THIS REPORT IS NOT A FINAL ORDER*

DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY
HEARING COMMITTEE NUMBER TWELVE

In the Matter of:	:	
	:	
MOHAMED ALAMGIR,	:	
	:	Board Docket No. 19-BD-071
Petitioner.	:	Disciplinary Docket No. 2019-D272
	:	
A Disbarred Member of the Bar of the District of Columbia Court of Appeals (Bar Registration No. 447715)	:	

REPORT AND RECOMMENDATION OF
HEARING COMMITTEE NUMBER TWELVE

On November 20, 2019, Petitioner Mohamed Alamgir sought reinstatement to the District of Columbia Bar. Mr. Alamgir was admitted to the District of Columbia Bar on June 4, 1999, but was disbarred by consent on December 2, 2004. *See In re Alamgir*, 862 A.2d 933 (D.C. 2004) (per curiam).

In considering whether Mr. Alamgir has proven by clear and convincing evidence that he is presently fit to resume the practice of law under D.C. Bar R. XI, § 16(d) and the factors enumerated by *In re Roundtree*, 503 A.2d 1215 (D.C. 1985), this contested proceeding asks us to determine which we find more compelling:

(1) The undisputed evidence that, for at least seven years (from August 1996 through August 2003) and out of pure greed, Mr. Alamgir engaged in, and netted at least $2,750,000 from a fraudulent labor certification application and immigration petition scheme that resulted in him (a) pleading guilty to 159 counts of fraud, 4 counts of money laundering, and 1 count of conspiracy (164 counts in

* Consult the 'Disciplinary Decisions' tab on the Board on Professional Responsibility's website (www.dcattorneydiscipline.org) to view any subsequent decisions in this case.

all); (b) being sentenced to 40 months' imprisonment followed by three years of supervised release; (c) paying a $16,400 fine; (d) facing forfeiture of initially $2,000,000 of which he paid close to $700,000 (an amount accepted in satisfaction by agreement with the United States Attorney); and (e) being disbarred by consent from both Pennsylvania and District of Columbia Bars; or

(2) The essentially uncontradicted evidence that Mr. Alamgir acknowledges the seriousness of this wrongdoing with candor and without reservation, and that, over the 16 years since his disbarment has engaged in humanitarian efforts that have made him become a pillar of the Bangladeshi community, while he took over 60 CLE courses (amounting to some 200 hours) to study law and ethics for the day on which he might be reinstated to the bar.

On what appears to be the same basic facts we consider, the Disciplinary Board of the Supreme Court of Pennsylvania and the Pennsylvania Supreme Court reached different conclusions. That Board issued a 29-page report and recommendation that Mr. Alamgir be reinstated to the Pennsylvania Bar. PX 3.[1] The Pennsylvania Supreme Court rejected his petition for reinstatement, without comment. PX 4.

Based on the Petition, Disciplinary Counsel's Answer to the Petition, the testimony elicited at the evidentiary hearing, the record exhibits, and the written briefs submitted by the parties, a majority of this Hearing Committee concludes that

[1] "PX" represents Petitioner's exhibits 1-14; "DCX" represents Disciplinary Counsel's exhibits 1-32. All exhibits were admitted without objection.

Mr. Alamgir has met his burden of proving, by clear and convincing evidence, that he is presently fit to resume the practice of law under D.C. Bar R. XI, § 16(d) and the factors enumerated by *Roundtree*, 503 A.2d at 1215.

I. PROCEDURAL HISTORY

Mr. Alamgir was born in Bangladesh in 1957. He graduated from law school there at the Dacca University Law School in 1981, Tr. 20-21, DCX 1, and then, after immigrating to the United States, from Howard University School of Law in 1989. Tr. 21, 59. He was admitted to the Pennsylvania Bar in 1992, and the District of Columbia Bar in 1999. DCX 1; Tr. 20-22, 67-68. Mr. Alamgir practiced immigration law, Tr. 22, primarily representing Bangladeshi clients. Tr. 147. As explained below, he was disbarred by consent from both jurisdictions in 2004. DCX 2; *see* PX 3 at 28.

On August 15, 2017, Mr. Alamgir filed a petition for reinstatement in Pennsylvania. PX 3. In a decision dated October 19, 2018, after an evidentiary hearing, the Disciplinary Board of the Supreme Court of Pennsylvania recommended that he be reinstated to the Pennsylvania Bar. PX 3. On April 9, 2019, however, the Supreme Court of Pennsylvania rejected his reinstatement petition without comment. PX 4.

On November 20, 2019, Mr. Alamgir filed his first Petition for Reinstatement in the District of Columbia. Disciplinary Counsel filed a motion to dismiss on January 14, 2020. The motion argued that the Petition was premature because Mr. Alamgir had failed (1) to comply with D.C. Bar R. XI, § 14(g) until November

2019; (2) to file his compliant affidavit with the Court of Appeals; and (3) to provide '"full and complete"' answers to the Reinstatement Questionnaire, as required by Board Rule 9.1(b). Mr. Alamgir opposed Disciplinary Counsel's motion, supplementing his questionnaire and contending that his affidavit should receive *nunc pro tunc* treatment based on a March 2011 letter in which he attempted to comply with the requirements of Section 14(g), but did not send it to the correct address for the Board, and did not attempt to send it to the Court or Disciplinary Counsel. Disciplinary Counsel conceded that the supplemented Questionnaire was complete but maintained that the Petition was premature due to the failure to file a compliant affidavit. The Board denied the motion to dismiss, deciding that Mr. Alamgir's affidavit was eligible for *nunc pro tunc* treatment because it satisfied the "core requirements" of Section 14(g), which do not include delivery to the correct address.

Disciplinary Counsel answered the Petition on May 19, 2020. It opposed reinstatement based on the severity of Mr. Alamgir's criminal acts and his alleged failure to recognize the seriousness of the misconduct. Disciplinary Counsel's Answer also identified two unadjudicated allegations of misconduct. On one of these, identified as "Ruotolo-Sarnataro," however, Disciplinary Counsel offered no evidence at the hearing concerning this allegation – accordingly, we treat this allegation as withdrawn. On the other, a complaint by a former client, Mohammad

Shoyab, Disciplinary Counsel provided documentary evidence but no testimony, DCX 25-29, and then did not argue the point in its post-hearing brief.[2]

Disciplinary Counsel's Answer also reserved the right to refer to two other matters. First, Disciplinary Counsel reserved the right to rely on its assertion that Mr. Alamgir submitted incomplete responses to two answers on his Reinstatement Questionnaire. Answer at 5. Disciplinary Counsel asserted that Mr. Alamgir failed to include (in his response to Question 10) his 2004 expulsion/disbarment in what was then the United States Department of Justice, Executive Office for Immigration review and (in his response to Question 15) his involvement in a "at least one civil matter filed against him in D.C. Superior Court," and a 2004 civil forfeiture matter involving properties alleged to have been purchased with concealed ill-gotten gains. *Id.*

Second, Disciplinary Counsel asserted it might rely upon the fact that, after Mr. Alamgir filed his Petition for Reinstatement, Mr. Alamgir's wife paid $12,000 on his behalf to reimburse the D.C. Bar Clients' Security Fund apparently in satisfaction of an award made in favor of Sumitra Rego, one of his former clients. Ms. Rego was identified as an "Alien Applicant" involved in the fraud for which Mr. Alamgir was convicted. *Id.* Disciplinary Counsel asserted that it "cannot determine whether the Clients' Security Fund award was based upon the

[2] Board Rule 9.8(b) provides in relevant part that "Disciplinary Counsel shall be required to make a written proffer of the evidence to support admissibility of unadjudicated acts" to the Hearing Committee Chair and the Petition, and that "[e]xcept for good cause shown, this proffer shall be filed no later than ten days before the date of the prehearing conference, conducted pursuant to Rule 9.7(c)." Mr. Alamgir, however, agreed at hearing that Disciplinary Counsel could admit documents concerning this contention. Tr. 6-9.

immigration fraud guilty plea or whether the Clients' Security Fund found additional dishonesty," *id.* at 6, but also asserted that Mr. Alamgir bears the burden in this reinstatement proceeding and is the only party with access to that information, and that Disciplinary Counsel "intends to pursue allegations in connection with the Sumitra Rego matter." *Id.* After presenting some evidence at the hearing on this matter, however, Disciplinary Counsel did not argue the point in its post-hearing brief.

On September 8-9, 2020, Hearing Committee Number Twelve ("the Hearing Committee") conducted an evidentiary hearing in this matter. The Hearing Committee consists of Merril Hirsh, Esquire (Chair), Billie LaVerne Smith (Public Member), and Jeffrey Dill, Esquire (Attorney Member). Mr. Alamgir was represented by Abraham Blitzer, Esquire, and the Office of Disciplinary Counsel was represented by Assistant Disciplinary Counsel William R. Ross, Esquire. The following exhibits were admitted into evidence (without objection): PX 1-14 and DCX 1-32. Tr. 8-10, 115. Mr. Alamgir testified on his own behalf and called as witnesses: Pryalal Karmakar, Rabwan Chowdhury, Anthony Gomes, Rubina Wadhwa, Esquire, and Shah Haleem. Disciplinary Counsel called no witnesses.

