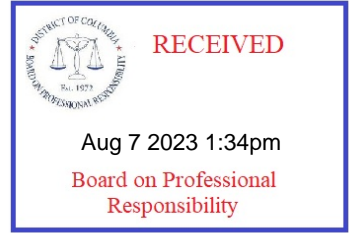


**DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY**



In the Matter of :

STEVEN VILLAREAL, ESQUIRE :

A Member of the Bar of the :
District of Columbia Court of Appeals. :
Bar Number: 482284 :
Date of Admission: July 11, 2003 :

: Disciplinary Docket No. 2019-D299

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 July 11, 2003, and assigned Bar number 482284.

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

2. Mrs. Adriana Hernandez entered the U.S. without inspection in 1998. Her mother filed a form I-130, Petition for Alien Relative on July 6, 1998, that was denied on February 20, 2007.
3. On September 8, 1998, an Immigration Judge entered an *in-absentia* order of removal against Mrs. Hernandez.
4. On April 13, 2019, Mrs. Hernandez retained Respondent to assist her in her immigration matter. Mrs. Hernandez sought to reopen her removal proceedings and ultimately adjust her status under Section 245(i) of the Act.¹
5. Respondent charged Mrs. Hernandez \$500 to notify the National Visa Center (NVC) that he was representing her and to determine the status of the case at the NVC.
6. On April 13, 2019, Mrs. Hernandez paid Respondent \$500 by check.
7. Respondent charged Mrs. Hernandez \$1,000 to file the motion to reopen the *in-absentia* order of removal with the Immigration Court, and \$2,500 to

¹ Section 245(i) of the Act allows certain individuals to apply for adjustment of status event. If they entered without inspection, overstayed, or worked without authorization. See generally INA § 245(i)(1). An alien is eligible to adjust status under § 245(i) of the Act if she: (1) is physically present in the United States; (2) entered the United States without inspection; and (3) is a beneficiary of an immigrant visa petition, such as a Form I-130, or labor certification filed on or before April 30, 2001. For visa petitions or labor certifications that were filed after January 14, 1998, an alien is "grandfathered" under § 245(i) if she is a beneficiary of the application, the application was "approvable when filed," and the alien was physically present in the United States on December 21, 2000. See 8 C.F.R. § 1245.10(a)(1)(ii).

prepare and file the adjustment forms (I-485, I-485A, and attachments).

8. On August 22, 2019, Mrs. Hernandez paid Respondent \$110.00 by check.

9. On August 27, 2019, Mrs. Hernandez paid Respondent \$3,500 by check.

10. On September 16, 2019, Respondent entered his appearance as counsel for Mrs. Hernandez in her immigration case.

11. On September 17, 2019, Respondent filed a motion to reopen Mrs. Hernandez immigration case with the Department of Homeland Security.

12. Respondent attached only one exhibit to the motion to reopen, the Receipt Notice for the mother's I-130 filed for the benefit of Mrs. Hernandez. Respondent did not attach evidence of the mother's citizenship or lawful permanent resident status, evidence of the mother-daughter relationship, or a copy of the actual I-130 filed by the mother.

13. Respondent also did not include evidence that Mrs. Hernandez was present in the U.S. on December 21, 2000, as required.

14. Respondent did not request the appropriate documentation from Mrs. Hernandez prior to filing the motion to reopen.

15. On October 17, 2019, the Immigration Judge denied the motion to

reopen because Respondent failed to substantiate that the form I-130 filed on Mrs. Hernandez's behalf in 1998 was eligible to be approved and because he failed to submit sufficient evidence that Mrs. Hernandez was eligible to receive a visa through a family member at the time it was filed. The court found that Mrs. Hernandez did not establish *prima facie* eligibility for the relief she sought.

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

- a. Rules 1.1 (a) and 1.1(b), in that Respondent failed to provide competent representation to his client and failed to serve his client with skill and care commensurate with that generally afforded to clients by other lawyers in similar matters.
- b. Rule 1.3(a) in that Respondent failed to represent his client zealously and diligently within the bounds of the law.
- c. Rule 1.3(c) in that Respondent failed to act with reasonable promptness in representing his client.

Respectfully submitted,

Hamilton P. Fox, III

Hamilton P. Fox, III
Disciplinary Counsel

Caroll G. Donayre

Caroll G. Donayre
Assistant Disciplinary Counsel

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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 19th day of July 2023.

Caroll G. Donayre

Caroll G. Donayre
Assistant Disciplinary Counsel

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



In the Matter of :
 :
 :
STEVEN VILLAREAL, ESQUIRE, : **Disciplinary Docket No. 2019-D299**
 :
 :
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

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