DISTRICT OF COLUMBIA COURT OF APPEAL
BOARD ON PROFESSIONAL RESPONSIBILIT
AD HOC HEARING COMMITTEE

In the Matter of:	:	
	:	
DOMINIC G. VORV, ESQUIRE,	:	
	:	Board Docket No. 17-ND-001
Respondent.	:	Bar Docket No. 2014-D314
	:	
A Member of the Bar of the District of Columbia Court of Appeals (Bar Registration No. 470139)	:	

REPORT AND RECOMMENDATION OF THE
AD HOC HEARING COMMITTEE
APPROVING PETITION FOR NEGOTIATED DISCIPLINE

I. Procedural History

This matter came before this Ad Hoc Hearing Committee on July 27, 2017 for a limited hearing on an Amended Petition for Negotiated Discipline (the "Petition"). The members of the Hearing Committee are Rebecca Smith, Esquire, Joel Kavet, and Mitchell Dolin, Esquire. The Office of Disciplinary Counsel was represented by Assistant Disciplinary Counsel Joseph N. Bowman, Esquire. Respondent, Dominic Vorv, Esquire, was represented by Daniel S. Schumack, Esquire.

The Hearing Committee has carefully considered the Petition signed by Disciplinary Counsel, Respondent, and Respondent's counsel, the supporting affidavit submitted by Respondent (the "Affidavit"), the representations during the limited hearing made by Respondent, Respondent's counsel, and Disciplinary Counsel, and the Supplement to Amended Petition for Negotiated Discipline and

Supporting Affidavit. The Hearing Committee also has fully considered its *in camera* review of Disciplinary Counsel's files and records and *ex parte* communications with Disciplinary Counsel. For the reasons set forth below, we approve the Petition, find that the negotiated discipline of a thirty-day suspension, stayed in favor of one year of probation with conditions, is justified, and recommend that it be imposed by the Court.

II. Findings Pursuant to D.C. Bar R. XI, § 12.1(c) and Board Rule 17.5

The Hearing Committee, after full and careful consideration, finds that:

1. The Petition and Affidavit are full, complete, and in proper order.[1]

2. Respondent is aware that there is currently pending against him an investigation into allegations of misconduct. Limited Hearing Transcript ("Tr.") 27; Affidavit ¶ 2.

[1] On October 25, 2017, the parties submitted a Supplement to Amended Petition for Negotiated Discipline noting that after the limited hearing in this case, a Contact Member approved Disciplinary Counsel's recommendation to dismiss another investigation regarding Respondent (*Vorv/xxx*, 2016-D325). In the original Petition for Negotiated Discipline, Disciplinary Counsel had agreed that it would dismiss *Vorv/xxx*, 2016-D325, without prejudice, if Respondent successfully completed the agreed-upon period of probation. The complainant in that 2016 matter made a statement at the limited hearing in July. Disciplinary Counsel completed its investigation and sought a dismissal of the 2016 matter with prejudice in early October. In light of the dismissal of *Vorv/xxx*, 2016-D325 on the merits, Disciplinary Counsel's promise to dismiss that case is no longer one of the promises contained in the Petition, and the second paragraph of Section III of the Petition is moot and void. Also on October 25, 2017, Respondent filed a Supplement to Affidavit of Negotiated Discipline consenting to the revised terms of the Petition as set forth in the Supplement and reaffirming his averments in his May 11, 2017 Affidavit. We believe it is not necessary for the parties to file a new petition or for this Committee to hold a second limited hearing because Respondent's Supplement to Affidavit makes clear that he consents to the revised terms.

