



**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

Respondent hereby moves to dismiss certain charges and allegations from the petition pending against her. As explained below, as to several of the charges against respondent, ODC’s petition has not stated a claim upon which relief can be granted.

ARGUMENT

I. The Board Has Authority to Dismiss Charges for Failure to State a Claim

The Board Rules state that DC hearing committees shall be “guided by, but shall not be bound by the provisions or rules of court practice, procedure, *pleading*, or evidence, except as outlined in these rules or the Rules Governing the Bar.” Board Rule 11.3 (*italics added*).

Under Superior Court Rule 12(b)(6), the court may dismiss a claim for “failure to state a claim upon which relief can be granted.” Federal courts have a substantially identical rules, as do most state court systems. The requirement that a party to a court case properly plead its causes of action is a longstanding fundamental requirement of any court system. *See, e.g.*, Edward Coke,

Institutes of the Laws of England pt. 1 (Coke upon Littleton)(1628)(“The declaration must show a good cause of action – *i.e.* it must allege facts that, if admitted to be true, would entitle the plaintiff to the relief demanded in law.”).

Although, as stated, this hearing committee is not strictly bound by Rule 12, it makes eminent sense for the hearing committee to require ODC to conform to Rule 12 in the absence of some compelling reason to the contrary. Doing so will narrow the issues for decision, streamline the hearing and prevent unfair surprise.

II. ODC Has Not Sufficiently Alleged that Respondent Intentionally Prejudiced Randolph Job Under Rule 1.3(b)(2)

Paragraph 46(a) of the petition alleges that Respondent “intentionally prejudiced the client [Randolph Job] during the course of the professional relationship” in violation of Rule 1.3(b)(2). The petition does not allege which specific acts constituted this violation. However, even in the light most favorable to ODC, there are no allegations in the petition that can support this allegation.

Rule 1.3(b)(2) states that “a lawyer shall not intentionally...prejudice or damage a client during the course of the relationship.” The intent requirement of this rule distinguishes it from other ethical violations that cause harm to a client such as failures of competence or diligence. *In re Ukwu*, 926 A.2d 1106, 1116 (D.C. 2007)(“the hallmark of a rule 1.3(b) violation is that the neglect was intentional.”)(cleaned up). The Court of Appeals has held that, to sustain a 1.3(b) violation, ODC must prove that “the lawyer is aware of his neglect of the client matter” or that “a lawyer’s inaction coexists with an awareness of his obligations to his client.” *Id.*

Here, ODC has alleged that Respondent’s representation of Mr. Job was deficient in various ways. For example, the petition alleges that Respondent filed pleadings late, made mistake in pleadings, and did not sufficiently communicate with Mr. Job. However, ODC does not allege that

Respondent intentionally did any of these acts or make any allegations from which intent can be inferred. ODC has therefore not stated a claim for this offense.

III. ODC Has Not Alleged that Respondent Violated Rule 8.4(d) in Her Representation of Randolph Job

Paragraph 46(g) of the petition alleges that Respondent engaged in conduct that seriously interferes with the administration of the justice in violation of Rule 8.4(d) in connection with her representation of Randolph Job. However, like the intentional prejudice charge discussed in the preceding section, there are no allegations in the petition to support this charge.

To establish a violation of Rule 8.4(d), ODC must prove by clear and convincing evidence that 1) an attorney took an improper action or failed to take an action, 2) that bears directly on a case in the judicial process with respect to an identifiable case or tribunal, and 3) the conduct taints the judicial process in more than a *de minimis* way, meaning that it must “at least potentially impact the process to a serious and adverse degree.” *In re Hopkins*, 677 A.2d 55, 60-61 (D.C. 1996).

Here, ODC has not specified what the Rule 8.4(d) violation is based on, but the only plausible basis is Respondent’s representation of Mr. Job at a January 19, 2022 hearing in immigration court. ODC alleges that Respondent’s performance at this hearing was inadequate in several ways such as appearing in person for a hearing that was supposed to be virtual (§ 24), filing pleadings late (§ 26), and accusing the judge of bias (§ 27). ODC does not allege “serious and adverse” negative effects on the administration of justice. ODC has therefore failed to plead a Rule 8.4(d) violation.

CONCLUSION

For the foregoing reasons, Respondent respectfully requests the Hearing Committee to recommend to the Board that the above counts be dismissed for failure to state a claim

Respectfully submitted this 21st day of April, 2026.

/s/ Charles Burnham

Charles Burnham

DC Bar No. 1003464

Burnham and Gorokhov, PLLC

1643 I Street, NW

Suite 575

Washington DC 20006

(202) 386-6920

charles@burnhamgorokhov.com

CERTIFICATE OF SERVICE

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

This this 21st day of April, 2026.

/s/ Charles Burnham
Charles Burnham
DC Bar No. 1003464
1634 I Street, NW
Suite 575
Washington, DC 20006
charles@burnhamgorokhov.com