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May 13, 2011

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BY FIRST-CLASS AND CERTIFIED

William H. Brammer Jr., Esquire
107 7th Street, S.E.
Washington, D.C. 20003

Re: *William H. Brammer, Jr., Esquire*
(D.C. Bar Registration No. 478206)
Bar Docket No. 2010-D338

Dear Mr. Brammer:

This office has completed its investigation of the above-referenced matter. We find that your conduct reflected a disregard of certain ethical standards under the District of Columbia Rules of Professional Conduct (the Rules). We are, therefore, issuing you this Informal Admonition pursuant to Rule XI, Sections 3, 6, and 8 of the District of Columbia Court of Appeals' Rules Governing the Bar (D.C. Bar R.).

We docketed this matter for investigation based on a disciplinary complaint filed by "RS."¹ We find as follows: In December 2009, you were retained by RS and her husband, "HS," to obtain permanent resident status for HS, who is a citizen of Peru. RS, proceeding *pro se*, had filed an I-130 family-based visa petition, which had been approved on March 5, 2008. RS and HS had begun the process of obtaining HS a visa through the U.S. Consulate in Lima. You advised RS and HS that HS could obtain permanent resident status by filing an application for adjustment of status (I-485). This would avoid HS having to return to Peru. You agreed to file an I-485 on behalf of HS; RS and HS paid you \$1200 in legal fees and \$1010 in United States Citizenship and Immigration Service ("USCIS") fees.

The I-485 that you prepared for HS indicated that he had last entered the United States at Piedras Negras, Mexico, and that he had not been inspected by a

¹ Except as noted, this letter discusses only those aspects of RS's complaint and of your response that are relevant to the Rule violations found herein.

U.S. Immigration Officer. These facts, which were correct, were provided to you by RS and HS in their response to the "Permanent Residency Questionnaire" that you provided them with on December 23. You filed the I-485 on January 14, 2010. You did not, however, include a copy of HS's birth certificate, his medical examination report, and an affidavit of support, all of which are required elements of an application to adjust status, as the instructions to Form I-485 clearly state. *See* Instructions for I-485 at 3-5. At no time did you seek to supplement HS's application with these materials.

On January 28, 2010, USCIS issued a four-page Request for Initial Evidence, asking for HS's birth certificate, his medical examination report, and the affidavit of support. The Request for Initial Evidence also requested evidence of HS's lawful admission to the United States, or his eligibility for an exemption pursuant to Section 245(i) of the Immigration and Nationality Act. You did not respond to this request,² and, on May 25, 2010, USCIS wrote to you informing you that HS's I-485 had been denied. You informed RS and HS of this decision on June 16, 2010. USCIS initiated removal proceedings against HS on August 25, 2010 based on his presence in the United States without having been admitted or paroled after inspection by an Immigration Officer.

HS was plainly not eligible to adjust status, and your advice to the contrary was deeply flawed. The instructions to Form I-485 clearly state "you are not eligible for adjustment of status if . . . [y]ou were not admitted or paroled following inspection by an immigration officer . . ." I-485 Instructions at 2. HS also is plainly not eligible for exemption from this restriction pursuant to section 245(i), which requires that he have been the beneficiary of a visa petition or application for labor certification filed on or before April 30, 2001. Moreover, by pursuing adjustment of status for HS, it appears that you drew attention to his undocumented status, and prompted USCIS to initiate removal proceedings against him.

Based on these facts, we find that you violated: (i) Rules 1.1(a) and (b) which require that "[a] lawyer shall provide competent representation to a client" and "[a] lawyer shall serve a client with skill and care commensurate with that generally afforded to clients by other lawyers in similar matters"; and (ii) Rule 1.4 (b) which requires that "[a] lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation."

In deciding to issue this letter of Informal Admonition rather than institute formal disciplinary charges against you, we have taken into consideration that you took this matter seriously, that you cooperated with our investigation, that you have no prior discipline, and that you have accepted responsibility for your misconduct including by accepting this Informal Admonition. In

² We acknowledge that you contend that you never received the Request for Initial Evidence; we make no findings on this matter. Your failure to respond to the RFE is not, therefore, part of the factual basis for this Informal Admonition.

addition, (i) you have agreed to refund \$2210 to RS and HS and (ii) you have agreed to attend six hours of immigration continuing legal education provided by the D.C. Bar within three months of the date of this letter, unless Bar Counsel grants an extension of this deadline for good cause shown. Each of these continuing legal education classes must be pre-approved by Bar Counsel. You also have agreed to forward proof of such attendance to Bar Counsel within four months of the date of this letter, unless Bar Counsel grants an extension of this deadline for good cause shown. Our decision to issue this Informal Admonition is based upon your promise to fulfill these conditions. In the event that you do not fulfill these obligations, this Informal Admonition will be null and void, and formal disciplinary charges may be filed against you.

This letter constitutes an Informal Admonition for your violation of Rules 1.1(a) and (b), and 1.4 (b), pursuant to D.C. Bar Rule XI, §§ 3, 6, and 8 and is public when issued. Please refer to the attachment to this letter of Informal Admonition for a statement of its effect and your right to have it vacated and have a formal hearing before a Hearing Committee.

If you would like to have a formal hearing, you must submit a written request for a hearing within 14 days of the date of this letter to the Office of Bar Counsel, with a copy to the Board on Professional Responsibility, unless Bar Counsel grants an extension of time. If a hearing is requested, this Informal Admonition will be vacated, and Bar Counsel will institute formal charges pursuant to D.C. Bar R. XI, § 8 (b). The case will then be assigned to a Hearing Committee and a hearing will be scheduled by the Executive Attorney for the Board on Professional Responsibility pursuant to D.C. Bar R. XI, § 8 (c). Such a hearing could result in a recommendation to dismiss the charges against you or a recommendation for a finding of culpability, in which case the sanction recommended by the Hearing Committee is not limited to an Informal Admonition.

Sincerely,

Wallace E. Shipps, Jr.
Bar Counsel

Enclosure: Attachment to Letter of Informal Admonition

cc: R.S. (w/o enclosure)

WES:MHP:itm:jnb