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

In the Matter of:	:	
	:	
MAQSOOD H. MIR,	:	
	:	Board Docket No. 14-BD-095
Petitioner.	:	Bar Docket No. 2014-D380
	:	
A Disbarred Member of the Bar of the District of Columbia Court of Appeals (Bar Registration No. 421146)	:	

REPORT AND RECOMMENDATION OF
THE AD HOC HEARING COMMITTEE

I. INTRODUCTION

This contested reinstatement proceeding follows Petitioner's consent to disbarment pursuant to D.C. Bar R. XI, § 12, which the District of Columbia Court of Appeals (the "Court") granted on November 5, 2009. *In re Mir*, 982 A.2d 1146 (D.C. 2009) (per curiam). The Court accepted Petitioner's consent to disbarment following a different Ad Hoc Hearing Committee's (the "2009 Committee") recommendation that he be disbarred based on his criminal conviction on 16 felony counts of immigration fraud under 18 U.S.C. § 1546(a). *In re Mir*, Bar Docket No. 445-03 (HC Rpt. Mar. 10, 2009). The 2009 Committee found that Petitioner submitted false labor certifications "with conscious disregard to whether those certifications were true or false[,]" thereby committing a "serious crime" under D.C. Bar R. XI, § 10(b) and violating Rules 8.4(a) (violating or attempting to violate the Rules of Professional Conduct), 8.4(b) (criminal conduct reflecting adversely on his

fitness to practice law), 8.4(c) (dishonesty, fraud, deceit or misrepresentation), and 8.4(d) (conduct that seriously interferes with the administration of justice) of the D.C. Rules of Professional Conduct ("Rule"). *Id.* at 14, 19-21.

Petitioner now seeks reinstatement, and thus has the burden to show by clear and convincing evidence that he is fit to resume the practice of law. D.C. Bar R. XI, § 16(d)(1). Based upon the evidence presented during the reinstatement hearing, and for the reasons set forth below, this Ad Hoc Hearing Committee concludes that Petitioner has not met his burden under Rule XI, § 16(d)(1)(a) and (b) and the factors set forth in *In re Roundtree*, 503 A.2d 1215 (D.C. 1985). The Hearing Committee thus recommends that the Petition for Reinstatement to the Bar of the District of Columbia be denied.

II. PROCEDURAL HISTORY

On November 5, 2009, the District of Columbia Court of Appeals disbarred Petitioner by consent, and dismissed as moot the pending petition for discipline based on his criminal conviction in the United States District Court for the District of Maryland. *Mir*, 982 A.2d at 1146. On December 15, 2009, Petitioner filed his affidavit in compliance with D.C. Bar R. XI, § 14(g).

On October 30, 2014, Petitioner timely filed his Reinstatement Petition, with attached Reinstatement Questionnaire, Personal Statement, Financial Package, Other Supporting Materials, and Authorizations.[1] After being granted two

[1] A reinstatement petition may be filed "no earlier than sixty days prior to the date upon which the suspension expires." Board Rule 9.1(a). Petitioner's suspension expired on December 15, 2014.

extensions of time to investigate the Petition, Disciplinary Counsel filed its Answer to Petition for Reinstatement on April 20, 2015, opposing the Petitioner's reinstatement.

Pre-hearing conferences were held on August 26, 2015, and October 16, 2015. The hearing was held on January 6 and 8, 2016, before an Ad Hoc Hearing Committee ("Hearing Committee") composed of: Edward Baldwin, Esquire, Chair; Kaprice Gettemy-Chambers, Public Member; and Charles Davant, IV, Esquire, Attorney Member. Petitioner was represented by Francis H. Koh, Esquire. The Office of Disciplinary Counsel was represented by Assistant Disciplinary Counsel William R. Ross, Esquire.

Petitioner testified on his own behalf (Tr. 136) and called eight witnesses: Stanton Levinson, Esquire (Tr. 28); Herbert David Myers (Tr. 64); his daughter, Sarah H. Mir, Esquire (Tr. 75); Captain Walter Warme (Tr. 98); Hassan Bashir, Esquire (Tr. 105); Michael Stone, Esquire (Tr. 306); Kenneth Nielsen, Esquire (Tr. 316); and Peter Watkins, Esquire (Tr. 353). Petitioner's Exhibits ("PX") 1-4, and 6-22 were admitted into evidence without objection. Tr. 44, 457. Disciplinary Counsel called Petitioner as a witness, and Disciplinary Counsel's Exhibits ("DX") 1-37 were admitted into evidence without objection. Tr. 264-65, 305.

Petitioner filed his Post-Hearing Brief in Support of Petition for Reinstatement ("Pet. Br.") on March 8, 2016. Disciplinary Counsel submitted its Proposed Findings of Fact, Conclusions of Law, and Recommendation in Connection with Petitioner's Application for Reinstatement ("ODC Br.") on March

23, 2016. Petitioner filed his Post-Hearing Reply Brief to Bar Counsel's Response to Petitioner's Brief in Support for Reinstatement ("Reply Br.") on April 8, 2016.

III. LEGAL STANDARD

D.C. Bar R. XI, § 16(d)(1) sets forth the legal standard for reinstatement. Petitioner must show "by clear and convincing evidence":

> (a) That the attorney has the moral qualifications, competency, and learning in law required for readmission; and
>
> (b) That the resumption of the practice of law by the attorney will not be detrimental to the integrity and standing of the Bar, or to the administration of justice, or subversive to the public interest.

Clear and convincing evidence is more than a preponderance of the evidence; it is "evidence that will produce in the mind of the trier of fact a firm belief or conviction as to the facts sought to be established." *In re Cater*, 887 A.2d 1, 24 (D.C. 2005) (internal quotation marks and citations omitted).

In *Roundtree*, 503 A.2d at 1217, the Court identified five factors that should inform the reinstatement determination. These are:

1) the nature and circumstances of the misconduct for which the attorney was disciplined;
2) whether the attorney recognizes the seriousness of the misconduct;
3) the attorney's post-discipline conduct, including steps taken to remedy past wrongs and prevent future ones;
4) the attorney's present character; and
5) the attorney's present qualifications and competence to practice law.

Id. "[P]rimary emphasis must be placed on the factors most relevant to the grounds upon which the attorney was suspended or disbarred." *Id.*; *see also In re Mba-Jonas*, 118 A.3d 785, 787 (D.C. 2015) (per curiam) (consideration of the petitioner's personal finances was appropriate as it "reflect[ed] the very conduct that led to his . . . suspension").

IV. FINDINGS OF FACT

1. Petitioner, Maqsood Hamid Mir, was born in Pakistan in September of 1952 and obtained his undergraduate degree from University of Karachi, majoring in Literature and English. Tr. 14, 136.

2. Petitioner immigrated to the United States in 1974 to Memphis, Tennessee where he obtained a teaching position and soon after obtained his Ph.D. in English from the University of Louisville, Kentucky, specializing in rhetoric and composition. Tr. 15, 136.

3. In 1983, Petitioner obtained a teaching position at George Washington University and concurrently enrolled at the Catholic University Law School where he eventually earned his Juris Doctor. Tr. 137.

4. Petitioner was admitted to the District of Columbia Bar in 1989 and subsequently formed his law firm known as "Mir Law Associates, LLC," opening an office on 18th and N in the District of Columbia. Tr. at 138. After a few years, Petitioner's practice grew and he opened another office in Rockville where he had on an average 4-5 associates and 5-10 paralegals. *Id.*

5. Petitioner operated the firm as a *de facto* sole proprietorship, maintaining sole ownership and exercising complete control over the firm. Tr. 215-16 (Petitioner testified that "I owned it, and I ran it, and it's mine").

6. In 1999 and earlier years, Mir Law Associates earned a gross annual income of approximately $200,000 to $300,000. Tr. 376 (Petitioner).

7. In December 2000, the Legal Immigration Family Equity ("LIFE") Act created a 120-day amnesty period during which foreign nationals could resolve certain immigration violations by paying a $1,000 penalty. They would then be able to pursue permanent residency in the United States (a "green card"). In order to qualify, the foreign national had to file for relief by April 30, 2001. DX 12 at 4 (Third Superseding Indictment); Tr. 375.

8. During the amnesty period, Petitioner's practice had 40-50 employees, and his goal at the time was to hire quality people and he paid them market salaries to do the work while he brought in the business. Tr. 138-39.

9. One way to qualify under the LIFE Act was to have an "approvable" labor certification (Form ETA 750) filed on or before April 30, 2001. DX 12 at 4; Tr. 402-05. A labor certification would not be approvable if, among other things, at the time the application was filed, the employer was unable to employ the foreign national in the manner specified or to pay the specified salary, or the employee lacked the requisite experience to work for a specific employer. DX 12 at 4-5; Tr. 402-06 (Petitioner).

