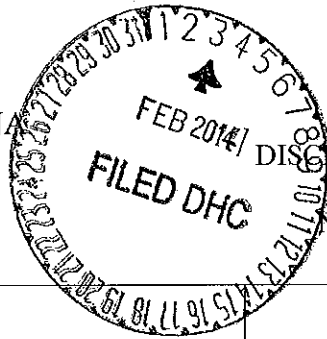


STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE DISCIPLINARY HEARING COMMISSION OF THE NORTH CAROLINA STATE BAR 14 DHC 4

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

CHRISTOPHER H. RAHILLY, Attorney,

Defendant

COMPLAINT

Plaintiff, complaining of Defendant, alleges and says:

1. Plaintiff, the North Carolina State Bar, is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar promulgated thereunder.

2. Defendant, Christopher H. Rahilly, was admitted to the North Carolina State Bar in August 2009 and is an Attorney at Law subject to the rules, regulations, and Rules of Professional Conduct of the North Carolina State Bar and the laws of the State of North Carolina.

3. During the relevant period referred to herein, Rahilly was actively engaged in the practice of law in Elizabeth City, Pasquotank County, North Carolina.

FIRST CLAIM FOR RELIEF

4. Paragraphs 1 through 3 are re-alleged and incorporated as if set forth herein.

5. Rahilly's law practice consisted primarily of representing clients in domestic cases, including divorce, child custody, and adoption.

6. Rahilly represented Client A¹ in a child custody case in the summer of 2012.

7. Rahilly was acquainted with Client A prior to the representation, but they had not had any sexual contact.

¹ To protect the privacy of the clients referenced herein, no identifying information is included in the complaint, which will be publically available on the State Bar's website. Defendant has been notified of the identity of the individuals referred to herein as "Client A," "Client B," and "Client C."

8. During the representation, Rahilly sent Client A text messages containing photographs he had taken of himself; including full length nudes and graphic pictures of his erect penis.

9. On one or more occasions during the representation, Rahilly kissed and sexually touched Client A during an office meeting that was ostensibly about her custody case.

10. Beginning in September 2012, Rahilly represented Client B in a custody matter and in connection with a domestic violence protective order. Rahilly and Client B did not know each other prior to the representation.

11. During the representation, Rahilly sent Client B text messages containing photographs he had taken of himself, including full length nudes and graphic pictures of his erect penis.

12. Rahilly asked Client B to send him sexually explicit pictures of herself.

13. Rahilly also sent Client B text messages with sexually explicit written content, including but not limited to:

- (a) Messages about when they would be able to “play”;
- (b) Comments about how Client B should “do some yoga” because she was going to “need to be flexible”;
- (c) Inquiring about the “craziest place [Client B had] had sex”; and
- (d) Describing a dream he had in which he and Client B had sexual intercourse and he watched Client B perform oral sex on another man.

14. In late November 2012, Rahilly sent Client B a series of text messages in which he proposed that when Client B came to Rahilly’s office to retrieve her tape recorder, they could have sex. During this exchange, Rahilly informed Client B that he had had a vasectomy, so she could “ride bareback.”

15. On 29 November 2012, Rahilly and Client B met in his office after hours and had sexual intercourse.

16. In or about May 2011, Rahilly began representing Client C in a child custody case. Rahilly and Client C did not know each other prior to the representation.

17. Within weeks after the representation began, Rahilly began sending Client C text messages containing sexual innuendo and requests for Client C to send him explicit pictures of herself.

18. During the representation, Rahilly repeatedly sent Client C text messages containing photographs he had taken of himself, including many graphic pictures of his erect penis and at least one full-length nude.

19. During the representation, Rahilly took Client C out to dinner and brought her back to her house afterwards.

20. When Rahilly brought Client C to her house after dinner, he kissed her and told her that he wanted to come inside and have sex. Client C declined.

21. At a subsequent meeting with Client C at Rahilly's office, Rahilly exposed his erect penis and said to Client C "look what you're doing to me."

22. On one occasion during a meeting at his office with Client C, Rahilly locked his office door, lifted Client C onto his desk, and began kissing her and rubbing his genitals on her.

23. On multiple occasions during the approximately ten-month representation, Rahilly kissed and sexually touched Client C during office meetings that were ostensibly about her custody case.

24. During the time Rahilly represented Client C, he was employed as a salaried associate in a law firm, and was compensated through the firm's payroll.

25. All legal fees Rahilly earned while he was employed as an associate attorney were property of the law firm.

26. Rahilly worked on Client C's case during regular business hours and entered his billable hours in Client C's case into the firm's billing system.

27. As an associate, Rahilly did not have authority to "write off" or forgive a client's indebtedness to the firm.

28. Without the knowledge or authorization of any of the firm's partners, Rahilly wrote off at least \$3,100.00 in legal fees to which the firm was entitled for his work on Client C's case.