3. The allegations that were brought to the attention of Disciplinary Counsel are that Respondent violated D.C. Rules 1.1(a) (competent representation), 1.1(b) (skill and care), 1.4(b) (failure to explain a matter to a client), and 8.4(d) (serious interference with the administration of justice). Petition at 7-8.[2]

4. Respondent has freely and voluntarily acknowledged that the material facts and misconduct reflected in the Petition are true. Tr. 32; Affidavit ¶ 4. Specifically, Respondent acknowledges that:

> a) On March 26, 2007, Marvin Alexander Bonilla-Garcia, a citizen of El Salvador and a permanent resident of the United States, was convicted in the Circuit Court of Fairfax County, Virginia ("Virginia court") of statutory burglary in violation of Virginia Code § 18.2-91, a felony punishable by "confinement in a state correctional facility for not less than one or more than twenty years . . . ." Mr. Bonilla-Garcia entered his plea pursuant to *Alford v. North Carolina,* 400 U.S. 25 (1970), thereby agreeing that the prosecution had sufficient evidence to prove his guilt beyond a reasonable doubt, but not admitting guilt or agreeing to the factual basis for the offense in the indictment or plea colloquy. On June 4, 2007, the Virginia court sentenced Mr. Bonilla-Garcia to a term of two years of incarceration, but suspended the sentence and placed him on supervised probation for two years.
>
> b) On July 30, 2013, the United States Department of Homeland Security) ("DHS") charged Mr. Bonilla-Garcia with removability under

[2] We note that under Rule 8.5(b)(1), where, as here, the misconduct occurs "in connection with a matter pending before a tribunal, the rules to be applied shall be the rules of the jurisdiction in which the tribunal sits, unless the rules of the tribunal provide otherwise." Respondent's misconduct occurred in Immigration Court in Baltimore, Maryland, and the Circuit Court of Fairfax County, Virginia. Thus, it appears that the Petition should have charged violations of the Maryland Immigration Court Rules (8 C.F.R. § 1003.102) for misconduct in Immigration Court and violations of the Virginia Rules for misconduct in Fairfax County Circuit Court. However, by agreeing to the Stipulations of Fact and legal conclusions, the parties have consented to the application of the D.C. Rules. In any event, we have reviewed the relevant Immigration Court and Virginia Rules and find that they do not materially differ from their D.C. counterparts, except that Virginia does not have a direct counterpart to Rule 8.4(d). *See In re Bernstein*, 707 A.2d 371, 375 n.6 (D.C. 1998) (choice of law issue becomes moot if result would not be different when applying another state's version of the Rules of Professional Conduct). As such, we apply the D.C. Rules, as alleged in the Petition.

Section 237(a)(2)(A)(iii) of the Immigration and Nationality Act (the "Act") for having been convicted of an "aggravated felony" (burglary), within the meaning of Section 101(a)(43)(G) of the Act.

c) Mr. Bonilla-Garcia was taken into custody and confined in the Worcester County Jail in Snow Hill, Maryland pending resolution of his immigration proceedings. If Mr. Bonilla-Garcia had been convicted of an aggravated felony, he would be ineligible to receive asylum, cancellation of removal, or release on bond, under Sections 208(b)(2)(B)(i); 240A(a)(3); and 236(c) of the Act.

d) Mr. Bonilla-Garcia retained Respondent on August 8, 2013, for $10,000, to (i) represent him in the Immigration Court in Baltimore, Maryland with regard to the removal proceedings then pending against him; and (ii) to file a Petition for Writ of Error *Coram Nobis* in the Virginia court seeking to vacate the 2007 burglary conviction in order to render the deportation proceedings moot. Respondent incorrectly believed that a writ of *coram nobis* would vacate the underlying burglary conviction and thereby leave DHS with no predicate for deportation.

e) On September 4, 2013, at the first hearing before the immigration judge, and prior to the submission of any conviction records by DHS, Respondent (on behalf of Mr. Bonilla-Garcia) admitted DHS's allegations (that Mr. Bonilla-Garcia had been convicted of an aggravated felony); and Respondent conceded removability. After conceding that Mr. Bonilla-Garcia was convicted of an aggravated felony, Respondent stated to the immigration judge that he believed Mr. Bonilla-Garcia was eligible for asylum and cancellation of removal, and he requested a bond hearing. Respondent informed the immigration judge that a law firm in Virginia was preparing a petition to have Mr. Bonilla-Garcia's burglary conviction vacated.

