

**DISTRICT OF COLUMBIA COURT OF APPEALS  
BOARD OF PROFESSIONAL RESPONSIBILITY**



**In the Matter of  
AZUBUIKE OSEMENE, ESQUIRE**

**Respondent**

**Disciplinary Docket No.: 2017-D101**

**A Member of the Bar of the District  
Of Columbia Court of Appeals  
Bar Number: 496245  
Date of Admission: February 3, 2006**

**RESPONSE TO CHARGES**

Respondent DENIES generally and specifically each and all allegations in paragraph 2-32f of page 1-6 of charges brought by the Disciplinary Counsel.

1. Admit in part as to membership of DC Bar. Respondent practices immigration law and he is not an employee of Legal Clinic.
2. Deny as Respondent is unaware how your complainant got to know and/or met with Legal Clinic as it was known at the time. Your complainant NEVER met Respondent for purposes of retaining his services. Respondent is informed and believes that your complainant met with Legal Clinic and retained Legal Clinic. Further, Respondent has no secretary named Blanca Bibiyan.
3. Deny. Respondent made no such agreement with your complainant. Respondent NEVER signed up your complainant as a client; NEVER charged or negotiated fees with your complainant; NEVER received any monies or documents from your complainant.
4. Respondent was brought in to defend your complainant against deportation ONLY in his upcoming removal hearing in the immigration court. We NEVER got there before your complainant terminated the contract with Legal Clinic, collected his refund and file.
5. Respondent is unaware of that and therefore Denies it. Your complainant NEVER came to Respondent's office for purposes of retention nor did he fill out Respondent's client intake questionnaire.
6. Deny.

7. Deny. Ms. Bibiyan does not, would not suggest applications to be filed or reliefs to be sought.

8. Admit

9. Deny. Respondent not privy to this alleged information.

10. Deny. Respondent NOT privy to information.

11. Admit in part. Deny in part. Respondent not aware your complainant brought the person he introduced as his 'employee' merely to translate. There was nothing to translate. Respondent not aware the 'employee' was brought to interpret because her behavior was as described.

12. Deny. Your complainant did not sign up with this Respondent and NEVER asked about copy of a retainer. He NEVER talked about a retainer. Retainer was NEVER raised as an issue. Legal Clinic, from what Respondent can attest to, is very good about having retainers signed and giving copies to clients. Respondent has NOT heard any of their clients claim they never received a retainer/contract. The next time your complainant showed up in July 2016, he was with someone he identified as his 'employee' and they were rude, loud, belligerent. Immigration documents your complainant allegedly had in his possession and that he promised to bring, were NEVER brought.

13. Deny

14. Deny. If your complainant attempted other arrangement with 'owner of the Legal Clinic', this Respondent is NOT aware of it. Respondent had NO contract with your complainant.

15. Deny. In July 2016, your complainant showed up with individual he described as his 'employee' and they were abusive, loud, rude and hostile in the office. Your complainant and his 'employee' stated that your complainant did not want Respondent's assistance and Respondent told them that in the US, he has a legal right to make that decision. Your complainant asked for his money back at which time Respondent, who had nothing to do with his sign-up/contract and/or money, stepped out of the room and while he was out, they worked out an agreement. Respondent re-entered the room to advise your complainant his responsibility to advise the court his address, appear at all court hearings and that Respondent would file a Motion to Withdraw. Your complainant and his 'employee' said they did not care for Respondent's advise and that Respondent should do whatever Respondent needed to do. Your complainant wanted a Spanish-speaking attorney.

16. Deny. Respondent had absolutely no part in that discussion. Respondent did not collect any money from your complainant. Respondent received NOTHING from your complainant that needed to be refunded by him. Respondent was advised that your complainant was refunded money and given his file. The refund check, which was not written by Respondent or drawn on Respondent's account, was picked up by your complainant's 'employee' on or about July 27, 2016 and signed a release; copy attached.

17. Deny. The only notice received after July 27, 2016, and before November 1, 2016, was sent to your complainant at the addresses of record he gave. Ms. Bibiyan followed with electronic notices (text/phone). To allege Respondent never gave notice to your complainant is FALSE.

18. Deny. There was NO MERITS hearing scheduled in his case. The November 1, 2016 schedule was for a Master and Respondent's Motion to Withdraw and your complainant was duly notified by mail at the addresses of record in the file and on what appeared to be a valid and very recently obtained identification card he apparently presented Legal Clinic. See attached. Ms. Bibiyan also reported and declared that she sent him notices electronically. Further, Ms. Bibiyan reported that your complainant called her to talk about the mails he received and that confirmed for her he received the mails. Ms. Bibiyan reported that when your complainant called in response to mails he received and she urged him to be sure to appear at the hearing as advised in the mails he received, he told her he did not care and that his 'new' attorney, whose name and address he never gave, had not advised him of any hearing date and that she would take care of his immigration problems. It is absolutely false to allege that Respondent never mailed notice of hearing to your complainant.

