



**DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY
AD HOC HEARING COMMITTEE**

In the Matter of

GLENDIA D. MONDESIR, ESQ.

**A Member of the Bar of the District of
Columbia Court of Appeals**

Bar No. 465537

Date of Admission: December 10, 1999

**Disciplinary Docket No. 2022-D025,
2022-D069, 2022-D153**

25-BD-059

**MOTION TO DISMISS CHARGES UNDER THE DC RULES OF
PROFESSIONAL CONDUCT FOR VIOLATION OF RULE 8.5'S CHOICE
OF LAW PROVISIONS**

Respondent hereby moves to dismiss the violations of the DC Rules of Professional Conduct (“DC Rules”) alleged in paragraphs 46 and 94 of the petition. Those charges violate Rule 8.5’s choice of law provisions because the alleged conduct is subject to the rules promulgated by the Executive Office of Immigration Review (“EOIR rules”). Because Rule 8.5 is clear that only one set of rules should govern a particular course of conduct, charges under the DC Rules should be dismissed.

BACKGROUND

Respondent is an immigration lawyer and is charged with ethics offenses relating to her representation in three cases which ODC has labeled “Mondesir/Johnson”, “Mondesir/Baatar”, and “Mondesir/Lopez.” For all three case, ODC has charged Respondent with violations of both the EOIR rules and DC rules.

In Mondesir/Lopez, ODC is expected to file a motion to dismiss the EOIR charges on the ground that they do not apply to that representation because it involved only the State Department. Mondesir/Lopez is therefore not at issue in this motion. However, with respect to Mondesir/Johnson and Mondesir/Baatar, ODC has stated an intention to go forward on both sets of charges.

ARGUMENT

Rule 8.5 prescribes the rules on “choice of law” in actions by ODC. Subsection (b)(1) states that “for conduct in connection with a matter pending before a tribunal, the rules to be applied shall be the rules of the jurisdiction where the tribunal sits, unless the rules of the tribunal provide otherwise.” Comment 3 makes clear that the intent of the rule is that only one set of rules applies to a given course of conduct. The comment states that:

[Paragraph (b)]’s premise is that minimizing conflicts between rules, as well as uncertainty about which rules are applicable, is in the best interest of both clients and the profession (as well as the bodies having authority to regulate the profession. Accordingly, it takes the approach of (i) providing that *any particular conduct an attorney shall be subject to only one set of rules of professional conduct*, and (ii) making the determination of which set of rules applies to particular conduct as straightforward as possible, consistent with recognition of appropriate regulatory interests of relevant jurisdictions.

RPC 8.5 cm. 3 (italics added).

In *In re Kreiss*, the Board held that EOIR is a “tribunal” for purposes of Rule 8.5 and that ODC was therefore in error for bringing charges under the DC Rules rather than the EOIR rules.¹ Although the DCCA has not yet ruled on this issue, at least two state supreme courts with similar rules have also held that it is improper to bring ethics charges based on state rules for conduct

¹<https://www.dcbbar.org/ServeFile/GetDisciplinaryActionFile?fileName=StevenKreiss23BD008.pdf> (last visited April 22, 2026).

involving the EOIR. In *Attorney Grievance Commission of Maryland v. Tatum*, the Court of Appeals of Maryland applied Rule 8.5(b) to a Maryland lawyer charged with misconduct under the Maryland Rules relating to an EOIR case. 258 A.3d 234 (Md. 2021). The court held that:

Here, the federal immigration rules promulgated under 8 C.F.R. § 1003.102 clearly apply to the proceedings before the immigration tribunal. Under Rule 8.5(b)(1), any charges filed by the Commission for misconduct arising in connection with the matter pending before the tribunal should have been filed under those rules. Even if the misconduct did not arise during a court proceeding (for example, negotiating a fee agreement for representation in the immigration proceeding), the misconduct occurred “in connection with” the federal immigration proceeding.

Id. at 89. In *In re Luening*, the Supreme Court of Wisconsin relied on *Tatum* to dismiss state ethics rules charges in another case arising from immigration practice. 606 Wis. 2d 1, 9 (Wis. 2023)(“In resolving the choice of law issue presented in this case, we find the Maryland court’s Tatum decision to be both helpful and persuasive.”).

Here, both Mondesir/Johnson and Mondesir/Baatar relate to proceedings before the EOIR. Paragraphs 2-44 (Mondesir/Johnson) all make allegations relating to Respondent’s representation in a removal case before the EOIR. The petition alleges that “Respondent’s conduct in the 2022-D025 matter also violated the following District of Columbia Rules of Professional Conduct.” *Id.* at ¶ 46. Paragraphs 47-29 relate to Respondent’s representation of Ms. Baatar before the EOIR. The petition alleges that “Respondent’s conduct in the 2022-D069 matter also violated the following District of Columbia Rules of Professional Conduct.” *Id.* at 94. Because the conduct alleged in the petition, by its own terms, relates to representations before the EOIR, Rule 8.5(b)’s choice of law rules bar charges under the D.C. Rules of Professional Conduct.

To be sure, ODC’s petition here charges both EOIR and DC Rule violations whereas *Tatum*, *Luening*, and *Kreiss* involved petitions which charged only state rule violations and omitted EOIR rules entirely. However, as stated above, the intent of Rule 8.5’s choice of law

provisions is to ensure that *only one* set of ethics rules applies to any given scenario. Therefore, the “both/and” charging approach that ODC apparently adopted after *Kreiss* is prohibited by the rule.

CONCLUSION

For the foregoing reasons, Respondent request the Hearing Committee to recommend to the Board that charges under the DC Rules in Mondesir/Johnson and Mondesir/Baatar be dismissed.

Respectfully submitted this 22nd day of April, 2026.

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CERTIFICATE OF SERVICE

I hereby certify that I have on this day served counsel for the opposing party with a copy of this motion by email to donayrec@dcodc.org.

This this 22nd day of April, 2026.

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