f) On September 25, 2013, Respondent filed with the Office of the Immigration Judge in Baltimore, Maryland, a Form I-589 Application for Asylum and for Withholding of Removal; and on October 11, 2013, Respondent filed a Form EOIR-42A Application for Cancellation of Removal for Certain Permanent Residents.

g) On October 25, 2013, the Virginia firm and Respondent, as *pro hac* counsel, filed a "Petition for a Writ of *Coram Nobis* And/Or To Vacate Offense" with the Virginia court, alleging that before Mr. Bonilla-Garcia

entered his *Alford* plea to burglary, neither his trial attorney nor the trial judge advised him of the immigration consequences of his plea, and therefore Mr. Bonilla-Garcia received ineffective assistance of counsel, rendering the burglary conviction constitutionally invalid.

h) To support his claim that Mr. Bonilla-Garcia was not advised of the immigration consequences of a felony conviction, Respondent attached to the Petition a transcript of a May 18, 2007 sentencing hearing, apparently believing that it was a transcript of the plea hearing. That May 18, 2007 transcript contained no indication that the trial judge advised Mr. Bonilla-Garcia of possible immigration consequences as a result of his *Alford* plea.

i) In November 2013, the Commonwealth's Attorney's Office filed an opposition to Respondent's petition, noting that the Virginia Supreme Court had previously ruled that ineffective assistance of counsel did not constitute an error that could be remedied by a writ of *coram nobis*, and that the petition should be dismissed.

j) At the first court hearing on the Petition later in November, Respondent for the first time received the Commonwealth's Opposition and sought a continuance. The presiding judge advised Respondent to "revisit" the transcripts, and then he continued the matter. Upon review, Respondent understood that he had attached the sentencing transcript, not the plea transcript, to his Petition. When Respondent found and reviewed the March 26, 2007 plea transcript, he saw that the trial judge who presided over Mr. Bonilla-Garcia's plea and sentencing had advised Mr. Bonilla-Garcia that "by entering this plea today you may affect your immigration status in this country if you are not a citizen of this country[.]" The transcript reflected that Mr. Bonilla-Garcia stated he understood that the plea could affect his immigration status.

k) In February 2014, in response to the government's opposition, as well as the realization that the client was actually apprised of his deportation risk, Respondent moved to dismiss the petition for writ of *coram nobis*, and the Virginia court granted the motion on February 21, 2014.

l) Mr. Bonilla-Garcia was not present at the hearing, and Respondent did not consult with Mr. Bonilla-Garcia before dismissing the petition for writ of *coram nobis.*

m) On February 26, 2014, Respondent appeared before the immigration judge and informed him that the petition for writ of *coram nobis* was unsuccessful and that Mr. Bonilla-Garcia's conviction remained valid. Respondent did not seek to withdraw the prior admission that the underlying conviction constituted an "aggravated" felony; did not seek any other grounds to challenge or delay deportation; and conceded that he had "nothing further"; but did expressly reserve his client's right to appeal. The immigration judge ordered Mr. Bonilla-Garcia removed from the United States to El Salvador.

n) On March 18, 2014, while still in custody, Mr. Bonilla-Garcia filed a Notice of Appeal to the Board of Immigration Appeals ("BIA") without Respondent's assistance. Mr. Bonilla-Garcia argued that he was not convicted of a "burglary offense" that would preclude the immigration judge from favorably exercising his discretion; that Respondent incorrectly stated at the February 26, 2014 removal hearing that Mr. Bonilla-Garcia did not wish to pursue his Form I-589 Application for Asylum and for Withholding of Removal; and that the immigration judge failed to independently question him regarding his fear of returning to El Salvador. The BIA denied the *pro se* appeal on July 7, 2014, specifically noting that Respondent had conceded at the February 26, 2014 hearing that Mr. Bonilla-Garcia had been convicted of an aggravated felony, and it ordered Mr. Bonilla-Garcia's removal to El Salvador.