II. LEGAL STANDARD

D.C. Bar R. XI, § 16(d)(l) sets forth the legal standard for reinstatement. It places upon Mr. Alamgir the heavy burden of proving – by clear and convincing evidence – that: (a) he "has the moral qualifications, competency, and learning in law required for readmission"; and (b) his "resumption of the practice of law . . . will

not be detrimental to the integrity and standing of the Bar, or to the administration of justice, or subversive to the public interest." Clear and convincing evidence is more than a preponderance of the evidence – it is "'evidence that will produce in the mind of the trier of fact a firm belief or conviction as to the facts sought to be established."' *In re Cater*, 887 A.2d 1, 24 (D.C. 2005) (quoting *In re Dortch*, 860 A.2d 346, 358 (D.C. 2004) (citation omitted)).

Roundtree remains the seminal precedent in this area, identifying five nonexclusive factors guiding any reinstatement determination:

> 1. the nature and circumstances of the misconduct for which the attorney was disciplined;
>
> 2. whether the attorney recognizes the seriousness of the misconduct;
>
> 3. the attorney's [post-discipline conduct] . . . including the steps taken to remedy past wrongs and prevent future ones;
>
> 4. the attorney's present character; and
>
> 5. the attorney's present qualifications and competence to practice law.

503 A.2d at 1217.

In this case, two aspects of the law are particularly important. On the one hand, the first of these five *Roundtree* factors – "the nature and circumstances of the misconduct for which the attorney was disciplined" – is "'of primary importance.'" *See In re Yum*, 187 A.3d 1289, 1292 (D.C. 2018) (per curiam) (*quoting In re Bettis*, 644 A.2d 1023, 1028 (D.C. 1994)). The Court has applied "heightened scrutiny" to the other *Roundtree* factors where the misconduct is "'closely bound up with [the

petitioner's] role and responsibilities as an attorney.'" *Id.* (quoting *In re Borders*, 665 A.2d 1381, 1382 (D.C. 1995) and citing *In re Sabo*, 49 A.3d 1219, 1224 (D.C. 2012)); *see also Borders*, 665 A.2d at 1382 ("Among the questions the court must ask . . . is whether the public would regard reinstatement as an indication that the original offense was not viewed with sufficient gravity" (citation and internal quotation marks omitted)).

On the other hand, although the prior conduct is "of *primary* importance in considering the petition for reinstatement, it is not the *sole* relevant factor." *Bettis*, 644 A.2d at 1028 (emphases added). In *In re McBride*, 602 A.2d 626, 641 (D.C. 1992) (*en banc*), the Court overruled the "ban for life" principle enunciated *In re Kerr*, 424 A.2d 94 (D.C. 1980), and ruled that "all attorneys disbarred upon conviction of a crime involving moral turpitude shall no longer be deemed disbarred for life under D.C. Code §11-2503(g)." *Accord In re Fogel*, 679 A.2d 1052, 1054 (D.C. 1996) ("*Fogel I*").

On the facts here, Disciplinary Counsel asks the Hearing Committee to find such a lifetime ban without possibility of redemption. It urges that "[r]einstatement should be denied because Petitioner's misconduct is so grave, so widespread, and so stark a betrayal of an attorney's obligations that Petitioner will never be able to demonstrate rehabilitation sufficient to overcome the harm he caused to his clients, the strain he placed on the immigration system, and the discredit he brought to the legal profession." ODC Post-Hearing Br. ("ODC Br.") at 3.

However, even if we believed this was an appropriate legal rule (and we question whether it is), we are not free to reinstate law that the District of Columbia Court of Appeals has not. Since *McBride*, the Court has repeatedly refused invitations to rule that some violation is so inimical to service as an attorney that disbarment should be understood to be permanent, no matter how sincerely the attorney has recognized the wrongdoing, what efforts the attorney has made to remedy or make up for the past wrongs, or how positive the evidence is of the attorney's current character, qualifications, and competence. *See Sabo*, 49 A.3d at 1224 (continuing to decline to reach that question of "[w]hether certain acts of misconduct might be so heinous as to warrant an automatic, or *per se*, rule of disbarment without possibility of reinstatement" (citations omitted)).

Under the law we are bound to apply, the seriousness of the prior conduct can make it very difficult for a petitioner to justify reinstatement. But the Court of Appeals has not declared any conduct by a former attorney to be beyond the possibility of redemption.

Based on the following findings of fact and conclusions of law, a majority finds that the evidence before the Hearing Committee, in light of the *Roundtree* factors, establishes clear and convincing evidence that Mr. Alamgir is fit to resume the practice of law and, for the reasons set forth below, we recommend that his Petition be granted.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. Nature and Circumstances of the Misconduct for Which the Attorney was Disciplined

In accordance with the standard discussed above, the nature and circumstances of Mr. Alamgir's prior misconduct is the most significant factor in the reinstatement determination, because of its "obvious relevance to the attorney's 'moral qualifications . . . for readmission'" and the Court's "duty to insure that readmission 'will not be detrimental to the integrity and standing of the Bar.'" *Borders*, 665 A.2d at 1382 (quoting D.C. Bar R. XI, § 16(d)).

Here there is no question, nor any dispute, that Mr. Alamgir engaged in grave misconduct that is "closely bound up with [the petitioner's] role and responsibilities as an attorney." *Id.* On April 23, 2004, Mr. Alamgir pled guilty to a 164-count criminal information admitting that for at least seven years (from August 1996 through August 2003) he knowingly and willfully conspired, confederated, and agreed with others to commit labor certification and immigration fraud that he sought to conceal through money laundering. DCX 9, 10, 11, 12.

The fraud involved employment-based visas largely for immigrants who wished to come to the United States from Bangladesh. The law allows aliens to receive visas to come to the United States and apply for permanent residence, if they obtain a formal certification from the Secretary of Labor that (1) there are insufficient United States workers to do the work contemplated; and (2) the employment of the alien would not adversely affect the wages of working conditions of United States workers similarly employed. DCX 12 ¶3. The Department of Labor

does not permit the alien to apply for this certification on his or her own behalf. Instead, the alien's prospective employer must file an Application for Alien Employment Certification (known as a Department of Labor Form ETA 750), on behalf of the alien. *Id.* ¶4.

Form ETA 750 contains statements signed under penalty of perjury from both the employer and the alien. *Id.* The employer must represent that there is a specific job the employee seeks to fill, and describe the nature of the job and list the name, address and status of the alien seeking the job. The alien must provide his or her name, address, biographic information, immigration status, and experience and qualifications for the position the employer was offering, and attest to the willingness and qualification to take the job. *Id.*

The application then goes through a process in which a state agency (in the District of Columbia, it is the Department of Employment Services), among other things, ensures that the employer is offering a prevailing wage for the job and overseeing any recruiting and advertising the employer might be required to do. *Id.* ¶5. Once the state agency completes this process, the Secretary of Labor determines whether to approve the application. *Id.*

If the Secretary approves the application, the alien's prospective employer may then file an Immigrant Petition for Alien Worker (a "Form I-140") on the alien's behalf with the Department of Homeland Security ("DHS"), the successor to the Immigration and Naturalization Service ("INS"). *Id.* ¶6. If approved, this petition

results in the issuance of an immigrant visa that allows the immigrant to apply for lawful permanent residence (a "green card") upon arrival. *Id.*

There is also a procedure whereby an alien already in the United States can use an employment certification to remain. In this process, the alien obtains the same Department of Labor Approval but then, instead of submitting a Form I-140, submits an Application to Register Permanent Residency or Adjustment of Status ("Form I-485"). *Id.* ¶7.

During this fraud, Mr. Alamgir had both honest and dishonest clients. The honest clients paid him between $3,000 to $5,000 to make appropriate visa applications so that they could come to the United States to perform real jobs; the dishonest ones paid him a premium fee of $10,000 or $15,000, Tr. 147-49, or even up to $35,000. PX 3 at 38. He would then usually use some of the money to pay off businesses to misrepresent to the Department of Labor that there was a job they needed the employee to fill. Tr. 147-50. The illegal fees were from clients seeking to emigrate from Bangladesh, who knew they were paying illegal fees. Tr. 150, 154-56, 157.

On some occasions, a paralegal in Mr. Alamgir's office (for whose work he took responsibility) would forge signatures for the employer without telling the employer. Mr. Alamgir's office would also create a false letter certifying that the client had the requisite work experience presented in the ETA-750, or complete the alien portion of the ETA-750 forms on behalf of fictitious aliens with the intent of obtaining approvals that he would sell to other clients. He would also file false tax

returns prepared on behalf of the employer reflecting that the employer was able to pay the employee prevailing wages, and he would pay the employer to create fraudulent payroll and withholding certificates to show that client aliens were working for them. DCX 12 ¶9. He also coached his dishonest clients on what lies to tell to immigration officials in order to obtain their visas. Tr. 86-87.

Mr. Alamgir told his client aliens to pay him in cash or money order or sometimes with a check that omitted the name from the payee line. To make it difficult to track funds, Mr. Alamgir would pay the employers with those checks or cash. He also encouraged employers not to deposit any checks into their personal or business accounts, but to pay creditors with other debts. He would also deposit money in bank accounts of relatives and friends and avoided passing funds directly through the business bank account in his name. DCX 12 ¶9.

At the time of his plea, Mr. Alamgir acknowledged and conceded that between August 1996 through August 2003, he knowingly (and for profit) prepared at least 259 fraudulent ETA 750 and I-140 applications with the Department of Labor or the INS for adjudication. *Id.* ¶10; Tr. 72-76. Mr. Alamgir also acknowledged and conceded that, through money laundering efforts, he "knowingly concealed at least $2,750,000, which represented the proceeds of his immigration fraud." *Id.* ¶15.

