



**CHRISTOPHER DAVID ENGBRETSON**

**Public Reprimand No. 2013-11**

**Order (public reprimand) entered by the Board on June 28, 2013.**

**SUMMARY<sup>1</sup>**

In 2008, the respondent was hired by a placement agency for lawyers to work on temporary assignments for clients of the agency. When on assignment, the respondent was contractually obligated to keep contemporaneous time records and was to be paid at an hourly rate based upon weekly time reports submitted by the respondent. On September 2, 2008, the agency placed the respondent at an investment company (the firm) to review and analyze electronic documents to assist the firm in responding to discovery requests from various litigants and regulators. In that position, the respondent used a document review software application to review and code documents for analysis and production. He performed his work for the firm primarily online from his home.

Between January 19, 2010, and October 26, 2010, the respondent submitted weekly time reports to the agency for his work on behalf of the firm in thirteen matters. The respondent was paid for the hours stated on his weekly time reports.

During the time period that he worked on the firm's matters, the respondent did not keep contemporaneous time records, but did not so advise the agency. The respondent prepared his weekly time reports based on after-the-fact estimates and reconstructions, despite his obligation to keep contemporaneous and accurate time records. The time reports were due weekly, but the respondent was often late submitting reports.

The respondent's weekly time reports were replete with errors, including misidentifying the days that he worked, failing to include hours for days that he did work and misidentifying the matters that he worked on. As a result of his failure to keep accurate

---

<sup>1</sup> Compiled by the Board of Bar Overseers based on the record before the board.

contemporaneous time records, the respondent negligently overestimated his total online hours, resulting in overbillings to the agency. There was no consistency as to the amount or percentage of the overbilling in each matter.

By negligently billing for time he did not actually work, and accepting payment for it, the respondent charged and collected a clearly excessive fee, in violation of Mass. R. Prof. C. 1.5 and 8.4(h). By failing to disclose to the agency that his bills were not based on actual contemporaneous time records that were required, the respondent violated Mass. R. Prof. C. 1.4 (a) and (b) and Mass. R. Prof. C. 8.4(c) and 8.4(h).

In mitigation, the respondent committed to make restitution in an amount and upon terms satisfactory to the agency, also accounting for time spent by the firm to hire an expert and investigate the issue. Also in mitigation of the failure to keep contemporaneous time records, during the time frame in question, members of the respondent's family suffered serious health issues that interfered with his practice. There were no factors in aggravation.

This matter came before the board on a stipulation of facts and disciplinary violations and a joint recommendation for discipline by public reprimand. On June 3, 2013, the board accepted the parties' recommendation and imposed a public reprimand.