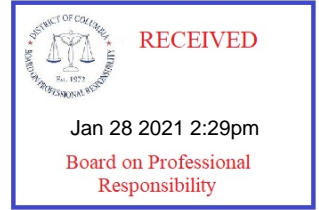


**DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY**



In the Matter of

PABLO A. ZAMORA

**A Member of the Bar of the
District of Columbia Court of Appeals.
Bar Number: 998467
Date of Admission: January 7, 2011**

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: **Disciplinary Docket No. 2017-D142**
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SPECIFICATION OF CHARGES

The disciplinary proceedings instituted by this petition are based upon conduct that violates the standards governing the practice of law in the District of Columbia as prescribed by D.C. Bar R. X and XI, § 2(b).

Jurisdiction for this disciplinary proceeding is prescribed by D.C. Bar R. XI. Pursuant to D.C. Bar R. XI, § 1(a), jurisdiction is found because:

1. Respondent is a member of the Bar of the District of Columbia Court of Appeals, having been admitted on January 7, 2011, and assigned Bar number 998467.

The facts giving rise to the charges of misconduct are as follows:

2. On June 13, 2016, Teka Stiles Ascencio retained Respondent to file a U-Visa application (I-918) for her husband, Jose Ascencio, who was at the time incarcerated.

3. Mrs. Ascencio's main concern was that her husband be released on bond as soon as possible. Respondent advised Mrs. Ascencio that he would request a bond hearing once Mr. Ascencio has been detained for a period of six months.

4. Respondent presented Mrs. Ascencio with a written "flat fee" retainer agreement to file the U-Visa application and set the legal fee at \$2,000.

5. The retainer agreement provided only, "I hereby WAIVE the requirement that the flat fee, given to Pablo A. Zamora, Esq. for work to be performed on my behalf, is to be held in trust."

6. On June 13, 2016, Mrs. Ascencio paid Respondent \$2,000 with two money orders.

7. Respondent failed to obtain informed consent from Mrs. Ascencio regarding how the \$2,000 fee would be treated. Respondent failed to communicate verbally and in writing the material risks and consequences of treating the advance fees as his property upon receipt. Respondent also failed to explain how the client's rights would be affected by the arrangement.

8. On June 14, 2016, Respondent deposited the money orders in his operating account with Union Bank ending in #0350 and withdrew \$500 of the total amount in cash on that same day. The balance in the account was \$1,706.56.

9. On June 15, 2016, Respondent wrote check #335 in the amount of \$525.00, which was negotiated leaving a balance of \$1,181.56 in the Union Bank account ending in #0350.

10. According to Respondent's invoice sent to the clients later, as of June 15, 2016, he had put in one hour of work in their case.

11. On June 24, 2016, Mr. Ascencio was released from state custody and Immigration Customs and Enforcement detained him based on a prior removal order.

12. In July 2016, Respondent told Mrs. Ascencio that he filed the U-Visa application and the I-912 waiver application, when in fact he never filed the U-Visa application for Mr. Ascencio.

13. On August 16, 2016, Mrs. Ascencio retained Respondent to handle her husband's asylum application.

14. Respondent provided Mrs. Ascencio with a retainer agreement for the asylum representation and set the legal fee at \$3,800.

15. The retainer agreement stated, “I hereby WAIVE the requirement that the flat fee, given to Pablo A. Zamora, Esq. for work to be performed on my behalf, is to be held in trust.”

16. On August 15, 2016, Mrs. Ascencio paid Respondent with a \$3,800 check from her credit union account.

17. Respondent failed to obtain informed consent from Mrs. Ascencio regarding how the \$3,800 fee would be treated. Respondent failed to communicate verbally and in writing the material risks and consequences of treating the advance fees as his property upon receipt. Respondent also failed to explain how the client’s rights would be affected by the arrangement.

18. On August 16, 2016, Respondent negotiated the check for \$3,800 and kept the cash.

19. Mrs. Ascencio asked Respondent for the filing receipts. Respondent provided Mrs. Ascencio with only one receipt for the I-912 fee waiver application but failed to provide Mrs. Ascencio with a receipt for the U-Visa petition.