He was sentenced to 40 months in prison (including time served) DCX 9 at 18, and when his incarceration ended in August 2007, Tr. 71, he was under supervised release for three additional years, DCX 9 at 19, until August 2010. PX 8 at 56. He also paid a fine of $16,400. DCX 9 at 21-22. Initially, he was also ordered

to forfeit $2,000,000 in real estate purchased with ill-gotten gains. *Id.* at 22; Tr. 28. Ultimately, he paid what appears to be $682,326.27 consisting of $100,000.00 in cash and $582,326.27 from liquidating his interest in several properties. Tr. 28-30, 119-21, 153; PX 6-7.[3]

There was never any question that this conduct warranted disbarment, and Mr. Alamgir did not dispute it. He consented immediately to disbarment in both jurisdictions where he had previously been admitted, Pennsylvania and the District of Columbia. Tr. 146; PX 3 ¶42; *Alamgir*, 862 A.2d 933; *see* DCX 6 ¶4 ("I submit this consent because I know that if disciplinary proceedings based on the alleged misconduct were brought, I could not successfully defend against them.").

Even when compared to the Court's reinstatement precedents, Mr. Alamgir's conduct had a very serious effect on the integrity of the judicial process. As prosecutors noted in their sentencing memorandum "[a] particularly grave harm wrought by Mohamed Alamgir's illegal enterprise is the manner in which it undermined the integrity of the United States visa-issuance processes that were then in effect." PX 1 at 7. In *Bettis*, the petitioner also consented to disbarment and

[3] Because the decline in real estate values in 2007-08 left Mr. Alamgir without the assets to pay, the United States Attorney's Office released what it stated was the $1,334,092.73 remaining on the forfeiture. Tr. 28-29, 38, 161-62; PX 8 at 57. The numbers do not exactly match. PX 6 is a customer copy of a check to the United States Marshals Service for $100,000. PX 7 is a settlement sheet for selling property Mr. Alamgir owned that reflects $582,326.27 being paid to the U.S. Marshals Service. PX 5 is another settlement sheet that reflects the seller receiving a gross amount of $250,000 and includes a number of sellers' charges that would be deducted from that. *Id.* Assuming the $250,000 figure in PX 5 is subsumed in the $582,326.27 paid to the Government in PX 7, the total payment would be $682,326.27. Adding that figure to the $1,334,092.73, the Government release adds up to $2,016,419.00, rather than $2,000,000. It is reasonable to conclude that the difference is for interest.

committed quite serious offenses: he made unauthorized use of funds he held as guardian, failed to perfect an appeal and then failed to notify the client of the error, which led the client's arrest for non-payment of support. 644 A.2d at 1025. But the amount involved in the unauthorized use was $1,531.91 (and was subsequently reduced) not over $2 million obtained by fraud, and Bettis was not convicted of committing frauds over at least seven years. *Id.*

In *Yum*, the petitioner was also disbarred by consent and was convicted of making a willfully false statement to the Immigration and Naturalization Service. *See* 187 A.3d at 1291. But he did it once, not 159 times, and he did not engage in money laundering.

There are more serious crimes someone can commit. Mr. Sabo cut his ex-girlfriend's brakes and could have killed her. 49 A.3d at 1221. But horrible as that conduct is, it does not go to the '"heart of the integrity of the judicial system,"' *Borders*, 665 A.2d at 1382 (quoting the Hearing Committee), in the way that repeatedly concocting, paying for, and submitting fraudulent documents to a tribunal does.

The closest analogues are crimes that are "plainly egregious" and "directly related to his practice of law," like fencing a client's stolen property, *Fogel I*, 679 A.2d at 1055, or sexually assaulting juvenile clients, *In re Moore*, Bar Docket No. 125-09, at 2 (HC Rpt. March 11, 2011), *recommendation adopted*, 34 A.3d 1101 (D.C. 2012) (per curiam), or bribing a public official to assist a client to obtain defense contracts, *see In re Matzkin*, 850 A.2d 310, 310-11 (D.C. 2004), or a judge

to obtain a favorable ruling, *Borders*, 665 A.2d at 1382. Although we believe those involve even more serious wrongdoing than Mr. Alamgir committed, those cases did not involve conduct over as long a period.

Moreover, even as each of those cases acknowledged that a disbarred attorney could seek reinstatement, all of them (at least initially) denied the petition and found that the petitioner had failed to meet the "heightened scrutiny" burden. *See, e.g.*, *Fogel I*, 679 A.2d at 1055-56 (upholding panel's conclusion that the petitioner failed to demonstrate that he appreciated the seriousness of his conduct and discounting the testimony of character witnesses who did not know of petitioner's wrongdoing); *Moore*, Bar Docket No. 125-09, at 25-31 (denying petition because the petitioner minimized his conduct and was evasive in various statements to other bar officials about what he had done); *Matzkin*, 850 A.2d at 310-12 (upholding Hearing Committee decision to which the petitioner did not object where petitioner, although professing deep regret, actually minimized the conduct); *Borders*, 665 A.2d at 1384-85 (upholding denial of petition in light of petitioner's repeated refusal to testify about the conduct that led to his criminal conviction).

Yet, even Mr. Fogel (despite his conviction for fencing stolen goods) was granted reinstatement on his second petition in which he demonstrated his remorse and offered knowledgeable testimony from character witnesses. After a contested hearing, Disciplinary Counsel conceded in its post-hearing briefing that the petitioner had met his burden under *Roundtree.* *In re Fogel*, Bar Docket No. 004-98, at 1, 4-6 (HC Rpt. Sept. 22, 1998) (*Fogel II*). The Hearing Committee and the

Board found that the petitioner had overcome the deficiencies of his first petition and satisfied the "heightened scrutiny" standard because:

> Petitioner and his witnesses offered testimony that demonstrated that Petitioner appreciated the seriousness of his previous misconduct. The character witnesses, who were all aware of Petitioner's Misconduct, testified that he currently exhibits high ethical standards and is genuinely remorseful about his prior misconduct. Committee Three concluded that Petitioner had remedied the defects in his previous reinstatement proceeding and recommended that he be reinstated.

In re Fogel, 728 A.2d 668, 670 (D.C. 1999) (per curiam) ("*Fogel II*") (appended Board Report). The Court adopted the Board's recommendation and approved the petition, though it applied a deferential standard after neither party filed exceptions. *See id.* at 668-69.

Because the conduct that led to Mr. Alamgir's disbarment is "'so closely bound up with [his] role and responsibilities as an attorney,'" we are required to give "heightened scrutiny" to the remaining *Roundtree* factors in determining whether he has made a sufficient showing to justify reinstatement. *Yum*, 187 A.3d at 1292 (alteration in original) (citation omitted). And from our review of the case law, with the arguable exception of *Fogel II*, the matter appears to involve initial wrongdoing that is more closely tied to the practice of law than any in which a petitioner has been granted reinstatement by our Court.

B. Whether the Attorney Recognizes the Seriousness of the Misconduct

The Court assesses "a petitioner's recognition of the seriousness of misconduct as a 'predictor of future conduct.'" *Sabo*, 49 A.3d at 1225 (quoting *In re Reynolds*, 867 A.2d 977, 984 (D.C. 2005) (per curiam)).

Here, Mr. Alamgir always knew the conduct was wrong, Tr. 144, and although, at the time he committed the wrongs, he "did not know the seriousness and gravity of the offense," he pled guilty to a criminal information without even waiting for an indictment or quibbling over a single fact alleged against him. PX 1 at 1; Tr. 23-24, 60. He admitted to over 200 false certifications, acting unethically by charging an extra fee to file the false certification, and conspiring with employers. Tr. 24-25. The Government's Sentencing Memorandum recommended that he receive a three-level reduction for his "Acceptance of Responsibility." PX 1 at 2. As noted above, he consented to disbarment both in Pennsylvania and the District of Columbia. DCX 2-8; PX 3 at 28.

Disciplinary Counsel makes two points about this prior history. First, Disciplinary Counsel argues that the record does not support the finding that Mr. Alamgir cooperated with Government authorities, and asserts that Mr. Alamgir's bond was revoked after he "failed to cooperate with the government." ODC Br. at 4-5. In support of this argument, Disciplinary Counsel cites three documents: (1) a plea agreement letter that Disciplinary Counsel describes as "agree[ing] to Petitioner's pre-trial release, contingent upon Petitioner's agreement to cooperate with the government's investigation," *id.* at 4 (citing DCX 11 at 92); (2) a statement in the Government's pre-sentencing report that Mr. Alamgir's "bond was revoked on October 29, 2004," PX 1 at 2; and (3) a January 27, 2005 article from the Washington Post reporting that "prosecutors ***last month*** asked a federal judge to revoke the terms of his release, saying that Alamgir had failed to comply

with the terms of the agreement. ***The reasons for the request were not made public***." DCX 18 at 185 (emphases added).

These documents, however, contradict Disciplinary Counsel's interpretation. To begin with, what was revoked was not a pre-trial bond. Mr. Alamgir pled guilty in April 23, 2004, PX 1 at 1; the revocation took place over six months later, on October 29, 2004. *Id.* at 2. (This, in turn was not a "month" before the Washington Post's January 27, 2005 article. That would have been December.)