10. Petitioner described the LIFE Act amnesty period as "a boat that's leaving and it's so, so important to get these people in the boat" by starting the labor certification process. Tr. 385. Petitioner filed thousands of cases during that 120-day period. Tr. 157. As a result of the increased work stemming from the LIFE Act amnesty period, the annual gross income of Mir Law Associates rose ten fold, to between $2 million and $3 million in 2000 and 2001. Tr. 376.

Petitioner's Labor Certification Fraud

11. Among other things, Petitioner conspired with business owners to have those businesses agree to submit fraudulent applications for Labor Certification and related documents when these businesses did not actually need or otherwise qualify to hire the alien named on those documents. Despite having other lawyers, paralegals and staff at his firm, Petitioner personally gathered the information needed for the Labor Certifications and met with both employers and aliens seeking immigration benefits. Tr. 331 (Nielsen testifying that Petitioner met with employers to get information for Labor Certifications); *see also* DX 29 at 41-43 (Nielsen). Petitioner charged immigrant clients significant fees for these Labor Certifications and shared the profits with employers who agreed to participate in his scheme, including employers who never intended to hire any of these people. Examples of Petitioner's fraudulent scheme include:

a. Petitioner filed Labor Certifications and related documents on behalf of aliens whom an employer, Zulfiqar Ali, did not know and for whom his company, Z&J Petroleum, had no employment positions. DX 7 at 11

(HC Rpt.) (citing [DX 18] at 76-102). Petitioner told Mr. Ali to stockpile Labor Certifications for future use, and to sell approved Labor Certifications to "substitute aliens" for up to $40,000 so that he and Petitioner could "make money." *Id.* at 11-12 (citing [DX 18] at 100-01).

b. Petitioner directed employer Raghib Shourbaji of Top Notch Services to make up names for additional Labor Certifications, which could be transferred from one employee to another if the employee '"doesn't work out."' *Id.* at 12 (citing [DX 19] at 168, 174-75, 181).

c. Petitioner filed applications for Labor Certifications on behalf of Abdul Javaid and his former business Potomac Automotive, a company he no longer owned at the time Petitioner filed the applications. *Id.* (citing [DX 21] at 6, 15-17, 74-78). Javaid also testified that one of the applications for Labor Certification in his name was forged (DX 21 at 22), and that Petitioner filed false tax documents that overstated Potomac Automotive's gross income in order to support future hiring. DX 7 at 12.

d. Finally, numerous aliens testified that Petitioner filed false statements on their behalf. *Id.*

12. Concerned that some of the Labor Certifications Petitioner had filed contained false statements about the employability of the aliens or the ability of the employer to pay the salaries of the number of employees sponsored, the government

initiated an investigation of possible immigration fraud perpetrated by Petitioner and Mir Law Associates. DX 7 at 11 (Hearing Committee report); DX 13 at 2 (*U.S. v. Mir*, *et al*., 525 F.3d 351, 353 (4th Cir. 2008)).

13. As part of the investigation into Petitioner's criminal conduct, two of Petitioner's clients initiated recorded conversations with Petitioner at the behest of the government. DX 13 at 1 (*Mir*, 525 F.3d at 353). During the recorded conversations, Petitioner told his client, Mr. Chaudhary, to underreport to the government the amount of fees Mr. Chaudhary had paid Petitioner, to withhold information from the Grand Jury about Labor Certification fees, to lie about his work experience, and not to tell the government about his lack of direct contact with the purported sponsoring employer. *Id.* at 2 (*Mir*, 525 F.3d at 353-54). Petitioner also offered to *refund fees Mr. Chaudhary had paid him if Mr. Chaudhary fled the country before being discovered by government agents*. *Id.* (*Mir*, 525 F.3d at 353-54). Petitioner instructed another client, Mr. Raja, to lie to the Grand Jury about Petitioner's intended legal fees and, in return, Petitioner said that he would return the legal fees Mr. Raja had already paid. *Id.* (*Mir*, 525 F.3d at 354).

Petitioner's Criminal Case

14. Petitioner was indicted in 2003 with other defendants. During a five-week criminal trial, the government called approximately 30 witnesses, including two defendant employers and other employers, numerous aliens, and some of Petitioner's former employees. Counsel for Petitioner and the other defendants cross-examined each of the government's witnesses. DX 7 at 11.

15. In April 2005, a jury found Petitioner guilty beyond a reasonable doubt of 16 felony counts of labor certification fraud - specifically that he (1) *knowingly* subscribed as true and caused to be subscribed as true, under penalty of perjury, false statements with respect to material facts in applications, affidavits, and other documents required by the immigration laws and regulations relating to Labor Certifications, and (2) *knowingly* presented and caused to be presented such applications, affidavits and other documents containing such false statements and which failed to contain any reasonable basis in law and fact. DX 10 at 1 (judgment on these counts); DX 12 at 17-21 (third superseding indictment for these counts); DX 33 (transcript of jury verdict).

16. On September 29, 2005, Petitioner was sentenced to a total of 78 months' imprisonment for 16 felony counts of Labor Certification Fraud in violation of 18 U.S.C. § 1546(a). DX 10 at 1-2 (Judgment). Following release from prison, Petitioner was to complete three years of supervised release, during which he was precluded from engaging in the practice of law. *Id.* at 3-4. Petitioner was also assessed a $25,000 fine. *Id.* at 5.[2]

17. Petitioner's law firm, Mir Law Associates, was also found guilty of 20 felony counts of Labor Certification Fraud in violation of 18 U.S.C. § 1546(a), as well as one count of a felony Conspiracy to File False Statements in violation of 18

[2] In his memorandum in aid of sentencing, Petitioner argued for a more lenient sentence, in part because Petitioner's conviction "all but ensured that [Petitioner] will never again be permitted to practice law." PX 4 at 16.

U.S.C. § 371. DX 11 at 1. Mir Law Associates was fined $200,000, with an additional assessment of $8,000. *Id.* at 2.

18. Rather than pay the fine imposed against Mir Law Associates, Petitioner exercised his complete control over the firm and unilaterally transferred all client matters and firm property to another law firm, Nielsen & Doody. Tr. 173 (Petitioner testifying as to transfer of firm assets including approximately $50,000). Petitioner also allowed the successor firm to operate from the Mir Law Associates office space without charging rent. *Id.*

19. Petitioner was indistinguishable from his defunct business, Mir Law Associates. Tr. 334 (Nielsen discussing Petitioner's disposition of firm property, noting that "I couldn't tell you the division between the assets of Mir Law Associates and Mr. Mir"). Mr. Nielsen testified that at the time of the transfer of assets, Mir Law Associates had value, although he took no steps to determine the value of the business at the time Petitioner transferred the firm's property and clients to Nielsen & Doody. Tr. 343.

Petitioner Takes No Responsibility for Leading the Fraudulent Scheme

20. Petitioner was the leader of the criminal activity at Mir Law Associates. As the judge found:

> [Petitioner] was the individual who got the paperwork, was responsible for the filing of all those fraudulent applications and certifications, and if he's not a leader and organizer of this criminal event or activity that the jury found was present, I don't know who that would be. He has to be an organizer and leader. The evidence is overwhelming that he was the driving force and everything pointed to that law firm, which is his law firm. And he is the chief member of that LLC and he's the person

> that all of those aliens and all of those people looked to and came to for the fees that we heard charged. I think he's an organizer and I think he's the manager of that criminal enterprise.

DX 34 at 72.

21. Petitioner demonstrated an utter lack of contrition and refused to acknowledge any wrongdoing. As the judge found:

> I don't think I ever have heard in 10 years testimony so defiant. . . . He made every effort to explain away his actions as consistent with innocence and not any willfulness at all. I've never seen such, as I said, defiance and he was adamant that everyone else was involved, everyone else was responsible but not him . . . . And his testimony essentially is that he had nothing to hide and the government was on a tirade . . . But what concerns the court is suggesting on the stand before the jury that he is so innocent and he had nothing at all to do with this, and the evidence was to the contrary, and the jury found him guilty of 16 [felony counts]. That's what they did. And so, his testimony was totally inconsistent and inimical to the findings of the jury.

DX 34 at 73-74.

