

SUPREME COURT OF LOUISIANA

NO. 2019-B-1875

IN RE: CHRISTOPHER LEE SICES

ATTORNEY DISCIPLINARY PROCEEDING

PER CURIAM

This disciplinary matter arises from formal charges filed by the Office of Disciplinary Counsel (“ODC”) against respondent, Christopher Lee Sices, an attorney licensed to practice law in Louisiana, but currently ineligible to practice.<sup>1</sup>

**FORMAL CHARGES**

17-DB-059

*Count I – The Failure to Cooperate Matter*

The ODC forwarded copies of the disciplinary complaints associated with 17-DB-059 to respondent via certified mail at his primary and secondary bar registration address. The letters were returned “unclaimed” and “undeliverable.” Thereafter, respondent provided the ODC with a purported “new service address” not registered with the Louisiana State Bar Association (“LSBA”). This address proved to be the location of an unrelated business. On June 14, 2017, the ODC served respondent with a subpoena compelling his appearance for a sworn statement on July 12, 2017, but he failed to appear as ordered.

The ODC alleges that respondent’s conduct violated the following provisions of the Rules of Professional Conduct: Rules 8.1(b) (failure to respond to a lawful

---

<sup>1</sup> On September 11, 2017, respondent was declared ineligible to practice law for failure to pay his bar dues and the disciplinary assessment. He is also ineligible for failure to comply with the mandatory continuing legal education requirements.

demand for information from a disciplinary authority) and 8.1(c) (failure to cooperate with the ODC in its investigation).

### *Count II – The Chambers Matter*

Respondent represented Anita Chambers in a personal injury matter stemming from an automobile accident that occurred in May 2016. Dr. Timothy R. Levin, a chiropractic physician, treated Ms. Chambers for her injuries. The bill for treatment totaled \$3,738.50. While speaking with Dr. Levin’s office staff in September 2016, respondent agreed to tender full payment to Dr. Levin once the matter settled. After receiving a check in settlement of Ms. Chambers’ claim, respondent failed to pay Dr. Levin’s bill.

The ODC alleges that respondent’s conduct violated the following provision of the Rules of Professional Conduct: Rule 1.15(d) (failure to timely remit funds to a client or third person).

### *Count III – The Lott Matter*

Cassandra Lott retained respondent to represent her in a personal injury claim stemming from an automobile accident that occurred in April 2016. Advantage Chiro, PLLC in Dallas, Texas treated Ms. Lott for her injuries. Respondent gave Advantage Chiro a “letter of protection,” guaranteeing payment for Ms. Lott’s treatment, which totaled \$7,230. Respondent settled Ms. Lott’s claim in August 2016, but he failed to pay Advantage Chiro.

The ODC alleges that respondent’s conduct violated the following provision of the Rules of Professional Conduct: Rule 1.15(d).

#### *Count IV – The Jackson Matter*

In February 2017, attorney Shandrika Jackson informed the ODC that respondent used her company letterhead without authorization and misrepresented his affiliation with her law practice. Respondent also forged Ms. Jackson's signature onto checks that were payable to his clients and to the Law Office of Shandrika Jackson. He then deposited the checks directly into his own trust account and made multiple ATM cash withdrawals from the account using a debit card.

The ODC alleges that respondent's conduct violated the following provisions of the Rules of Professional Conduct: Rules 1.15(f) (on client trust accounts, cash withdrawals and checks made payable to "Cash" are prohibited), 7.10(f) (false implication of practice in a partnership or other business entity), and 8.4(c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation).

#### *Count V – The Gowan-Garrison Matter*

In December 2014, Dorothy Kay Gowan-Garrison retained respondent to handle her husband's succession. After paying him the agreed-upon \$750 fixed fee, she attempted to contact respondent on multiple occasions without success. Respondent has since made no identifiable effort to complete the succession or return the unearned fee.

The ODC alleges that respondent's conduct violated the following provisions of the Rules of Professional Conduct: Rules 1.3 (failure to act with reasonable diligence and promptness in representing a client), 1.4(a) (failure to communicate with a client), and 1.5(f)(5) (failure to refund an unearned fee).

