

VIRGINIA:

BEFORE THE FIFTH DISTRICT – SECTION II SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

MAY 8 2013

IN THE MATTER OF  
Christopher L. Markham

VSB Docket No. 12-052-090181  
12-052-089878

SUBCOMMITTEE DETERMINATION  
PUBLIC REPRIMAND WITHOUT TERMS

On April 23, 2013 a meeting was held in this matter before a duly convened Fifth District – Section II Subcommittee consisting of Brian Mitchell Hirsch, Esquire, Lee Wilkinson, lay member, and David Edward Roop, Jr., Esquire, presiding. During the meeting, the Subcommittee voted to approve an agreed disposition for a Public Reprimand without Terms pursuant to Part 6, § IV, ¶ 13-15.B.4 of the Rules of the Supreme Court of Virginia. The agreed disposition was entered into by the Virginia State Bar, by Anastasia K. Jones, Assistant Bar Counsel, Christopher L. Markham, Respondent, and Justin Michael Flint, Esquire, counsel for Respondent.

WHEREFORE, the Fifth District – Section II Subcommittee of the Virginia State Bar hereby serves upon Respondent the following Public Reprimand without Terms:

I. FINDINGS OF FACT

1. On June 15, 2004, the Maryland Court of Appeals admitted Respondent to practice law before the Courts of Maryland.
2. On August 4, 2009, Respondent submitted to the Virginia State Bar his application for a Corporate Counsel Certificate with accompanying Affidavit of Applicant pursuant to Virginia Supreme Court Rule 1A:5. Exhibit 1. In November 2009, Respondent

became a Corporate Counsel Registrant, employed by Landmark Title Services, Inc. (“Landmark”) with its principal office in Vienna, Virginia. At all times relevant herein, Respondent was an active Corporate Counsel Registrant, authorized to practice law in the Commonwealth of Virginia on behalf of Landmark, subject to the limitations for Corporate Counsel Registrants set forth in Virginia Supreme Court Rule 1A:5.

3. Respondent is a member of The Law Office of Christopher L. Markham, L.L.C. (“Respondent’s law firm”), which at the time relevant to these matters was located in Rockville, Maryland.

4. The Virginia State Bar received two Bar Complaints alleging that Respondent held out himself and/or Respondent’s law firm as being authorized in the Commonwealth of Virginia to provide legal services and/or advice to those other than Landmark, and/or offered to provide legal services to those other than Landmark. The Complainants in these matters are Sophia Vlassides (VSB Docket No. 12-052-089878) and Mabood Magsoudlou (VSB Docket No. 12-052-090181).

**VSB Docket No. 12-052-089878**

5. During 2011, Respondent began to work with Landmark, a real estate brokerage firm. To seek out potential clients on behalf of Landmark, Respondent caused written advertisements to be sent via first class mail to people whose addresses appeared on foreclosure dockets. Respondent did not review the advertisements before they were sent, and did not provide any training or supervision to those sending the advertisements with regard to the requirements of the Rules of Professional Conduct.

6. The written advertisements (an example of which is attached as “Exhibit 2”) appeared to be on letterhead from the Respondent’s firm. Two (2) addresses were listed at the

bottom of the page: the address of the Respondent's law office in Rockville, Maryland under the heading "Maryland Office," and the address of Landmark in Vienna, Virginia under the heading "Virginia Office." The advertisement did not state that the Vienna, Virginia location was Landmark's office.

7. The advertisements also included two (2) telephone numbers in which potential clients could contact the Respondent's law firm. One was a toll free number, and the other was a Northern Virginia number ("703" area code).

8. Additionally, the advertisement stated "Attn: Christopher L. Markham, Esquire," suggesting that the potential client could contact Respondent to seek legal advice. The advertisement did not state that the Respondent was only admitted to practice law as Corporate Counsel for Landmark; and by extension, that he was limited in his ability to practice law generally in the Commonwealth of Virginia.

9. Respondent intended that anyone contacting Respondent's law firm concerning a property located in the Commonwealth of Virginia would be represented by a Virginia licensed attorney who was employed by Respondent's law firm. Nonetheless, the name of the Virginia licensed attorney employed by Respondent's law firm was not listed on the advertisement.

