

VIRGINIA:

**BEFORE THE FOURTH DISTRICT SUBCOMMITTEE, SECTION I
OF THE VIRGINIA STATE BAR**

**IN THE MATTERS OF
JOSEPH LOUIS TANTOH TIBUI**

VS **Docket No. 09-041-076480, 10-041-083463, and 11-041-086191**

**SUBCOMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITHOUT TERMS)**

On December 8, 2011, a meeting in this matter was held before a duly convened Fourth District Subcommittee, Section I consisting of Patricia E. Bruce, Esq., Chair; Leo R. Andrews, Jr., Esq., Member; and Edward M. Johnson, Lay Member.

Pursuant to Part 6, Section IV, Paragraph 13-15.E. of the Rules of the Virginia Supreme Court, the Fourth District Subcommittee of the Virginia State Bar, Section I hereby serves upon the Respondent Joseph Louis Tantoh Tibui the following Public Reprimand:

I. Complainant: Sibora B. Awandam, VSB Docket No.: 09-041-076480

STIPULATIONS OF FACT

1. At all times relevant hereto, Respondent Joseph Louis Tantoh Tibui, Esquire (Respondent) has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. At all times relevant, Respondent was a sole practitioner who handled immigration cases. Respondent's office was located at 313 North Glebe Road, Suite 200, Arlington, Virginia 22203.
3. In or around February 2003, Complainant Ms. Sibora Bih Awandam (Ms. Awandam or Complainant) retained Respondent to represent her in an asylum application before the immigration court.
4. On April 26, 2004, the immigration court denied Ms. Awandam's asylum application.
5. Ms. Awandam retained Respondent to appeal the immigration court's denial of her asylum application.
6. In May 2004, Respondent appealed the immigration court's denial of Ms. Awandam's asylum application to the Board of Immigration Appeals (BIA).
7. In December 2004, Respondent underwent brain surgery after collapsing outside of the Fairfax courthouse.

8. Respondent, a sole practitioner, shared office space with another attorney, Orlando Gamarra, Esq. While hospitalized, Respondent discussed his medical situation and the handling of Respondent's cases with Mr. Gamarra. The two agreed that the three paralegals who worked in the office would take messages for Respondent and explain Respondent's medical situation to those clients who inquired about their cases. Mr. Gamarra also responded to clients who inquired about the status of their cases and reviewed their files to advise them of the upcoming dates of which he was aware and by providing them with a 1-800 number for immigration case status information. While the paralegals did not have access to Respondent's files, Mr. Gamarra did, and he returned clients' files to them at their request.
9. Respondent did not make arrangements for Mr. Gamarra or his paralegals to open Respondent's mail.
10. Mr. Gamarra and the paralegals provided the unopened mail addressed to Respondent to Respondent's relatives who occasionally picked up Respondent's mail.
11. Respondent asserts that he did not fully recover from his illness for two years. Respondent produced a physician's note dated October 6, 2005, which states that Respondent suffered a stroke in November 2004 (which Respondent asserts is in error; he asserts he collapsed in December 4, 2004). Per the physician's note, the stroke necessitated brain surgery and prolonged rehabilitation, on an in and outpatient basis, for a six month period. On January 13, 2005, Respondent underwent a second head surgery. As of October 2005, the Respondent was still undergoing medical management. Respondent asserts he was available by cell phone in 2005, and the paralegals at Mr. Gamarra's office took messages for him. Respondent further asserts he worked sparingly on some cases in 2005. Respondent could not identify the time period that he began working in 2005.
12. In November 2005, Respondent travelled to Cameroon to attend to his ailing sister. Respondent advises that this sister and another sister died after he returned to Cameroon. He did not return to the United States until February 2008.
13. Respondent did not make any arrangements to contact Ms. Awandam to advise that he was leaving the country. He did not return her file to her, nor did he contact her regarding the status of her case or make arrangements to ensure she would be advised of any case developments before he left the country.
14. After May 2004, Respondent had not contacted or communicated with Ms. Awandam or the BIA or immigration court on her behalf. Respondent had not removed himself as Ms. Awandam's counsel of record in her immigration appeal.
15. By order entered December 30, 2005, the BIA remanded Ms. Awandam's case back to the immigration court. As Respondent was still Ms. Awandam's counsel of record, the BIA sent the order entered December 30, 2005, to Respondent at his office address, 313 North Glebe Road, Suite 200, Arlington, Virginia 22203.

