

NORTH CAROLINA
WAKE COUNTY

BEFORE THE
GRIEVANCE COMMITTEE
OF THE
NORTH CAROLINA STATE BAR
15G0796, 15G0797, 15G0798
15G0799, 15G0973, 15G1029

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

On July 21, 2016 the Grievance Committee of the North Carolina State Bar met and considered the above- referenced grievances. The grievances were assigned to a Subcommittee, which thoroughly reviewed the results of the State Bar staff's investigation of these matters.

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 to the respondent attorney.

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

The Grievance Committee was of the opinion that a censure is not required in this case and issues this reprimand to you. As chairman of the Grievance Committee of the North Carolina State Bar, it is now my duty to issue this reprimand.

In six separate files with the same due date, you did not file timely responses to the State Bar's fee dispute facilitator and also submitted late responses in the resulting grievances despite multiple deadline extensions. While the Committee notes that you were experiencing significant adversity in your personal life, this conduct violated Rules 1.5(f)(2) and 8.1(b).

You were representing F.L. on his visa petition while he was in detention in the custody of the U.S. Marshal's Service for his criminal charge. In order to proceed with the visa paperwork, F.L. was required to attend a biometrics appointment with USCIS. You made multiple attempts to convince the U.S. Marshal's Service to transport F.L. to the biometrics appointment, but the U.S. Marshal's Service refused to transport F.L. to this biometrics appointment. While you did explain this to F.L.'s point of contact (F.L.'s brother), you did not explain the situation to F.L. Meanwhile, you asserted to the State Bar's fee dispute facilitator on June 18, 2015 that F.L.'s visa was "not being held up because of [F.L.'s] USCIS biometrics appointment" and that U visa cases take a very long time to be adjudicated." You did not meet or speak with F.L. for at least seven months of your representation or adequately explain the serious obstacles in your ability to achieve the goals for which you were retained. You violated Rules 1.4(a)(3) and 1.4(b).

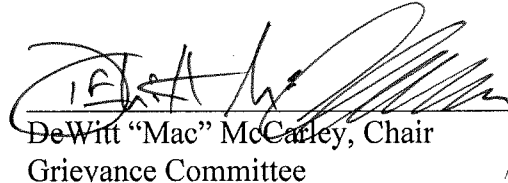
R.R. and his wife paid you \$5,000 to obtain U-visa certifications and file U-visa petitions. You were unable to obtain the certifications and you therefore never filed the petitions. You did not adequately explain how your work product or time invested could be valued at \$5,000. This was, therefore, a clearly excessive fee in violation of Rule 1.5(a). The Committee notes that you have since issued a full refund in the amount of \$5,000 to R.R. and his wife.

In representing J.G. and his wife for visa petitions you were paid \$2,000. Although you state that your office prepared the paperwork, it was never completed because the clients did not sign the forms and did not submit additional supporting documents to your office. When J.G. informed you that he would not be proceeding and wanted a full refund, you did not adequately explain how your work product or time invested could amount to \$2,000 and refused to grant a refund. You therefore charged a clearly excessive fee in violation of Rule 1.5(a). The Committee notes that you have since issued a full refund in the amount of \$2,000 to J.G. and his wife.

You are hereby reprimanded by the North Carolina State Bar for your professional misconduct. The Grievance Committee trusts that you will heed this reprimand, that it will be remembered by you, that it will be beneficial to you, and that you will never again allow yourself to depart from adherence to the high ethical standards of the legal profession.

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 reprimand by the Grievance Committee, an administrative fee in the amount of \$350.00 is hereby taxed to you.

Done and ordered, this the 27th day of October, 2016.


DeWitt "Mac" McCutley, Chair
Grievance Committee