What Mr. Alamgir and the government agreed to was a "release ***pending sentencing***" for crimes for which Mr. Alamgir ***had already*** pled guilty. This pre-sentence release was only "***for a limited time period*** and solely for the purpose of engaging in investigative activity under the direction of law enforcement authorities." DCX 11 at 92 (emphasis added).

Moreover, although the Washington Post article says that the revocation was for failure to comply with the terms of the agreement, there are strong reasons for thinking this is inaccurate. The same article misstates when the revocation occurred (placing it in December rather than October) and also says that the reason for revocation was not made public (suggesting that the writer did not actually know what the reason was).

In any event, the Government's Sentencing Memorandum makes clear there was no such breach. The Government urged Mr. Alamgir's "early admission of his culpability, and agreement to enter a guilty plea ***and cooperate with the government***, ***clearly entitle him to the full 3-level reduction*** [in his sentence] available under such

circumstances." PX 1 at 8 (emphasis added). We cannot imagine that the Government cited Mr. Alamgir's cooperation as a reason for a reduction of sentence if the cooperation had not occurred.

Second, Disciplinary Counsel cites examples of other immigration fraud convictions of people Mr. Alamgir knew and urges that Mr. Alamgir should have appreciated, as he committed his crimes, that his misconduct was serious. We agree he should have appreciated this, not so much because he knew of others, but regardless, because what he did was so obviously wrong.

But, the real issue is whether he appreciates the seriousness of his conduct now. In his testimony before our Committee, Mr. Alamgir repeatedly recognized how serious and wrong his conduct was. *See, e.g.*, Tr. 26 ("I completely agree with the charges and the numbers that [they] have in record"); Tr. 80-81 (admitting that he or a secretary for whom he was responsible also forged signatures of some employers); Tr. 26-27, 32, 34-35 (admitting to money laundering); Tr. 32-33 (explaining the conspiracy with employers); Tr. 77-80, 87-89 (agreeing that he submitted fraudulent labor certifications through a friend, Mr. Karim); Tr. 81-82 (agreeing that he provided false information to an accountant to create false tax returns for the employer); Tr. 82-85 (admitting to having secretary file false I-140 Forms); Tr. 86-87 (admitting to coaching clients to lie in government interviews); Tr. 91-92 (admitting to using a relative at the World Bank to launder payments, thereby avoiding taxes); 92-93 (explaining how payments were divided up); Tr. 116-

18 (explaining how he purchased properties through LLCs in order to conceal funds).

Mr. Alamgir did not make any excuses. He said, "I became greedy; and then there was a time I wanted to stop immediately, but I couldn't go back and all I can say is that it is . . . greed [that] put me into a situation." Tr. 35. He added "I[] not only regret for [my] family, friends, or clients, and the legal aspect of it, legal community, that my colleagues, that I could not see them. And for a long time that I suffered emotionally, psychologically, with what I have done and why did I do it." *Id.*[4] As he put it:

> So, obviously it was greed. I think I have made the biggest mistake in my life to do what I have done. I had a great respect for law but obviously I have failed[.] I have failed everybody. Not only to my family . . . my children; you know my wife is a physician. She could not go out for a long time because in the community, everybody knows each other and tends to know that 'My husband is a convicted felon' and she was working in Howard University Hospital for many years and in the community; it took a long time to get healed and she did not even go to community gatherings, meetings for some time.

Tr. 35-36; s*ee also* Tr. 37 ("So I feel so sorry and I don't know how to say one is sorry, sorry; but it's not the proper word, but I really, really regret it every single day"); Tr. 144 ("I cannot see anything other than greed, because I knew it was wrong; it was damned wrong, it was unethical"); Tr. 145 (to similar effect); Tr. 162-64 (similar).

[4] Mr. Alamgir's English is understandable, but sometimes is not idiomatic. Because of the pandemic, he was also testifying, of course, remotely, which made it particularly difficult for a court reporter to create a record. The Committee commends Dan Hawkins for his work on the transcript.

Disciplinary Counsel argues that these and many other statements do not demonstrate "genuine remorse and recognition of the seriousness of his misconduct," ODC Br. at 25, and makes three points in particular. First, it urges that Mr. Alamgir did not "come clean about the disposition of his laundered funds," *id.* at 25-26, by not sufficiently explaining why he did not pay back to the Government 100% of the amount that he forfeited. *Id.* at 26-27. Disciplinary Counsel asserts that the Committee "should not take Petitioner's word that the government released all liens against him," and that, as "Petitioner was disbarred for aggravated dishonesty and concealment of the very funds at issue," he "should be required to show that he dealt with the government in good faith and did not continue to conceal assets." *Id.* at 26.

As noted above, Mr. Alamgir's testimony on the point is that the reason he paid only what appears to be $682,326.27 of the $2,000,000 he was initially ordered to forfeit, was that most of the profits were invested in real property that declined in value and after Mr. Alamgir sold the properties and turned over the funds he realized from the sales, the government accepted that payment in full satisfaction and waived the remainder. Tr. 28-29, 153. Exhibits PX 5, 6, 7 in this proceeding document the sale and payments. It appears that, in the Pennsylvania reinstatement proceeding, Mr. Alamgir also submitted an April 21, 2014 "Certificate of Release of Lien . . . issued by the United States Attorney's Office for the District of Columbia" concerning the balance. *See* PX 3, at 28 ¶40.

The evidence Mr. Alamgir offered on the point was not perfect. It would have been better if Mr. Alamgir had submitted this Certificate in this proceeding and either provided a detailed accounting of precisely what happened to the money or explained in greater detail why, at this point, he was unable to do so. It is reasonable to expect that a lawyer petitioning for reinstatement would maintain careful records on efforts to make restitution and, in a different setting, that might be a compelling argument.

However, we find that Mr. Alamgir's testimony on this point was credible and sufficiently supported by the exhibits. There is no reason to believe that he or the Pennsylvania Board made up the fact that the government waived the remaining payment. It is also extremely unlikely that Mr. Alamgir, having been disbarred, incarcerated and made to pay $682,326.27 would decide to commit a new fraud by concealing assets from the United States Attorney, or that the United States Attorney, fully aware of Mr. Alamgir's criminal record, would be duped by such a fraud. Indeed, after his incarceration, Mr. Alamgir (a former lawyer, then in his 50s) worked for seven years part-time at a Subway restaurant. PX 3, at 30 ¶57. It is difficult to imagine that he would do this if he had substantial concealed assets. And Disciplinary Counsel presented no evidence to support the theory that Mr. Alamgir committed this second fraud against the government.

Second, Disciplinary Counsel urges that if Mr. Alamgir "truly appreciated the seriousness of his misconduct, he would also have taken steps to discover what happened to his clients." ODC Br. at 27. As part of this argument, Disciplinary

Counsel casts the fraud as being directed against the clients who thereby had their immigration applications approved and then urges that Mr. Alamgir was only generally aware of what happened to the clients, and "showed no interest in what happened to his former employees who were criminally convicted for following his directions." *Id.* at 27-28.

Much of this argument relies on using evocative language to recast a fraud that was primarily against the system, into one directed to his own clients. Elsewhere, Disciplinary Counsel describes Mr. Alamgir as having "preyed upon Bangladeshi immigrants who placed their trust in him as an attorney and as a member of their civic organizations." ODC Br. at 24.

This argument, however, somewhat misstates the circumstances. Without a doubt, Mr. Alamgir's fraud did harm. It debased the integrity of the immigration system; casted immigrants as a whole in a bad light and put dishonest potential immigrants ahead in line of the honest people who followed the rules. It is also certainly true that Mr. Alamgir bears responsibility for leading his clients into a fraud. However, it is an overstatement to suggest the main victim of the fraud were the clients who paid him to commit it. Also, by using words like "preyed upon Bangladeshi immigrants," Disciplinary Counsel seems to suggest that his conduct was especially wrong because it was against his own people. Fraud is wrong. It is not wrong merely or especially because it is perpetrated against one's "own people."

More accurate than saying that Mr. Alamgir "preyed upon Bangladeshi immigrants," is to say that Mr. Alamgir brought shame upon Bangladeshi

immigrants. When he enabled his dishonest clients to come to the United States illegally, he debased what his honest clients achieved when they followed the rules and came to our country legally.

More importantly, Disciplinary Counsel's argument significantly understates the testimony. As Mr. Alamgir points out, he did recognize the impact of his actions on his clients, both the applicants who were seeking the labor certification and the employers who sponsored the applicants. He testified, "I have violated their trust and I have violated my oath as an attorney, I take full responsibility and I always feel guilty, remorse about it that the very people that have trusted me so much that I, because of me, they have suffered a great deal of consequences." Tr. 30-31. He acknowledged the harm he caused to the employers, who were prosecuted and convicted for their role in Petitioner's scheme. He acknowledged at least one of the employers was deported. Tr. 32-33. He also recognized the harm his scheme to launder funds had on a family member he recruited to assist him in the money-laundering part of the scheme, noting that he took a guilty plea and lost his employment. Tr. at 34.

We find this testimony to be credible. We do not agree with Disciplinary Counsel that Mr. Alamgir cannot be truly contrite unless he undertook to reconstruct what happened 16 or more years ago to each of the clients or that there is truly a reason to believe that, if reinstated, he will return to the conduct that led him to be justifiably subject to significant punishment.

Far more telling is the fact that Mr. Alamgir did not merely state he was remorseful. He demonstrated remorse by conduct. As explained in the next section, in the time since he left prison, Mr. Alamgir has become a humanitarian for the Bangladeshi community. Mr. Alamgir has met his burden of showing an appreciation of the seriousness of his conduct.

