

IN RE: CHRISTA L. EMERSON aka CHRISTA L. TOMASI

BBO # 678131

NO. BD-2022-034

Order (Term Suspension) entered by Justice Kafker on April 27, 2022, with an Effective Date of May 27, 2022.¹

For her violation of conflict of interest and other rules, and for inappropriate sexual pursuit of a client, the respondent received a ninety-day suspension, with conditions.

SUMMARY²

The respondent, a solo practitioner focusing on residential real estate work, met the client through an online dating and social networking website. Once they met in person, they discovered they had many common interests, including their respective real estate businesses. They quickly became friends. Although the client was not interested in a sexual relationship with the respondent, she repeatedly texted him nude and otherwise inappropriate photos of herself and, during the course of the relationship, sent him provocative text messages.

The client retained the respondent to do legal work for him on multiple matters. In violation of Mass. R. Prof. C. 1.5(b)(1), the respondent never communicated to the client in writing the scope of the representation and the basis or rate of the fee and expenses for which he would be responsible. The respondent also entered into two joint business ventures with the client and, in violation of Rules 1.8(a)(2) and (3), never advised him in writing of the desirability of seeking advice of independent counsel in the transactions. In violation of Rules 1.7(a) and (b), she never obtained the client's informed consent in writing to her role in the transactions/entities or to the significant risk that her personal interest in both a sexual relationship with the client and the joint ventures might materially limit her representation of and responsibilities to him. Her sending inappropriate sexual photographs and communications violated Rule 8.4(h) (conduct that adversely reflects on fitness to practice law).

The client eventually ended his personal and professional relationship with the respondent. After the termination of the representation, the respondent failed to protect the client's interests, in violation of Rule 1.16(d).

The parties filed a stipulation as to the misconduct and rule violations and jointly recommended to the Board a ninety-day suspension, with conditions. By vote dated April 11, 2022, the Board of Bar Overseers recommended to the S.J.C. that it accept the parties' stipulation to a ninety-day suspension.

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.

On April 27, 2022, Justice Kafker imposed a ninety-day suspension with conditions; namely, during the suspension period, the respondent shall undergo an assessment by Lawyers' Concerned for Lawyers (LCL); shall implement any course of action or recommendations that may result from the LCL assessment; and shall, on or before June 20, 2022, attend the Massachusetts Continuing Legal Education (MCLE) program "How to Make Money and Stay Out of Trouble."

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
NO: BD-2022-034

IN RE: CHRISTA L. EMERSON
aka CHRISTA L. TOMASI

ORDER OF TERM SUSPENSION

This matter came before the Court, Kafker, J., on an Information and Record of Proceedings pursuant to S.J.C. Rule 4:01, § 8(6), with the Recommendation and Vote of the Board of Bar Overseers (Board) and the March 14, 2022 Stipulation of the Parties filed by the Board on April 25, 2022. Upon consideration thereof, it is ORDERED that:

1. Christa L. Emerson aka Christa L. Tomasi is hereby suspended from the practice of law in the Commonwealth of Massachusetts for a period of ninety (90) days.

During the ninety (90) day suspension period, the lawyer shall undergo an assessment by Lawyers' Concerned for Lawyers (LCL). The lawyer shall implement any course of action or recommendations that may result from the LCL assessment.

In addition, the lawyer shall attend the Massachusetts Continuing Legal Education (MCLE) program "*How to Make Money and Stay Out of Trouble*", on or before June 20, 2022.

In accordance with S.J.C. Rule 4:01, §17(3), the suspension shall be effective thirty (30) days after the date of the entry of this Order. The lawyer, after the entry of this Order, shall not accept any new retainer or engage as a lawyer for another in any new case or legal matter of any nature. During the period between the entry date of this Order and its effective date, however, the lawyer may wind up and complete, on behalf of any client, all matters which were pending on the entry date.

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 she 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 her 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.

5. Prior to reinstatement and pursuant to S.J.C. Rule 4:01, § 18(1), the lawyer shall file with the Clerk of the Supreme Judicial Court for the County of Suffolk and the Office of Bar Counsel an affidavit stating that the lawyer has fully complied with the terms of the March 14, 2022 Stipulation of the Parties and with this Order.

By the Court, (Kafker, J.)

/s/ Maura S. Doyle

Maura S. Doyle, Clerk

Entered: April 27, 2022