10. Finally, although the advertisement contained the statement, "This is an Advertisement," at the top, this phrase was printed in a type size smaller than the other language on the advertisement, and was not printed in all capital letters.

11. On October 28, 2011, Sophia Vlissides filed a Bar Complaint with the Virginia State Bar alleging that Respondent sent a misleading advertisement offering services in connection with the potential foreclosure of her home. The advertisement was misleading in that Ms. Vlissides' home was not actually in foreclosure.

12. In addition, the advertisement was misleading and unclear because a recipient could have been lead to believe that they would automatically be entitled to the relief detailed therein, when in actuality the holder of the underlying debt would have to agree.

13. In response to this Bar Complaint, Respondent discontinued sending any further letters, in order to review the layout and language of the advertisement. Ultimately, Respondent did not continue using this advertisement.

**VSB Docket No. 12-052-090181**

14. In or about the Spring of 2011, Respondent came into contact with Pegah Magsoudlou (“Ms. Magsoudlou”) and her husband, Mabood Magsoudlou (“Mr. Magsoudlou”), through Landmark.

15. Respondent sought to obtain a release for the short sale of the Magsoudlous’ condominium.

16. Based on his assistance in obtaining a release for the short sale, Ms. Magsoudlou asked Respondent to assist her in various other criminal and civil legal matters involving Mr. Magsoudlou, including a divorce action. Respondent agreed to assist her, on a limited *pro bono* basis, and also associated with other attorneys licensed in the Commonwealth of Virginia to do so.

17. In connection with this representation, Respondent communicated with Mr. Magsoudlou and held himself out as representing Ms. Magsoudlou “through the law offices of Allred, Bacon, Halfhill & Young.” Additionally, Respondent informed Mr. Magsoudlou of his office address in Maryland by sending emails and/or letters to him which included that address. Respondent did not, however, inform Mr. Magsoudlou in writing (1) that he was not admitted to practice law in Virginia and (2) the jurisdictions in which he was licensed to practice.

18. On or about November 30, 2011, Mr. Magsoudlou filed a Complaint with the Virginia State Bar alleging that the Respondent held himself out as authorized to practice law in the Commonwealth of Virginia because Respondent did not clearly inform Mr. Magsoudlou in writing of his status as Corporate Counsel.

### **Mitigation**

19. Respondent has taken full responsibility for his Misconduct and has demonstrated remorse.

20. Respondent has practiced law since 2004 with good standing and has not received disciplinary sanctions from any court, state bar association, and/or jurisdiction.

21. Respondent has cooperated with the Virginia State Bar, including providing multiple written responses, client files and marketing materials.

22. Respondent voluntarily discontinued use of the advertisement at issue in this matter upon receipt of the Vlissides Complaint and will not use that advertisement in the future.

23. Respondent and Respondent's law firm do not practice law in the Commonwealth of Virginia.

## **II. NATURE OF MISCONDUCT**

Such conduct by Respondent constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

### **Rule 5.3 Responsibilities Regarding Nonlawyer Assistants**

With respect to a nonlawyer employed or retained by or associated with a lawyer:

(a) a partner or a lawyer who individually or together with other lawyers possesses managerial authority in a law firm shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that the person's conduct is compatible with the professional obligations of the lawyer;

(b) a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer; and

(c) a lawyer shall be responsible for conduct of such a person that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer if:

...

(2) the lawyer is a partner or has managerial authority in the law firm in which the person is employed, or has direct supervisory authority over the person, and knows or should have known of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

### **Rule 5.5 Unauthorized Practice Of Law; Multijurisdictional Practice of Law**

...

(d) Foreign Lawyers:

(1) "Foreign Lawyer" is a person authorized to practice law by the duly constituted and authorized governmental body of any State or Territory of the United States or the District of Columbia . . . but is neither licensed by the Supreme Court of Virginia or authorized under its rules to practice law generally in the Commonwealth of Virginia . . . .

...