20. Soon after Mrs. Ascencio paid Respondent in full for the asylum representation, Respondent stopped communicating with her.

21. Respondent also did not answer Mr. Ascencio’s calls from the detention center despite Mrs. Ascencio notifying Respondent that her husband wanted to speak to him.

22. In October 2016, Respondent told Mrs. Ascensio that her husband's master calendar hearing was scheduled on December 7, 2016. The court on its own then rescheduled the hearing to December 28, 2016.

23. On December 2, 2016, Respondent filed a motion to continue the hearing because he was scheduled to be on vacation.

24. Respondent requested a bond hearing in Mr. Ascensio's case.

25. The court scheduled the bond hearing for January 4, 2017.

26. In December 2016, Mr. and Mrs. Ascencio terminated Respondent's representation and asked Respondent for a refund of any unearned fees.

27. On December 16, 2016, Respondent filed a motion to continue because Respondent had a conflict with the January 4, 2017 date.

28. On December 28, 2016, the court granted the motion to continue the bond hearing. The immigration judge stated on its order "IJ w/draws bond request for January 4, 2017. Atty to call court and reschedule hearing."

29. Respondent did not contact the court to reschedule the bond hearing in the case. Instead, on December 28, 2016, Respondent filed a motion to withdraw from the case.

30. On January 11, 2017, Respondent's motion to withdraw was granted.

31. Respondent did no substantive work on the asylum case and failed to refund any of the \$3,800. Respondent also did not refund any of the \$2,000 that he was paid for the U-Visa application.

32. On January 17, 2017, Mr. Ascencio appeared for his hearing without counsel. The Judge inquired about the U-Visa petition because the government was unable to locate the filing.

33. Following the hearing, Mrs. Ascencio emailed Respondent several times requesting a receipt for the U-Visa petition. Respondent never provided a receipt for the U-Visa application that he claimed was filed.

34. On April 10, 2017, Mr. and Mrs. Ascencio filed a complaint with the State Bar of California.

35. On April 24, 2017, the State Bar of California forwarded Mr. and Mrs. Ascencio's complaint to the Office of Disciplinary Counsel because Respondent is licensed only in the District of Columbia.

36. USCIS has no record of a U-Visa petition filed by Respondent in Mr. Ascencio's immigration case.

37. When Disciplinary Counsel asked Respondent to produce a copy of the signed petition that he claimed he filed with USCIS, Respondent could not produce such record.

38. When Disciplinary Counsel asked Respondent to produce a copy of the USCIS receipt for Form I-918, U-Visa filing. Respondent claimed he had filed the U-Visa but could not produce such record.

39. When Disciplinary Counsel asked Respondent to produce records accounting for the legal fees Respondent received from Mr. and Mrs. Ascensio, Respondent did not produce such records.

40. Respondent's conduct violated the following District of Columbia Rules of Professional Conduct:

a. Rule 1.3(a), in that Respondent failed to represent his client with zeal and diligence within bounds of the law;

b. Rule 1.3(b), in that Respondent prejudiced the client during the course of the professional relationship; and

c. Rule 1.4(a) and (b), in that Respondent failed to keep the client informed and failed to promptly comply with reasonable requests for information, and failed to explain matters to the extent reasonably necessary to permit his clients to make informed decisions regarding the representation;

d. Rule 1.15(a), in that Respondent failed to maintain complete financial records and recklessly or intentionally misappropriated the client's funds;

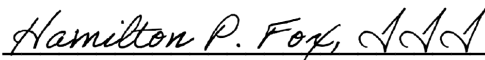
e. Rule 1.15(b), in that Respondent maintained entrusted funds at Union Bank, which is not a trust account;

f. Rule 1.15(e), in that Respondent failed to obtain the client's informed consent to deposit the advanced legal fees in an account other than a trust account;

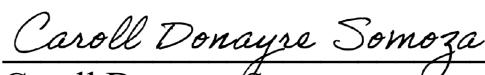
g. Rule 1.16(d), in that Respondent upon termination of representation failed to take timely steps to the extent reasonably practicable to protect a client's interests, such as refunding any unearned fees; and

h. Rule 8.4(d), in that Respondent engaged in conduct involving dishonesty, deceit or misrepresentation.