#### *Count VI – The Johnson Matter*

In December 2015, Bonestine Johnson retained respondent to handle a succession. After paying him the agreed-upon \$3,500 fixed fee, she attempted to

contact respondent on multiple occasions without success. Respondent has since made no identifiable effort to complete the succession or return the unearned fee.

The ODC alleges that respondent's conduct violated the following provisions of the Rules of Professional Conduct: Rules 1.3, 1.4(a), and 1.15(f)(5).

#### *Count VII – The Gilliam Matter*

In December 2015, Eboné Gilliam hired respondent to represent her in a personal injury claim stemming from an automobile accident. Thereafter, respondent failed to communicate with Ms. Gilliam or with the attorney representing the insurance company. Respondent has since made no identifiable effort to resolve the claim.

The ODC alleges that respondent's conduct violated the following provisions of the Rules of Professional Conduct: Rules 1.3 and 1.4(a).

#### 18-DB-043

#### *Count I – The Walker Matter*

In May 2016, Dana Walker hired respondent to represent her on a contingency fee basis in a claim for damages arising out of injuries she had sustained in an automobile accident. In April 2017, respondent advised Ms. Walker that he had negotiated a settlement of her claim for \$80,000, but he provided no other details. He then gave her conflicting accounts regarding the status of the claim, telling her at one point that the company was “stalling” in funding the settlement. Thereafter, Ms. Walker was contacted by the insurer directly, and she learned that respondent's statements to her were false and that no final settlement had been effected. Ms. Walker was also advised that respondent had received two settlement checks totaling \$4,110, endorsed her name on the checks, and cashed them, all without her knowledge and consent. In August 2017, Ms. Walker terminated respondent's

services. The following month, respondent was arrested by the Caddo Parish Sheriff's Office on a warrant for felony theft and forgery.

In September 2017, Ms. Walker filed a complaint against respondent with the ODC. Respondent received a copy of the complaint, but he never filed a written response or otherwise responded to the complaint.

The ODC alleges that respondent's conduct violated the following provisions of the Rules of Professional Conduct: Rules 8.1(c), 8.4(b) (commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer), and 8.4(c).

#### *Count II – The Gee Matter*

In January 2016, Kathleen Gee hired respondent to represent her on a contingency fee basis in personal injury and workers' compensation claims against her employer. Thereafter, respondent failed to communicate with Ms. Gee about the status of the lawsuit. Ms. Gee later learned that, despite respondent's earlier verbal assurances, he had never filed the lawsuit. Ms. Gee was compelled to hire another lawyer to do so.

In August 2017, Ms. Gee filed a complaint against respondent with the ODC. Respondent received a copy of the complaint, but he never filed a written response or otherwise responded to the complaint.

The ODC alleges that respondent's conduct violated the following provisions of the Rules of Professional Conduct: Rules 1.3, 1.4, and 8.1(c).

#### *Count III – The Coleman Matter*

In April 2017, Brittani Coleman hired respondent to represent her in a child custody and support matter, for which she paid respondent an agreed-upon \$2,500 fixed fee. Thereafter, respondent failed to respond to Ms. Coleman's requests for

information about the status of the matter. She later learned, after contacting the clerk of court, that respondent had not filed the promised pleadings. Ms. Coleman terminated respondent's services in July 2017 and later demanded a refund of the fee she paid. To date, respondent has not refunded any portion of the fee, nor has he sought to have the matter addressed in an alternate forum.

In August 2017, Ms. Coleman filed a complaint against respondent with the ODC. Respondent received a copy of the complaint, but he never filed a written response or otherwise responded to the complaint.

The ODC alleges that respondent's conduct violated the following provisions of the Rules of Professional Conduct: Rules 1.3, 1.4, 1.5(f)(5), and 8.1(c).