16. The Order sent to Respondent on December 30, 2005, advised that the BIA returned the record to the immigration court because the tape containing the decision contained an excessive amount of indiscernible testimony. Upon receipt of the record, the immigration court was to take steps to enable preparation of a complete decision, including a new hearing, if necessary.
17. As set forth, Respondent was out of the country in December 2005 and in 2006.
18. Respondent did not advise Ms. Awandam of the December 30, 2005 order. Ms. Awandam thus never received notice of the BIA's decision to remand her case to the immigration court.
19. On January 19, 2006, the immigration court issued Ms. Awandam a notice to appear for a master calendar hearing to be held May 16, 2006.
20. Per the BIA's subsequent notice denying Ms. Awandam's motion to reopen, the notice of the May 16, 2006, hearing was sent to Respondent.
21. Respondent was still out of the country in January 2006. Respondent did not advise Ms. Awandam that her case was remanded for hearing before the immigration court on May 16, 2006.
22. Ms. Awandam did not receive notice of the May 16, 2006, hearing, and she thus failed to appear at the hearing and was ordered removed from the United States *in absentia*.
23. In August 2006, Ms. Awandam learned her case had been remanded and that she had been ordered removed.
24. Ms. Awandam tried to contact Respondent and was told that he had left the country.
25. Ms. Awandam awaited Respondent's return. When he failed to contact her, she visited his office in March 2007. The office appeared to have been abandoned.
26. Ms. Awandam was subsequently advised that Respondent had left the country. Ms. Awandam unsuccessfully tried to retrieve her file from Respondent's office.
27. In March 2008, Ms. Awandam hired new counsel who filed a motion to reopen Ms. Awandam's case in November 2008. New counsel retrieved Ms. Awandam's immigration file through a Freedom of Information Act (FOIA) request.
28. In 2009, the court denied Ms. Awandam's motion to reopen.

NATURE OF MISCONDUCT

Such conduct by Joseph Louis Tantoh Tibui constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

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 1.16 Declining Or Terminating Representation

- (c) In any court proceeding, counsel of record shall not withdraw except by leave of court after compliance with notice requirements pursuant to applicable rules of court. In any other matter, a lawyer shall continue representation notwithstanding good cause for terminating the representation, when ordered to do so by a tribunal.

RULE 1.16 Declining Or Terminating Representation

- (d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, refunding any advance payment of fee that has not been earned and handling records as indicated in paragraph (e).

II. Complainant: Lorraine Siri Ndingwan, VSB Docket No.: 10-041-083463

STIPULATIONS OF FACT

1. At all times relevant hereto, Respondent Joseph Louis Tantoh Tibui, Esquire (Respondent) has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. At all times relevant, Respondent was a sole practitioner who handled immigration cases. Respondent's office was located at 313 North Glebe Road, Suite 200, Arlington, Virginia 22203.
3. In 2002, Complainant Ms. Lorraine Siri Che, now Ndingwan (Ms. Ndingwan or Complainant) retained Respondent to represent her in an asylum application before the immigration court.
4. On January 13, 2003, Respondent filed an asylum application on Ms. Ndingwan's behalf.
5. On February 24, 2004, the immigration court denied Ms. Ndingwan's asylum application.
6. In March 2004, Respondent appealed the immigration court's denial of Ms. Ndingwan's asylum application to the Board of Immigration Appeals (BIA).
7. In June 2004, Ms. Ndingwan moved to North Carolina. In July 2004, Ms. Ndingwan married a United States citizen. In August 2004, Ms. Ndingwan contacted Respondent on his cell phone, at which time she spoke with Respondent and advised

him of her marriage and her new address and phone number. At that time, Ms. Ndingwan discussed with Respondent that she would file Forms I-130 and I-485 as her husband was a United States citizen.

