Mass. R. Prof. C. 8.4(c), 8.4(d), and 8.4(h).

In aggravation, the respondent has a history of discipline, for conduct constituting a crime. Matter of Pahl, 27 Mass. Att'y Disc. R. 688 (2011) (OUI, 2nd; driving uninsured; possession of Class C and D controlled substances). Further in aggravation, the respondent did not comply with an order of administrative suspension issued for his failure to cooperate with Bar Counsel's investigation.

This matter came before the Board at its January 11, 2021 meeting, where it voted to recommend that the respondent be suspended for a year and a day. On April 16, 2021, a single justice (Lowy, J.) so ordered, effective immediately.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
NO: BD-2020-043

IN RE: Christian A. Pahl

ORDER OF TERM SUSPENSION

This matter came before the Court, Lowy, J., on an Information and Record of Proceedings pursuant to S.J.C. Rule 4:02, § 8(6), with the Recommendation and Vote of the Board of Bar Overseers (Board) filed by the Board on February 11, 2021. On June 12, 2020 Attorney Christian Pahl was administratively suspended by Order of this court.

On March 11, 2021 an Order of Notice issued and was served on the lawyer pursuant to S.J.C. Rule 4:01, § 21, directing him to appear before this court on March 31, 2021. After a hearing was held, attended by assistant bar counsel but not the lawyer;

It is ORDERED that:

1. Christian A. Pahl is hereby suspended from the practice of law in the Commonwealth of Massachusetts for a period of one (1) year and (1) one day effective immediately.

It is FURTHER ORDERED that:

2. Within fourteen (14) days of the date of entry of this Order, the lawyer shall:

a) file a notice of withdrawal as of the effective date of the suspension with every court, agency, or tribunal before which a matter is pending, together with a copy of the notices sent pursuant to paragraphs 2(c) and 2(d) of this Order, the client's or clients' place of residence, and the case caption and docket number of the client's or clients' proceedings;

b) resign as of the effective date of the suspension all appointments as guardian, executor, administrator, trustee, attorney-in-fact, or other fiduciary, attaching to the resignation a copy of the notices sent to the wards, heirs, or beneficiaries pursuant to paragraphs 2(c) and 2(d) of this Order, the place of residence of the wards, heirs, or beneficiaries, and the case caption and docket number of the proceedings, if any;

c) provide notice to all clients and to all wards, heirs, and beneficiaries that the lawyer has been suspended; that he is disqualified from acting as a lawyer after the effective date of the suspension; and that, if not represented by co-counsel, the client, ward, heir, or beneficiary should act promptly to substitute another

lawyer or fiduciary or to seek legal advice elsewhere, calling attention to any urgency arising from the circumstances of the case;

d) provide notice to counsel for all parties (or, in the absence of counsel, the parties) in pending matters that the lawyer has been suspended and, as a consequence, is disqualified from acting as a lawyer after the effective date of the suspension;

e) make available to all clients being represented in pending matters any papers or other property to which they are entitled, calling attention to any urgency for obtaining the papers or other property;

f) refund any part of any fees paid in advance that have not been earned; and

g) close every IOLTA, client, trust or other fiduciary account and properly disburse or otherwise transfer all client and fiduciary funds in his possession, custody or control.

All notices required by this paragraph shall be served by certified mail, return receipt requested, in a form approved by the Board.

3. Within twenty-one (21) days after the date of entry of this Order, the lawyer shall file with the Office of the Bar Counsel an affidavit certifying that the lawyer has fully

complied with the provisions of this Order and with bar disciplinary rules. Appended to the affidavit of compliance shall be:

a) a copy of each form of notice, the names and addresses of the clients, wards, heirs, beneficiaries, attorneys, courts and agencies to which notices were sent, and all return receipts or returned mail received up to the date of the affidavit. Supplemental affidavits shall be filed covering subsequent return receipts and returned mail. Such names and addresses of clients shall remain confidential unless otherwise requested in writing by the lawyer or ordered by the court;

b) a schedule showing the location, title and account number of every bank account designated as an IOLTA, client, trust or other fiduciary account and of every account in which the lawyer holds or held as of the entry date of this Order any client, trust or fiduciary funds;

c) a schedule describing the lawyer's disposition of all client and fiduciary funds in the lawyer's possession, custody or control as of the entry date of this Order or thereafter;

d) such proof of the proper distribution of such funds and the closing of such accounts as has been requested by the bar counsel, including copies of checks

and other instruments;

e) a list of all other state, federal and administrative jurisdictions to which the lawyer is admitted to practice;

f) the residence or other street address where communications to the lawyer may thereafter be directed; and

g) any and all bar registration cards issued to the lawyer by the Board of Bar Overseers.

The lawyer shall retain copies of all notices sent and shall maintain complete records of the steps taken to comply with the notice requirements of S.J.C. Rule 4:01, § 17.

4. Within twenty-one (21) days after the entry date of this Order, the lawyer shall file with the Clerk of the Supreme Judicial Court for Suffolk County:

a) a copy of the affidavit of compliance required by paragraph 3 of this Order;

b) a list of all other state, federal and administrative jurisdictions to which the lawyer is admitted to practice; and

c) the residence or other street address where
communications to the lawyer may thereafter be directed.

By the Court, (Lowy, J.)

/s/ Maura S. Doyle
Clerk

Entered: April 16, 2021