22. In response to Petitioner's assertion of complete innocence, the judge stated that:

> there was a mound of evidence in this case suggesting fraudulent documents that were submitted to the government. Somebody did that. Somebody submitted bogus tax returns, bogus letters of employment as a reference, made up names of aliens, made up jobs. Somebody did it. The jury said Mr. Mir did it. And to come in and tell this court that there's just no way, impossible for him to have been guilty or to have perpetrated some fraud, I just don't feel that that is a reasonable approach.

DX 34 at 119-120.

23. In summary, the judge found that "[Petitioner] took no responsibility at all for anything." DX 34 at 74.

24. Petitioner stated to this Committee that he acknowledges the gravity of the nature and circumstances of the misconduct for which he was disciplined. Tr. 157. Petitioner maintains his innocence for any intentional crimes but purports to recognize the graveness of his professional misconduct. Tr. 241-42. He testified in general that he deeply regrets the circumstances that resulted in the filing of fraudulent immigration documents, and that he has "repeatedly accepted responsibility" for the firm's "very, very serious mistakes." Tr. 157.

25. When pressed on this purported regret and acceptance by the Committee, Petitioner testified that he "did not have the intent" to commit fraud and that he thought he had authorization from the employers to file the forms. Tr. 383-84. Petitioner attempted to deflect responsibility by asserting that he "didn't sign" the forms, rather the forms were signed by his 40 temporary, non-lawyer workers who were working at "the literacy of eight-grade letter[.]" Tr. 386-87.

26. Despite the evidence showing that only Petitioner met with employers and employees in connection with these fraudulent applications, among other damning evidence, Petitioner never made any credible admission that he was directly responsible for any intentional conduct or specific wrongdoing. Instead Petitioner testified that his responsibility and regret was based on the fact that he was in charge of the operation. He testified, for example, at the reinstatement hearing that: "I was the one who was steering the boat, and it was my fault . . . I should have established a system where everybody would be careful and realize a piece of paper is not just a piece of paper." Tr. 160. This is not a meaningful acceptance of responsibility

because Petitioner was not convicted vicariously for the wrongdoing of his employees. He was convicted for his own conduct in perpetrating a fraudulent scheme.

27. At the reinstatement hearing, Petitioner testified that he had accepted responsibility. In his words: "I've accepted [responsibility] repeatedly during the course of my correspondence with the [Disciplinary] Counsel. And I've accepted it to my children. I've accepted it to my employers, my former clients, and I've also accepted it to the law firm that I left behind." Tr. 170. Outside of these general statements about Petitioner purporting to "accept" responsibility, the Committee found no credible evidence that Petitioner accepted any wrongdoing for anything other than "steering the boat" or other "negligence" type actions or inactions.[3] The Committee further finds no credible non-testimonial evidence that Petitioner had accepted responsibility for his actions that led to his conviction.

28. Petitioner does not understand the harm he caused as he repeatedly averred that there were no victims of the crimes for which he was convicted. PX 8 at 2 (Personal Statement: "The presentencing report said that 'there were no victims and there was no restitution.'"); PX 9 at 2, ¶ 26 (Reinstatement Questionnaire: same); Tr. 379-381 (Petitioner) (there were no victims and his "act of filing a labor

[3] Petitioner repeatedly testified that he committed "very grave offenses." Tr. 200. In his testimony to the Hearing Committee, he stated: "I was wrong. I was very, very wrong. I admit that. I brought disgrace to the family, to my clients, to my firm, to the profession [of law] . . . ." Tr. 434. The Committee finds no credible evidence that Petitioner acknowledges that any specific acts were "wrong." Instead, his admission of wrongdoing is related to the general "supervision" issues discussed above.

cert does not hurt the employee in any way"). When pressed on this by the Committee, Petitioner reinforced that "society was hurt by my deeds . . . the government was the victim." Tr. 194. When asked if the immigrants who paid substantial fees to his law firm and were at risk of being deported in connection with the government's investigation were victims, Petitioner stated that they were not victims because the government ultimately allowed them to stay. Tr. 381-82 (Petitioner) ("nobody lost a benefit because I filed" because "at the end of the day the alien gets the benefit; you blame the attorney").

Petitioner's Incarceration

29. Petitioner testified that he "paid a very heavy price for the mistakes [he] made." Tr. 242. As a result of his incarceration he was away from his daughters, his wife, and was unable to visit his parents in the last years of their lives. Tr. 159.

30. Petitioner was incarcerated for 60 months in the Federal Correctional Institute in Morgantown, West Virginia and spent an additional six months in a halfway house in Rockville, Maryland. Tr. 145-46; PX 9 at 1 (Reinstatement Questionnaire).

31. During his incarceration, Petitioner attempted to improve himself as an individual and professional as he took classes, spent a significant amount of time studying in the prison library, and learned new languages and other useful new professional skills. Tr. 81, 145-46.

32. During his period of incarceration, Petitioner endured separation from his wife and three daughters, but worked to maintain contact with his family through

visits, calls, and emails. Tr.*Id.* 80; PX 8 at 2 (Personal Statement). Petitioner's family continues to support Petitioner and testified on his behalf at the hearing.

Petitioner's Disbarment

33. The 2009 Committee found clear and convincing evidence that Petitioner's criminal conduct violated Rules of Professional Conduct 8.4(a) (attempting or assisting misconduct), 8.4(b) (criminal act reflecting adversely on lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects), 8.4(c) (dishonesty, fraud, deceit, or misrepresentation), and 8.4(d) (conduct that seriously interferes with the administration of justice). DX 7 at l, 19-21. The 2009 Committee determined that the seriousness of Petitioner's crimes warranted disbarment. *Id.* at 1-2.

34. The 2009 Committee determined that, *at a minimum*, Petitioner "*repeatedly and deliberately* turned a blind eye to whether false certifications were being submitted to state and federal immigration authorities by his law firm on behalf of his clients[,]" and that Petitioner's "conscious disregard of his responsibilities as an attorney very clearly casts a cloud over his fitness to practice." *Id.* at 20 (emphasis in original).

35. Disciplinary Counsel noted a limited exception based on the Committee's failure to find that Petitioner's crime involved moral turpitude. After Disciplinary Counsel filed its brief with the Board on Professional Responsibility - and after Petitioner's criminal appeals had been denied - Petitioner signed an affidavit consenting to disbarment on September 16, 2009. PX 22 at 3-4 (Affidavit).

Petitioner stated that "if the disciplinary proceedings continue, I could not successfully defend against them." *Id.* at 4 (second page of affidavit). On November 5, 2009, the District of Columbia Court of Appeals disbarred Petitioner on consent. DX 9 (*Mir*, 982 A.2d 1146).

Petitioner's Release from Federal Custody and Prohibition on Practicing Law

36. Petitioner was released from federal custody on or about January 16, 2014. DX 1 at P2. The terms of Petitioner's three-year supervised release prohibited him from practicing law until at least January 16, 2017. *See* DX 10 at 2-3.

37. Petitioner satisfactorily performed some of his post-incarceration obligations. For example, Petitioner was ordered to perform 40 hours of community service, but ultimately completed "over 120 hours." Tr. 446.

Petittioner's Character Witnesses

38. Petitioner presented multiple character witnesses who testified about his good character, but none evinced a minimal understanding of his criminal enterprise and convictions on 16 counts of felony labor certification fraud.

39. Captain Walter Warme of the U.S. Marine Corps testified that Petitioner hosted a Wound Warrior Project event at one of Petitioner's homes in Potomac, Maryland. Tr. 100 (Warme); *see also* Tr. 188 (Petitioner) (testifying that he has four homes). He also testified that Petitioner has attended several events, making donations, and volunteering when possible. Tr. 100-01 (Warme). With regard to Petitioner's reputation and character, Captain Warme of the Wounded

Warrior project testified that Petitioner, "[has a] great reputation, a great character." Tr. 101(Warme).

40. Additionally, David Myers - the chairman of the Beethoven Fund - testified that the Petitioner had a "good heart" and was "gracious." Tr. 66-67. He testified that Petitioner "volunteered to work with [the Beethoven Fund]" and was exceptionally helpful. Tr. 66. According to Mr. Myers: "[Petitioner] literally did everything for us. If it required taking tickets, he did it. If it would require helping a wounded warrior to a various part of the stage or wherever - whatever needed to be done, whether it involved sending out mailings or providing venues . . . [h]e's been there at just about every event we've had for the last three years . . . [and] he has just done a sterling job." Tr. 67 (Myers). "[H]e's a person that really cares about the community." *Id.* Mr. Myers testified about Petitioner's reputation in the community, stating that "[t]here's no amount of money, there's no amount of influence or anything that could get me to say this, but his standing amongst our group is absolutely the highest order." Tr. 69; Tr. 74 (Petitioner "is a really, really, a very fine person [who] really cares so much about everyone around him[.]"); *id.* ("if there's anybody that I can imagine that is deserving of a second chance, it would be Maqsood Mir.").

