

VIRGINIA:

BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD

IN THE MATTER OF ASTRID LOCKWOOD

VSB DOCKET NO. 22-041-126015

MEMORANDUM ORDER OF REVOCATION

THIS MATTER came to be heard on August 25, 2023, before a panel of the Disciplinary Board consisting of David Gogal, 1st Vice Chair, Stephanie G. Cox, Mary Beth Nash, Michael J. Sobey, and Martha J. Goodman, Lay member. The Virginia State Bar (the "VSB") was represented by Richard W. Johnson, Jr., Assistant Bar Counsel. Astrid Lockwood, (the "Respondent") did not appear. The Chair polled the members of the Board Panel as to whether any of them was aware of any personal or financial interest or bias which would preclude any of them from fairly hearing this matter and serving on the panel, to which inquiry each member responded in the negative. Dawn Testa, Court Reporter, Farnsworth and Taylor Reporting, LLC, P.O. Box 333, Rockville, Virginia 23146, telephone 804-749-4277, after being duly sworn, reported the hearing and transcribed the proceedings.

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 13-18.

The matter came before the Board on the District Committee Determination for Certification by the Fourth District Committee, Section 1 Subcommittee, pursuant to Part 6, Section IV, Paragraph 13-18 of the Rules of the Supreme Court of Virginia involving misconduct charges against the Respondent. At the commencement of the proceedings and at the Prehearing Conference VSB Exhibits 1-21 were admitted into evidence by the Chair, without objection from the Respondent. Respondent did not file a response to the Certification and did not participate in the Prehearing Conference.

The Board heard testimony from the following witnesses, who were sworn under oath: Simon Sandoval-Moshenberg, Esquire, one of Respondent's supervisors at Legal Aid Justice Center (LAJC); Lincei Perez Morales (through an English/Spanish interpreter), one of Respondent's immigration clients; Rebecca Wolozin, Esquire, one of Respondent's supervisors with LAJC and the Complainant; Clay Warner, Esquire, LAJC General Counsel; and Ronald McCall, VSB Investigator. The Board considered the exhibits introduced by the VSB; heard arguments of counsel, including legal authority presented; and met in private to consider its decision.

I. FINDINGS OF FACT

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

1. Respondent is not now, and has never been, licensed to practice law in the Commonwealth of Virginia. (VSB Exhibit 5, Bates page 20.) Respondent was licensed to practice law in the State of Minnesota on October 26, 2007. (VSB Exhibit 6, Bates page 51.) From March of 2020 until November 1, 2021, Respondent was an employee of the Legal Aid Justice Center ("LAJC") in Falls Church, Virginia, where she practiced immigration law pursuant to Federal rule by virtue of her Minnesota law license. At all times relevant to the allegations of misconduct, Respondent was providing, holding herself out as providing, and offering to provide legal services in Virginia.
2. In January of 2021, Mariela Riquelme engaged the legal services of Respondent to prepare and file her application with the United States Citizens and Immigration Services (USCIS) seeking protection from deportation under the Deferred Action of Childhood Arrivals (DACA) policy, for which Ms. Riquelme was *prima facie* eligible. Ms. Riquelme delivered documentation and the filing fee of \$495 to Respondent. From January of 2021 until she left her employment with LAJC on November 1, 2021, Respondent took no action to prepare or file the DACA application. On July 15, 2021, seven months after Respondent was engaged to file the DACA application, a federal court in Texas issued a ruling preventing the adjudication of any new DACA applications, resulting in Ms. Riquelme

losing her opportunity for DACA protection. The Respondent did not communicate with the client about the status of her DACA application. During this time Respondent told two different supervisors that the client's DACA application was complete and Respondent was waiting for the client to bring in the application fee. After Respondent's employment was terminated in November of 2021, her LAJC supervisor discovered that no work had been completed on Ms. Riquelme's DACA application and the filing fee check was found in Respondent's desk.

3. Two other LAJC clients, who wished to remain anonymous, had been assigned to Respondent to apply for DACA protection from deportation. Both were *prima facie* eligible under the DACA policy. One client engaged Respondent to prepare and file a renewal application for DACA protection in August 2020. No application had been completed or filed for either client by the time Respondent's employment terminated on November 1, 2021 and both clients lost their opportunity to seek DACA protections. Respondent did not communicate with either client about the status of their DACA applications.
4. Albert Montenegro engaged the services of Respondent in June 2021 to file his application for Temporary Protected Status (TPS). Respondent did not file this asylum claim by the required deadline and did not communicate this to the client. Respondent told her supervisor the application was completed, but no receipt of filing was ever received by LAJC or the client to verify the filing with the USCIS. The asylum program deadline was administratively extended and other LAJC counsel filed Mr. Montenegro's application for TSP after Respondent's employment was terminated on November 1, 2021. This delayed Mr. Montenegro's immigration status for six months and his eligibility to obtain work authorization.
5. Lincei Perez Morales testified during the hearing with the assistance of an English/Spanish interpreter. He is a Virginia resident and engaged the Respondent in January of 2021 to file for a renewal of his work authorization through USCIS. He gave Respondent a money

