

VIRGINIA: BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

**IN THE MATTER OF
BIBI BAHIZI MUSAFIRI**

VSb DOCKET No. 15-041-101879

MEMORANDUM ORDER

This matter came on to be heard on August 28, 2015, before a panel of the Disciplinary Board of the Virginia State Bar (the Board) upon the District Committee Certification for Sanction Determination of the Fourth District Committee, Section I pursuant to Part Six, Section IV, Paragraph 13-20 of the Rules of the Supreme Court of Virginia. A duly convened panel of the Board consisting of William H. Atwill, Jr., Chair, Stephen A. Wannall, Lay Member, Michael A. Beverly, Jeffrey L. Marks and Lisa A. Wilson (the Panel) heard the matter. Renu M. Brennan, Assistant Bar Counsel, appeared as counsel for the Virginia State Bar. The Respondent, Bibi Bahizi Musafira (Respondent), failed to appear in person or by Counsel. The court reporter for the proceeding, Jennifer L. Hairfield, Chandler & Halasz, P.O. Box 9349, Richmond, VA 23227, telephone 804-730-1222, was sworn by the Chair.

All legal notices of the date and place were timely sent by the Clerk of the Disciplinary System (Clerk) in the manner prescribed by the Rules of the Supreme Court of Virginia, Part Six, Section IV, Paragraph 13-20 of the Rules of Court.

The Chair opened the hearing by calling the case in the hearing room and causing the Assistant Clerk to call Respondent's name three times in the adjacent hall. The Respondent did not answer or appear. The Chair then polled the members of the Panel to determine whether any member had a personal or financial interest that might affect or reasonably be perceived to affect

his or her ability to be impartial in these matters. Each member, including the Chair, responded in the negative.

The Board reviewed the record of the District Committee proceedings which consisted of 1) the District Committee Certification for Sanction Determination with two accompanying exhibits, (a) the Public Reprimand with Terms issued by the Fourth District Committee, Section I on November 25, 2013 and (b) the Notice of Show Cause Hearing issued by the Bar on February 20, 2015; and 2) the transcript of the hearing before the Fourth District Committee, Section I, held on May 13, 2015 together with exhibits. No additional evidence was presented. The Bar presented argument in support of a one-year suspension with terms and an alternative sanction of revocation. The Board retired to deliberate.

I. FINDINGS OF FACT

The Board makes the following findings of fact on the basis of clear and convincing evidence:

1. At all times relevant hereto, Bibi Bahizi Musafiri (hereinafter “Respondent”), has been an attorney licensed to practice law in the State of New York. Respondent is not licensed to practice law in the Commonwealth of Virginia. In addition to being subject to the laws, rules, and regulations of the State of New York, Respondent is subject to otherwise applicable Virginia Law, including the Virginia Rules of Professional Conduct as provided in Part 6, Section 1(C) of the Rules of the Supreme Court of Virginia.
2. Respondent practiced immigration law in the Commonwealth of Virginia. Specifically, Respondent practiced in or was associated with law offices located in Fredericksburg and Arlington County, Virginia. In October of 2011, Respondent opened her own law office in Falls

Church, Virginia. From October of 2011 to March of 2012, Respondent represented a client in an immigration matter in Virginia.

3. On November 25, 2013, the Fourth District Committee, Section I issued a Public Reprimand with Terms after finding that Respondent violated certain Rules of Professional Conduct in connection with her representation of the Virginia client. Respondent was disciplined pursuant to Rule 8.5 of the Virginia Rules of Professional Conduct.

4. The Bar alleged that Respondent did not comply with Term 2 of the Public Reprimand with Terms, and on February 20, 2015, the Bar issued a Notice to Show Cause Hearing pursuant to Part Six, Section IV, Paragraph 13-16.BB. of the Rules of the Supreme Court of Virginia. The hearing was set for May 13, 2015.

5. On May 13, 2015, a hearing was held pursuant to the Rules of the Supreme Court of Virginia, Part Six, Section IV, Paragraph 13-16.BB, requiring Respondent to show cause why the alternate sanction of a Certification for Sanction Determination should not be imposed.

