



OFFICE OF DISCIPLINARY COUNSEL

December 20, 2017

BY CERTIFIED MAIL

Hamilton P. Fox, III
Disciplinary Counsel

Elizabeth A. Herman
Deputy Disciplinary Counsel

Senior Assistant Disciplinary Counsel
Jennifer P. Lyman
Julia L. Porter

Assistant Disciplinary Counsel
Joseph N. Bowman
Gayle Marie Brown Driver
Jerri U. Dunston
Jelani C. Lowery
Becky Neal
Dolores Dorsainvil Nicolas
Sean P. O'Brien
Joseph C. Perry
William R. Ross
Clinton R. Shaw, Jr.
H. Clay Smith, III
Carol Donayre Somoza
Traci M. Tait

Senior Staff Attorney
Lawrence K. Bloom
Hendrik deBoer

Manager, Forensic Investigations
Charles M. Anderson

Senior Forensic Investigator
Kevin E. O'Connell

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

In re Henry N. Maturi, Esquire
D.C. Bar Membership No. 498767
Bar Docket No. 2015-D270

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

In February 2015, your client, who was detained by immigration authorities, retained you to represent him in removal proceedings. Your client had been admitted to the United States on a student visa, but had remained in the country beyond the authorized period. You entered your appearance in his case in March 2015 to pursue, *inter alia*, an application for asylum and to withhold removal.

At the March 31 status hearing, the Immigration Court scheduled a merits hearing for April 28. The court advised you not to schedule any conflicting matters. The court further advised that because your client was being detained, his case took priority on the Immigration Court docket, pursuant to requirements of the Office of the Chief Immigration Judge.

On or around April 7, you received notice that the U.S. Citizenship and Immigration Services had scheduled an interview in a matter unrelated to your client for April 28, the same day as the merits hearing in your client's matter.

On April 21, 2015, at your client's bond hearing, the Immigration Court set his bond at \$9,000. At the conclusion of the hearing, the Immigration Court stated that the merits hearing would be going forward on the appointed date "unless otherwise instructed by this Court." You stated that you understood, and you did not request an extension or discuss with the court the interview in the other matter.

Your client was released from detention shortly after the bond hearing. According to him, you informed him “a day or two” before the merits hearing that you would not be attending the hearing because you had a conflict, the interview with your other client. You told your client that another attorney would be appearing in your stead, and that the other attorney would be seeking a continuance. Your client agreed to this arrangement. However, you failed to explain to the other attorney that the April 28 hearing was scheduled as a merits hearing, or provide that other attorney—who would eventually become successor counsel—with any documentation or details about your client’s case that would have enabled him to represent his interests in a substantive way.

Upon arriving at the Immigration Court, the other attorney learned for the first time that your client was facing a merits hearing and declined to enter his appearance as he did not believe he was prepared to competently represent your client. The Immigration Court stated that your client would have to speak on his own behalf. As stated in its decision of September 9, 2015, however:

[B]efore the case could proceed, the Government offered [your client] the option to withdraw his asylum application without prejudice, waive his right to appeal, and accept 120-day voluntary departure. Additionally, the Government stated that a motion to reopen filed by [your client] during the period of voluntary departure could be received favorably by the Government, with the possibility of the Government joining the motion if certain actions were taken by [your client], such as filing a bar complaint against Mr. Maturi.

Your client accepted the Government’s offer.

Ultimately, your client filed a bar complaint against you. In August 2015, successor counsel and the Government filed a Joint Motion to Reopen the proceedings and for a stay of removal. The Immigration Court denied the motion. However, successor counsel appealed on the client’s behalf, and on November 3, 2016, the Board of Immigration Appeals sustained the appeal, noting that you did not appear at the April 28 hearing. The BIA vacated the Immigration Court’s order and remanded for further proceedings, such that your client will now be able to litigate the merits of his petition.

You have stated that you believed successor counsel would easily obtain a continuance of the April 28 hearing, because your client had been released from detention and therefore the case would no longer be a priority for the court. Accordingly, you did not provide successor counsel with substantive details or documents concerning the case. However, the court specifically advised at the time that bond was set that the merits hearing would be moving forward on April 28 absent further notice from the Court. Even without this specific admonition, there was always a chance that a motion for continuance would be denied, and that the merits hearing would move forward.

We find that your conduct in this matter—failing to ensure that your client would be adequately represented at the merits hearing—violated Texas Disciplinary Rule of Professional

Conduct 1.01(b)(1), which prohibits neglecting a legal matter.¹ The fact that, ultimately, your client regained his opportunity to pursue his asylum claim is mere fortuity. Had it been otherwise, a harsher sanction would be warranted.

In deciding to issue this letter of Informal Admonition rather than institute formal disciplinary charges against you, we have taken into consideration several mitigating factors. Two days after the hearing, you sent a letter of apology to the presiding judge for failing to appear on your client's behalf. You also cooperated with our investigation and acknowledged your misconduct. Further, we have taken into consideration that you have agreed to enter into a payment plan to refund your fees to your client, and that you have provided proof that you have begun making payments. Finally, you have agreed to attend six credit hours of continuing legal education, pre-approved by Disciplinary Counsel, within one year of this letter to help prevent similar incidents in the future. You have further agreed that if you fail to refund your fees in full, or do not attend the pre-approved continuing legal education class or classes, this Informal Admonition will be considered null and void and Disciplinary Counsel will re-open this matter.

If you would prefer to have a formal hearing, you must submit a written request for a hearing within 14 days of the date of this letter to the Office of Disciplinary Counsel, with a copy to the Board on Professional Responsibility, unless Disciplinary Counsel grants an extension of time. If a hearing is requested, this Informal Admonition will be vacated and Disciplinary Counsel will institute formal charges pursuant to D.C. Bar R. XI, §§ 8(b) and (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(c). 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,



Hamilton P. Fox, III
Disciplinary Counsel

HPF/JCP

Enclosures: Attachment letter to Informal Admonition

cc: N.A.

¹ The Texas rules define "neglect" as a conscious disregard for the responsibilities owed to a client or clients. Texas Rule 1.01(c). Texas rules are being applied in this matter because you were appearing before a tribunal in Texas (*see* D.C. Rule 8.5(b)(1)). However, the same conduct would violate D.C. Rule 1.3(a), which requires that "[a] lawyer shall represent a client zealously and diligently within the bounds of the law," and D.C. Rule 1.1(b), which requires that a lawyer "serve a client with skill and care commensurate with that generally afforded to clients by other lawyers in similar matters."