

NORTH CAROLINA  
WAKE COUNTY

BEFORE THE  
GRIEVANCE COMMITTEE  
OF THE  
NORTH CAROLINA STATE BAR  
19G0924

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IN THE MATTER OF )  
HEATHER M. ZIEMBA, ) REPRIMAND  
ATTORNEY AT LAW )

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On October 21, 2020 the Grievance Committee of the North Carolina State Bar met and considered the grievance filed against you by H.T. 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 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 August 2017, you closed your solo practice and became employed by HT Law. In 2013, while at your solo practice, D.D. hired and paid you to file an I-90 application. By the time D.D.'s Lawful Permanent Resident ("LPR") card was issued you had begun working at HT Law; however, D.D.'s LPR card was mailed to your former office and was later returned to the United States Customs and Immigration Service ("USCIS"). Your failure to respond to D.D.'s requests for information, to notify D.D. that you had changed law practices, and to follow-up with D.D. to confirm receipt of the LPR card resulted in D.D. never receiving the LPR card. You had to file a second I-90 application, which cost D.D. an additional \$540.00. It took more than 6 years for D.D. to receive her LPR card. Your failure to timely respond to D.D., to notify D.D. of your employment change, and to follow up on whether D.D. ever received the original LPR card, violated Rules

1.4(a)(3) and 1.4(a)(4). In your response to the State Bar, you stated that according to the USCIS website the original LPR card was sent to the "address on file" when you knew the reason D.D. never received the LPR card was because it was sent to your former practice and returned to USCIS. This misrepresentation violated Rule 8.1 and N.C. Gen. Stat. §84-28(b)(3).

In 2016, J.A. and H.A. hired you to prepare an I-160A application for J.A. By December 2017, you had not filed the I-160A application, nor did you provide H.A. and J.A. with your new contact information at HT Law. After H.A. located you at your new firm, you often were unresponsive to H.A.'s requests for information. In March 2019, you told H.A. that you had filed the application. H.A. contacted USCIS and learned USCIS had not received the application. You told H.A. that applications were taking four to six weeks to be processed. You later told H.A. that the application had been rejected. All of the statements regarding the application were false, as you had never filed the I-160A application. These misrepresentations violate Rule 8.4(c). Your failure to complete the case in a timely manner violated Rule 1.3, and your failure to respond to your client's reasonable requests for information violated Rule 1.4(a)(3).

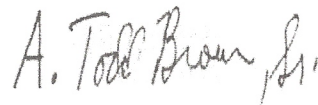
B.M. hired you at your former practice to reinstate an I-130 petition for her brother. After starting work at HT Law, you neglected B.M.'s case and failed to file the petition needed to complete the matter. Your failure to timely complete B.M.'s case violated Rule 1.3. Your failure to timely respond to B.M.'s requests for information about the case violated Rules 1.4(a)(3) and 1.4(a)(4).

Your conduct harmed your clients and your misrepresentations are troubling. The Grievance Committee did; however, take into consideration your lack of prior discipline, the significant personal issues and stress you were experiencing during your time with HT Law and your fee refund to B.M.

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 13<sup>th</sup> day of November, 2020.



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A. Todd Brown, Sr., Chair  
Grievance Committee

ATB/lb