C. Petitioner's Conduct During His Period of Disbarment[5]

Under this *Roundtree* factor, the Court considers a petitioner's "conduct since discipline was imposed, including the steps taken to remedy past wrongs and prevent future ones." *Roundtree*, 503 A.2d at 1217. "'[I]n reinstatement cases[,] primary emphasis should be given to matters bearing most closely on the reasons why the attorney was suspended or disbarred in the first place.'" *In re Mba-Jonas*, 118 A.3d 785, 787 (D.C. 2015) (per curiam) (quoting *In re Robinson*, 705 A.2d 687, 688-89 (D.C. 1998) (second alteration in original)) (denying reinstatement where the petitioner's post-suspension handling of personal financial accounts "reflect[ed] the very conduct that led to his indefinite suspension.").

After Mr. Alamgir was released from prison, he became active in several Bangladeshi-American civil and charitable associations. Tr. 39-43 (Alamgir); PX 14. He joined and became the President of both the Bangladesh Association of Greater Washington ("BAGWDC") and the Federation of Bangladeshi Associations in North America ("FOBANA"). Tr. 40-41 (Alamgir), 176-77 (Karmakar), 237-38

[5] As explained in his dissent, Attorney Member Jeffrey Dill disagrees with the conclusions made in this portion of the opinion and the overall conclusion that Mr. Alamgir has met his burden to justify reinstatement.

(Chowdhury), 251-52 (Gomes). He was also was the chairman of BAGWDC's efforts to provide relief for the Rohingya refugees in Bangladesh and flood victims in Bangladesh. Tr. 40-41 (Alamgir), 178 (Karmakar), 254 (Gomes); PX 14 at 4. Mr. Alamgir also led these organizations in fundraising for the relief of victims of hurricane Sandy. Tr. 293 (Haleem). He was also the President of the FOBANA convention in 2015, while serving as Vice-Chairman of FOBANA, and also serving as President of BAGWDC. Tr. 45 (Alamgir), Tr. 251-52 (Gomes).

Mr. Alamgir also helped raise funds for the Centre for Rehabilitation of the Paralysed ("CRP"), which provides services for people who have suffered a stroke or other crippling medical condition. Tr. 39-40 (Alamgir), 178 (Karmakar), 253-54 (Gomes); PX 14 at 142. In 2017, CRP presented Mr. Alamgir with an award of appreciation. PX 14 at 142, 136; *see also* Tr. 39-40 (Alamgir).

Mr. Alamgir served as an advisor community worker and fundraiser for Prio Bangla, a community service organization that operates in the District of Columbia metropolitan area. Tr. 176-77 (Karmakar). In 2015, Mr. Alamgir was awarded the Prio Bangla Award, for his humanitarian and community work. PX 14 at 140; Tr. 181 (Karkamar).

In 2016, Mr. Alamgir received an Excellence in Leadership Award from FOBANA in recognition of his years of service. PX 14 at 143. In 2013, Mr. Alamgir was recognized by BAGWDC for his years of service and received its Appreciation Award. *Id.* at 141. In 2016, Mr. Alamgir was voted into the Wall of Honor by the Bangladeshi Center for Community Development, Inc, ("BCCDI"), for his

community involvement and efforts on behalf of that organization. *Id.* at 144, Tr. 50 (Alamgir).

This conduct is admirable and was done without compensation. There is no evidence that Mr. Alamgir has committed any act of wrongdoing since the conduct for which he was convicted over 15 years ago.

On this point, we and the dissent begin in same place. Especially as D.C. Bar R. XI § 16(d)(1) requires "clear and convincing evidence," and the fact that, under *Roundtree*, the nature of Mr. Alamgir's wrongful conduct obliges us to apply heightened scrutiny to the remaining factors, we are concerned that Mr. Alamgir could have done a better job explaining how his service is not merely good "conduct since discipline was imposed," but more specifically reflect "steps taken to remedy past wrongs and prevent future ones." Both the record and argument are relatively thin on why Mr. Alamgir did the community service he did or how precisely that relates to his conduct as a lawyer.

However, for several reasons, a majority of this Committee concludes that this lack of precision in the presentation does not change the fact that, taken as a whole, the evidence clearly and convincingly supports the conclusions Rule XI § 16(d)(1)(a) requires us to reach: that Mr. Alamgir "has the moral qualifications, competency, and learning in law required for readmission"; and (b) his "resumption of the practice of law . . . will not be detrimental to the integrity and standing of the Bar, or to the administration of justice, or subversive to the public interest."

To begin with, as Mr. Alamgir (through counsel) urges, "this is not a situation where there are a lot of opportunities for him to make, for instance, modifications in his practice so as to avoid a repetition of misconduct." Tr. 14-15. Someone who commingled client funds can show that there are now controls in place to prevent that from happening. Mr. Alamgir, however, committed fraud, and the only thing he can do is demonstrate to the best anyone can, that he will never do it again.

Indeed, the factor we are to examine is, by its nature, fact-specific. The law does not prescribe some particular way Mr. Alamgir was supposed to conduct himself in order to demonstrate his compliance with Rule XI § 16(d)(1). There is no way Mr. Alamgir could know during the 16 or more years since his disbarment what conduct the panel would expect of him in order to meet this factor.

Nor would it serve the purposes of the inquiry to prescribe a particular course of conduct, even if we could. For example, admirable as it is that Mr. Alamgir had devoted what must be thousands of hours to good works in the community, not every person attempting to put a life together after a period of incarceration is going to have the family resources to do that. The burden is not to demonstrate particular conduct, but rather to exhibit conduct sufficient in nature and degree to establish that the dual showings of the Rule have been met.

Here, although the connection could have been argued more clearly, the evidence does demonstrate the steps taken to "remedy past wrongs and [to] prevent future ones," that *Roundtree* discusses. 503 A.2d at 1217. As we noted in the previous section, the wrong Mr. Alamgir committed was to undermine the integrity

of the immigration system and to bring shame upon the community that relies on that system. In a real way, Mr. Alamgir's assistance to the community acts to counter the shame he brought on the community.

The evidence also illustrates that he is a changed man. In *Sabo*, the Court cited community activities as part of its ruling that the petitioner had demonstrated a humility that was inconsistent with the wrong he had committed. *See* 49 A.3d at 1231-32. Like Mr. Sabo, Mr. Alamgir committed a wrong of arrogance – in Mr. Alamgir's case one of greed. Mr. Alamgir's acceptance of a severe punishment, extensive CLE training (described below), pro bono work and the many humanitarian acts, work for free to low pay both in law and, for seven years at Subway, are inconsistent with the greed that animated his wrong. We also believe that all of the pro bono work as a paralegal and much of the charitable work for organizations does focus on immigration issues and immigrants seeking assistance in this country.

Moreover, we are convinced from all of the evidence that there is no realistic chance that Mr. Alamgir will again commit the wrongs that led to his prior conviction and disbarment. Indeed, as described below, members of the community upon whom Mr. Alamgir brought this shame are today willing to trust him with great financial and personal responsibility. We find their testimony and Mr. Alamgir's own testimony credible that, having spent the better part of the last 16 or more years to regain that trust, Mr. Alamgir will not again betray it. And, under the

circumstances, there is no purpose to be served by continuing to have him disbarred. We do not see that he needed to prove more in order to justify reinstatement.

In addition to referencing its prior argument about Mr. Alamgir's alleged failure to explain the disposition of assets (see discussion above), Disciplinary Counsel argues that Mr. Alamgir's post-discipline conduct does not support reinstatement because, according to Disciplinary Counsel, Mr. Alamgir "made many confusing or contradictory statements at the hearing and failed to disclose all matters required by the Reinstatement Questionnaire, including a civil suit alleging malfeasance in his dealings with the predecessor of BAGWDC, and what appear to be civil matters involving his real property." ODC Br. at 29 (citing, ODC's PFF 26-29, and *In re Molovinsky*, 723 A.2d 406, 410 (D.C. 1999) (per curiam)).

Mr. Alamgir's situation, however, is very different from those involved in *Molovinsky*. In *Molovinsky*, the Court denied a petition for reinstatement for many reasons, including that the attorney "withheld potentially embarrassing information and made misrepresentations in several of his responses to the Reinstatement Questionnaire." 723 A.2d at 410. Mr. Molovinsky had been disbarred for counterfeiting United States currency and filed a reinstatement questionnaire that failed to disclose that he:

- had previously filed a reinstatement petition in Maryland that had been denied;
- had formed a consulting company that had repeatedly failed to provide services but then sued to obtain fees, was eventually accused of fraud in a counterclaim and was found to be operating without a license;

- was then sued by what was then Corporation Counsel (now the District of Columbia Attorney General) and consented to enjoin enforcement of other collection judgments he had obtained because he had no license to perform the services in the first place; and
- was found by a jury to have engaged in sexual harassment against prospective employees.

Id. at 408.

Here, what Disciplinary Counsel asserts are "many" statements or omissions, are actually relatively few that neither singly nor in combination involve conduct similar to Mr. Molovinsky's. Disciplinary Counsel notes, PPF ¶26, that Mr. Alamgir testified, when asked on cross-examination, that in addition to properties that were his, there were others that were owned by others involved in a civil action that he understands were dismissed, but doesn't recall the specifics. Tr. 118-19. Although the testimony was uncertain, there is no basis upon which to conclude that it was untrue.