### **DISCIPLINARY PROCEEDINGS**

In September 2017, the ODC filed the formal charges in 17-DB-059. In May 2018, the ODC filed the formal charges in 18-DB-043. Respondent failed to answer either set of formal charges. Accordingly, the factual allegations contained therein were deemed admitted and proven by clear and convincing evidence pursuant to Supreme Court Rule XIX, § 11(E)(3). No formal hearing was held in either matter, but the parties were given an opportunity to file with the hearing committee written arguments and documentary evidence on the issue of sanctions. The matters were consolidated on November 1, 2018 before being considered together by a single hearing committee. Respondent filed nothing for the hearing committee's consideration.

#### *Hearing Committee Report*

After considering the ODC's deemed admitted submission, the hearing committee accepted that the factual allegations contained in the formal charges were deemed admitted upon respondent's failure to file an answer. The committee then

made factual findings consistent with the deemed admitted factual allegations and made the following additional findings:

With regard to the failure to cooperate matter, the committee found that, “[a]lthough postal receipts show Respondent eventually received the formal charges as well as letters from ODC in both Docket numbers by certified mail, though not at his address listed with LSBA, he has failed to respond to any of ODC’s certified mailings, nor has he filed anything with the [disciplinary board].” With regard to the Jackson matter, the committee found that respondent had received a number of checks payable to Ms. Jackson and her clients whereupon he forged the payees’ signatures and deposited them to his own trust account. With regard to the Gilliam matter, the committee found that respondent failed to contact his client and the attorney for the insurance company. With regard to the Walker matter, the committee found that respondent was arrested and charged with forgery and felony theft in connection with the misconduct. With regard to the Gee matter, the committee found that Ms. Gee could not get in touch with respondent after she hired him to represent her. With regard to the Coleman matter, the committee found that, after being retained, respondent failed to have any contact with his client, who later learned from the clerk of court that her lawsuit had not been filed.

Based on these facts, the committee determined that respondent violated the Rules of Professional Conduct as alleged in the formal charges. The committee then determined the following:

By failing to cooperate with the ODC, respondent acted intentionally and caused harm to the legal profession. In the Chambers and Lott matters, respondent violated duties owed to the public and the legal profession, acted intentionally, and caused actual harm. In the Jackson matter, respondent acted intentionally and caused actual harm to clients, the public, and the legal profession. In the Gowan-Garrison and Johnson matters, respondent acted intentionally, and he caused actual

harm to clients and the legal profession. In the Gilliam matter, respondent acted intentionally. In the Walker matter, respondent acted intentionally and caused actual harm to his client. In the Gee and Coleman matters, respondent acted knowingly and intentionally, and he caused actual harm to his clients. The committee added that “the number of repeated violations, could not be anything other than intentional, and most of them actually harmed his clients and of [sic] the public. We are also supposed to consider aggravating and mitigating factors, but since Respondent made no appearance, we can conceptualize no mitigating factors, and, if anything, the numerous violations of the same rules would appear to be aggravating factors.”

In conclusion, the committee indicated that nothing short of permanent disbarment would protect the public and the legal profession. Accordingly, the committee recommended that respondent be permanently disbarred.

Neither respondent nor the ODC filed an objection to the hearing committee’s report.

#### *Disciplinary Board Recommendation*

After review, the disciplinary board acknowledged that the factual allegations in the formal charges were deemed admitted and proven. The board noted that based on these deemed admitted facts, the committee made specific findings of fact. The board found that several of these findings are manifestly erroneous.

In the failure to cooperate matter, the committee stated that the addresses at which respondent received the formal charges and other correspondence from the ODC were “not his address listed with LSBA.” This is incorrect, in part. The record shows he was properly served with both sets of formal charges at his primary registration statement address, which he provided to the LSBA. While service of some of the complaints was attempted only at an address he provided to the ODC, and not to the LSBA, the remaining complaints were either served or service was