19. Admit in part. Deny in part. Respondent filed Motion to Withdraw as he advised your complainant he would and mailed it to the two addresses your complainant knowingly gave when he signed up with Legal Clinic. See attached 2. None of Respondent's mails was returned as 'undeliverable', 'undelivered', 'addressee unknown' and subsequent transaction between your complainant and Ms. Bibiyan shows that he received them. Your complainant made references to those mails and the information they conveyed in his post-mailing contact with Ms. Bibiyan.

20. Deny. Your complainant's and his accomplice's conducts described accurately. Nothing is false about the description of their behaviours. Respondent wanted to call the police to the office that day but was urged to hold off.

21. Admit

22. Admit as to date court ruled on motion. Even assuming Respondent did not appear in keeping with your complainant's wishes, there was no prejudice to him by the alleged non-appearance by Respondent. Your complainant to whom due notice of hearing was given, knowingly elected not to appear on November 1, 2016. It was his failure and refusal to appear that caused him to have a removal order.

23. Deny. It is gross falsehood to allege your complainant 'was unaware that a hearing was taking place on November 1, 2016 ...' Your complainant was aware of ALL hearing and transactions. He did not want Respondent on his case anymore and as Ms. Bibiyan advised and declared, he told her that his 'new' attorney had not advised him to go to court and that he would not appear. Please note that immigration hearing dates are 'posted' electronically and could very readily be ascertained/verified. He was even reminded on Nov. 1, 2016 by phone to be in court.

24. This Respondent NOT provided copy of the alleged screenshot. Have your complainant present screenshots referenced and screenshots of other notices he received. His phone calls to Ms. Bibiyan confirmed he received ALL notices sent electronically and by US mail.

Interestingly, your complainant, in a haphazard way, admits he received notice of hearing. The court order was served on him in the same way and manner (US mail, electronically) and same addresses that notice of hearing was served. Again, not one mail sent him was returned to sender.

25. Deny. Respondent is NOT privy to that expression therefore denies allegation. Respondent is not an expert to determine what lurked in your complainant's head. Your complainant cannot claim to be surprised to learn of court order. He received notice and told Ms. Bibiyan that he would not show up and he did not show up. He made his choice.

26. Respondent is NOT privy to that communication therefore deny. Mrs Bibiyan reported and declared that she notified your complainant of ALL hearing date and transactions and he reportedly told her he did not want the non-spanish speaking Respondent. She called him on November 1, 2016, to remind your complainant to be in court but your complainant reportedly refused and dismissed saying that his new lawyer had not advised him of a hearing date or asked him to appear. Further, he is reported as saying that his 'new' lawyer will handle any problem.

27. Deny. This Respondent was advised your complainant was given his file the day he severed his contract.


28 – 30. Respondent not privy to transaction therefore deny. Your paragraph 29 appears to contradict your paragraphs 19 and 20 that leads a reasonable person reading them to conclude that your complainant received and reviewed court notice, motion to withdraw back in August 2016. His post-mail transactions confirm he received the both notice and motion and subsequently court order.

31. Deny. Your complainant's filing of a complaint has no impact here. Respondent gave due notice of hearing to your complainant by first class mail at the addresses in file that your complainant provided. Subsequent transactions show he received the notice when he called Ms. Bibiyan. Your complainant was given further notice and reminded by Ms. Bibiyan to be in court but he reportedly refused because his 'new' attorney, he is quoted as saying, had not advised him to appear in court.

32. Respondent DENIES each and all allegation, 32a-f. Respondent did NOT violate any of DC Rules of Professional Conduct. Respond did NOTHING WRONG and should NOT be in these proceedings. Respondent moves that these charges and proceedings be TERMINATED with immediate effect.

Respondent demands immediate dismissal of these allegations and termination of proceedings and the restoration of his unblemished name and record.

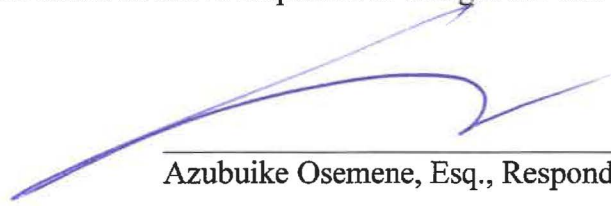
DATED: January 16, 2019



Azubuike Osemene, Esq.  
Respondent

VERIFICATION

I affirm and verify that facts stated in above responses to charges are true to the best of my knowledge.

A handwritten signature in blue ink, consisting of a long, sweeping horizontal stroke followed by a smaller, more complex flourish on the right side.

Azubuike Osemene, Esq., Respondent