o) On August 6, 2014, the Immigrant & Refugee Appellate Center, LLC ("IRAC"), agreed to represent Mr. Bonilla-Garcia. On that same day, IRAC's attorney, Ben Winograd, Esquire, filed with the BIA a motion to reconsider its July 7, 2014 order of removal. Mr. Winograd argued, among other things, that Mr. Bonilla-Garcia's burglary conviction did not constitute an "aggravated felony," within the meaning of Section 101(a)(43)(G) of the Act; and that Mr. Bonilla-Garcia should not be bound by Respondent's concessions to the contrary before the immigration judge.

p) On September 29, 2014, the BIA issued an order stating, "we conclude that reopening and remand is warranted for additional consideration of [Mr. Bonilla-Garcia's] removability and claims for relief."

q) On February 5, 2015, after receiving briefs from both parties, the immigration judge issued an opinion wherein she concluded that DHS had not demonstrated by clear and convincing evidence that Mr. Bonilla-Garcia's burglary conviction constituted an aggravated felony and she terminated the

proceedings. DHS elected not to appeal the immigration judge's determination.

r) Mr. Bonilla-Garcia was released from custody on February 12, 2015. He had been confined for over 18 months.

Petition at 3-7; Tr. 7-19.

5. Respondent is agreeing to the disposition because Respondent believes that he cannot successfully defend against discipline based on the stipulated misconduct. Tr. 26; Affidavit ¶ 5.

6. Disciplinary Counsel has made no promises to Respondent other than what is contained in the Petition for Negotiated Discipline. Affidavit ¶ 7. Specifically, Disciplinary Counsel agrees not to pursue any additional charges arising out of the conduct described in the Petition, including a promise not to prosecute Respondent for a violation of Rule 1.2(a), which had previously been charged in a Specification of Charges in this case. Petition at 8. Respondent confirmed during the limited hearing that there have been no other promises or inducements other than those set forth in the Petition. Tr. 32.

7. Respondent has conferred with his counsel. Tr. 22; Affidavit ¶ 1.

8. Respondent has knowingly and voluntarily acknowledged the facts and misconduct reflected in the Petition for Negotiated Discipline and agreed to the sanction set forth therein. Tr. 32; Affidavit ¶ 6.

9. Respondent is not being subjected to coercion or duress. *Id.*

10. Respondent is competent and was not under the influence of any substance or medication that would affect his participation at the limited hearing. Tr. 22-23.

11. Respondent is fully aware of the implications of the disposition being entered into, including, but not limited to, the following:

a) Respondent has the right to assistance of counsel if he is unable to afford counsel;

b) he will waive his right to cross-examine adverse witnesses and to compel witnesses to appear on his behalf;

c) he will waive his right to have Disciplinary Counsel prove every charge by clear and convincing evidence;

d) he will waive his right to file exceptions to reports and recommendations filed with the Board and with the Court;

e) the negotiated disposition, if approved, may affect his present and future ability to practice law;

f) the negotiated disposition, if approved, may affect his Bar memberships in other jurisdictions; and

g) any sworn statement by Respondent in his affidavit or any statements made by Respondent during the proceeding may be used to impeach his testimony if there is a subsequent hearing on the merits.

Tr. 25, 34-36; Affidavit ¶¶ 1, 10-11.

12. Respondent and Disciplinary Counsel have agreed that the sanction in this matter should be a thirty-day suspension, stayed in favor of one year of probation with

the following conditions to be completed no later than sixty days before the end of the one-year period:

a) Within the first thirty days of the period of probation, Respondent must meet with and obtain an assessment from the District of Columbia Bar's Practice Management Advisory Service ("PMAS");

b) Respondent must implement any recommendations of the PMAS, join the American Immigration Lawyers' Association ("AILA"), or an equivalent organization, and enroll in or attend ten hours of CLE courses pertaining to immigration law; and

c) Respondent must not be found to have engaged in any ethical misconduct.

