

**ATTORNEY GRIEVANCE COMMISSION
OF MARYLAND**

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MARIANNE J. LEE, ESQUIRE
EXECUTIVE SECRETARY

September 24, 2018

Lynn Marie Burke, Esquire
7406 Chapel Hill Road
Suite 1
Raleigh, NC 27607

RE: BC Docket No. 2018-0027
Complainant: Bar Counsel

Dear Ms. Burke:

The Attorney Grievance Commission, at its meeting on September 19, 2018, approved the proposed Reprimand agreed upon by you and Bar Counsel and directed that this letter of Reprimand be administered to you.

Pursuant to Maryland Rule 19-717, the Attorney Grievance Commission of Maryland hereby reprimands Lynn Marie Burke, Respondent, for engaging in professional misconduct related to her representation of a client in a criminal matter in the Circuit Court for Montgomery County.

On September 22, 2014, Caser Alvarenga-Gomez plead guilty to conspiracy to commit robbery in the Circuit Court for Montgomery County. United States Immigration and Customs Enforcement (ICE) considered Mr. Alvarenga-Gomez's conviction to be an aggravated felony and initiated removal proceedings in the United States Department of Justice Executive Office for Immigration Review Immigration Court.

In April 2017, Mr. Alvarenga-Gomez retained the Respondent to represent him in his pending immigration proceedings. The Respondent agreed to represent Mr. Alvarenga-Gomez pro bono. As part of her representation, the Respondent sought to challenge Mr. Alvarez-Gomez's conviction by filing a Petition for Writ of Actual Innocence in the Circuit Court for Montgomery County.

The Respondent contacted Mr. Alvarenga-Gomez's original immigration attorney, Jay S. Marks, a Maryland attorney, and asked him to file a Motion for Special Admission of Out-of-State Attorney Pro Hac Vice on her behalf pursuant

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to Maryland Rule 19-214. Mr. Marks agreed and requested that the Respondent draft the motion and send it to him for review and filing. The Respondent drafted the motion but failed to send it to Mr. Marks for review and filing. Neither Mr. Marks nor any other Maryland attorney ever filed a Motion for Special Admission of Out-of-State Attorney on the Respondent's behalf.

On July 7, 2017, the Respondent filed a Petition for Writ of Actual Innocence in the Circuit Court for Montgomery County on behalf of Mr. Alvarenga-Gomez and requested that the court schedule a hearing on the matter. The State filed an Answer to Petition and, on October 9, 2017, the Respondent filed a response and again requested that the court schedule a hearing on the matter. On November 7, 2017, the Circuit Court denied the Petition without a hearing.

Based upon her conduct as described herein, Ms. Burke acknowledges that she violated Rule 19-301.3 (Diligence), Rule 19-305.5 (Unauthorized Practice of Law; Multi-Jurisdictional Practice of Law) and Rule 19-308.4(a) (Misconduct) of the Maryland Attorney's Rules of Professional Conduct (MARPC). The Attorney Grievance Commission reprimands Ms. Burke for these violations.

The Maryland Rules provide that a reprimand constitutes discipline which is public and open to inspection.

Sincerely,



Marianne J. Lee
Executive Secretary

MJL/sg

cc: Michael W. Blow, Esquire
Michael C. Wallace, Sr., Esquire

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