



OFFICE OF DISCIPLINARY COUNSEL

August 10, 2023

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Kodwo Ewusi, Esquire
c/o Daniel Schumack, Esquire

Via email only at
daniel@schumack.com

In re Kodwo Ewusi, Esquire
Disciplinary Docket No. 2022-D071
D.C. Bar Membership No. 500602

Dear Mr. Ewusi:

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.

Our office docketed this matter for investigation based on a complaint filed by your client alleging that you failed to provide her with a written fee agreement and improperly withheld her permanent resident card (green card) until she paid her outstanding invoice. You are the founder of Fibi Law Firm, which has five offices spread throughout Pennsylvania, New York, and Georgia. You describe your position as "Supervising Attorney," responsible for consultations with prospective clients, supervising and reviewing work completed by attorneys and paralegals, and appearing before immigration courts.

In November 2020, your client hired you to represent her in filing a marriage-based application for permanent resident status. You admit that you never provided your client a written fee agreement establishing the basis and rate of your fee; however, she paid you \$1,000 to begin the representation and, on January 5, 2021, you submitted her completed application for permanent resident status. On March 31, 2022, your office received your client's decision notice and permanent resident card. That same day, your office manager, a non-lawyer, emailed the client and asked her to, "[L]iaise with the account department and clear all outstanding Legal Fees with Fibi Law Firm to prevent any delays in sending [her] documents." Your client filed a complaint with our office after your operations manager refused to send her her green card before she paid her entire remaining balance.

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515 5th Street NW, Building A, Room 117, Washington, DC 20001 ▪ 202-638-1501, FAX 202-638-0862

In response to the complaint, you state that you were unaware that your office had received your client's green card and that it was being withheld; however, your operations manager included you on the March 31st email to the client. After learning of your client's complaint with this office, you directed your operations manager to send the client her green card, and she finally received it on April 29, 2022.

Based on these facts, we find that you violated Rules 1.5(b) and 5.3(a). Rule 1.5(b) provides that, "when a lawyer has not regularly represented the client, the basis or rate of the fee, the scope of the lawyer's representation, and the expenses for which the client will be responsible shall be communicated to the client, in writing, before or within a reasonable time after commencing representation." You do not dispute that your client never received a fee agreement; however, you assert that it was Mr. Bofo's fault that your client did not receive a fee agreement. This explanation does not relieve you of your ethical obligations. Rule 5.3(a) requires, in part:

With respect to a nonlawyer employed or retained by or associated with a lawyer, [a] partner or a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm...shall make reasonable efforts to ensure that the firm or agency has in effect measures giving reasonable assurance that the person's conduct is compatible with the professional obligations of the lawyer.

During our investigation, it became clear that you do not adequately supervise the non-lawyer staff at your five office locations, especially your operations manager. You state that your operations manager had not been responsive to training that you had provided and had acted in contravention of the firm's employee handbook by not issuing a fee agreement; however, the handbook does not provide instructions on who is responsible for generating a fee agreement nor on how to go about providing a fee agreement to a client. In addition to not ensuring that there are measures in place to assure that your employees' conduct is compatible with your professional obligations, it is also clear that you are unaware of several issues within your firm for which you are responsible as the "supervising attorney." When asked how you manage to supervise all five of your offices, you state that each office has an office manager with whom you speak every day and that you speak with your operations manager every day; however, you were unaware of any payment issues involving your client and that your operations manager refused to provide your client with a green card. We find that your lack of supervision over your non-lawyer employees violates Rule 5.3(a).

In deciding to issue this letter of Informal Admonition rather than institute formal disciplinary charges against you, we have taken into consideration that you have no prior discipline, cooperated with our investigation, and that you have accepted responsibility for your misconduct by accepting this Informal Admonition. As a condition of this Informal Admonition, you agree to complete a Practice Management Assessment with the Practice Management Advisory Service. You will provide proof of completion of the assessment within one month after completion. In the event you do not complete the assessment within one year, this Informal

Admonition will be considered null and void and Disciplinary Counsel may initiate disciplinary proceedings against you.

If you would like 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

Hamilton P. Fox, III
Disciplinary Counsel

Enclosure: Attachment letter to Informal Admonition

cc: A.N. (w/o enclosure)

HPF:DF:eaf