Petition at 9; Tr. 36-39. Furthermore, Respondent must sign a waiver with the PMAS, permitting Disciplinary Counsel to verify that Respondent has met with and obtained an assessment from the PMAS. *Id.* Respondent must also submit proof of his enrollment in AILA, or an equivalent organization, and proof of attendance of ten hours of CLE pertaining to immigration law. *Id.* Respondent is not required to notify his clients about the probationary terms or conditions. Tr. 31.

13. The complainant in the instant matter (Bar Docket No. 2014-D314) was notified of the limited hearing. He did not appear and did not provide any written comment. Tr. 19.

III. Discussion

The Hearing Committee shall approve an agreed negotiated discipline if it finds:

> a) that the attorney has knowingly and voluntarily acknowledged the facts and misconduct reflected in the Petition and agreed to the sanction therein;
>
> b) that the facts set forth in the Petition or as shown during the limited hearing support the attorney's admission of misconduct and the agreed upon sanction; and
>
> c) that the agreed sanction is justified.

D.C. Bar R. XI, § 12.1(c); Board Rule 17.5(a).

A. Respondent Has Knowingly and Voluntarily Acknowledged the Facts and Misconduct and Agreed to the Stipulated Sanction.

The Hearing Committee finds that Respondent has knowingly and voluntarily acknowledged the facts and misconduct reflected in the Petition and agreed to the sanction therein. Respondent, after being placed under oath, admitted the stipulated facts and charges set forth in the Petition, and denied that he is under duress or has been coerced into entering into this disposition. Tr. 32. Respondent understands the implications and consequences of entering into this negotiated discipline. Tr. 25, 34-36.

Respondent has acknowledged that any and all promises that have been made to him by Disciplinary Counsel as part of this negotiated discipline are set forth in writing in the Petition and that there are no other promises or inducements that have been made to him. Tr. 32; Affidavit ¶ 7.

B. The Stipulated Facts Support the Admissions of Misconduct and the Agreed-Upon Sanction.

The Hearing Committee has carefully reviewed the facts set forth in the Petition and established during the hearing and we conclude that they support the admissions of misconduct and the agreed upon sanction. Moreover, Respondent is agreeing to this negotiated discipline because he believes that he could not successfully defend against the misconduct described in the Petition. Tr. 26; Affidavit ¶ 5.

1. Rules 1.1(a) and (b)

The Petition states that Respondent violated Rules of Professional Conduct 1.1(a), which provides that "[a] lawyer shall provide competent representation to a client," and 1.1(b), which provides that "[a] lawyer shall serve a client with skill and care commensurate with that generally afforded to clients by other lawyers in similar matters." The comments to Rule 1.1 state that competent representation includes "adequate preparation and continuing attention to the needs of the representation to assure that there is no neglect of such needs." Rule 1.1, cmt. [5]. To prove a violation of Rule 1.1, Disciplinary Counsel must prove that the failure to apply skill or knowledge constituted a "serious deficiency in the representation." *In re Evans*, 902 A.2d 56, 69-70 (D.C. 2006) (per curiam) (appended Board Report). Such a "deficiency" must be proven to have or potentially prejudiced the client. *See In re Yelverton*, 105 A.3d 413, 421-22 (D.C. 2014).

The evidence supports Respondent's admission that he violated Rule 1.1. As stipulated, Respondent lacked the knowledge and skill necessary to provide

competent representation. Without requiring DHS to meet its burden, he summarily conceded that Mr. Bonilla-Garcia was convicted of an aggravated felony and was removable. Petition ¶ 5. He filed a petition for a writ of *coram nobis* in the Virginia Courts to get the criminal conviction vacated, even though Virginia law does not recognize that as a basis for the writ, and he misinterpreted the record in the underlying Virginia criminal proceeding. Petition ¶¶ 7-11. Lastly, once he withdrew the petition for a writ of *coram nobis*, Respondent failed to withdraw the prior admissions as to removability in the immigration proceeding and did not assert any other grounds to challenge deportation. Petition ¶ 13.