(3) A Foreign Lawyer shall inform the client and interested third parties in writing:

- (i) that the lawyer is not admitted to practice law in Virginia;
- (ii) the jurisdiction(s) in which the lawyer is licensed to practice; and
- (iii) the lawyer's office address in the foreign jurisdiction.

### **Rule 7.1 Communications Concerning A Lawyer's Services**

(a) A lawyer shall not, on behalf of the lawyer . . . or the firm, use or participate in the use of any form of public communication if such communication contains a . . . misleading . . . or deceptive statement or claim. For example, a communication violates this Rule if it:

(1) contains . . . misleading information[.]

...

(4) is likely to create an unjustified expectation about results the lawyer can achieve....

(b) Public communication means all communication other than "in-person" communication as defined by Rule 7.3.

### **Rule 7.2 Advertising**

...

(d) A written or e-mail communication that bears the lawyer's or firm's name and the purpose of which in whole or in part is an initial contact to promote employment for a fee, sent to a prospective non-lawyer client who is not:

(1) a close friend, relative, current client, former client; or

(2) one who has initiated contact with the attorney; or

(3) one who is similarly situated with a current client of the attorney with respect to a specific matter being handled by the attorney, to the extent that the prospective client's rights may be reasonably expected to be materially affected by the outcome of the matter;

shall be identified by conspicuous display of the statement in upper case letters "ADVERTISING MATERIAL."

The required statement shall be displayed in the lower left hand corner of the address portion of the communication in type size at least equal to the largest type used on the communication and also on the front of the first page of the communication in type size at least equal to the largest type used on the page. Further, in the case of e-mail advertising or solicitation, the header shall also display the statement, in uppercase letters, "ADVERTISING MATERIAL."

...

(e) Advertising made pursuant to this Rule shall include the full name and office address of an attorney licensed to practice in Virginia who is responsible for its content or, in the alternative, a law firm may file with the Virginia State Bar a current written statement identifying the responsible attorney for the law firm's advertising and its office address, and the firm shall promptly notify the Virginia State Bar in writing of any change in status.

### **Rule 7.5 Firm Names and Letterheads**

(a) A lawyer or law firm may use or participate in the use of a professional card, professional announcement card, office sign, letterheads, telephone directory listing, law list,

legal directory listing, website, or a similar professional notice or device unless it includes a statement or claim that is . . . misleading . . .

(b) A law firm shall not be formed or continued between or among lawyers licensed in different jurisdictions unless all enumerations of the members and associates of the firm on its letterhead and in other permissible listings make clear the jurisdictional limitations of those members and associates of the firm not licensed to practice in all listed jurisdictions; however, the same firm name may be used in each jurisdiction.

...

**Virginia Supreme Court Rule 1A:5(f)**

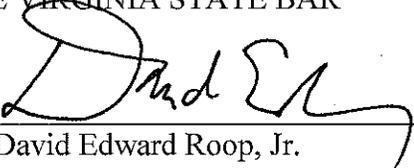
(f) ... Except as specifically authorized under Part I (g) below, no lawyer certified pursuant to Part I of this rule shall... (ii) offer or provide legal services to any person other than his or her Employer... (iv) hold himself or herself out to be authorized to provide legal services or advice to any person other than his or her Employer.

III. PUBLIC REPRIMAND WITHOUT TERMS

Accordingly, having approved the agreed disposition, it is the decision of the Subcommittee to impose a Public Reprimand Without Terms and Christopher L. Markham is hereby so reprimanded. Pursuant to Part 6, § IV, ¶ 13-9.E of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs.

FIFTH DISTRICT – SECTION II SUBCOMMITTEE  
OF THE VIRGINIA STATE BAR

By:

  
David Edward Roop, Jr.  
Subcommittee Chair

**VIRGINIA SUPREME COURT RULE**  
**RULE 1A:5 VIRGINIA CORPORATE COUNSEL**

In the Matter of the Application of

**AFFIDAVIT OF APPLICANT**

Christopher L. Markham, Esquire  
for a certificate as a Virginia Corporate Counsel

The undersigned applicant, being first duly cautioned, swears or affirms the following:

