

## **ADMONITION NO. 20-06**

### **CLASSIFICATIONS:**

Failing to act diligently [Mass. R. Prof. C. 1.3]

Failing to communicate adequately with client [Mass. R. Prof. C. 1.4]

### **SUMMARY:**

In July of 2013, the respondent agreed to represent the client, a Brazilian citizen, in filing a petition with the United States Citizens and Immigration Services (“USCIS”) for approval of L1-A non-immigrant status. Through the petition, the client sought to work in the U.S. operating a medical supply company and to live in the U.S. with his wife and three daughters. As part of the initial engagement the respondent also agreed to file for an extension of the L1-A status, if approved. On February 4, 2015, USCIS approved the petition. Based on the approved L1-A petition, the respondent prepared and filed the application for visas for the family. The client and his wife were permitted to stay in the U.S. with valid L-status until February 3, 2016. The daughters were permitted to stay in the U.S. with valid L-status until March of 2017.

Prior to the expiration of the client’s legal status, the respondent, the client, and the client’s wife discussed filing a petition for extension of L-1A status before February 3, 2016, as contemplated in the original agreement. On January 15, 2016, the client paid the respondent the USCIS filing fees. The respondent did not timely file the petition. On February 3, 2016, both the client’s and his wife’s legal status expired. The respondent did not inform the client and his wife that USCIS had not receipted the petition prior to expiration of their legal status and that they were no longer permitted to stay in the country. The respondent filed the petition in April of 2016.

After receipt of the L1-A petition, USCIS issued a request for evidence (“RFE”) containing a due date of October 6, 2016. The respondent e-faxed the RFE response to USCIS, on October 6, 2016, but USCIS did not receive it. The respondent then mailed the RFE response to USCIS on October 19, 2016. The respondent did not mention the e-fax or provide any information to USCIS to show that but for the fax failure, the filing would have been received by the deadline. On November 1, 2016, USCIS issued a denial of the L1-A extension petition due to abandonment because the RFE response had not been filed by the October 6, 2016 deadline. The respondent did not seek to have this corrected at USCIS. In March of 2017, the three daughters’ legal status expired.

By failing to represent the client diligently and by failing to keep the client reasonably informed about the status of the matter, the respondent violated Mass. R. Prof. C. 1.3 and 1.4(a)(3). In mitigation, in 2016 and 2017, the respondent was in the midst of serious family problems including criminal conduct committed against her and members of her family. The respondent admits that dealing with these issues interfered with her work on this matter. The respondent has addressed these issues.

The respondent was admitted to practice in Massachusetts in 2006 and had received no prior discipline. The respondent received an admonition for her conduct, on the condition that she attend a continuing legal education class designated by bar counsel.