These errors resulted in prejudice to Mr. Bonilla-Garcia. After many months of detention, the immigration judge ordered Mr. Bonilla-Garcia removed from the United States. *Id.* After successor counsel obtained reconsideration of the order, the removal order was revoked and Mr. Bonilla-Garcia was released after 18 months of detention. Petition ¶ 18.

2. Rule 1.4(b)

The Petition states that Respondent violated Rule 1.4(b), which provides that "[a] lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation." This Rule provides that the attorney "must be particularly careful to ensure that decisions of the client are made only after the client has been informed of all relevant considerations." Rule 1.4, cmt. [2].

The evidence supports Respondent's admission that he violated Rule 1.4(b) in that the stipulated facts state that Respondent moved to dismiss the *coram nobis* petition without consulting with or advising Mr. Bonilla-Garcia of this. Petition ¶ 12.

3. Rule 8.4(d)

The Petition also states that Respondent violated Rule 8.4(d), which provides that "[i]t is professional misconduct for a lawyer to . . . [e]ngage in conduct that seriously interferes with the administration of justice." To establish a violation of Rule 8.4(d), Disciplinary Counsel must demonstrate by clear and convincing evidence that: (i) Respondent's conduct was improper, *i.e.*, that Respondent either acted or failed to act when he should have; (ii) Respondent's conduct bore directly upon the judicial process with respect to an identifiable case or tribunal; and (iii) Respondent's conduct tainted the judicial process in more than a *de minimis* way, *i.e.*, it must have potentially had an impact upon the process to a serious and adverse degree. *In re Hopkins*, 677 A.2d 55, 60-61 (D.C. 1996).

The evidence supports Respondent's admission that he violated Rule 8.4(d) in that the stipulated facts describe that Respondent's conduct resulted in delays in the immigration proceedings, unnecessary proceedings in the Virginia court[3], and subsequent proceedings in immigration court by Mr. Bonilla-Garcia's successor

[3] As mentioned in Note 2, *supra*, Virginia does not have a direct counterpart to D.C. Rule 8.4(d); instead, Virginia Rule 3.5(f) provides that "[a] lawyer shall not engage in conduct intended to disrupt a tribunal." *See* Commentary to Virginia Rule 3.5 (noting that Virginia Rule 3.5(f) was adopted instead of ABA Model Rule 8.4(d), which was considered to be "vague"). However, since the parties stipulated to the application of the D.C. Rules, we consider the Virginia conduct in our discussion of Rule 8.4(d).

counsel to vacate the original removal order. Petition ¶¶ 5, 10, 14-17. Mr. Bonilla-Garcia was detained in custody throughout this 18-month period. Petition ¶ 18.

C. The Agreed-Upon Sanction Is Justified.

The third and most complicated factor the Hearing Committee must consider is whether the sanction agreed upon is justified. *See* D.C. Bar R. XI, § 12.1(c); Board Rule 17.5(a)(iii). Based on the record, including the stipulated circumstances in mitigation, the Hearing Committee Chair's *in camera* review of Disciplinary Counsel's investigative file and *ex parte* discussion with Disciplinary Counsel, and our review of relevant precedent, we conclude that the agreed-upon sanction – a stayed thirty-day suspension with probation – is justified and not unduly lenient, for the following reasons:

This complaint involves a single instance of misconduct regarding Respondent's representation of Mr. Bonilla-Garcia. The parties' stipulations are supported by the record and Respondent's testimony at the limited hearing. Disciplinary Counsel agrees not to pursue a lesser charge under Rule 1.2(a). *See* Petition at 10-11. (Respondent contests that charge, and Disciplinary Counsel finds his explanation credible. *Id.*) Respondent has no prior discipline.

