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October 19, 2018

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**BY FIRST CLASS AND CERTIFIED
MAIL NO. 9414 7266 9904 2091 4492 06**

Alexander Nassif-Lopez, Esquire
421 North Buena Vista Street
Burbank, California 91505

In re Alexander Nassif-Lopez, Esquire
D.C. Bar Membership No. 966259
Disciplinary Docket No. 2013-D239

Dear Mr. Nassif-Lopez:

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 D.C. Bar Rule XI, §§ 3, 6, and 8.

Disciplinary Counsel opened an investigation on June 21, 2013, after receiving a complaint from RTV alleging that you failed to competently and diligently represent her in an immigration matter.¹

A review of the trial dockets and pleadings filed in both the Superior Court of the District of Columbia and the District of Columbia Contract Appeals Board, Disciplinary Counsel finds the following:

Your former client, RTV, entered the United States without inspection on June 7, 1991. In November 2006, RTV sought your assistance in obtaining employment authorization, also known as a worker's permit. RTV paid you \$7,000 for the representation, plus \$300 for each hearing or interview with the Immigration Department.

¹

We use initials to identify your former client.

Over the next six years, you pursued a change of immigration status based on Cancellation of Removal and Asylum. You appeared on behalf of RTV at a total of 15 hearings. Per the fee agreement, RTV paid you \$300 for each of those hearings. On multiple occasions, the court continued scheduled hearings because you were unprepared. You have refunded RTV \$3,000 of the fees you collected.

At the onset of the representation, RTV informed you that she had continuously been present in the United States for over ten years. RTV informed you that she had a felony conviction for violation of California's Welfare and Institution Code for accepting welfare benefits that she was not entitled to.

You successfully obtained a worker's permit for RTV, but that did not change her status as an undocumented immigrant. You incorrectly advised RTV to proceed with a Cancellation of Removal for a Non-Permanent Resident to obtain lawful status even though you knew that she was not technically eligible for such relief because of her felony conviction. You did so because you had reason to believe that you might overcome the technicality by reducing her felony conviction to a misdemeanor.

In December 2006, you filed an Asylum Application with the Department of Homeland Security to initiate immigration court proceedings, at which time you filed for Cancellation of Removal. In March 2007, your law associate appeared with RTV at the first court hearing and filed for Cancellation of Removal for Non-Permanent Residents.

In August 2012, you appeared with RTV at a hearing where the government argued that RTV's misdemeanor conviction made her ineligible for Cancellation of Removal. You failed to present any argument or legal support in response. The court denied your client's application for Cancellation of Removal. The court then asked you to present evidence and legal argument relating to RTV's Asylum claim, but you were not prepared, and the judge chastised you. The court rescheduled RTV's hearing to August 29, 2012.

You failed to adequately prepare RTV to testify at the August 29, 2012. The transcript of the hearing shows that the focus of her testimony addressed personal circumstances, which were not grounds to grant her asylum. Moreover, you did not elicit testimony to explain RTV's delay in seeking asylum. The court continued the hearing to render its decision. At the hearing held in October 2012, the court denied RTV's asylum application. You noted an appeal on RTV's behalf.

RTV hired new counsel who filed an Unopposed Motion to Remand the Matter for Administrative Closure. On June 5, 2014, the Board of Immigration Appeals exercised its discretion and dismissed RTV's case, and she has not been removed.

We have completed our investigation and find that your actions violate Rules 1.1(a), 1.1(b), and 1.3(a).

Rule 1.1(a) requires an attorney to provide competent representation to a client. The Rule continues by stating that competent representation requires the legal knowledge, skill thoroughness, and preparation reasonably necessary for the representation. Rule 1.1(b) requires a lawyer to serve a client with skill and care commensurate with that generally afforded clients by other lawyers in similar matters. Your failure to appear at hearings without preparing your client to testify or present legal argument and authority on the key issues violates Rules 1.1(a) and (b).

Rule 1.3(a) requires an attorney to act diligently and provide zealous representation of the client. Although you reduced RTV's conviction from a felony to a misdemeanor, your failure to posit any legal argument that her misdemeanor conviction did not render RTV ineligible for Cancellation of Removal violates Rule 1.3(a).

In deciding to issue this letter of Informal Admonition rather than initiate formal disciplinary charges against you, we have taken into consideration that you have no prior discipline, and that you (1) cooperated with our investigation; (2) refunded \$3,000 to RTV; (3) agreed to accept an Informal Admonition; (4) agreed to attend eight hours of CLE classes offered by the D.C. Bar and approved in advance by Disciplinary Counsel relating to fees, fee agreements, and trust accounts, and provide proof of completion to Disciplinary Counsel; and (5) agreed to consult with Daniel Mills, Assistant Director of the D.C. Bar Practice Management Advisory Service and provide Disciplinary Counsel with proof of the consultation. If you do not complete these requirements within one year of the date this Informal Admonition, this Informal Admonition will be considered null and void and Disciplinary Counsel may initiate disciplinary proceedings against you.

This letter constitutes an Informal Admonition 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 to the Office of Disciplinary Counsel, with a copy to the Board on Professional Responsibility, within 14 days of the date of this letter, unless Disciplinary Counsel grants an extension of time. If a hearing is requested, this Informal Admonition will be vacated, and Disciplinary Counsel will institute formal charges pursuant to D.C. Bar Rule XI, § 8(c). 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 Rule XI, § 8(d). Such a hearing could result in

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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,

Hamilton P. Fox, III
Disciplinary Counsel

Enclosure: Attachment letter to Informal Admonition

cc: RTV (w/o enclosure)

HPF:BN:act