

DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY

In the Matter of:	:	
	:	
CHRISTOPHER C. YUM,	:	
	:	D.C. App. No. 09-BG-1098
Respondent.	:	Bar Docket No. 242-09
	:	
A Suspended Member of the Bar of the	:	
District of Columbia Court of Appeals	:	
(Bar Registration No. 424602)	:	

REPORT AND RECOMMENDATION OF THE
BOARD ON PROFESSIONAL RESPONSIBILITY

This matter is before the Board on Professional Responsibility (the “Board”) on the unopposed motion of Bar Counsel to accept consent to disbarment pursuant to D.C. Bar R. XI, § 12(b). Respondent’s affidavit declaring consent to disbarment, executed on April 6, 2011, is attached to Bar Counsel’s motion.

D.C. Bar R. XI, § 12(a) provides that an attorney who is the subject of an investigation or pending proceeding based on allegations of misconduct may consent to disbarment by delivering to Bar Counsel an affidavit declaring the attorney’s consent to disbarment and stating:

- (1) That the consent is freely and voluntarily rendered, that the attorney is not being subjected to coercion or duress, and that the attorney is fully aware of the implication of consenting to disbarment;
- (2) That the attorney is aware that there is currently pending an investigation into, or a proceeding involving, allegations of misconduct, the nature of which shall be specifically set forth in the affidavit;
- (3) That the attorney acknowledges that the material facts upon which the allegations of misconduct are predicated are true; and

(4) That the attorney submits the consent because the attorney knows that if disciplinary proceedings based on the alleged misconduct were brought, the attorney could not successfully defend against them.

Respondent is currently suspended from the practice of law in the above-captioned matter pursuant to D.C. Bar R. XI, § 10(c) by order of the Court, dated September 29, 2009. Order, *In re Yum*, No. 09-BG-1098 (D.C. Sept. 29, 2009). The suspension is based on Respondent's guilty plea, on August 14, 2006, in the U.S. District Court for the Eastern District of Virginia, to making false and fraudulent statements in violation of 18 U.S.C. §§ 1001 and 2. The Court referred the matter to the Board to determine whether the crimes involve moral turpitude within the meaning of D.C. Code § 11-2503(a). *Id.* On February 3, 2010, the Board found that a violation of 18 U.S.C. § 1001 does not constitute moral turpitude *per se* and that this matter should be referred to a Hearing Committee to determine whether Respondent's conviction involves moral turpitude on the facts, and what final discipline is appropriate. Order *In re Yum*, Bar Docket No. 242-09 (BPR Feb. 3, 2010).

The Board, acting through its Chair, and pursuant to D.C. Bar R. XI, § 12(b) and Board Rule 16.2, approves Respondent's affidavit declaring consent to disbarment and recommends that the Court enter an order disbarring Respondent on consent pursuant to D.C. Bar R. XI, § 12(b).

If the Court disbars Respondent on consent, the Court need not reach the question whether Respondent's crimes involve moral turpitude. Accordingly, the Board further recommends that the Court dismiss the criminal conviction matter as moot. *See, e.g., In re Cinquegrani*, 969 A.2d 261 (D.C. 2009) (per curiam); *In re Novick*, 619 A.2d 514, 515 (D.C. 1993) (per curiam).

Respondent filed the affidavit required by D.C. Bar R. XI, § 14(g) on October 22, 2009. After receiving notice from Bar Counsel that the affidavit was deficient, Respondent promptly corrected the deficiencies and filed a fully compliant affidavit on November 6, 2009. Therefore, the period of disbarment should run, for the purposes of reinstatement, from November 6, 2009. *See, In re Slosberg*, 650 A.2d 1329, 1332 (D.C. 1994).

BOARD ON PROFESSIONAL RESPONSIBILITY

By: /CJW/
Charles J. Willoughby
Chair

Dated: April 29, 2011