- 1) I hereby make application for a certificate to practice law in the State of Virginia under Part I of Rule 1A:5 as a Virginia Corporate Counsel.
- 2) I have read, am familiar with, and agree to be bound by the Virginia Rules of Professional Conduct. (Copy available on the Bar's website at <http://www.vsb.org>)
- 3) I hereby agree to submit to the jurisdiction of the Virginia Supreme Court and the Virginia State Bar for disciplinary purposes pursuant to Part I of Rule 1A:5.
- 4) I have enclosed an application fee in the amount of one hundred fifty dollars (\$150).
- 5) My employer's address and phone number are:

Landmark Title Services, Inc.  
(Please print)

1960 Gallows Road, Suite 110A

Vienna, Virginia 22182

703-639-0660

(Phone)

703-593-0535

(Fax)

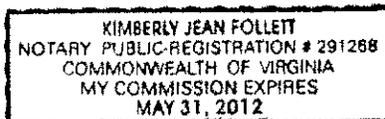
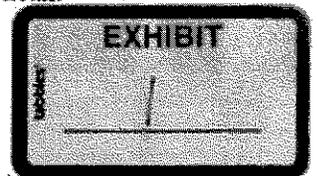
- 6) I am a member of the Bar in good standing in Maryland.

(Jurisdiction)

*Christopher L. Markham*  
\_\_\_\_\_  
Signature of Applicant

Sworn to or affirmed before me and subscribed in my presence this 4 day of

August, 2009



*Kimberly Jean Follett*  
\_\_\_\_\_  
Notary Public

Please complete and return to: Virginia State Bar, Eighth & Main Building, 707 E. Main Street, Suite 1500, Richmond, VA 23219-2800.

This is an Advertisement

The Law Office of  
**Christopher L. Markham**  
L.L.C.  
751 Rockville Pike, 4A Rockville, MD 20852

## Fecha de Embargo (Foreclosure Date)

**11/03/2011**

Matthew J Vlissides / Sophia  
7601 BURFORD DR,  
MC LEAN, VA 22102-2102

Attn:

Christopher L Markham, Esquire

Toll Free Number 1-888-222-9057

### YOUR PROPERTY IS ON FORECLOSURE

You still can SAVE your home. We can help you. YOU NEED TO TAKE IMMEDIATE ACTION to stop the Foreclosure

You have the right to use these legal options:

Loan Modification: Your payments could be reduced because your interest rate will be reduced or the time of you loan will be extended.

Short Sale(HAFA): The bank approves the sale of your property at the market value. If you qualify, the bank might give you up to \$3,000 for relocation expenses.

The bank will not foreclose the property when we will be working with the Loss Mitigation Department.

We can help you with a Bankruptcy chapter 7 or chapter 13 if you need it.

Don't let the bank take the chance to decide for you what you can do with your property

**Call us now!!! 703- 822- 4143**

Maryland Office  
751 Rockville Pike, 4A  
Rockville, MD 20852

Virginia Office  
1960 Gallows Rd #110  
Vienna VA 22182

EXHIBIT

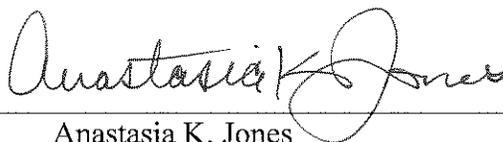
EXHIBIT

2

*If you stop paying your mortgage, you could lose your home and damage your credit rating.*

CERTIFICATE OF MAILING

I certify that on May 8, 2013, a true and complete copy of the Subcommittee Determination (Public Reprimand Without Terms) was sent by certified mail to Christopher L. Markham, Respondent, at 903 Gatepost Lane, 2C, Frederick, Maryland 21701, Respondent's last address of record with the Virginia State Bar, and by first class mail, postage prepaid, to Justin Michael Flint, counsel for Respondent, at Eccleston & Wolf, P.C., Suite 260, 1629 K Street, NW, Washington, DC 20006.

A handwritten signature in cursive script that reads "Anastasia K. Jones". The signature is written in black ink and is positioned above a horizontal line.

---

Anastasia K. Jones  
Assistant Bar Counsel