Respectfully submitted,



Hamilton P. Fox, III
Disciplinary Counsel



Carroll Donayre Somoza
Assistant Disciplinary Counsel

OFFICE OF DISCIPLINARY COUNSEL
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Washington, D.C. 20001
(202) 638-1501

VERIFICATION

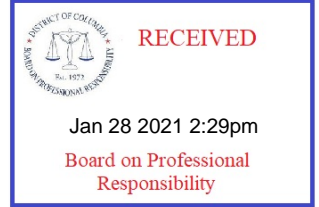
I declare under penalty of perjury under the laws of the United States of America that I verily believe the facts stated in the Specification of Charges to be true and correct.

Executed on this 17th day of November 2020.

Caroll Donayre Somoza

Caroll Donayre Somoza
Assistant Disciplinary Counsel

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



In the Matter of :
 :
PABLO A. ZAMORA, ESQUIRE, : **Disciplinary Docket No. 2017-D142**
 :
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Respondent, :
 :
 :

PETITION INSTITUTING FORMAL DISCIPLINARY PROCEEDINGS

A. This Petition (including the attached Specification of Charges which is made part of this Petition) notifies Respondent that disciplinary proceedings are hereby instituted pursuant to Rule XI, § 8(c), of the District of Columbia Court of Appeals’ Rules Governing the Bar (D.C. Bar R.).

B. Respondent is an attorney admitted to practice before the District of Columbia Court of Appeals on the date stated in the caption of the Specification of Charges.

C. A lawyer member of a Hearing Committee assigned by the Board on Professional Responsibility (Board) pursuant to D.C. Bar R. XI, § 4(e)(5), has approved the institution of these disciplinary proceedings.

D. **Procedures**

(1) **Referral to Hearing Committee** – When the Board receives the Petition Instituting Formal Disciplinary Proceedings, the Board shall refer it to a Hearing Committee.

(2) **Filing Answer** – Respondent must respond to the Specification of Charges by filing an answer with the Board and by serving a copy on the Office of Disciplinary Counsel within 20 days of the date of service of this Petition, unless the time is extended by the Chair of the Hearing Committee. Permission to file an answer after the 20-day period may be granted by the Chair of the Hearing Committee if the failure to file an answer was attributable to mistake, inadvertence, surprise, or excusable neglect. If a limiting date occurs on a Saturday, Sunday, or official holiday in the District of Columbia, the time for submission will be extended to the next business day. Any motion to extend the time to file an answer, and/or any other motion filed with the Board or Hearing Committee Chair, must be served on the Office of Disciplinary Counsel at the address shown on the last page of this petition.

(3) **Content of Answer** – The answer may be a denial, a statement in exculpation, or a statement in mitigation of the alleged misconduct. Any charges not answered by Respondent may be deemed established as provided in Board Rule 7.7.

(4) **Mitigation** – Respondent has the right to present evidence in mitigation to the Hearing Committee regardless of whether the substantive allegations of the Specification of Charges are admitted or denied.

(5) **Process** – Respondent is entitled to fifteen days’ notice of the time and place of hearing, to be represented by counsel, to cross-examine witnesses, and to present evidence.

E. In addition to the procedures contained in D.C. Bar R. XI, the Board has promulgated Board Rules relating to procedures and the admission of evidence which are applicable to these procedures. A copy of these rules is being provided to Respondent with a copy of this Petition.

WHEREFORE, the Office of Disciplinary Counsel requests that the Board consider whether the conduct of Respondent violated the District of Columbia Rules of Professional Conduct, and, if so, that it impose/recommend appropriate discipline.

Hamilton P. Fox, III

Hamilton P. Fox, III
Disciplinary Counsel

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