

May 31, 2016

VIRGINIA:

VSB CLERK'S OFFICE

BEFORE THE FOURTH DISTRICT SUBCOMMITTEE SECTION II
OF THE VIRGINIA STATE BARIN THE MATTERS OF
ALFRED LINCOLN ROBERTSON, JR.VSB Docket No. 15-042-101082
VSB Docket No. 15-042-102961SUBCOMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITH TERMS)

On May 18, 2016 a meeting was held in this matter before a duly convened Fourth District Subcommittee, Section II, consisting of Nancy M. Williams, Lay Member, Kiersten L. Jensen, Esquire, and John R. Ates, Esquire, chair presiding. During the meeting, the Subcommittee voted to approve an agreed disposition for a Public Reprimand with Terms pursuant to Part 6, §IV, ¶13-15.B.4 of the Rules of the Supreme Court of Virginia. The agreed disposition was entered into by the Virginia State Bar, by Kathleen Maureen Uston, Assistant Bar Counsel, and Alfred Lincoln Robertson, Jr., Respondent, *pro se*.

WHEREFORE, the Fourth District Subcommittee, Section II, of the Virginia State Bar hereby serves upon Respondent the following Public Reprimand with Terms:

I. FINDINGS OF FACT

1. At all times relevant hereto, Respondent has been an attorney licensed to practice law in the Commonwealth of Virginia.

As to VSB Docket No. 15-042-101082:

2. In or around September, 2013, Ms. Adey Abate ("Complainant"), Respondent's client's daughter, contacted Respondent on behalf of her mother, Yeshimebet Balcha, who was in Ethiopia, seeking his assistance with her mother's immigration matter. Specifically, Mrs. Balcha, who had a green card, had traveled to Ethiopia for an extended period of time to care for her terminally ill husband. Mrs. Balcha had

remained out of the United States for too long, however, and thus faced the possibility that her green card would be considered forfeited as a result.¹

3. Ms. Abate stated that Respondent did assist her mother, appearing on her behalf at several hearings which her mother could not attend since she was still in Ethiopia. Ms. Abate alleged in her complaint that Mrs. Balcha then returned to the United States, upon Respondent's advice that she do so, but after she returned, Complainant attempted to contact Respondent in order to determine what the next steps should be but he failed to respond.
4. This matter was referred for investigation during the course of which Respondent was interviewed by Virginia State Bar Investigator David W. Fennessey. Respondent advised Investigator Fennessey that he undertook Mrs. Balcha's case *pro bono* due to her dire personal circumstances. Respondent stated that Mrs. Balcha had lost her status prior to his becoming involved in the case because she overstayed in Ethiopia, and that there was little he could do for her while she was out of the country other than have her hearing continued several times. Mrs. Balcha did not appear at any of these hearings, and obtaining continuances of the hearings avoided a determination from the Administrative Law Judge of a forcible removal.
5. Respondent stated that, while he was able to get Mrs. Balcha's hearings continued twice, and that this was unusual in immigration court, on April 21, 2014, the third hearing date, the ALJ would not entertain any additional continuances and suggested that Respondent withdraw Mrs. Balcha's request for readmission to avoid him having to enter an order barring her from re-entry.
6. Respondent stated that there was little else he could do for Mrs. Balcha and he advised Complainant, who was the point of contact for the family, that Mrs. Balcha should surrender her green card and reapply in order to start the process over again. Respondent stated that Complainant was unhappy with this advice due to the time and expense involved in reapplying for another green card.
7. As to the claim that he failed to respond to Complainant's efforts to contact him, Respondent stated that he did not receive emails Complainant produced to the bar.

As to VSB Docket No. 15-042-102961:

8. In or around September, 2011, Chang M. Hwang ("Complainant") retained Respondent to assist him with an immigration matter, paying him \$1,090.00. Mr. Hwang stated that he waited several years without any word from Respondent, but did not consider this unusual given the lengthy amount of time required to resolve immigration petitions.