41. However, neither Captain Warme nor Mr. Myers knew anything specific about the crimes for which Petitioner was convicted, nor about the events that led to Petitioner's disbarment. Tr. 102 (Warme) ("All I know is that there was a conviction . . . ."); Tr. 71 (Myers) ("[I] knew that he . . . had been convicted of

some wrong doing[,]" but "didn't know exactly what.") Thus, the Committee accepts the view that Petitioner has a good reputation in their circles but gives their testimony little weight because his witnesses are unaware of Petitioner's criminal conduct.

42. Petitioner's family also testified to his character. His daughter Sarah Mir testified that her father has "come back [from prison] with a will to change himself and to become a better person too." Tr. 86 (Sarah Mir). Ms. Mir also testified that she has seen her father "striving to do better . . . he's become very open. He's become reasonable . . . he listens more." Tr. 94-95. Petitioner's son-in-law testified that his father-in-law "[is] a changed man . . . completely a different individual." Tr. 122 (Bashir). Mr. Bashir further testified that Petitioner is well-respected in many of the South Asian legal associations in the community, and that "on a professional level [his] personality has changed." Tr. 123-24. Mr. Bashir additionally testified that Petitioner takes the practice of law very seriously, and consistently works to better himself in his professional capacity. Tr. 121-26. Neither Ms. Mir nor Mr. Bashir, however, demonstrated an understanding of Petitioner's actual actions that led to the criminal conviction and disbarment. *See* Tr. 81-82, 84 (Sarah Mir); Tr. 124, 130 (Bashir). In fact, Ms. Mir and Mr. Bashir echoed the Petitioner's rejected assertion that his only wrongful actions were not having controls in place or sufficient oversight. *See, e.g.*, Tr. 82, 84, 124-125.

43. Petitioner's former colleagues testified similarly to Petitioner about the causes that led to the criminal conviction and his voluntary disbarment, testimony

that sought to minimize his culpability and responsibility. Michael Stone - a real estate attorney who shared an office with Petitioner prior to his conviction - testified that he knew Petitioner had been convicted of "work permit fraud," Tr. 314, but understood simply that Petitioner "let the business sort of get away from him, and had there been more stringent control in place . . . perhaps he would find himself in a different situation." Tr. 312-13. According to Mr. Stone, Petitioner's misconduct appeared to be the result of poor management rather than intentional disregard for the law. *Id.* Mr. Stone also testified that Petitioner had made great strides to "bette[r] himself" while in prison. Tr. 312. Mr. Stone testified: "I have the deepest respect for Mr. Mir and his professional abilities[,]" but admitted that he had not observed Petitioner's practice of law since the 1990s. Tr. 312-14. Mr. Stone's testimony demonstrated a lack of understanding of the actions that led to Petitioner's criminal convictions.

44. Petitioner's former colleague Attorney Kenneth Nielsen at Mir Law Associates testified that if Petitioner's law license were renewed, he would recommend clients to him with "no reservation[s]." Tr. 339 (Nielsen). However, Mr. Nielsen testified that he had not had an opportunity to review Petitioner's competency as an attorney since Petitioner left Mir Law Associates and began his term of imprisonment. Tr. 335. Mr. Nielsen also parroted the incorrect statement that Petitioner's "downfall" lay in "sheer volume," together with "maybe not having a good system in place to keep track of everything[.]" Tr. 322-23. Mr. Nielsen testified that the failures of the Mir Law Associates were attributable to the "sheer

volume" of work the firm took on during the amnesty period and a lack of solid management. Tr. 322-23. Mr. Nielsen also asserted that Petitioner would never repeat his past mistakes and would "stay within the bounds of the law and do everything properly." Tr. 324.

45. Peter Watkins - a former employee and mentee of Petitioner - likewise testified that he does not question Petitioner's moral judgment, and would confidently recommend him as an attorney if Petitioner reestablished himself in the profession. Tr. 368 (Watkins). However, Mr. Watkins believed Petitioner had been convicted of only one count, "one of the lesser charges." Tr. 358. Mr. Watkins thought "there was a situation where there was a signature in question, whether it was the client's signature or not." Tr. 358-59. He had not talked to Petitioner "so much in the last 15 years," and during that time did not evaluate Petitioner's competence to practice law. Tr. 363.

46. Petitioner's daughter, Sarah Mir, and his son-in-law Hassan Bashir - both lawyers themselves - testified on his behalf. Mr. Bashir faulted the prosecutors, saying they targeted the family due to the terrorist attacks in 2001. Tr. 109, 130. Mr. Bashir repeated the incorrect assertion that Petitioner was at fault only because he "never protected himself appropriately," and "didn't do the things that he should have done to not get himself in that trouble." Tr. 115. Mr. Bashir also repeated the incorrect assertion that Petitioner worked very hard but "was too negligent in managing the files of his clients." Tr. 124. According to Ms. Mir, her father "may have made mistakes" but she elaborated only by saying "he wasn't checking things

as they should have been checked by the supervising attorney in the office" (Tr. 81-82) and that "maybe he should have popped his head into the offices a few more times and made sure that the documents were in order, signatures were there properly." Tr. 84. These are the same incorrect assertions that the Petitioner has repeatedly asserted.

Petitioner's Efforts to Prevent the Recurrence of Prior Misconduct

47. Petitioner has also taken several continuing legal education courses to improve his technological skills. Ms. Mir testified that he did so in an effort to prevent any future professional mistakes. Tr. 87-89 (Sarah Mir). Petitioner, however, did not credibly explain how these courses would prevent the types of fraudulent misconduct and criminal actions for which he was convicted or for which there was testimony before the Committee.

48. Petitioner testified that he has taken almost 30 continuing legal education courses, with a focus mainly on "ethics courses." Tr. 164-65 (Mir).

49. Petitioner testified that he recognized many of the flaws in his prior system of management resulted from a lack of quality assurance in his firm. He testified that he would dispense with any "robo-signing" procedures and in the future intends to personally review all the documents in his practice. Tr. 178. The Committee finds that Petitioner did not credibly describe the wrongful acts that led to his conviction and disbarment, which went far beyond "robo-signing" or a failure to personally review all documents.

50. Petitioner has been advised that new office management and new software would help him reestablish his firm and operate responsibly, avoiding any future misconduct. Tr. 90-92. The Committee finds that Petitioner's wrongful acts that led to his conviction and voluntary disbarment go far beyond new office management or new software.

51. Petitioner's daughter, Sarah Mir, and his son-in-law, Hassan Bashir, are local attorneys. Ms. Mir has offered to "help [Petitioner] along" if he re-enters the legal world. Tr. 92. Likewise, Mr. Bashir stated: "Professionally, I can be [Petitioner's] mentor." Tr. 130 (Bashir). Ms. Mir is not admitted in the District of Columbia (Tr. 88 (Sarah Mir)), and there is nothing in the record to show that Mr. Bashir is admitted in the District of Columbia. We certainly believe that these attorneys have the best intentions. But these attorneys expressed the same incorrect assertion as Petitioner that his wrongful conduct was the result of poor management or insufficient oversight. Thus, it is not convincing that these attorneys could properly assist Petitioner with the behaviors that led to the criminal conviction and voluntary disbarment.

52. Mr. Bashir has advised Petitioner on software systems that would be useful for him to "keep track of the filing mechanism." Tr. 124-25. Petitioner testified that the new software will be a safeguard if he is readmitted to the Bar. He testified that he learned to use computers while in prison. Tr. 166 (Mir). The Committee found no credible evidence that a new software system or increased

computer literacy would correct the issues that led to Petitioner's conviction and consent to disbarment.

Petitioner's Criminal Conduct Prejudiced Some of His Clients

53. Some of Petitioner's clients failed to obtain immigration documents or were jailed as a result of their participation in Petitioner's fraudulent scheme. *See* DX 18-19 (Ali testimony); DX 19 (Ghaus testimony); DX 21 (Javaid testimony); DX 34 at 105 (Salem). Mr. Nielsen testified that his firm did not continue processing client matters that had been involved in the fraud because his firm "didn't want to touch" those files and "we couldn't deal with those people and those cases." Tr. 334 (Nielsen).

Petitioner's Conduct Since His Release from Prison

54. Petitioner began his rehabilitation in prison and, since the time of his release, has worked to reintegrate himself into his community. Tr. 228-29 (Mir). During his stay at the halfway house, Petitioner worked as a marketing consultant for an IT company. Tr. 228. More recently, he established a tutoring company called Little Physicists in Potomac, MD, where he tutors elementary and middle school aged students. Tr. 190.