6. Respondent failed to show by clear and convincing evidence that she complied with Term 2 of the Public Reprimand with Terms and failed to show cause as to why the alternative sanction of a Certification for Sanction Determination should not be imposed.

7. On August 28, 2015, Respondent failed to appear in person or by counsel at the Hearing on Certification for Sanction Determination. No evidence in mitigation was presented on Respondent's behalf.

II. IMPOSITION OF SANCTION

Having considered the record of the proceedings before the District Committee, the foregoing findings of fact, and the argument of Bar Counsel, the Board imposes a sanction of a

six month suspension with terms and an alternative sanction of revocation, and it is

ORDERED that Respondent's authorization to practice law in the Commonwealth of Virginia be suspended for a period of Six (6) Months effective August 28, 2015; and

It is further **ORDERED** that Respondent shall comply with the following terms:
Between August 28, 2015 and August 28, 2016, Respondent shall complete thirty (30) hours of continuing legal education (CLE) credits by attending courses approved by the Virginia State Bar in the subject matters of ethics, trust accounts, and immigration law. Respondent's Continuing Legal Education attendance obligation set forth in this paragraph shall not be applied towards her Mandatory Continuing Legal Education Requirement in New York or in any other jurisdiction in which Respondent is licensed to practice law. Respondent shall certify her compliance with the terms set forth in this paragraph by delivering a fully and properly executed Virginia MCLE Board Certification of Attendance Form to Assistant Bar Counsel, Renu M. Brennan, or her designee, promptly following Respondent's attendance of each such CLE program and no later than August 28, 2016.

It is further **ORDERED** that if Respondent does not comply with all specified terms, then a show cause hearing will be held before the Board and Respondent shall bear the burden by clear and convincing evidence to show cause why the alternative sanction of revocation should not be imposed. Such hearing shall be governed by Part Six, Section IV, Paragraph 13-18.O. of the Rules of the Supreme Court of Virginia; and

It is further **ORDERED** that Respondent must comply with the requirements of Part Six, Section IV, Paragraph 13-29 of the Rules of the Supreme Court of Virginia. The Respondent shall forthwith give notice by certified mail, return receipt requested, of the suspension of her

authorization to practice law in the Commonwealth of Virginia to all clients for which she is currently handling matters and to all opposing attorneys and presiding judges in pending litigation. The Respondent shall give notice within fourteen (14) days of the effective date of this Order and make such arrangements as are required within forty-five (45) days of the effective date of this Order. The Respondent shall also furnish proof to the VSB within sixty (60) days that such notices have been timely given and such arrangements made for the disposition of such matters.

It is further **ORDERED** that if Respondent is not handling any client matters on the effective date of the suspension, she shall submit an affidavit to that effect to the Clerk. All issues concerning the adequacy of the notice and arrangements required by Part Six, Section IV, Paragraph 13-29 of the Rules of the Supreme Court of Virginia shall be determined by the Board.

It is **ORDERED** that in accordance with Part Six, Section IV, Paragraph 13-9(E) of the Rules of the Supreme Court of Virginia, the Clerk shall assess all costs against Respondent.

It is further **ORDERED** that the Clerk shall mail an attested copy of this Order to Respondent, Bibi Bahizi Musafiri, by certified mail, return receipt requested at her address of record with the Virginia State Bar, 3705 S. George Mason Drive, Suite CIS, Falls Church, VA 22041, and to the Respondent, Bibi Bahizi Musafiri, by regular mail to 260 Madison Avenue, Suite 204, New York, NY 10016 and hand delivered to Renu M. Brennan, Assistant Bar Counsel, Virginia State Bar, Bank of America Building, 1111 East Main Street, Richmond, VA 23219-0026.

ENTERED THE 15th DAY OF September, 2015

VIRGINIA STATE BAR DISCIPLINARY BOARD

William H. Atwill, Jr., 1st Vice Chair