¹ Mrs. Balcha's lengthy absence triggered an adverse inference that she no longer intended to reside in the United States thus putting her green card in jeopardy.

9. Finally, in May, 2015, Mr. Hwang followed up on his immigration matter and learned that Respondent had not filed the I-751 and I-90 forms in order to keep Mr. Hwang's green card from expiring. Mr. Hwang's green card was due to expire on October 28, 2011, so time was of the essence at that time he retained Respondent.
10. Mr. Hwang noted that when he confronted Respondent with the facts, Respondent readily admitted his error and refunded all of the funds Mr. Hwang had paid. The refund check was drawn on Respondent's trust account.
11. Mr. Hwang also advised the bar that he filed a complaint against Respondent since applicable rules required that he do so in order to obtain relief following his having remained in the country after his green card had expired.
12. As noted above, Respondent accepted responsibility for his error, explaining that he had moved his office and misplaced Mr. Hwang's file during the move. Respondent explained that this caused him to lose track of the case. The documents produced by Respondent in response to a subpoena served upon him confirmed that shortly after being retained, he completed the necessary forms on behalf of Mr. Hwang but that there were certain issues that had to be resolved prior to the filing of the petitions. Respondent then moved his office and misplaced the file.
13. As to both matters, Respondent was cooperative and forthcoming during the investigations of these matters, accepted responsibility, and expressed remorse for the violations committed.

II. NATURE OF MISCONDUCT

Such conduct by Respondent constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

RULE 1.3 Diligence

- (a) A lawyer shall act with reasonable diligence and promptness in representing a client.

RULE 1.4 Communication

- (a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

RULE 8.1 Bar Admission And Disciplinary Matters

An applicant for admission to the bar, or a lawyer already admitted to the bar, in connection with a bar admission application, any certification required to be filed as a condition of maintaining or renewing a license to practice law, or in connection with a disciplinary matter, shall not:

(c) fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by Rule 1.6[.]

III. PUBLIC REPRIMAND WITH TERMS

Accordingly, having approved the agreed disposition, it is the decision of the Subcommittee to impose a Public Reprimand with Terms. The terms are:

1. Respondent shall timely respond to any and all complaints filed against him with the bar that are sent to him with a demand that he so respond.
2. Respondent shall not commit a violation of any of the Rules of Professional Conduct set forth above. A violation of this term shall occur if a finding is made by a disciplinary tribunal that Respondent has violated RPC 1.3(a), 1.4(a) or 8.1(c), and that the violation occurred within five (5) years from the date of this Agreed Disposition.

If the terms are violated within the time specified, pursuant to Part 6, §IV, ¶13-15.F of the Rules of the Supreme Court of Virginia, the District Committee shall hold a hearing and Respondent shall be required to show cause why a Suspension of his license to practice law for a period of twelve (12) months should not be imposed. Any proceeding initiated due to failure to comply with terms will be considered a new matter, and an administrative fee and costs will be assessed.

Pursuant to Part 6, §IV, ¶13-9.E of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess costs.

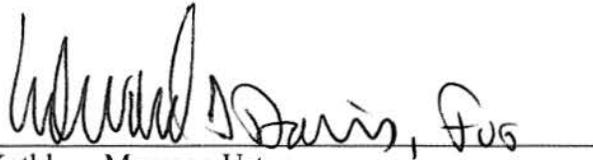
FOURTH DISTRICT SUBCOMMITTEE, SECTION II
OF THE VIRGINIA STATE BAR



John R. Ates
Subcommittee Chair

CERTIFICATE OF MAILING

I certify that on May 31, 2016, a true and complete copy of the Subcommittee Determination (Public Reprimand With Terms) was sent by certified mail, return receipt requested, to Alfred Lincoln Robertson, Jr., Respondent, at Robertson Law Office, PLLC, 500 N. Washington St. , Alexandria, VA 22314, Respondent's last address of record with the Virginia State Bar.



Kathleen Maureen Uston
Assistant Bar Counsel