Then, Disciplinary Counsel notes confusion about whether Mr. Alamgir received nothing from a former employer, Ms. Rogena Kyles, or $15/hour for some of the work. PPF 27. It appears both from the statement of Rogena Kyles (a now-deceased Pennsylvania immigration lawyer), PX 9, and Mr. Alamgir's testimony, Tr. 53, that he worked for Ms. Kyles as a paralegal on a volunteer basis. However, his Reinstatement Questionnaire stated that he received $15/hour, and his Supplemental Reinstatement Questionnaire clarified to say that the $15/hour was for "technical support." It is not clear, that these statements are inconsistent. Mr. Alamgir was never confronted at the hearing with the statements and so never

had a chance to explain any inconsistency. Nor is there any reason to believe that any misstatement about this largely incidental matter was dishonest.

Third, Disciplinary Counsel points to the fact that the Pennsylvania Board stated in its decision that "[i]n addition to acting as a caretaker for his mother and being a stay-at-home father, Petitioner did some small at-home projects, such as paperwork for a school . . . ." PFF 28 (citing PX 3, at 30 ¶56). This, Disciplinary Counsel asserts, is contradictory because at the hearing here, Mr. Alamgir denied working for a school. Tr. 128. Here, Mr. Alamgir explained, he "worked from home in several restaurants' paperwork," but not "in a school," and agreed with Disciplinary Counsel that "maybe it was mistranscribed." *Id.* The testimony he gave in Pennsylvania is not part of the record, and in any event, the point is peripheral, if relevant at all, and does not suggest dishonesty.

Finally, Disciplinary Counsel asserts that Mr. Alamgir failed to disclose on his Reinstatement Questionnaire what seem to be two types of civil litigation. However, neither of these references is probative. First, Disciplinary Counsel says that Mr. Alamgir failed to disclose "his involvement in the civil suit *Akhter v. Saluddin, et al.*," in which Mr. Alamgir "was a named defendant and alleged to have improperly seized control of the Bangladesh Association of America." PPF 29. To begin with, although Disciplinary Counsel asserts that Mr. Alamgir "was aware of this matter because he was personally served with the civil complaint, he filed an answer, and he appeared in court," *id.* (citing DCX 30 (docket); Tr. 132-35), what this evidence shows is that he was *once* aware of the litigation. The litigation was

filed in 2008 and dismissed in January 2009. DCX 30. Mr. Alamgir testified that when he submitted the Questionnaire a decade later, in 2019, he had forgotten the litigation, which was not properly filed against him in the first place, and that what happened during the appearance in court was that the judge told the plaintiff not to bring these kinds of "frivolous cases." Tr. 132-35.

Disciplinary Counsel also refers to Mr. Alamgir having failed to disclose what "appear to be civil matters involving his real property." ODC Br. at 29. The matters to which this refers are not clear. One might have been the civil action involving other people's interest in property. *See* PFF ¶26. If so, this issue is discussed above, at pg. 32.

Another could be an assertion made in Disciplinary Counsel's Answer (at 5) that it reflects negatively on Mr. Alamgir's current character that he failed in response to Question 15 on his Reinstatement Questionnaire to identify the civil forfeiture action that the Government filed along with his criminal indictment. If so, Mr. Alamgir's response could be called in one way technically correct and another way technically in error. Disciplinary Counsel is correct that Mr. Alamgir did not, in response to Question 15, identify the proceeding. However, he did identify the forfeiture in response to Question 26, and although it is true that the United States Attorney filed a civil forfeiture action, the forfeiture is actually ordered as part of the Criminal Judgment, which is attached to the Questionnaire. *See also* DCX 9 at 22. In any event, there is no evidence that Mr. Alamgir intended to mislead Disciplinary Counsel or this Hearing Committee by failing to identify the forfeiture as a civil

proceeding filed in connection with the criminal proceeding. *See* DCX 30; Tr. 134-36.

More importantly, even assuming the full force of Disciplinary Counsel's assertions of error in the testimony or Reinstatement Questionnaire, and taking all of these alleged errors in combination, these are mere errors. These errors are not anything like failing to mention an unsuccessful reinstatement petition in another jurisdiction, or litigation finding fraud, or providing services without a license or sexual harassment. His alleged errors are too incidental, and, in context, too understandable to reflect any apparent dishonesty, evasiveness or intent to conceal. Accordingly, they do not weigh significantly in the reinstatement decision. *Cf. In re Brown*, 845 A.2d 519, 521-22 (D.C. 2004) (in a reinstatement proceeding arising from a disability suspension, accepting panel's conclusion that the petitioner who made even a significant error in answering the questionnaire, did not intend to conceal or mislead, and that the error was, therefore, not a reason to find that he lacked the present character to be reinstated).

D. Petitioner's Present Character

To satisfy this fourth *Roundtree* factor, Mr. Alamgir must demonstrate, among other things, that "those traits which led to [his] disbarment no longer exist and . . . [he] is a changed individual, having a full appreciation for his mistake." *In re Brown*, 617 A.2d 194, 197 n.11 (D.C. 1992) (quoting *In re Barton*, 432 A.2d 1335, 1336 (Md. 1981)). As evidence of this change, Petitioner should also proffer the testimony of '"live witnesses familiar with the underlying misconduct who can

provide credible evidence of petitioner's present good character."' *Yum*, 187 A.3d at 1292 (citation omitted) (denying reinstatement based on Report and Recommendation reflecting that petitioner's witnesses were unfamiliar with the details of his misconduct).

Mr. Alamgir's witnesses all supported his Petition and attested to his present character. *See, e.g.*, Tr. 183 (Karmakar) ("knowing him for the last 20 years. . . . If I can put aside what he was convicted for, if I can take out that picture from my mind and eyes, and I see 110 percent he's a good person, very, very good person, resourceful to our community. . . . Anytime, anytime we needed help, even at midnight you call him and then he just come out and help. I never hear from him say 'no' for any help we needed"); Tr. 184-85 (members of the Bangladeshi community "rely on him," and look at him as "a very good person"); Tr. 247-48 (Chowdhury) (having worked with Mr. Alamgir since 2012 or 2013 and "seen him handling moneys," and "his willingness to help and his regrets . . . I do not have any shadow of a doubt in my mind that he has since corrected himself to go in the right direction and regret for his mistakes"); Tr. 256-57 (Gomes) (Mr. Alamgir has "an inner commitment towards the community; he wanted to serve the community, and he has been doing that with commitment and passion"); Tr. 296-304 (Mr. Haleem) (discussing at length Mr. Alamgir's contribution to the community). They also trusted him with funds – for example, raising and ensuring the proper handling of $100,000 in aid for flood victims. Tr. 186-87 (Karmakar).

In addition to repeating the earlier argument about Mr. Alamgir's answers to his questionnaire, discussed in the previous section, Disciplinary Counsel also argues that "Petitioner's character witnesses did not have a full understanding of Petitioner's misconduct and each described either their own personal hesitancy to ask about it or Petitioner's reticence to discuss the matter in detail." ODC Br. at 31 (citing PFF 30, and thereafter *Yum*, 187 A.3d at 1292; *Fogel I*, 679 A.2d at 1056 n.8).

Although it is true that Mr. Alamgir's witnesses did not have a complete understanding of the conduct for which Mr. Alamgir was disbarred, they had significantly more relevant knowledge than the witnesses did in *Yum* and *Fogel I*. The Hearing Committee Report and Recommendation upon which the Court of Appeals relied in *Yum* found that one of Mr. Yum's witnesses (Woong Thomas Yi) had known Mr. Yum since law school, but had had very little contact with Mr. Yum since his disbarment, misunderstood the nature of the conduct, and was not aware of any steps Mr. Yum had made to avoid similar misconduct in the future. *See In re Yum*, Board Docket No. 15-BD-067, at ¶¶50-54 (HC Rpt. Aug. 22, 2016).

The other witness was his sister who testified that he should be reinstated because of the '"professional manner"' she had observed in his conduct. *Id.* ¶¶55-56 (quoting testimony). Although she was a paralegal and office manager at Mr. Yum's firm, she had the misimpressions that: (1) Mr. Yum's client had misstated the facts; (2) Mr. Yum did not acknowledge to her that he had made false statements; and (3) he had wanted to fight the charge but did not have the money to hire a lawyer. *Id.* ¶¶57-58.

In *Fogel I*, the character witnesses were unfamiliar with the details of the misconduct, which "impaired their ability to fully address whether the misconduct might be repeated, and thus their ability to address petitioner's current character." 679 A.2d at 1056. The testimony the Court cited as exemplary was testimony that petitioner "says he'll never do it again, whatever it was he did do, which I never did find out." *Id.* at 1056 n.8. (Mr. Fogel remedied this deficiency in *Fogel II*, 728 A.2d at 671 (appended Board Report)).