55. Petitioner testified that if he reassumes the practice of immigration law, he will be far more cognizant of his caseload to ensure he is able to live up to his professional responsibilities. Tr. 167. Again, however, such testimony cannot be credited because it was not the caseload that led to Petitioner's criminal conviction or his disbarment.

56. Petitioner also testified that he now recognizes the importance of maintaining a staff of employees who can provide the necessary quality assurance for his clients. Tr. 158, 180. This testimony is merely aspirational and, importantly, will not address the behaviors that led to Petitioner's criminal conviction for his intentional conduct or his disbarment.

57. Petitioner is seeking to be reinstated to the D.C. Bar because he wishes to re-establish himself as an attorney as well as pursue other writing and teaching opportunities, which his law license would avail. Tr. 184

Petitioner's Efforts to Minimize His Misconduct

58. Petitioner claimed, over and over, that he "accept[ed] responsibility" (*See, e.g.*, Tr. 157) and "recogniz[ed] the seriousness and gravity" (*See, e.g.*, Tr. 242) of his criminal conduct. But Petitioner did not actually accept responsibility for his actions. When he was pressed as to specific behaviors, he continued to blame others and demonstrated a substantial lack of willingness to recognize what he did as wrong. And, as stated above, several of Petitioner's character witnesses repeated the same incorrect assertion that Petitioner had advanced that his wrongful actions were insufficient oversight or similar issues.

59. Petitioner was the only person involved in collecting the fraudulent information from both the putative employers and employees. He was the only lawyer to sign all the forms. He was the person who set the fees for clients to pay. He argued as if the immigration bureaucracy's delays justified the high-volume

processing of fraudulent documents that swelled his law practice income: "You're playing a game. The government knows you're playing a game." Tr. 202.

60. Yet despite this evidence, Petitioner blamed his criminal actions on his employees, stating that an attorney "must watch his employees," Tr. 158, and "should have established a system where everybody would be careful and realize a piece of paper is not just a piece of paper." Tr. 160.

61. Petitioner consistently misrepresented his misconduct as only involving improper signatures, claiming that he failed to take "necessary precautions" and "violated procedural rules" when he "signed the names of the employers, which ***we*** should not have." Tr. 157 (emphasis added). "I was wrong, dead wrong in signing or asking people to sign the names of employers." Tr. 163. "I realize the gravity of that, because an attorney, unlike other professions, is dealing with paper. That's all he deals with, documents. And so he should be more careful, and I was not." Tr. 164; *see also* Tr. 201 (describing his misconduct as having "[s]igned papers"); DX 3 at 2 ("fraud convictions stemmed from signing names on documents without the clear authorization or permission").

62. Petitioner repeatedly characterized his criminal misconduct as "negligence." Pet. Br. at 2 ("Mr. Mir deeply regrets that his negligence . . . resulted in the filing of fraudulent immigration documents."); *Id.* at 12-13 (same). The 2009 Committee flatly rejected this same argument; it determined that by convicting Petitioner of 16 felony counts of labor certification fraud, "the jury plainly did not

accept [Petitioner]'s 'negligence' theory." DX 7 at 16-17. Indeed, the jury found beyond a reasonable doubt that the negligence claim was a lie.

63. Petitioner has continued to file legal documents that misrepresent facts. In the bankruptcy pleadings included with his reinstatement petition, Petitioner represented to the bankruptcy court that although he "won on most major accounts [in the criminal trial], he lost on *several minor issues.*" DX 1 at P30 (emphasis added). Petitioner's convictions on 16 felony counts of labor certification fraud, for which he was sentenced to 78 months' imprisonment, were not "minor issues." Petitioner has further alleged that there were no victims with regard to his actions and that the officials had confirmed this. *See* PX 8 at 2 (Personal Statement); PX 9 at 2, ¶ 26 (Reinstatement Questionnaire); Tr. 379-381. He later admitted that society was a victim in his crimes. Tr. 194. Petitioner never admitted that the clients who faced deportation and other sanctions, as well as who paid high fees, were victims. *See* DX 18-19 (Ali testimony); DX 19 (Ghaus testimony); DX 21 (Javaid testimony); DX 34 at 105 (Salem).

64. Petitioner described his criminal conduct as "willful blindness" when he sponsored someone for a job for which he knew she was not qualified. Tr. 204 ("I should not have sponsored a woman as a cook in your house *knowing fully well* that she doesn't do cooking." (emphasis added)). What he described, however, was intentional fraud, not willful blindness. *See* DX 10 at 1 (Judgment).

65. Petitioner denied any role in setting his fraudulent scheme in motion. Instead, he consistently identified his error as having "signed the employer's name

without asking the employer." Tr. 204; *see also* Tr. 208 ("a very grave error" to sign employer's name to a document that you know contains a false statement, but if the employer "wants to lie and not tell you, *that's fine*") (emphasis added). Even if the employer signed the form in Petitioner's example, however, Petitioner still submitted a fraudulent document to the government.

Petitioner's Unpaid Debts, Unsatisfied Judgments, and Unwarranted Promises

66. Petitioner promptly paid his $25,000 personal fine. Mir Law and Associates LLC disbanded shortly after Petitioner's sentencing, and did not pay its $200,000 fine. Petitioner has not paid the firm's fine. Tr. 149, 152, 155-56, 256.

67. Petitioner testified that he wishes to resume the practice of law, reestablish Mir Law and Associates, and pay the firm's $200,000 debt after his corporation's reestablishment. Tr. 39, 175-76 (Mir). Petitioner presented no evidence that he has taken any steps to pay any of the Mir Law and Associates' fine since it was imposed, and thus we give no weight to Petitioner's aspirational assertions that he will pay this fine.

68. Petitioner filed for bankruptcy in 2010 and many of his debts were discharged. DX 1 at P31; PX 6 at 9-10. Three years later in 2013, Petitioner filed a joint Chapter 11 bankruptcy with his wife. PX 6 at 10-12. As of the hearing, Petitioner's bankruptcy plan had not been confirmed.

69. Petitioner's most recent bankruptcy plan outlined a total of at least $4,494,421.43 in unsatisfied debts and liens currently owed by Petitioner and his wife. PX 6 at 25-34.

70. Petitioner testified that at the time of the reinstatement hearing, he had virtually no income. Tr. 224 ("My personal income stopped in '05 when I stopped practicing" and he and his wife have a combined annual income of between $18,000 and $20,000). He reported approximately $98,271 in personal property and cash on hand. PX 6 at 22. He also testified that his tutoring company, Little Physicists, LLC, "generates $1,000 a month." Tr. 224-25. He is eligible to collect approximately $1,500 a month from Social Security, but testified that he has "chosen not to do so for certain reasons." Tr. 225. His bankruptcy lawyer reported Petitioner and his wife lived on income from an assisted living facility in his wife's name. Tr. 54-56.

71. Petitioner acknowledged that he owed at least $132,894.46 in federal income taxes for tax years 2003 and 2004. PX 6 at 25-26.

72. Petitioner acknowledged that the IRS filed a lien against him for the sum of $209,569.52 for payroll tax deficiencies relating to Mir Law Associates for tax years 2000 and subsequent years. DX 1 at P32; DX 2 at P3 (Petitioner acknowledging that the IRS was holding him personally liable for the firm's debts).

73. Petitioner has repeatedly claimed he will assume responsibility for the $200,000 criminal fine imposed against Mir Law Associates. *See, e.g.*, DX 2 at 3 ("I will include it as my personal debt in my reorganization plan . . . ."); DX 3 at 5 ("If it is determined by the [Disciplinary] Counsel that I am personally responsible for the aforementioned fine, I will add that amount to the pending Chapter 11 proceeding . . . ."); DX 4 at 2 (outlining steps Petitioner had purportedly taken to "accept that liability"); DX 5 at 1 ("I have accepted the responsibility of the fine

imposed on Mir Law Associates"); Tr. 153 (Petitioner: "If that's the price of getting a license, I'll give you the $200,000.").

74. Petitioner's current bankruptcy attorney, Mr. Levinson, testified that "nothing in the bankruptcy code" prevented Petitioner from assuming responsibility for the fine against Mir Law Associates and voluntarily making payments, as long as Petitioner is otherwise in compliance with his bankruptcy plan. Tr. 44.

75. As of the hearing date, Petitioner had not made any payments toward the $200,000 fine against Mir Law Associates. DX 1 at P3; *see also* Tr. 155; 451-52. He implied, if not outright argued, that he could pay his obligations if he could practice law and resume billing clients. Tr. 175-77. He did not explain a plan for generating enough legitimate income to meet both his current and amassed expenses, unless he is able to practice law.

