

NORTH CAROLINA

WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
16G0644

IN THE MATTER OF	)	
	)	CENSURE
MO IDLIBBY,	)	
ATTORNEY AT LAW	)	

On July 26, 2018, the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by S. V. The grievance was assigned to a Subcommittee, which thoroughly reviewed the results of the State Bar staff's investigation of this matter.

Pursuant to section .0113(a) of the Discipline and Disability Rules of the North Carolina State Bar, the Grievance Subcommittee conducted a preliminary hearing. After considering the information available to it, including your response to the letter of notice, the Grievance Subcommittee found probable cause. Probable cause is defined in the rules as "reasonable cause to believe that a member of the North Carolina State Bar is guilty of misconduct justifying disciplinary action."

The rules provide that after a finding of probable cause, the Grievance Committee may determine that the filing of a complaint and a hearing before the Disciplinary Hearing Commission are not required and the Grievance Committee may issue various levels of discipline depending upon the misconduct, the actual or potential injury caused, and any aggravating or mitigating factors. The Grievance Committee may issue an admonition, a reprimand, or a censure.

A censure is a written form of discipline more serious than a reprimand, issued in cases in which an attorney has violated one or more provisions of the Rules of Professional Conduct and has caused significant harm or potential significant harm to a client, the administration of justice, the profession or a member of the public, but the misconduct does not require suspension of the attorney's license.

The Grievance Committee believes that a hearing before the Disciplinary Hearing Commission is not required in this case and issues this censure to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this censure.

S.V. retained you assist her husband, M.A., on a number of immigration matters, including his efforts to obtain legal residency in the United States. From 2012 through 2015, S.V. and M.A. paid you a total of \$7,200.00. In 2012 alone, S.V. made six payments to you totaling \$3,800.00. Your final invoice for 2012 showed they did not owe you any additional attorney's fees. You performed valuable services during 2012, and S.V. does not contest the fees paid in 2012.

Although you denied agreeing to represent M.A regarding U.S. citizenship and/or residency, your own invoices showed that after they had paid for the 2012 services referenced above, you charged S.V. and M.A. for work on an Application for Provisional Unlawful Presence Waiver (I-601A) and consular processing (CP), a mechanism for attaining lawful permanent resident status. Your first invoice in 2013 requested payment of \$5,500.00, for "I-130/I-610A/CP."

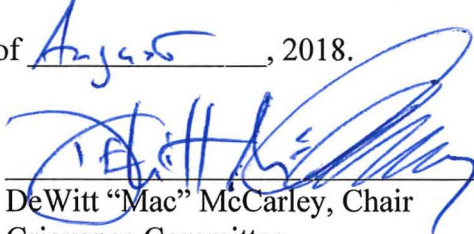
From 2013 through 2015, S.V. and M.A. paid \$3,400.00 toward this \$5,500.00 quoted fee, but you did not do the additional work they expected you to complete after you filed M.A.'s I-130 ("Petition for Alien Relative"). S.V. stopped making payments because she believed you were not helping them. She eventually filed a fee dispute, contending that they were entitled to a refund of \$3,400.00. You asserted in response to the fee dispute that, on the contrary, they still owed you \$1,100.00. You did not explain why you were entitled to those fees. S.V. later filed a grievance, and you submitted a response.

There were numerous discrepancies between your (a) statements to the fee dispute mediator; (b) statements in response to the grievance; and (c) invoices to S.V. and M.A. These inconsistencies establish that you made false statements of material fact in connection with a disciplinary matter in violation of Rule 8.1(a). You also failed to respond to a follow-up inquiry requiring you to explain the inconsistencies, in violation of Rule 8.1(b). S.V. actually overpaid you by more than a thousand dollars. Accordingly, your fees were clearly excessive in violation of Rule 1.5(a). You also failed to adequately communicate with your clients about what services you were undertaking, and the status of any matters you continued to handle after you filed the I-130 in April 2013, in violation of Rule 1.4(a).

You are hereby censured by the North Carolina State Bar for your violation of the Rules of Professional Conduct. The Grievance Committee trusts that you will ponder this censure, recognize the error that you have made, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession. This censure should serve as a strong reminder and inducement for you to weigh carefully in the future your responsibility to the public, your clients, your fellow attorneys and the courts, to the end that you demean yourself as a respected member of the legal profession whose conduct may be relied upon without question.

In accordance with the policy adopted July 23, 2010 by the Council of the North Carolina State Bar regarding the taxing of administrative fees and investigative costs to any attorney issued a censure by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this 22nd day of August, 2018.


DeWitt "Mac" McCarley, Chair
Grievance Committee
The North Carolina State Bar

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