attempted upon respondent at addresses he provided to the LSBA or at the address he provided to the ODC, along with the address he provided to the LSBA. Regarding the Jackson matter, the committee erred in finding that the checks were payable to Ms. Jackson and *her* clients. Instead, the checks were payable to Ms. Jackson and respondent's clients. Regarding the Gilliam matter, the committee erred in finding that respondent "failed to contact his client." Instead, the record shows that he had contact with Ms. Gilliam in December 2015 and again in October 2016. Regarding the Walker matter, the committee erred in finding that respondent was arrested and charged with forgery and felony theft. The record shows that he was arrested only for felony theft in connection with that count.<sup>2</sup> Regarding the Gee matter, the committee erred in finding that Ms. Gee could not get in touch with respondent after she hired him. The record shows that they maintained contact from January 21, 2016 through May 10, 2016. However, there was no contact between May 11, 2016 and September 14, 2016, the date she hired another attorney to handle her legal matter. Regarding the Coleman matter, the committee erred in finding that respondent failed to have any contact with his client. The record shows that they were in contact after he was hired, although the information he gave to Ms. Coleman during this time was false and misleading.

The board determined that respondent violated duties owed to his clients, the public, and the legal profession. He knowingly failed to perform services for at least five clients, resulting in the significant delay of their cases and potentially serious injury. For example, by the time Ms. Gee hired another attorney to handle her legal matter, the case was only days from prescribing. Respondent's conduct, which includes the conversion of client and third-party funds, forgery, and dishonesty, was

---

<sup>2</sup> There are two arrest reports in the record dated September 14, 2017. The first report pertains to respondent's misconduct in the Jackson matter. According to that report, respondent was arrested on a warrant for identity theft, felony theft and forgery. The second report pertains to respondent's misconduct in the Walker matter. According to that report, respondent was arrested on a warrant for felony theft.

also intentional. The actual harm to his clients, third-party providers, and the public was great. He knowingly and intentionally accepted \$6,750 in fixed fees from three clients, did little or no work, refused to refund the unearned fees, and abandoned the respective representations. He converted \$10,968.50 in funds owed to two medical providers and \$4,110 in settlement proceeds owed to a client. According to the arrest report from the Caddo Parish Sheriff's Office, respondent used Ms. Jackson's federal tax identification number without permission, resulting in settlements to be reported to the IRS as income she did not receive, and he forged her endorsement onto four settlement checks in the amounts of \$17,000, \$15,000, \$13,200, and \$47,100, all of which were payable to Ms. Jackson's law office, not to respondent, and then deposited them into his own trust account. He forced the ODC to spend additional resources during its investigation by refusing to accept or respond to the disciplinary complaints filed against him. After considering the ABA's *Standards for Imposing Lawyer Sanctions*, the board determined the baseline sanction is disbarment.

The board found the following aggravating factors are supported by the record: a dishonest or selfish motive, pattern of misconduct, multiple offenses, bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with the rules or orders of the disciplinary agency, vulnerability of the victims, substantial experience in the practice of law (admitted 2008), indifference to making restitution, and illegal conduct. The sole mitigating factor found by the board is the absence of a prior disciplinary record.

After considering respondent's conduct in light of the permanent disbarment guidelines as well as the court's prior jurisprudence addressing similar misconduct, the board recommended respondent be permanently disbarred. The board further recommended he be ordered to make restitution to Dr. Levin in the amount of \$3,738.50, Drs. Griffin and DoDoo of Advantage Chiro in the amount of \$7,230,

Ms. Gowan-Garrison in the amount of \$750, Ms. Johnson in the amount of \$3,500, Ms. Walker in the amount of \$4,110, and Ms. Coleman in the amount of \$2,500. The board also recommended respondent be assessed with the costs and expenses associated with this proceeding.

Neither respondent nor the ODC filed an objection to the disciplinary board's recommendation.

## **DISCUSSION**

Bar disciplinary matters fall within the original jurisdiction of this court. La. Const. art. V, § 5(B). Consequently, we act as triers of fact and conduct an independent review of the record to determine whether the alleged misconduct has been proven by clear and convincing evidence. *In re: Banks*, 09-1212 (La. 10/2/09), 18 So. 3d 57.