Mr. Alamgir's situation was different. To begin with, his conviction was not a private matter. The whole Bangladeshi community knew of it. Tr. 139-41 (Alamgir); Tr. 185-86 (Karmakar). And although Mr. Alamgir's witnesses had varying degrees of knowledge about his conduct, and did not know every detail of what he did, only one them (Mr. Gomes) knew very little, Tr. 255-56, and all of the others knew enough to know that what he did was serious and were not under any misimpression that the allegations were someone else's fault. *See, e.g.*, Tr. 246-47 (Chowdhury) (knows that he "overcharged fees," "misled his clients, or he . . . forged some documents that goes into the immigration process," and was "also found guilty of money laundering" and "conceal[ed] money"); Tr. 295 (Haleem) ("I'm very much aware" that he was convicted and sent to prison for criminal offenses during the course of his practice of law "and he told me about it. . . . He said that he knew the law, and as an attorney he should have had better judgment, and he violated the law . . . like the punishment he got was the right punishment for him"); Tr. 274 (Ms. Wadhwa) ("I've known" of his prior conviction and disbarment "all along. It's

a small community . . . and I think it is very well known in the community. But despite everything . . . he is well regarded and respected in the community"); Tr. 182 (Karmakar) ("I do not know details, but as a public record, and then I have talked [with Mr. Alamgir] on a few occasions . . . . He just made some bad decisions and did unethical [things] in his professional line of duty. So that was, went to court and then he plead guilty."); Tr. 255 (Gomes) (hearing from the community that "something happened" years ago).

More importantly, they were in a position to testify on the point that is critical: whether the traits that led to Mr. Alamgir's disbarment "no longer exist," and he "is a changed individual, having a full appreciation for [his] mistake." *Brown*, 617 A.2d at 197 n.11; *In re Mba-Jonas*, Board Docket No. 11-BD-019, at 31 (HC Rpt. May 29, 2014). As noted above, they were aware of the misconduct and testified in detail of the numerous humanitarian acts Mr. Alamgir had done since his incarceration that are inconsistent not only with his prior conduct, but with the greed and arrogance that animated it.

In *Sabo*, the court upheld reinstatement, even though the character witnesses did not know that Mr. Sabo had been arrested and pled guilty to larceny – a separate incident years after the conduct surrounding the consent disbarment, but before petitioner sought reinstatement. As the Court explained, although Mr. Sabo "did not provide them with the most detailed explanation," their general and secondary knowledge of his misconduct was enough to make their testimony credible. 49 A.3d

at 1232. Mr. Alamgir's witnesses knew more, and more of importance, about his conduct than did Mr. Sabo's witnesses.

When asked why he wanted, after 16 or more years and at age 63, to be reinstated to the bar, Mr. Alamgir spoke both about his "great respect for law profession, and guiltiness that I have since my conviction," and the fact that "it is not money that I want to make, to become an attorney, because I don't know how long I will live. But I certainly can do a lot of charitable work helping immigrants in the community, helping refugees in the community, as well as all those charitable work, pro bono work that I can do as a lawyer. And the community will be helped; and as the whole people that I have caused damage, I can prove to them that I am worth it to return to practice." Tr. 55-56; *see also* Tr. 37.

We find this testimony credible. Mr. Alamgir has met his burden of proving by clear and convincing evidence his present character.

E. Petitioner's Present Qualifications and Competence to Practice Law

The fifth *Roundtree* factor is Petitioner's present qualifications and competence to practice law. As the Court explained, "[a] lawyer seeking reinstatement . . . should be prepared to demonstrate that he or she has kept up with current developments in the law." *Roundtree*, 503 A.2d at 1218 n.11.

In *Roundtree*, the Court cited the petitioner's participation in continuing legal education (CLE) courses, acquisition of computer skills, improvements to her case management system, and plans to use additional staff for assistance as evidence of her qualifications and competence to practice law. *Id*. at 1217-18. In other cases,

the Court has also considered whether the petitioner has performed legal work or kept abreast of developments in the law by reading legal journals and periodicals. *See Bettis*, 644 A.2d at 1030 (Court finding that petitioner established competence where he "worked as a law clerk . . . and improved his legal research and writing skills" and witnesses testified to his developed expertise in the medical malpractice and personal injury fields); *In re Harrison*, 511 A.2d 16, 19 (D.C. 1986) (petitioner's competence established where he testified that he kept up with developments in the law by reading legal journals, bar publications, and other legal publications, and his professional skills were never questioned by those involved in the disciplinary proceedings).

Mr. Alamgir's efforts to remain current go well beyond those involved in other cases. He has taken over 200 hours of CLE from the Pennsylvania and District of Columbia Bars. PX 12, 13, Tr. 50-53 (Alamgir). And he has used online resources to keep abreast of developments in immigration law. Tr. 51. Contrary to Disciplinary Counsel's assertion otherwise (ODC Br. at 32), Mr. Alamgir explained how taking these many courses reflected his "passion" for immigration law affecting the community he seeks to serve and stressed that 34 of these classes involved ethics – the deficiency in his prior practice. Tr. 50-52.

He also volunteered (or worked at very low pay) as a paralegal. He worked first for Rogena Kyles (who died during the pandemic) who wrote a letter in November 2019 confirming that he worked for two years and "brought to [her] own practice an exceptional wealth of knowledge on immigration law and on the

interpretations and applications of nearly all aspects of that law by the U.S. Department of Homeland Security's U.S. Citizenship and Immigration Services (USCIS)." PX 9; Tr. 53. Disciplinary Counsel references its prior argument – about the arguable discrepancy about whether some of Mr. Alamgir's work for Ms. Kyles was paid, ODC Br. at 32, but does not dispute Ms. Kyles' glowing testament to his skills.

Mr. Alamgir has also volunteered since for Rubina Wadhwa about 20 hours/week filling out forms and doing paralegal work. Tr. 54, 63-64. Ms. Wadhwa testified in our proceeding that he has worked 25-30/hours per week doing initial drafts of immigration forms, Tr. 271-72, that he "knows immigration law really well," and has handled the matters she has given to him "very thoroughly, with minute details," Tr. 267, and is so familiar with the area that he is aware even of small changes in the forms. *Id.*

Disciplinary Counsel notes (ODC Br. at 32) that Mr. Alamgir had so far worked for Ms. Wadhwa for a short time – for one and half months since Ms. Kyles' death, Tr. 266, and that Ms. Wadhwa had her own disciplinary history – having been indefinitely suspended from the Pennsylvania Bar in 1996 for submitting false documents in two clients' immigration cases, and for nine months in 2007, for failing to appear at an immigration client's hearing and making a false statement of material fact to the immigration court. PFF 32. Although these facts bear to some extent on her credibility, there is no reason to doubt that Mr. Alamgir was and remains an extremely competent immigration attorney.

Roundtree noted that, "the longer the suspension, the stronger the showing that must be made of the attorney's present competence to practice law." *Roundtree*, 503 A.2d at 1218 n.11. Mr. Alamgir, however, has made that showing.

IV. UNADJUDICATED ACTS

In addition to disputing whether Mr. Alamgir met his burden of proof under *Roundtree*, Disciplinary Counsel's Answer and some evidence at the hearing identified two unadjudicated acts of alleged wrongdoing as potential bases for denying Mr. Alamgir's petition, other than the *Ruotolo-Sarnataro* matter, for which Disciplinary Counsel offered no evidence and which we treat as withdrawn. *See* pg. 4, above. One involves a complaint by Mohammad Shoyab. The other involves a reimbursement Mr. Alamgir made to the Client Security Fund in November 2019.

Pursuant to Board Rule 9.8(b), "[u]nadjudicated acts are admissible [in a reinstatement proceeding] if supported by a preponderance of the evidence, which "requires proof that something more likely than not exists or occurred." *V.K. v. Child and Family Services Agency*, 14 A.3d 628, 633 n.10 (D.C. 2011) (citation and quotation marks omitted)." And in its post-hearing briefing, Disciplinary Counsel did not attempt to argue that it met its burden on either of these points.

As these matters were, however, the subject of some evidence at the hearing, we have examined them and find that Disciplinary Counsel failed to support the charges and, accordingly, do not consider them bases for denying reinstatement.

Shoyab Complaint

As we noted at the outset, Disciplinary Counsel offered no testimony concerning the unadjudicated allegation of misconduct involving Mohammad Shoyab and did not seek to elicit any testimony concerning the matter from Mr. Alamgir or argue the merits of this allegation in its brief. Although we believe the allegation is, therefore, withdrawn, we also find that it lacks merit.

The only evidence consists of five documents:

- a cover letter from a successor attorney forwarding Mr. Shoyab's complaint (DCX 25);
- the complaint letter itself, asserting that Mr. Alamgir failed to present his case effectively and clearly to the Immigration Court (DCX 26);
- an order from the United States Immigration Court finding that Mr. Shoyab "flagrantly violated the immigration laws of the United States" by filing "multiple fraudulent diversity lottery applications," and ordering Mr. Shoyab deported for immigration fraud (DCX 27);
- a response from Mr. Alamgir's then counsel to the allegations in the complaint letter (DCX 28); and,
- a December 21, 2004 letter from what was then Bar Counsel to Mr. Shoyab dismissing Mr. Shoyab's complaint because Mr. Alamgir had consented to disbarment based on his criminal conviction (DCX 29).

Board Rule 9.8(a) requires that Disciplinary Counsel has "reserved the right to present the facts and circumstances of the unadjudicated acts at a restatement hearing." The December 21, 2004 letter from Bar Counsel, on which Mr. Alamgir was copied, states that "if Mr. Alamgir applies for reinstatement after serving his

period of disbarment, we will address the merits of your complaint in full." DCX 29 at 255. We accept that this is a sufficient reservation of rights.

