



OFFICE OF BAR COUNSEL

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Certified Article Number

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**BY FIRST-CLASS AND CERTIFIED
MAIL NO. 71603901984912369442**

Henry N. Maturi, Esquire
2502 Westerlake Drive
Pearland, Texas 77584

In re Henry N. Maturi, Esquire
D.C. Bar No. 498767
Bar Docket No. 2011-D207

Dear Mr. Maturi:

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 (the "Rules"). We are, therefore, issuing you this Informal Admonition pursuant to D.C. Bar Rule XI, §§ 3, 6, and 8.

We docketed this matter for investigation based on your former client's complaint that you failed to file a timely appeal in an immigration matter. Your former client, FN, retained you in May 2009 to represent him before the Board of Immigration Appeals (BIA) in an appeal of an adverse decision by immigration authorities. The applicable law required you to file the appeal within 30 days of the adverse decision, which was issued on May 6, 2009. You, however, did not file the appeal until July 10, 2009. Further, you filed the appeal on behalf of the beneficiary, rather than the petitioner who was the only party with standing to challenge the underlying decision. Your brief to the BIA reflects that you presented the appeal on behalf of the beneficiary, who lacked standing to appeal the adverse decision below. On March 9, 2011, the BIA dismissed the appeal as untimely. In the dismissal order, the BIA notes that you submitted your Notice of Entry of Appearance for the incorrect party and that the BIA thus declined to recognize you as counsel of record in the matter.

After the BIA dismissed the appeal, you soon thereafter acknowledged such to your client in a telephone conversation. You state that you misread the time to appeal as 90 days, rather than 30 days.

Based on our investigation of this matter, we find that your conduct in this matter violated Rules 1.1(a) and (b), and Rule 1.3(c).

Rule 1.1 provides:

- (a) A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.
- (b) A lawyer shall serve a client with skill and care commensurate with that generally afforded to clients by other lawyers in similar matters.

Rule 1.3(c) provides that "[a] lawyer shall act with reasonable promptness in representing a client."

There are many mitigating factors in this matter. When you learned that the BIA dismissed the appeal, you offered to file new petitions on behalf of FN with USCIS for no fee, which FN declined. You also agreed to refund the fees that FN paid to you, and you have entered into a payment arrangement to do so in installments, have provided proof of such, and have made payments. You accepted full responsibility for your actions and your mistake in filing an untimely and incorrect appeal. In issuing this Informal Admonition, we also have credited your reports of numerous family tragedies during the time that you represented FN. Although these circumstances do not excuse your misconduct, we credit your statements that they contributed meaningfully to your failings in this matter. Further, you have no record of prior discipline. We also have relied on your representations that you have agreed to accept this Informal Admonition in this matter.

This letter constitutes an Informal Admonition pursuant to D.C. Bar Rule 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 (b). 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 (c). Such a hearing could result in a

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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

WES:CLK:act