

## COURT OF APPEALS OF MARYLAND

# Attorney Grievance Commission of Maryland v. Mina Bahgat, 411 Md. 568

984 A.2d 225 (2009) · No. Misc. Docket AG No. 20, September Term, 2008 · Decided November 18, 2009

### SUMMARY

The Maryland Court of Appeals disbarred Mina Bahgat for failing to competently and diligently represent immigration clients, misappropriating client funds, making misrepresentations, and fabricating an immigration decision. The court adopted the hearing judge's findings and concluded that immediate disbarment was necessary to protect the public interest.

### CASE DETAILS

|                       |                                                                                                                                                                                                                                                                  |
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| COURT                 | Court of Appeals of Maryland                                                                                                                                                                                                                                     |
| WRITING FOR THE COURT | Murphy, J.; Bell, C.J.; Harrell, J.; Battaglia, J.; Greene, J.; Adkins, J.; Barbera, J.                                                                                                                                                                          |
| JURISDICTION          | Maryland                                                                                                                                                                                                                                                         |
| DECIDED               | November 18, 2009                                                                                                                                                                                                                                                |
| DOCKET                | Misc. Docket AG No. 20, September Term, 2008                                                                                                                                                                                                                     |
| DISPOSITION           | other                                                                                                                                                                                                                                                            |
| PROCEDURAL POSTURE    | Attorney disciplinary proceeding in which the Court of Appeals reviewed a circuit judge's findings of fact and conclusions of law and determined the appropriate sanction.                                                                                       |
| STANDARD OF REVIEW    | Because no exceptions were filed, the Court treated the hearing judge's factual findings as established for purposes of determining sanctions under Maryland Rule 16-759(b)(2)(A). The Court conducted a de novo review in determining the appropriate sanction. |
| PRECEDENTIAL VALUE    | Published precedential opinion of the Maryland Court of Appeals                                                                                                                                                                                                  |
| PARTIES               | Attorney Grievance Commission of Maryland v. Mina Bahgat                                                                                                                                                                                                         |

### TOPICS

immigration

remedies

administrative law

### PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether the established facts demonstrated violations of the Maryland Lawyers' Rules of Professional Conduct and Maryland statutes governing trust money.
2. Whether immediate disbarment was the appropriate sanction for Bahgat's dishonest conduct, fabrication of an immigration decision, failure to represent clients competently and diligently, and misappropriation of client funds.

## HOLDINGS

1. The established facts supported violations of MRPC 1.1, 1.3, 1.4, 1.15, and 8.4 because Bahgat failed to perform promised immigration services, failed to communicate accurately with the clients, mishandled client funds, and engaged in dishonesty, fraud, deceit, misrepresentation, and conduct prejudicial to the administration of justice.
2. Bahgat violated Maryland Rule 16-609 and Business Occupations and Professions Article §§ 10-306 and 10-307 by taking the \$110 filing fee into his possession rather than depositing and using the trust money for its entrusted purpose.
3. Immediate disbarment was required to protect the public interest.

## KEY QUOTATIONS

*"After conducting a de novo review of the record, this Court concluded that immediate disbarment was required to protect the public interest, and therefore entered the September 3, 2009 Order by which Respondent was "disbarred, effective immediately." (at 232)*

## FACTUAL BACKGROUND

Bahgat, admitted to the Maryland Bar in 2004, represented Ely and Raymond Rodriguez in an immigration matter involving permanent-residency and adjustment-of-status filings. Although he promised to file immigration forms and a motion to reopen, he entered no appearance and filed nothing on the clients' behalf, misled them about filings, and sent them a fabricated immigration decision. He also misused a \$110 filing fee and misrepresented his employment income to Canadian student-loan officials.

## PROCEDURAL HISTORY

The Attorney Grievance Commission filed a petition alleging violations of the Maryland Lawyers' Rules of Professional Conduct and the Maryland statute governing misuse of trust money. The Court referred the charges to Judge William J. Rowan III for an evidentiary hearing. Bahgat did not appear at the hearing, and Judge Rowan found by clear and convincing evidence that Bahgat violated multiple professional-conduct rules and statutory provisions. Neither party filed exceptions, so the Court treated the findings as established for purposes of sanction and, after de novo review, ordered immediate disbarment on September 3, 2009. The opinion explains the reasons for that order.

## DISPOSITION

other

## CASES CITED

- Attorney Grievance Commission v. Vanderlinde, 364 Md. 376, 773 A.2d 463 (2001)

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