However, it does not appear that Disciplinary Counsel addressed the merits of Mr. Shoyab's case in full. Rather, the documents set forth a difference of opinion without real evidence that supports the merits of the accusation. Mr. Shoyab asserted that Mr. Alamgir failed effectively and clearly to address three issues in his representation: (1) country conditions in Bangladesh as a basis for Mr. Shoyab's inability to support his wife and child if forced to depart the United States; (2) the financial hardship Mr. Shoyab's family would suffer if he were forced to return to Bangladesh; and (3) the extreme hardship suffered by his family members upon his departure from the United States. DCX 26 at 244-45.

In response, Mr. Alamgir asserted that Mr. Shoyab had admitted to submitting 25 to 30 diversity visa applications using his name and attaching photos of other people, and then married a United States citizen after being placed in deportation hearings. DCX 28 at 251-52. Mr. Alamgir also asserted, among other things, that he brought to the Court's attention the fact that Mr. Shoyab was married to a United States citizen and that the couple had a U.S.-born child, that the Court considered the hardship but found that the evidence did not support it, and that Mr. Shoyab, in fact, told Mr. Alamgir that he had been working at a bank before coming to the United States and would not experience economic hardship if he was forced to return to Bangladesh. *Id.* at 252.

There is little in the way of evidence to flesh out these differences. But to the extent it addresses these points, the Court's decision appears to support Mr. Alamgir. The Court ruled that Mr. Shoyab had failed to show his wife and child would face extreme hardship and noted that his wife testified that her parents in New Jersey help her financially, emotionally and with child support and the parents signed an affidavit showing they have the ability to support the wife and child. *See* DCX 27 at 248-49.

We find that the documents Disciplinary Counsel has provided do not prove by a preponderance of the evidence that Mr. Alamgir committed ethical violations in connection with Mr. Shoyab's case. Accordingly, although we have admitted the documents without objection into the record, we do not consider the alleged unadjudicated acts as a basis to reject Mr. Alamgir's petition.[6]

Reimbursement to Client Security Fund

On November 26, 2019, the District of Columbia Bar Clients' Security Fund wrote Mr. Alamgir about an "outstanding obligation to repay" the Fund $12,000. PX 10. According to Disciplinary Counsel, the documentation from the Clients' Security Fund indicates that the payment was in connection with Sumitra Rego, one of the former clients who was identified as an "Alien Applicant" involved in the fraud for which Mr. Alamgir was convicted in 2004. Tr. 103-09, 158-59, DCX 10

[6] We would also question whether these allegations, even if proven, would be a sufficient reason to deny Mr. Alamgir's petition filed 16 or more years later. However, in light of our finding that Disciplinary Counsel did not meet its burden for relying on unadjudicated acts, we need not reach this issue.

at 81. Mr. Alamgir testified that he did not know what the circumstances were behind the payment from the fund and was unaware of the award, but arranged (through his wife's account) to pay the $12,000 immediately. Tr. 54-55, 96-97; PX 11; *see also* Tr. 110-15, 151-53.

As Disciplinary Counsel notes in its Answer, it "cannot determine whether the Clients' Security Fund award was based upon the immigration fraud guilty plea or whether the Clients' Fund found additional dishonesty." Answer at 6. We have no evidence upon which to determine whether there was additional dishonesty (or, dishonestly at all) in connection with Mr. Alamgir's representation of Ms. Rego. And Disciplinary Counsel did not argue the point in its post-hearing brief. Accordingly, we find no basis to determine that any conduct Mr. Alamgir engaged in with respect to Ms. Rego provides a reason for denying his petition. Indeed, his willingness to pay the $12,000 without questioning the circumstances, supports the conclusion that he has demonstrated the present character to support his Petition for Reinstatement.

V. CONCLUSION

As noted above, we do not believe Mr. Alamgir presented a perfect case. Those seeking reinstatement under the clear and convincing evidence standard and heightened scrutiny should explain very clearly how each of the factors is met.

But the law does not require Mr. Alamgir to present a perfect case. If redemption is allowed for the heinous conduct Mr. Alamgir committed, it is difficult to see requiring Mr. Alamgir to present something else beyond the substantial, clear

and convincing evidence he has in order to show himself worthy of redemption. Indeed, in stressing the argument that Mr. Alamgir's conduct 16 or more years ago bars his reinstatement, and raising only comparatively small concerns about his current fitness, Disciplinary Counsel largely concedes this.

Reinstating Mr. Alamgir now after so many years does not undercut the rightful seriousness with which the bar takes his wrongdoing. It returns a talented lawyer to a position in which he can serve the community he once shamed. As Mr. Alamgir put it:

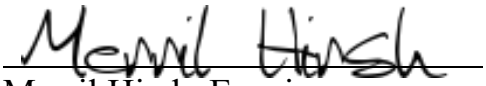
> I think I can change the future, what I have done. I cannot change a bit; that is why I take full responsibility; but at the same time, I would request that I am 63 years old now; I want a second chance through this community to get a new life, a new chapter of my life. So I can do charitable work as well as help the immigrant people who need help in the community.

Tr. 37.

Based on the foregoing, a majority of the Hearing Committee concludes that Mr. Alamgir has demonstrated by clear and convincing evidence the fitness qualifications required for readmission under D.C. Bar R. XI, § 16(d)(1)(a) and as set forth in *Roundtree*. Mr. Alamgir has shown that his resumption of the practice of law would not be detrimental to the integrity and standing of the Bar, detrimental to the administration of justice or subversive to the public interest, as required by D.C. Bar R. XI, § 16(d)(1)(b).

Accordingly, a majority of the Hearing Committee recommends approving his Petition for Reinstatement.

HEARING COMMITTEE NUMBER TWELVE



Merril Hirsh, Esquire
Chair

Billie LaVerne Smith
Public Member

The Attorney Member, Mr. Dill, has filed a Separate Statement dissenting from the majority's analysis with respect to the third *Roundtree* factor and from its recommendation that the Petition be granted.

DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY
HEARING COMMITTEE NUMBER TWELVE

In the Matter of:	:	
	:	
MOHAMED ALAMGIR,	:	
	:	Board Docket No. 19-BD-071
Petitioner.	:	Disciplinary Docket No. 2019-D272
	:	
A Disbarred Member of the Bar of the District of Columbia Court of Appeals (Bar Registration No. 447715)	:	

DISSENTING STATEMENT OF MR. DILL, ATTORNEY MEMBER

The majority and I agree on almost all aspects of this case. However, based on the "heightened scrutiny" to be applied in cases where previous wrongdoing is bound up in the Petitioner's prior practice of law, we reach different conclusions on whether Petitioner has met his burden to prove by clear and convincing evidence that he meets the criteria for reinstatement.

The majority correctly cites the legal standards this Committee must apply in this case and the "heavy burden" placed on Petitioner. Again, under D.C. Bar R. XI, § 16(d)(1)(a), an attorney seeking reinstatement has the burden of proof by clear and convincing evidence to show, via the *Roundtree* factors, that he "has the moral qualifications, competency, and learning in law required for readmission" and that his "resumption of the practice of law . . . will not be detrimental to the integrity and standing of the Bar, or to the administration of justice, or subversive to the public interest." Courts also apply "heightened scrutiny" to *Roundtree* factors where, as here, misconduct is "closely bound up with [the petitioner's] role and responsibilities

as an attorney." *In re Yum*, 187 A.3d 1289, 1292 (D.C. 2018) (per curiam) (citation and quotation marks omitted); *see also In re Sabo*, 49 A.3d 1219, 1224 (D.C. 2012); *In re Borders*, 665 A.2d 1381, 1382 (D.C. 1995).

The majority states that "from our review of the case law, with the arguable exception of *Fogel II*, the matter appears to involve initial wrongdoing that is more closely tied to the practice of law than any in which a petitioner has been granted reinstatement by our Court." The majority further cites that "in reinstatement cases[,] primary emphasis should be given to matters bearing most closely on the reasons why the attorney was suspended or disbarred in the first place." *In re Mba-Jones*, 118 A.3d 785, 787 (D.C. 2015) (per curiam) (alteration in original) (citation and quotation marks omitted). Thus, with respect to the third *Roundtree* factor – Petitioner's post-discipline conduct, including steps taken to remedy past wrongs and prevent future ones – I believe Petitioner must clearly and convincingly show that his conduct since disbarment is not only admirable, but sufficiently related to his underlying misconduct.

Petitioner argued that he "sought [to] atone for his misconduct" through service to his family and his community. Pet. Br. at 11.

This charitable work and leadership in community-based organizations is to be commended, but the question remains whether such efforts should have been more focused on immigration issues or related to immigrants seeking assistance in this country. Neither side focused on this issue. Rather, Disciplinary Counsel faults Petitioner for failing "to discover what happened to his clients." ODC Br. at 27. Yet

as the majority opinion explains, Petitioner's fraud caused harm to the immigration system as a whole, including not only his clients, some of whom were complicit, but also employers, friends, and family members.

This Hearing Committee agrees that it is not our place to dictate what specific conduct a disbarred attorney should undertake in order to be granted reinstatement. However, it was Petitioner's burden to connect his post-discipline conduct to "remedy" and "prevent" the harm he caused. Because that connection is not clear on this record, I conclude that Petitioner has failed to satisfy the third *Roundtree* factor. Though Petitioner has made a strong showing with respect to the other *Roundtree* factors, here we must apply heightened scrutiny based on the nature of his prior misconduct, and I conclude that the evidence of Petitioner's generalized good work is not enough to prove that his reinstatement would not be detrimental to the integrity and standing of the Bar.

For these reasons, I dissent and would not grant reinstatement.

Respectfully submitted,

Jeffrey Dill, Esquire
Attorney Member