In cases in which the lawyer does not answer the formal charges, the factual allegations of those charges are deemed admitted. Supreme Court Rule XIX, § 11(E)(3). Thus, the ODC bears no additional burden to prove the factual allegations contained in the formal charges after those charges have been deemed admitted. However, the language of § 11(E)(3) does not encompass legal conclusions that flow from the factual allegations. If the legal conclusion the ODC seeks to prove (i.e., a violation of a specific rule) is not readily apparent from the deemed admitted facts, additional evidence may need to be submitted in order to prove the legal conclusions that flow from the admitted factual allegations. *In re: Donnan*, 01-3058 (La. 1/10/03), 838 So. 2d 715.

The record in this deemed admitted matter supports a finding that respondent engaged in serious attorney misconduct, including abandonment of his clients' legal matters, failure to communicate with his clients, conversion of client and third-party

funds, and failure to cooperate with the ODC in its investigations. This misconduct is a violation of the Rules of Professional Conduct as alleged in the formal charges.

Having found evidence of professional misconduct, we now turn to a determination of the appropriate sanction for respondent's actions. In determining a sanction, we are mindful that disciplinary proceedings are designed to maintain high standards of conduct, protect the public, preserve the integrity of the profession, and deter future misconduct. *Louisiana State Bar Ass'n v. Reis*, 513 So. 2d 1173 (La. 1987). The discipline to be imposed depends upon the facts of each case and the seriousness of the offenses involved considered in light of any aggravating and mitigating circumstances. *Louisiana State Bar Ass'n v. Whittington*, 459 So. 2d 520 (La. 1984).

The record further supports a finding that respondent violated duties owed to his clients, the public, and the legal profession. His misconduct was knowing and intentional, and caused significant actual harm. The baseline sanction for this type of misconduct is disbarment. The record supports the aggravating and mitigating factors found by the disciplinary board.

In their respective reports, the hearing committee and the disciplinary board have concluded respondent's offenses are so egregious that he should be permanently prohibited from applying for readmission to the bar. We agree. In Appendix D to Supreme Court Rule XIX, the court set forth guidelines illustrating the types of conduct that might warrant permanent disbarment. For purposes of the instant case, Guidelines 1 is relevant. These guidelines detail the following conduct:

GUIDELINE 1. Repeated or multiple instances of intentional conversion of client funds with substantial harm.

Respondent engaged in six instances of conversion, which resulted in harm to Dr. Levin in the amount of \$3,738.50, harm to Advantage Chiro in the amount of \$7,230, harm to Ms. Gowan-Garrison in the amount of \$750, harm to Ms. Johnson

in the amount of \$3,500, harm to Ms. Walker in the amount of \$4,110, and harm to Ms. Coleman in the amount of \$2,500. Respondent's conduct was intentional and the amounts converted were significant. He has demonstrated a disregard for his clients and for his duties as an attorney. In order to protect the public and maintain the high standards of the legal profession in this state, we find respondent should not be allowed the opportunity to return to the practice of law in the future.

Accordingly, we will adopt the board's recommendation and permanently disbar respondent. We will also order respondent to make restitution, with legal interest, to the victims of his misconduct.

### **DECREE**

Upon review of the findings and recommendations of the hearing committee and disciplinary board, and considering the record, it is ordered that Christopher Lee Sices, also known as Chris Lee Sices, Louisiana Bar Roll number 32049, be and he hereby is permanently disbarred. His name shall be stricken from the roll of attorneys and his license to practice law in the State of Louisiana shall be revoked. Pursuant to Supreme Court Rule XIX, § 24(A), it is further ordered that respondent be permanently prohibited from being readmitted to the practice of law in this state. It is further ordered that respondent make restitution to his victims, with legal interest, and repay to the Louisiana State Bar Association's Client Assistance Fund any amounts paid to claimants on his behalf. All costs and expenses in the matter are assessed against respondent in accordance with Supreme Court Rule XIX, § 10.1, with legal interest to commence thirty days from the date of finality of this court's judgment until paid.

**02/18/2020 "See News Release 007 for any Concurrences and/or Dissents."**

**SUPREME COURT OF LOUISIANA**

**NO. 2019-B-1875**

**IN RE: CHRISTOPHER LEE SICES**

**ATTORNEY DISCIPLINARY PROCEEDING**

**Hughes, J., would order disbarment.**