V. LEGAL ANALYSIS

In assessing whether Petitioner met his substantial burden imposed by Rule XI, § 16(d), we focus primarily on five factors: (1) the nature and circumstances of the misconduct for which the attorney was disciplined; (2) the attorney's recognition of the seriousness of the misconduct; (3) the attorney's post-discipline conduct, including steps taken to remedy past wrongs and prevent future ones; (4) the attorney's present character; and (5) the attorney's present qualifications and competence to practice law. *Roundtree*, 503 A.2d at 1217. "In any reinstatement case, primary emphasis must be placed on the factors most relevant to the grounds upon which the attorney was suspended or disbarred." *Id.* Petitioner acknowledges

"that he is subject to heightened scrutiny on all factors as the nature and circumstances of the misconduct for which [he] was disciplined is grave and closely bound up with [his] role and responsibilities as attorney." Pet. Br. at 11-12 (alterations in original) (internal quotation marks omitted) (citing *In re Fogel*, 679 A.2d 1052 (D.C. 1996), *reinstatement granted*, 728 A.2d 668 (D.C. 1999) (per curiam)). Considering each of the *Roundtree* factors, the Hearing Committee believes that Petitioner has **not** presented clear and convincing evidence that he meets the requirements for reinstatement identified in D.C. Bar R. XI, § 16(d)(1).

A. The Nature and Circumstances of Petitioner's Misconduct

In considering a petition for reinstatement, "the nature and circumstances of the misconduct for which the attorney was disciplined" is a significant factor (*Roundtree*, 503 A.2d at 1217) "because of their obvious relevance to the attorney's 'moral qualifications . . . for readmission'" and the Court's "duty to insure that readmission 'will not be detrimental to the integrity and standing of the Bar.'" *In re Borders*, 665 A.2d 1381, 1382 (D.C. 1995) (quoting D.C. Bar R. XI, § 16(d)).

Petitioner was convicted of 16 felony offenses for Labor Certification Fraud, in violation of 18 U.S.C. §1546(a), and was subsequently fined ($25,000 personally) and sentenced to 78 months' imprisonment, followed by three years of supervised release during which he was not allowed to practice law. Petitioner's conviction involved *knowingly* submitting fraudulent documents to the government through his law practice. The jury found Petitioner guilty beyond a reasonable doubt on 16 felony counts of Labor Certification Fraud - specifically that he *knowingly*

subscribed as true and caused to be subscribed as true, under penalty of perjury, false statements with respect to material facts in applications, affidavits, and other documents required by the immigration laws and regulations relating to labor certifications, and *knowingly* presented and caused to be presented such applications, affidavits and other documents containing such false statements and which failed to contain any reasonable basis in law and fact. DX 10 at 1 (judgment on these counts); DX 12 at 17-21 (third superseding indictment for these counts). On appeal of his conviction, the Fourth Circuit also found that Petitioner advised clients to lie to the government. DX 13 at 1 (*Mir*, 525 F.3d at 353-54). Petitioner's law firm, Mir Law Associates, was also found guilty of 20 felony counts of Labor Certification Fraud in violation of 18 U.S.C. § l546(a), as well as one count of a felony Conspiracy to File False Statements in violation of 18 U.S.C. § 371. DX 11 at 1. Mir Law Associates was fined $200,000, with an additional assessment of $8,000. DX 11 at 2. Mir Law Associates and Petitioner are one in the same; that is, Mir Law Associates' criminal conviction was based entirely on Petitioner's conduct.

In the prior disciplinary proceedings, the 2009 Hearing Committee found that while Petitioner's criminal conduct did not involve moral turpitude within the meaning of D.C. Code § 11-2503(a) (2001), his conviction involved a "serious crime" under D.C. Bar R. XI, § 10(b) and violated Rules 8.4(a) (violating or attempting to violate the Rules of Professional Conduct), 8.4(b) (criminal conduct reflecting adversely on his fitness to practice law), 8.4(c) (dishonesty, fraud, deceit or misrepresentation), and 8.4(d) (conduct that seriously interferes with the

administration of justice). *Mir*, Bar Docket No. 445-03, HC Rpt. at 14, 19-21. The Hearing Committee concluded that Petitioner's "deliberate disregard of his professional responsibilities" by "consciously turn[ing] a blind eye to the truth or falsity of documents being submitted to state and federal labor and immigration authorities on 16 separate occasions" warranted a serious sanction. *Id.* at 22. Based on "the number of felony offenses of which [Petitioner] was convicted and the lengthy prison term to which he was sentenced" the 2009 Hearing Committee recommended "the strongest possible disciplinary response" - disbarment. *Id.* Petitioner then consented to disbarment, which the Court accepted. *Mir*, 982 A.2d at 1146 (dismissing disciplinary proceedings arising out of criminal conviction as moot).

Petitioner provided no credible evidence to this Committee to show that he did not commit any of these offenses. Instead, Petitioner tried to mislead the Committee by alleging that his offenses were that he did not "steer the boat" correctly or that he provided insufficient oversight.

The facts adduced in this reinstatement proceeding, as also confirmed by the convictions and other documents, show that Petitioner was the sole lawyer who dealt with the employers and employees seeking these immigration services. *See* Findings of Fact ¶¶ 5, 13, 18, 25, and 28.

Petitioner has the burden of proof here by clear and convincing evidence. The evidence showed overwhelmingly that Petitioner committed intentional fraud himself and this intentional fraud was in connection with his law practice. Petitioner

presented no credible evidence to rebut this, much less evidence to meet his clear and convincing burden of proof regarding this factor.

In addition, Petitioner's conduct here is especially troubling because it lies at the heart of his role as an attorney. While fraud on the scope at issue here is always intolerable, it merits special opprobrium because Petitioner perpetrated the fraud while ostensibly representing immigration clients. *See In re Slattery*, 767 A.2d 203, 215 (D.C. 2001) ("The relation of an act to the practice of law illuminates and properly focuses [the appropriate discipline] inquiry . . . the essential purpose of . . . which is to question the continued fitness of a lawyer to practice his profession.") (alterations in original) (internal quotation marks and citation omitted); *In re Kennedy*, 542 A.2d 1225, 1230 (D.C. 1988) (misconduct that does not relate to the practice of law, generally warrants a less severe sanction than similar acts committed in the course of representing a client). The nature and the circumstances of Petitioner's conduct include that this misconduct was part and parcel of his law practice. This was felonious fraud in connection with the practice of law. Allowing reinstatement of Petitioner, who used his law practice to perpetrate a fraudulent scheme, refuses to accept responsibility for his misconduct, and instead attempts to minimize the wrongdoing, would do harm to the integrity of the Bar.

B. Petitioner's Recognition of the Seriousness of the Misconduct

Petitioner contends that he "acknowledges the gravity of the nature and circumstances of the misconduct for which . . . he was disciplined" and "recognizes the graveness of his professional misconduct," but "maintains his innocence for any

intentional crimes[.]" Pet. Br. at 11-12. Petitioner also that recognizes that, under *In re Fogel*, "he is subject to heightened scrutiny on all factors as 'the nature and circumstances of the misconduct for which [he] was disciplined is grave and closely bound up with [his] role and responsibilities as attorney." *Id.* But, Petitioner argues that "[u]nder Bar Rule XI, § 16(d)(l), an attorney convicted of [an] act of moral turpitude may recognize the seriousness of his misconduct, as [a] factor for reinstatement, while steadfastly maintaining his innocence." *Id.* at 12 (citing *In re Sabo*, 49 A.3d 1219 (D.C. 2012)). "Moreover, [a] confession of guilt is not required for [an] attorney seeking reinstatement to show that he recognizes the seriousness of his misconduct, and [an] attorney is not required to explain the grounds upon which he maintains his claim of innocence." *Id.* (internal quotation marks omitted). Petitioner argues that he "recognizes the extent to which his misconduct affected those around him" in his correspondence to Disciplinary Counsel, including to his children, employers, former clients, and the law firm. *Id.* at 13.