order for the filing fee at their initial meeting so she could start the process. Respondent did not communicate with him about the status of his application and did not complete or file the renewal application for Mr. Morales. In January of 2022 he learned from LAJC that the Respondent had never filed his application. Without a renewed work authorization card Mr. Morales lost the job he had and his income. Thereafter he had difficulty finding other work to support himself and his daughter without a work authorization card. Mr. Morales was distressed that he would have severe consequences from Immigration because he was working without permission. Though assigned another attorney by LAJC, he worried that a new lawyer would lose his paperwork just like the Respondent had. In March of 2023 he received his work authorization card with the assistance of another LAJC attorney assigned to his case. Mr. Morales lost approximately one year of work authorization and potential income as a result of the Respondent's failure to file for renewal of his work permit.

6. In June 2020, Ricardo Ramirez engaged Respondent to prepare and file a work authorization application for him with USCIS. Between June 2020 and November of 2021, Respondent did not perform this work and did not communicate with the client advising him that she had not prepared or filed his application for work authorization. Mr. Ramirez lost a year of work authorization and potential income as a result of the Respondent's failure to file for his work permit.
7. In September 2020, Reynaldo Leal engaged Respondent to prepare and file a work authorization application for him with USCIS. Between September 2020 and November of 2021, Respondent did not perform this work and did not communicate with the client advising him that she had not prepared or filed his application for work authorization. Mr. Leal lost a year of work authorization and potential income as a result of the Respondent's failure to file for his work permit.
8. In December 2020, Rafael Cevallos engaged Respondent to prepare and file a work authorization application for him with USCIS. Between December 2020 and November

of 2021, Respondent did not perform this work and did not communicate with the client advising him that she had not prepared or filed his application for work authorization. After Respondent's termination from employment, her supervisor found Mr. Cevallos' money order for the filing fee in Respondent's desk which by that time had expired. Mr. Cevallos lost his filing fee, a year of work authorization and potential income as a result of the Respondent's failure to file for his work permit.

9. In late 2020, Ronaldo Cavillo engaged Respondent to prepare and file a work authorization application for him with USCIS. Between late 2020 and November of 2021, Respondent did not perform this work and did not communicate with the client to advise him that she had not prepared or filed his application for work authorization. Mr. Cavillo lost months of work authorization and potential income as a result of the Respondent's failure to file for his work permit.
10. Danni Martinez engaged the services of Respondent to prepare and file an application to adjust her legal status to Legal Permanent Residency (LPR), for which she had become eligible in 2020. Ms. Martinez provided a money order to Respondent in the amount of \$1,140 for the application fee and other documentation for the filing in December 2020. Respondent told her supervisor the application had been filed; however the supervisor could find no evidence of the filing when Respondent's employment was terminated in November 2021. There was no certified mail receipt of the application being sent, no copy of the application in the client's file, nor the application receipt with an assigned file number from USCIS verifying the filing. Respondent did not communicate with Ms. Martinez about the status of her application. Respondent's failure to file the LPR application, or to follow up with USCIS for the receipt and case number if she did file the application as she claimed, necessitated Ms. Martinez starting the process over. As a result, Ms. Martinez lost her application fee of \$1,140 and her LPR status was delayed for a year, as is her future eligibility for citizenship.
11. Respondent was routinely dishonest and untruthful with her two LAJC supervisors, Simon

Sandoval-Moshenberg and Rebecca Wolozin, during their regular reviews with Respondent on the status of her cases, first with Mr. Sandoval-Moshenberg and then later with Ms. Wolozin who assumed the supervisory responsibility for Respondent. Respondent intentionally told both supervisors that she had filed the appropriate applications with USCIS for specific clients when she knew she had not. Respondent told both supervisors that she had not filed applications for clients because those clients had not brought in the filing fees when she knew those fees were in her possession. Respondent routinely blamed the delays in her cases on her clients, claiming that she could not reach clients or get information she needed, when clients were trying to reach her through the LAJC office without success and Respondent was failing to keep clients advised of their case status.

