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June 28, 2021

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SENT VIA CERTIFIED, FIRST-CLASS AND ELECTRONIC MAIL (shor@ewdc.com)

Ana T. Jacobs, Esquire
c/o Channing Shor, Esquire
1629 K Street, N.W., Suite 260
Washington, D.C. 20006

Re: *In re Ana T. Jacobs., Esquire*
Disciplinary Docket No. 2020-D218
D.C. Bar Membership No. 446701

Dear Ms. Jacobs:

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 R. XI, §§ 3, 6, and 8.

This investigation was docketed based on a disciplinary complaint filed by your former client, RMZ.¹

We find as follows: In April 2011, RMZ, who is a citizen of Honduras, hired you to submit a Freedom of Information Act request on her behalf, and you subsequently received R.M.Z's complete immigration file from the United States Department of Justice. Documents in R.M.Z's immigration file showed that she had previously been ordered removed *in absentia*, on August 17, 2004. R.M.Z, as a victim of crime who had assisted law enforcement, was eligible to file a U-Visa petition (Form I-918) with the United States Citizenship and Immigration Services. On August 3, 2011, you entered into a second retainer agreement with R.M.Z to file a U-Visa petition (Form I-918) with USCIS, which you did, and USCIS approved it on October 23, 2014.

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

On September 19, 2017, you advised R.M.Z that she could obtain lawful permanent resident status by filing an application for adjustment of status (Form I-485) with USCIS. You agreed to file a Form I-485 on her behalf, and she paid you \$2,000 in legal fees to file her application with USCIS.

On March 26, 2018, you filed R.M.Z's adjustment of status application. However, you prematurely and erroneously filed R.M.Z's adjustment of status application with USCIS; you failed to file a motion to reopen R.M.Z's immigration case with immigration court *before* you submitted her adjustment of status application, which was necessary to address her previous *in absentia* order and ultimately terminate her removal proceedings. On June 13, 2019, USCIS approved R.M.Z's adjustment of status application, providing R.M.Z with lawful permanent resident status. USCIS's approval of R.M.Z's adjustment of status application was in error and failed to recognize that R.M.Z. had been ordered removed.

R.M.Z states that you never clearly and adequately explained to her that it was necessary to reopen her previous case before you filed for adjustment of status, because the failure to do so would result in her obtaining LPR status without any of the associated benefits, such as travel abroad, and the ability to apply for citizenship. Moreover, R.M.Z was still subject to removal based on the 2004 removal order. R.M.Z says that you did not advise her that her LPR status did not fully confer all the benefits available by law until September 2020 when she told you that she planned to travel to Honduras to visit her family. On September 25, 2020, R.M.Z sent you a text message and asked for your assistance to resolve the issue. You replied and stated that it was necessary to file a motion to reopen her removal proceedings, which would take more than a year to complete. R.M.Z states that you failed to assist her after your exchange, and she sought the assistance of successor counsel.

R.M.Z was not eligible to adjust her status, and your advice to the contrary was flawed. She was not eligible to adjust her status because of the existing removal order. Moreover, by pursuing adjustment of status for R.M.Z without re-opening her case, it appears that you put her at risk of deportation if she attempted to leave the country or apply for citizenship, which are benefits that an individual with a valid adjustment of status should have.

Based on these facts, we find that you violated:

- (1) Rule 1.1(a) which require that "[a] lawyer shall provide competent representation to a client,"
- (2) Rule 1.1(b) which requires "[a] lawyer shall serve a client with skill and care commensurate with that generally afforded to clients by other lawyers in similar matters" and,
- (3) 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."

By failing to first reopen the previous court case and addressing the removal order, you neglected to resolve an existing bar to R.M.Z.'s eligibility to obtain LPR status. You failed to communicate the consequence of the removal order both before you filed the application for adjustment of status, or after USCIS mistakenly approved it.

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, and that you have accepted responsibility for your misconduct including by accepting this Informal Admonition. In addition, you agreed to refund \$2,000 to R.M.Z. On March 22, 2021, R.M.Z confirmed receipt of the \$2,000 check you sent her.

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 Disciplinary Counsel, with a copy to the Board on Professional Responsibility, 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(b) and (c). This 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(c). Such a hearing could result in a recommendation to dismiss the charge(s) 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
Disciplinary Counsel

Enclosure: Attachment to Letter of Informal Admonition

cc: R.M.Z (w/o enclosure)

HPF:BN:MJR:ip