The purpose of sanctions is protection of the public and the courts, maintaining the integrity of the profession, and to "deter other attorneys from engaging in similar misconduct." *Evans*, 902 A.2d at 74 (appended Board Report) (quoting *In re Uchendu*, 812 A.2d 933, 941 (D.C. 2002)). The conditions of probation require Respondent to take CLE courses pertaining to immigration law,

and implement any recommendations by the PMAS. These measures are remedial to address Respondent's lack of skill and competence.

We conclude that the sanction of a stayed thirty-day suspension with probation for one year – is justified and not unduly lenient, compared to cases involving similar misconduct: *In re Mance*, 869 A.2d 339, 340-42 (D.C. 2005) (per curiam) (thirty-day suspension stayed in favor of probation for filing an untimely notice of appeal in a criminal matter, failing to make any effort to avoid dismissal, neglecting to seek a reduced sentence, failing to communicate with a client, and failing to withdraw upon termination); *In re Baron*, 808 A.2d 497, 498 (D.C. 2002) (per curiam) (thirty-day suspension stayed in favor of probation for failing to communicate with client during the entire pendency of his appeal, ignoring the Court's orders to do so, failing to notify the client of an offer to join in a co-defendant's motion for a new trial, and failing to return the client's file); and *In re Boykins*, 748 A.2d 413, 413-14 (D.C. 2000) (per curiam) (thirty-day suspension stayed in favor of probation for providing incompetent representation as co-conservator of an estate, failing to provide a written fee agreement, and failing to promptly comply with a court order to repay the estate).

Each of these cases involved a lack of competence and other misconduct, with significant consequences to the client, and each imposed a sanction of a thirty-day suspension stayed in favor of probation.

For example, in *Mance*, the Court found that the respondent's client had been convicted of aggravated assault and sentenced to thirty years to life in prison, and the respondent filed the notice of appeal out of time. 869 A.2d at 340. After the court issued a show-cause order directing the respondent to show cause why the appeal should not be dismissed, the respondent ignored the order, and the appeal was dismissed. *Id.* In addition, the client was entitled have his sentence reduced on the basis of merged offenses, but the respondent failed to pursue this relief. *Id.* The respondent failed to communicate with his client concerning the appeal and did not respond to the court's inquiries concerning his client's complaints and requests for new counsel. *Id.* The Court concluded that the respondent violated Rules 1.1(a) and (b), 1.3(a) and (b), 1.4(a), 1.16(a)(3), and 8.4(d), and ordered that he be suspended for thirty days, stayed in favor of one year of probation, with the requirement that he attend continuing legal education in legal ethics and law office management. *Id.* at 340-42.

IV. Conclusion and Recommendation

It is the conclusion of the Hearing Committee that the discipline negotiated in this matter is appropriate.

For the reasons stated above, it is the recommendation of this Hearing Committee that the negotiated discipline be approved and that the Court impose a thirty-day suspension, stayed in favor of one year of probation with the conditions that, no later than sixty days before the one-year period of probation has expired, Respondent (1) meet with and obtain an assessment from the PMAS within the first thirty days of

probation and sign a waiver permitting Disciplinary Counsel to verify that he has done so; (2) implement any recommendations of the PMAS; (3) join AILA, or an equivalent organization, and submit proof of membership to Disciplinary Counsel; (4) enroll in and attend ten hours of CLE courses pertaining to immigration law, approved in advance by Disciplinary Counsel, and provide proof of attendance to Disciplinary Counsel; and (5) not be found to have engaged in any ethical misconduct.

AD HOC HEARING COMMITTEE

/RS/
Rebecca Smith
Chair

/JK/
Joel Kavet
Public Member

/MD/
Mitchell Dolin
Attorney Member