29. Rahilly's unauthorized write off of Client C's fees deprived the firm of at least \$3,100.00.

THEREFORE, Plaintiff alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) in that Defendant violated the Rules of Professional Conduct as follows:

- (a) By sending sexually explicit messages and images to his clients and requesting that his clients reciprocate, Rahilly attempted to have sexual relations with his client in violation of Rule 8.4(a) and engaged in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);
- (b) By kissing, sexually touching, and/or having intercourse with his clients, Rahilly engaged in sexual relations with clients in violation of Rule 1.19(a) and engaged

in conduct prejudicial to the administration of justice in violation of Rule 8.4(d);
and

- (c) By writing off Client C's fees without the knowledge or authorization of the partners, thereby depriving the firm of funds to which it was entitled, Rahilly engaged in conduct involving dishonesty, deceit, or misrepresentation in violation of Rule 8.4(c).

SECOND CLAIM FOR RELIEF

30. Paragraphs 1 through 29 are re-alleged and incorporated as if set forth herein.

31. The photographs referenced in the First Claim for Relief above, which Rahilly took of himself and disseminated to his clients, were obscene within the definition of N.C. Gen. Stat. § 14-190.1(c).

32. It is a violation of North Carolina criminal statute (§ 14-190.5) to take an obscene photograph of oneself for purposes of dissemination.

33. It is also a violation of criminal statute (§ 14-190.1(a)) to intentionally disseminate obscenity.

34. A lawyer's act of taking obscene photographs of himself for the purpose of disseminating those photographs to his clients reflects adversely on the lawyer's professional fitness.

THEREFORE, Plaintiff alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) in that Defendant violated the Rules of Professional Conduct as follows: By taking obscene pictures of himself for the purpose of disseminating those photographs to his clients, Rahilly engaged in criminal conduct reflecting adversely on his fitness as a lawyer in violation of Rule 8.4(b).

THIRD CLAIM FOR RELIEF

35. Paragraphs 1 through 34 are re-alleged and incorporated as if set forth herein.

36. Pursuant to a subpoena issued by the North Carolina State Bar's Grievance Committee, Rahilly appeared at the State Bar on 17 September 2013 and was interviewed by an Investigator and Deputy Counsel regarding allegations that he had sexual relationships with clients.

37. During the 17 September 2013 interview, Rahilly acknowledged "sexting" with some of his former clients, but stated that he knew it would be inappropriate to send explicit pictures and messages to current clients. Rahilly maintained that he never sent any such content to a client until after the representation concluded.

38. During the 17 September 2013 interview, Rahilly specifically denied having physical contact of any kind with Client A, Client B, and Client C.

39. At the time he made the statements to State Bar staff described in paragraphs 37 and 38, above, Rahilly knew that those statements were false.

40. In response to a follow-up letter from the State Bar regarding the grievance investigation, Rahilly executed an affidavit dated 16 October 2013, in which he swore to the truth of the following statements:

- (a) "I never had any physical contact with [Client A] of any kind."
- (b) "I have never had any physical contact with [Client B]. [Client B]'s mother was present for virtually every meeting I can recall with [Client B] with the exception of the meeting with her husband."
- (c) "I have never had any physical contact with [Client C] of any kind."

41. Rahilly knew, at the time he executed the 16 October 2013 affidavit, that the statements set forth in paragraph 40 above were false.

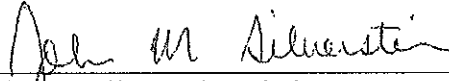
THEREFORE, Plaintiff alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C. Gen. Stat. §§ 84-28(b)(2) and 84-28(b)(3) in that Defendant violated § 84-28(3) and the Rules of Professional Conduct as follows:

- (a) By making false statements during the September 2013 interview at the State Bar, Rahilly knowingly made false statements of material fact in connection with a disciplinary matter in violation of Rule 8.1(a) and engaged in conduct involving dishonesty, deceit, and misrepresentation in violation of Rule 8.4(c);
- (b) By making false statements under oath in the October 2013 affidavit, Rahilly knowingly made false statements of material fact in connection with a disciplinary matter in violation of Rule 8.1(a), and engaged in conduct involving dishonesty, deceit, and misrepresentation in violation of Rule 8.4(c); and
- (c) By making false statements in the September 2013 interview and the October 2013 affidavit, Rahilly knowingly misrepresented facts and circumstances surrounding allegations of misconduct issued by the State Bar in violation of N.C. Gen. Stat. 84-28(b)(3).

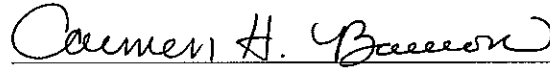
WHEREFORE, Plaintiff prays that

1. Disciplinary action be taken against Defendant in accordance with N.C.G.S. § 84-28 (c) and 27 N.C.A.C. 1B § .0114 as the evidence on hearing may warrant;
2. Defendant be taxed with the administrative fees and with actual costs permitted by law in connection with the proceeding; and
3. For such other and further relief as the Hearing Panel deems appropriate.

This the 3rd day of February, 2014



John M. Silverstein, Chair
Grievance Committee



Carmen Hoyme Bannon, Deputy Counsel
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