



OFFICE OF BAR COUNSEL

November 29, 2011

**BY FIRST-CLASS AND CERTIFIED
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Ronald A. Colbert, Esquire
Law Office of Ronald A. Colbert
1629 K Street, N.W., Ste. 300
Washington, D.C. 20036

Re: *In re Ronald A. Colbert, Esquire*
(D.C. Bar Registration No. 476137)
Bar Docket No. 2009-D531

Dear Mr. Colbert:

This office has completed its investigation of the above-referenced matter. We find that your conduct reflected a disregard of certain ethical standards under the District of Columbia Rules of Professional Conduct. We are, therefore, issuing you this Informal Admonition pursuant to D.C. Bar R. XI, §§ 3, 6, and 8.

We docketed this matter on December 3, 2009, based upon an ethical complaint filed by your former client, (JCH), who hired you to represent him in an immigration matter. We find as follows: JCH retained you in December 2007 to represent him in a removal proceeding before the immigration court located in Baltimore, Maryland. On November 14, 2008, you failed to appear at JCH's master calendar hearing. The court admonished you and ordered you to file a written explanation as to why you failed to appear. On December 5, 2008, you filed a written explanation with the court stating that you had failed to appear because you had incorrectly noted the hearing date on your calendar. The court re-scheduled the matter to December 18, 2008. You filed a motion for continuance that was granted, and the hearing was re-scheduled to June 18, 2009.

On December 8, 2008, the court ordered you to file written pleadings and a brief by January 7, 2009, if JCH was contesting his removability, which he was. You failed to comply with the court's order to file pleadings, a brief, or a motion to extend the briefing deadline. On March 11, 2009, the court ordered you to address your failure to file the written pleadings and instructed you to file the required written pleadings by March 25, 2009. Again, you failed to comply with the court's order. As a result, on April 1, 2009, the court ordered that the master calendar hearing be re-scheduled from the June 18, 2009, to an earlier date of May 7, 2009. You failed to notify JCH of this change in his hearing date, and both you and JCH failed to appear at the May 7, 2009 deportation hearing. As a result, the court ordered JCH deported *in absentia*.

On or about June 8, 2009, you filed a motion to re-open JCH's case wherein you acknowledged that you had failed to appear on the May 7, 2009 hearing date and explained that you had not received the notice because one of your staff had incorrectly placed the notice in another case file. On June 29, 2009, the court denied the motion, noting that your motion was deficient because you failed to provide a proposed draft order for the court. Additionally, the court noted that you had failed to file a substantive brief and had not addressed any legal arguments as to why JCH should not be ordered removed. You failed to inform JCH that the motion to re-open was denied. On November 18, 2009, JCH learned that he was subject to a final order of removal when he was arrested and detained by the United States Immigration and Customs Enforcement.

JCH subsequently hired successor counsel who successfully filed a motion to re-open based on ineffective assistance of counsel, which the court granted on December 21, 2009. Successor counsel also successfully filed an application for cancellation of JCH's removal, which the court granted on or about February 1, 2010.

Based upon our investigation of this matter, we conclude that you violated Rules 1.1(a), 1.1(b), 1.3(a), 1.3(c), and 1.4(a).

Rules 1.1(a) and 1.1(b) state, respectively, "[a] lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation," and "[a] lawyer shall serve a client with skill and care commensurate with that generally afforded to clients by other lawyers in similar matters." We find that you did not provide JCH with competent representation in that you failed to appear at the November 14, 2008 and May 7, 2009 hearings. As a result of your failure to appear at the May 7, 2009 hearing, JCH was ordered deported *in absentia*. Also, you failed to file written pleadings addressing whether you contested JCH's removability. Further, when you filed a motion to re-open JCH's case, your motion was deficient because you failed to provide any substantive legal argument regarding why JCH should not be ordered removed and failed to attach a proposed order. As a result, the Court denied your motion. Your conduct in this matter constituted conduct that violated Rules 1.1(a) and 1.1(b).

Rules 1.3 (a) and 1.3(c) state, respectively, "[a] lawyer shall represent a client zealously and diligently within the bounds of the law," and "[a] lawyer shall act with reasonable promptness in representing a client." You violated these Rules based upon the same facts discussed above.

Rule 1.4(a) states: "[A] lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information." After you received the court's order denying your motion to re-open JCH's matter, you failed to inform JCH of the court's action. We conclude that you violated Rule 1.4 (a) by failing to inform JCH of the court's actions.

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In issuing this Informal Admonition, we have taken into consideration that you cooperated with our investigation and that, by agreeing to accept this informal admonition, you demonstrate your willingness to accept responsibility for your misconduct, you have no prior discipline, and you were experiencing a family emergency at the time of the misconduct.

As a condition of this Informal Admonition, you agree to a comprehensive in-office audit of your office procedures (including but not limited to a review of your financial accounting and bookkeeping records, supervision of non-attorney staff, and client communication systems) conducted by Dan Mills, the Manager of the Practice Management Advisory Service of the District of Columbia Bar, within two months of the date of this Informal Admonition. You agree to grant Mr. Mills full access to your employees and operational systems, including your client files, engagement letters, and computer systems, and at the completion of the assessment, you agree to follow all of Mr. Mills's recommendations.

This letter constitutes an Informal Admonition pursuant to D.C. Bar R. XI, §§ 3, 6, and 8, and is public when issued. Please refer to the attachment to this letter of Informal Admonition for a statement of its effect and your right to have it vacated and have a formal hearing before a hearing committee.

If you would like to have a formal hearing, you must submit a written request for a hearing to the Office of Bar Counsel, with a copy to the Board on Professional Responsibility, within 14 days of the date of this letter, unless Bar Counsel grants an extension of time. If a hearing is requested, this Informal Admonition will be vacated, and Bar Counsel will institute formal charges pursuant to D.C. Bar R. XI, § 8(c). The case will then be assigned to a Hearing Committee, and a hearing will be scheduled by the Executive Attorney for the Board on Professional Responsibility pursuant to D.C. Bar R. XI, § 8(d). Such a hearing could result in a recommendation to dismiss the charges against you or a recommendation for a finding of culpability, in which case the sanction recommended by the Hearing Committee is not limited to an Informal Admonition.

Sincerely,

Wallace E. Shipp, Jr.
Bar Counsel

Enclosure: Attachment to Letter of Informal Admonition

cc (w/o Encl.): VAD and JHC

WES:BN:act