8. In December 2004, Respondent underwent brain surgery after collapsing outside of the Fairfax courthouse.
9. Respondent, a sole practitioner, shared office space with another attorney, Orlando Gamarra, Esq. While hospitalized, Respondent discussed his medical situation and the handling of Respondent's cases with Mr. Gamarra. The two agreed that the three paralegals who worked in the office would take messages for Respondent and explain Respondent's medical situation to those clients who inquired about their cases. Mr. Gamarra also responded to clients who inquired about the status of their cases and reviewed their files to advise them of the upcoming dates of which he was aware and by providing them with a 1-800 number for immigration case status information. While the paralegals did not have access to Respondent's files, Mr. Gamarra did, and he returned clients' files to them at their request.
10. Respondent did not make arrangements for Mr. Gamarra or his paralegals to open Respondent's mail. Respondent made no other arrangements to address Ms. Ndingwan's case. Respondent asserts that his mail was interrupted while he was out of the country.
11. Mr. Gamarra and the paralegals provided the unopened mail addressed to Respondent to Respondent's relatives who occasionally picked up Respondent's mail.
12. In March or April 2005, Ms. Ndingwan filed the I-130 and I-485 applications. After she filed these applications, Ms. Ndingwan unsuccessfully tried to reach Respondent on his cell phone. Ms. Ndingwan advises that sometime thereafter she learned Respondent's cell phone was disconnected. Despite her efforts, Ms. Ndingwan had no further communications with Respondent.
13. Respondent never removed himself as Ms. Ndingwan's counsel of record in her immigration appeal. Respondent never returned Ms. Ndingwan's file to her.
14. On March 8, 2005, the BIA sent Respondent, at his office address of 313 North Glebe Road, Suite 200, Arlington, Virginia 22203, a briefing schedule in the appeal. Respondent's deadline to submit a brief in support of Ms. Ndingwan's appeal was March 29, 2005.
15. Respondent did not file a brief in support of Ms. Ndingwan's appeal.
16. By order entered July 26, 2005, the BIA denied Ms. Ndingwan's appeal.
17. On or about July 26, 2005, the BIA sent the order entered July 26, 2005, to Respondent at his office address, 313 North Glebe Road, Suite 200, Arlington, Virginia 22203.
18. Respondent did not advise Ms. Ndingwan of the July 26, 2005 order.

19. Respondent asserts that he did not fully recover from his illness for two years. Respondent produced a physician's note dated October 6, 2005, which states that Respondent suffered a stroke in November 2004, (which Respondent asserts is in error; he asserts he collapsed in December 4, 2004). Per the physician's note, the stroke necessitated brain surgery and prolonged rehabilitation, on an in and outpatient basis, for a six month period. On January 13, 2005, Respondent underwent a second head surgery. As of October 2005, the Respondent was still undergoing medical management. Respondent asserts he was available by cell phone in 2005, and the paralegals at Mr. Gamarra's office took messages for him. Respondent further asserts he worked sparingly on some cases in 2005. Respondent could not identify the time period that he began working in 2005.
20. In November 2005, Respondent travelled to Cameroon to attend to his ailing sister. Respondent advises that this sister and another sister died after he returned to Cameroon. He did not return to the United States until February 2008.
21. Respondent did not advise Ms. Ndingwan that he was leaving the country or make other arrangements to handle her case in his absence.
22. Ms. Ndingwan did not learn of the denial of her appeal until February 15, 2006, when she and her husband attended their interviews for the I-130 application.
23. After Ms. Ndingwan learned of the denial of her appeal, she unsuccessfully tried to contact Respondent.
24. Ms. Ndingwan subsequently retained new counsel to move to reopen her case. The motion to reopen was denied in August 2008.

NATURE OF MISCONDUCT

Such conduct by Joseph Louis Tantoh Tibui constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

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 1.16 Declining Or Terminating Representation

- (c) In any court proceeding, counsel of record shall not withdraw except by leave of court after compliance with notice requirements pursuant to applicable rules of court. In any other matter, a lawyer shall continue representation notwithstanding good cause for terminating the representation, when ordered to do so by a tribunal.

RULE 1.16 Declining Or Terminating Representation

- (d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, refunding any advance payment of fee that has not been earned and handling records as indicated in paragraph (e).

III. Complainant: Ousmane Boube, VSB Docket No.: 11-041-086191

STIPULATIONS OF FACT

1. At all times relevant hereto, Respondent Joseph Louis Tantoh Tibui, Esquire (Respondent) has been an attorney licensed to practice law in the Commonwealth of Virginia.
2. At all times relevant, Respondent was a sole practitioner who handled immigration cases. Respondent's office was located at 313 North Glebe Road, Suite 200, Arlington, Virginia 22203.
3. In 2004, Complainant Ousmane Boube (Mr. Boube or Complainant) retained Respondent to represent him in an asylum application before the immigration court.
4. A hearing was scheduled in Mr. Boube's matter on September 13, 2005.
5. In December 2004, Respondent underwent brain surgery after collapsing outside of the Fairfax courthouse.
6. Respondent and Mr. Boube met in Respondent's office prior to the September 13, 2005 hearing.
7. Respondent attended the September 13, 2005, hearing. At this hearing, the immigration court denied Mr. Boube's application for asylum and ordered that Mr. Boube be removed from the United States to Niger. The application was dismissed for lack of prosecution.
8. In October 2005, Respondent filed a motion to reopen on Mr. Boube's behalf. In the motion, Respondent stated that Respondent had failed to complete and timely submit Mr. Boube's filing because Respondent had been seriously ill. Respondent advised that he had been hospitalized for about six months, after which he was still convalescing and recovering from his illness. He stated he was not able to call his clients or to receive any calls, including from Mr. Boube.
9. Mr. Boube asserts that he provided Respondent with a change of address form to file with the court along with the motion to reopen.
10. In October 2005, Mr. Boube asserts that Respondent telephoned Mr. Boube and advised that he had filed the motion to reopen. This was Mr. Boube's last contact with Respondent.