Disciplinary Counsel argues that "Petitioner presented no evidence that addressed the overarching issue of dishonesty that permeated the criminal enterprise he captained for personal gain" and that "[h]e failed utterly to demonstrate any personal reform in that regard." ODC Br. at 22. Disciplinary Counsel contends that Petitioner's character witnesses "did not understand his role in the criminal conduct as the leader of a criminal enterprise, nor did they comprehend the dishonest nature of the fraudulent scheme he pursued for personal gain, 'suggesting that he has not fully acknowledged the seriousness of his misconduct even to those people closest

to him.'" *Id.* at 22-23 (quoting *Fogel*, 679 A.2d at 1055). Finally, Disciplinary Counsel argues that Petitioner's reliance on *In re Sabo* "for the proposition that he can maintain his innocence while recognizing the seriousness of his misconduct," is misplaced for two reasons: 1) "Sabo's reinstatement was not evaluated under the heightened scrutiny standard because his misconduct was not closely related to his responsibilities as an attorney"; and 2) "Sabo's claim of innocence" was supported by significant evidence presented "to satisfy his burden under that lower standard of scrutiny." *Id.* (citing *Sabo*, 49 A.3d at 1224, 1227). We agree.

Petitioner has presented no credible evidence to challenge the evidence introduced by Disciplinary counsel that he acted with intent regarding these wrongful acts. In fact, Petitioner's testimony and the testimony from his former colleagues show that Petitioner acted intentionally with regard to these wrongful acts. Petitioner was the only person who gathered the information from both the employers and the immigration seekers. Petitioner filled out and signed the forms. These forms were fraudulent, containing jobs that did not exist and employees that did not exist. *See* Findings of Fact ¶¶ 11, 15. Petitioner by his own testimony and that of his former colleagues makes clear that Petitioner was the only lawyer involved in these actions and was the crucial actor with regard to these fraudulent documents. *See, e.g.*, Findings of Fact ¶¶ 5, 11, 25. Petitioner presented no credible evidence to demonstrate otherwise.

Rather, Petitioner repeatedly asserted falsely that he was far removed from the wrongdoing. He testified, for example, that: "I was the one who was steering the

boat, and it was my fault. . . . I should have established a system where everybody would be careful and realize a piece of paper is not just a piece of paper." Tr. 160. Far from just "steering the boat," here he was the captain, the navigator, the mate, the steward, the engineer, and the deckhand. Trying to assert that he was somehow just steering the boat while others were engaged in wrongdoing is not supported by the evidence and shows a substantial failure to recognize *his* wrongdoing.

At other times, Petitioner asserted that his wrongdoing was a result of a lack of quality assurance and "robo-signing" procedures. Pet. Br. at 15; Tr. 166-67, 178. Again, this was completely unsupported by the evidence. The problem was not "robo-signing"; the problem was taking false information and putting that information onto government forms for substantial fees. The problem was not assuring the quality of someone else's work, as Petitioner was the one talking to the clients and signing the forms. To be clear, this was not a case where a sole shareholder of a law firm was not properly supervising his associates and partners. Petitioner was taking these wrongful actions himself.

As further discussed below in the fourth factor, but relevant for the second factor, Petitioner's oft-repeated attempt to avoid taking responsibility of wrongdoing infected every witness on his behalf. It became clear throughout these witness examinations that Petitioner had failed to accept responsibility when speaking with these witnesses as well.

Likely being aware of this *Roundtree* factor, Petitioner would often recite that he was sorry for his actions and that he took responsibility for them. But an

expression of regret is not a talisman; more is required as anyone can state general regret. The Committee finds Petitioner's expressions of regret and accepting responsibility to be incredible. The other evidence demonstrated that Petitioner blamed others for his actions and did not actually take responsibility for his actual wrongdoing.

We thus find that Petitioner has not satisfied the second *Roundtree* factor.

C. Petitioner's Post-Discipline Conduct

Under the third *Roundtree* factor, we must consider a petitioner's "conduct since discipline was imposed, including the steps taken to remedy past wrongs and prevent future ones[.]" 503 A.2d at 1217; *see also Sabo*, 49 A.3d at 1229 (finding rehabilitation where attorney had "made significant positive changes, creating a convincing case of rehabilitation").

Petitioner argues that while incarcerated he took classes, learned new languages, and maintained contact with his family. After his release, Petitioner was ordered to perform 40 hours of community service, but completed "over 120 hours." Pet. Br. at 14; Tr. 446. Captain Walter Warme of the U.S. Marine Corp. testified to Petitioner's work with the Wounded Warrior Project, including hosting an event at his home, attending several events, making donations, and volunteering. Tr. 100-01. David Myers, the chairman of the Beethoven Fund, testified that Petitioner volunteered "at just about every event we've had for the last three years . . . and he has just done a sterling job." Tr. 67. Petitioner testified that he had taken

approximately 30 hours of continuing legal education courses and improved his technological skills. Pet. Br. at 15; Tr. 164-66.

Disciplinary Counsel argues that "Petitioner has not even correctly identified, much less shown any significant rehabilitation from, the character flaws that led to his conviction for 16 counts of felony labor certification fraud[,]" and that "[h]e continues to mischaracterize his crime and appears to have exactly the same view of his level of responsibility as he did in 2005 when he was criticized by the sentencing judge[.]" ODC Br. at 24. Disciplinary Counsel also argues that Petitioner's continuing legal education courses and improved technological skills "would not prevent future immigration fraud schemes or other dishonest misconduct because [the misconduct was] not caused by poor management or 'robo-signing' procedures." *Id.*

Financial Restitution

Petitioner argues that: "At the time of his criminal trial, [he] was personally fined $25,000 and Mir Law and Associates LLC was fined $200,000[,]" and that Petitioner promptly paid his personal $25,000 fine, while Mir Law and Associates did not pay the $200,000 because it disbanded. Pet. Br. at 16; Tr. 149, 152, 155-56, 175-76. Petitioner contends that based on the advice of counsel, he held a good faith belief that he was not personally liable for the criminal fine imposed against Mir Law and Associates. Pet. Br. at 17; Tr. 154-55. However, Petitioner contends that he "wishes to resume the practice of law, reestablish Mir Law Associates, and pay

the firm's $200,000 debt after his corporation's reestablishment[,]" although such a desire is not enforceable. Pet. Br. at 17; Tr. 39.

Disciplinary Counsel argues that Petitioner's claims that "he did not pay any restitution to his former clients because all of them re-filed their immigration documentation 'without any significant impediments'" ignores the fact that "his former clients [] were jailed, or lost large sums of money without gaining any immigration benefit as a result of Petitioner's fraudulent scheme." ODC Br. at 24-25. Additionally, Disciplinary Counsel argues that Petitioner has taken no steps to remedy the debts owed by his firm, Mir Law Associates, which includes the $200,000 criminal fine, $209,569.52 in Maryland payroll taxes, and $132,894 in federal income taxes. *Id.* at 25.

There is precedent for granting reinstatement even where restitution obligations have not been completely fulfilled. *See In re Beane*, 35 A.3d 1136, 1136 (D.C. 2012) (per curiam) (reinstatement subject to repayment efforts on $29,935.00 due to the Client Security Fund); *In re Courtois*, 931 A.2d 1015, 1016 (D.C. 2007) (per curiam) (reinstatement subject to compliance with IRS Offer in Compromise on approximately $200,000); *In re Turner*, 915 A.2d 351, 357-58 (D.C. 2006) (per curiam) (appended Board Report) (reinstatement subject to compliance with $75 monthly repayment plan with periodic reevaluation of ability to pay); *In re Kerr*, 675 A.2d 59, 66 (D.C. 1996) (per curiam) (appended Board Report) (reinstatement subject to compliance with repayment plan of $10,500 over a period of seven years). But, in each of those cases, the petitioner had entered in a defined repayment plan.

Disciplinary Counsel argues that Petitioner has not made attempts at arranging repayment plans on these debts, "and has only indicated a willingness to do so *after* he is allowed to resume practicing and re-establish Mir Law Associates." ODC Br. at 25. Petitioner contends that his criminal defense drained his finances, but "he responsibly made arrangements to borrow against his real estate holdings to pay the $800-$900,000 owed to IRS and the State of Maryland bills" before entering prison. Reply Br. at 3; Tr. 247. Petitioner argues that there is no evidence to the contrary in the record, but Petitioner bears the burden of proof in reinstatement proceedings to prove that he has paid these debts or made arrangements for a repayment plan. Without documentary corroboration, we do not accept Petitioner's testimony that he has paid these debts.

As a purely legal matter, it may be true that Petitioner does not have an obligation to pay the fine or taxes for the Mir Law firm. But the question of whether there is a legal obligation to pay these debts is the beginning of the inquiry, not the end. The Committee finds that Petitioner's failure to arrange for payments to date for these debts is a negative factor against him with respect to the third *Roundtree* factor. The evidence shows that Petitioner had the financial ability at times to at least pay some of these obligations but has failed to do so. Petitioner has the burden to show by clear and convincing evidence that his conduct since the disciplinary action has satisfied the *Roundtree* factors. The information he presented with regard to these financial debts did not discharge his burden with regard to the third factor.