11. In November 2005, Respondent travelled to Cameroon to attend to his ailing sister. Respondent advises that this sister and another sister died after he returned to Cameroon. He did not return to the United States until February 2008.
12. Respondent did not advise Mr. Boube that he was leaving the country, nor did he make any arrangements to review his mail in his absence, nor did Respondent review his mail regarding Mr. Boube's case. Respondent made no arrangements with Mr. Boube to return his file to him or to keep him apprised of the status of his case.
13. In 2006, Mr. Boube tried to contact Respondent to determine whether his case had been reopened. Mr. Boube could not reach Respondent.
14. Mr. Boube visited Respondent's office and spoke with the attorney with whom Mr. Tibui shared office space. This attorney could not locate Mr. Boube's file.
15. On March 1, 2006, the immigration court served Respondent with an order granting his motion to reopen Mr. Boube's proceedings and with notice of a master hearing to be held in Mr. Boube's case on July 10, 2006. The court served Respondent with the notice of master hearing at his office address of 313 North Glebe Road, Suite 200A, Arlington, Virginia 22203.
16. Respondent was out of the country in 2006, and he had not made arrangements to notify Mr. Boube of his whereabouts, nor had he made arrangements for the handling of his mail in his absence.
17. Respondent did not advise Mr. Boube of the July 10, 2006, hearing, and neither Respondent nor Mr. Boube attended the July 10, 2006 hearing.
18. By order entered July 10, 2006, Mr. Boube was ordered deported.
19. The July 10, 2006, order was sent to Respondent at his office address and to Mr. Boube at his address of 1460 Key Parkway, #202, Frederick, Maryland 21702. Mr. Boube asserts that this address was not correct, and he had asked Respondent to submit a change of address form in October 2005 when Respondent filed the motion to reopen. Respondent denies that Mr. Boube requested he file a change of address form.
20. Mr. Boube asserts he tried to call an immigration hotline to learn information regarding his case, but he input the wrong case information and did not learn the status until February 2010. In February 2010, another attorney determined the status of Mr. Boube's case and advised Mr. Boube that in July 2006 he had been ordered deported.
21. With the assistance of counsel Heruy Mebrahtu, Esq., Mr. Boube obtained his immigration file through a Freedom of Information Act (FOIA) request. He then learned that on March 1, 2006, the Court had mailed Respondent the notice of master hearing set for July 10, 2006.
22. Mr. Boube asserts that he missed all deadlines to appeal or overturn the July 10, 2006, order because he did not learn of the order until 2010.

NATURE OF MISCONDUCT

Such conduct by Joseph Louis Tantoh Tibui constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

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 1.16 Declining Or Terminating Representation

- (c) In any court proceeding, counsel of record shall not withdraw except by leave of court after compliance with notice requirements pursuant to applicable rules of court. In any other matter, a lawyer shall continue representation notwithstanding good cause for terminating the representation, when ordered to do so by a tribunal.

RULE 1.16 Declining Or Terminating Representation

- (d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, refunding any advance payment of fee that has not been earned and handling records as indicated in paragraph (e).

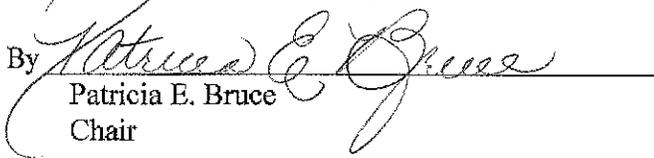
III. PUBLIC REPRIMAND

Accordingly, it is the decision of the subcommittee to impose a Public Reprimand, and the Respondent is hereby so reprimanded.

Pursuant to Paragraph 13-9.E. the Clerk of the Disciplinary System shall assess costs.

FOURTH-DISTRICT SUBCOMMITTEE-SECTION I
OF THE VIRGINIA STATE BAR

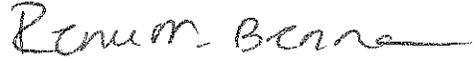
By


Patricia E. Bruce

Chair

CERTIFICATE OF SERVICE

I certify that on December 13, 2011 I caused to be mailed by certified mail a true and correct copy of the Subcommittee Determination (PUBLIC Reprimand Without Terms) to Joseph Louis Tantoh Tibui, Esquire, Respondent, at, #134, 10455 Pomerado Road, San Diego, CA 92131, his last address of record with the Virginia State Bar.



Renu M. Brennan, Esq.
Assistant Bar Counsel