The Committee finds that Petitioner has taken some steps to better himself both while in prison and then after his release. These include additional training and some of his voluntary community service. Such progress has to be weighed, however, in light of Petitioner's failure to recognize his misconduct. Learning a new language and taking computer classes are laudable achievements, but they do nothing to address the actual flaws that led to Petitioner's criminal conduct. Here again the failure to recognize his conduct has caused the Petitioner to focus on rehabilitive conduct that misses the point.

We thus find that Petitioner has not satisfied the third *Roundtree* factor.

D. Petitioner's Present Character

"Under the fourth *Roundtree* factor, a petitioner is required to prove that those traits that led to disbarment 'no longer exist and, indeed, that he is a changed individual having full appreciation of the wrongfulness of his conduct and a new determination to adhere to the high standards of integrity and legal competence which the Court requires.'" *Sabo*, 49 A.3d at 1232 (quoting *Turner*, 915 A.2d at 356). To establish this factor, a petitioner generally should offer witnesses "familiar with the underlying misconduct" who can provide evidence of the petitioner's good character. *Id.* (quoting *In re Reynolds*, 867 A.2d 977, 986 (D.C. 2005) (per curiam) (appended Board Report)). A petitioner fails to establish the fourth *Roundtree* factor by clear and convincing evidence where his witnesses are "unfamiliar with the details of his misconduct." *In re Yum*, No. 16-BG-838, *slip op.* at 5 (D.C. July 12, 2018) (per curiam). Petitioner acknowledges that "[t]he Court stresses the

importance of character witnesses in making this determination, and notes that these character witnesses should be familiar with the details of the disbarred attorney's criminal misconduct." Pet. Br. at 17 (citing *Fogel*, 679 A.2d 1052, *reinstatement granted*, 728 A.2d 668).

Petitioner argues that "his character is esteemed in his community" and that his character witnesses' testimony supports this. Pet. Br. at 18. Captain Warme of the Wounded Warrior project testified that Petitioner "[has a] great reputation, a great character." Tr. 101. David Myers, chairman of the Beethoven Fund, testified that he "is really, really, a very fine person [who] really cares so much about everyone around him, and if there's anybody that I can imagine that is deserving of a second chance, it would be Maqsood Mir." Tr. 74. Petitioner's daughter testified to Petitioner's improved character since his return from prison, and his son-in-law testified that "on a professional level [his] personality has changed." Tr. 86 (Sarah Mir), 124 (Bashir). Petitioner's former colleagues also testified to his moral and professional character. Mr. Stone testified that Petitioner had made great strides to "bette[r] himself" while in prison, and that he had "deep[] respect for [Petitioner] and his professional abilities[.]" Tr. 312-13. Mr. Nielsen testified that if Petitioner's law license were renewed, he would recommend clients to him with 'no reservation[s][,]'" and that he was confident that Petitioner would not repeat his past mistakes and would "stay within the bounds of the law and do everything properly." Tr. 324, 339. Mr. Watkins, a former employee, testified to Petitioner's moral

judgment and stated that he would recommend Petitioner as an attorney if he were reinstated. Tr. 367-68.

Disciplinary Counsel argues that "Petitioner's character witnesses failed to demonstrate a correct understanding of Petitioner's criminal misconduct[,]" indicating that Petitioner has not fully disclosed the extent of his criminal misconduct. ODC Br. at 25-26. Mr. Myers and Capt. Warme had no knowledge beyond the fact that Petitioner had been convicted of some crime. Ms. Mir and Mr. Bashir shared Petitioner's understanding that he had been convicted for failing to supervise his non-lawyer assistants and negligently inspecting signatures. Mr. Stone and Mr. Nielsen testified that they understood Petitioner's misconduct to stem from taking on too many cases at once. Mr. Watkins testified that his understanding was that Petitioner was convicted of "one of the lesser charges" relating to "a signature in question." Tr. 358.

The Hearing Committee finds that the traits that led to Petitioner's disbarment still exist. The Committee agrees with Disciplinary Counsel that Petitioner had not addressed the facts that led to the wrongful actions. Petitioner failed to establish that his witnesses were familiar with the details of his underlying misconduct so that they could credibly testify as to his new character. As such, Petitioner has not demonstrated that he has taken any action to correct those traits or even recognized that he has those traits.

We thus find that Petitioner has not satisfied the fourth *Roundtree* factor.

E. Petitioner's Present Qualifications and Competence to Practice Law

"Learning in the law is an important factor in every reinstatement case[,]" and a lawyer seeking reinstatement "should be prepared to demonstrate that he or she has kept up with current developments in the law." *Roundtree*, 503 A.2d at 1218 n.11. "What must be proven in any given case will depend, in part, on the length of the suspension or disbarment and the reasons for it[,]" but in general, "the longer the suspension, the stronger the showing that must be made of the attorney's present competence to practice law." *Id.* To establish the fifth *Roundtree* factor, the petitioner should "explain whether his post-disbarment work required legal analysis or otherwise improved his legal knowledge or skills" and "call witnesses who [can] testify to the quality or nature of his work." *In re Yum*, No. 16-BG-838, *slip op.* at 6 (citing *In re Tinsley*, 668 A.2d 833, 838 (D.C. 1995) (per curiam) (appending Board report) (petitioner failed to demonstrate his competence where he provided no details concerning his legal teaching experiences); *In re Stanton*, 589 A.2d 425, 427 (D.C. 1991) (per curiam) (petitioner failed to prove his competence where no supervisory lawyer testified to his work))

Petitioner argues that he maintained his study in the law "tak[ing] approximately 30 continuing legal education courses with the D.C. Bar Association since his release from prison." Pet. Br. at 20. His daughter and son-in-law testified that Petitioner has been educating himself and discussing new developments in the law. Tr. 87-89 (Sarah Mir), 126-128 (Bashir). Petitioner also contends that "[h]is

new computer literacy is integral to his proposed safeguards against any future misconduct as a result of disorganization." Pet. Br. at 21; Tr. 166-67.

Disciplinary Counsel argues that despite the 30 hours of continuing legal education, questions remain regarding Petitioner's present qualifications and competence to practice law. Disciplinary Counsel argues that Petitioner was not allowed to practice law as a condition of his criminal probation, and "the closest thing Petitioner has done to practicing law in many years – compiling information for use in his bankruptcy proceeding – was completed so recklessly that the filings contained multiple materially incorrect statements that took his successor counsel over 100 hours to resolve." ODC Br. at 26. Petitioner argues that "Chapter 11 bankruptcy is a very complicated procedure that requires a highly skilled and experienced attorney." Reply Br. at 2. Petitioner's "innocent mistakes and errors in [his] early bankruptcy schedules were" not "deliberate and intentional," but were the result of his failure to hire experienced counsel due to the expense. *Id.* When Petitioner finally hired Mr. Stevenson, an experienced bankruptcy practitioner, it took him "100 plus hours to put together a feasible plan." *Id.*

Considering all the evidence, the Hearing Committee finds that Petitioner has satisfied this factor. Petitioner has taken courses to continue his education in law. He is energetic and enthusiastic about returning to the practice of law. He has a good support system with his family and his friends. We thus find that Petitioner has the competence to practice law.

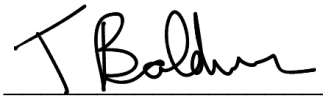
We thus find that Petitioner has satisfied the fifth *Roundtree* factor.

VI. CONCLUSION

Based on the foregoing, the Hearing Committee concludes that Petitioner has not demonstrated by clear and convincing evidence that he is entitled to reinstatement pursuant to D.C. Bar R. XI, § 16(d). The Hearing Committee recommends that the Court deny the Petition for Reinstatement.

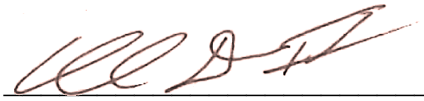
Due to the delay in issuing this report, the Hearing Committee further recommends that the Court exempt Petitioner from the requirement that he not be permitted to apply for reinstatement until at least one year following the denial of his Petition for Reinstatement, and that it instead allow Petitioner to petition for reinstatement immediately. *See* D.C. Bar R. XI, § 16(g) ("If a petition for reinstatement is denied, no further petition for reinstatement may be filed until the expiration of at least one year following the denial unless the order of denial provides otherwise.").

AD HOC HEARING COMMITTEE



Edward Baldwin
Chair

Kaprice Gettemy-Chambers
Public Member



Charles Davant, IV
Attorney Member