II. DISCIPLINARY AUTHORITY AND NATURE OF MISCONDUCT

DISCIPLINARY AUTHORITY:

Though not licensed to practice law in Virginia, Respondent is subject to the disciplinary authority of the Virginia State Bar pursuant to the Rules of the Supreme Court of Virginia, **Rule of Professional Conduct 8.5 (a)** which states: “A lawyer not admitted in Virginia is also subject to the disciplinary authority of Virginia if the lawyer provides, holds himself out as providing, or offers to provide legal services in Virginia. By doing so, such lawyer consents to the appointment of the Clerk of the Supreme Court of Virginia as ... her agent for purposes of notices of any disciplinary action by the Virginia State Bar. A lawyer may be subject for the same conduct to the disciplinary authority of Virginia and any other jurisdiction where the lawyer is admitted.”

Rule of Professional Conduct 8.5(b)(2) provides that the rules of professional conduct to be applied are “for any other conduct, the rules of the jurisdiction in which the lawyer’s conduct occurred.” From March of 2020 until November 1, 2021, Respondent was an employee

of the Legal Aid Justice Center (“LAJC”) in Falls Church, Virginia, where she practiced immigration law pursuant to Federal rule by virtue of her Minnesota law license. At all times relevant to the allegations of misconduct, Respondent was providing, holding herself out as providing, and offering to provide legal services in Virginia. Respondent is subject to the disciplinary authority of the Virginia State Bar.

MISCONDUCT:

We find by clear and convincing evidence that the following conduct by Respondent constitutes misconduct in violation of the following Rules of Professional Conduct:

A. Rules 1.3 - Diligence

(a) A lawyer shall act with reasonable promptness in representing a client.

(b) A lawyer shall not intentionally fail to carry out a contract of employment entered into with a client for professional services, but may withdraw as permitted under Rule 1.16.

Respondent's actions that violated this rule include, but are not limited to, the following:

1. Failing to prepare and file the DACA application for Mariela Riquelme from January of 2021 through termination of Respondent's employment with LAJC on November 1, 2021, resulting in the client losing the opportunity to seek DACA protection.
2. Failing to prepare and file the renewal application for DACA protection from August 2020 through termination of Respondent's employment on November 1, 2021 for an anonymous LAJC client, resulting in the client losing their opportunity to seek DACA protections.
3. Failing to prepare and file the application for DACA protection for another anonymous LAJC client, resulting in the client losing their opportunity to seek DACA protections.

4. Failing to prepare and file Albert Montenegro's application for Temporary Protected Status (TPS) from June 2021 through termination of Respondent's employment on November 1, 2021.
5. Failing to prepare and file Lincei Perez Morales' application for renewal of his work authorization with USCIS from January of 2021 through termination of Respondent's employment on November 1, 2021.
6. Failing to prepare and file Ricardo Ramirez's application for work authorization with USCIS from June 2020 through termination of Respondent's employment on November 1, 2021.
7. Failing to prepare and file Reynaldo Leal's application for work authorization with USCIS from September 2020 through termination of Respondent's employment on November 1, 2021.
8. Failing to prepare and file Rafael Cevallos' application for work authorization with USCIS from December 2020 through termination of Respondent's employment on November 1, 2021.
9. Failing to prepare and file Ronaldo Cavillo's application for work authorization with USCIS from late 2020 through termination of Respondent's employment on November 1, 2021.
10. Failing to document that she ever prepared or filed Danni Martinez's application to adjust her legal status to Legal Permanent Residency (LPR) from December 2020 through termination of Respondent's employment on November 1, 2021.

B. Rule 1.4 - Communication

(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

Respondent's actions that violated this rule include, but are not limited to, the following:

1. Failing to inform Mariela Riquelme that her DACA application had not been prepared or filed.
2. Failing to inform an anonymous LAJC client that their renewal application for DACA protection had not been prepared or filed.
3. Failing to inform another anonymous LAJC client that their application for DACA protection had not been prepared or filed.
4. Failing to inform Albert Montenegro that his application for Temporary Protected Status (TPS) had not been prepared or filed.
5. Failing to inform Lincei Perez Morales that his application for renewal of work authorization had not been prepared or filed.
6. Failing to inform Ricardo Ramirez that his application for work authorization had not been prepared or filed.
7. Failing to inform Reynaldo Leal that his application for work authorization had not been prepared or filed.
8. Failing to inform Rafael Cevallos that his application for work authorization had not been prepared or filed.
9. Failing to inform Ronaldo Cavillo that his application for work authorization had not been prepared or filed.
10. Failing to inform Danni Martinez that her application to adjust her legal status to Legal Permanent Residency (LPR) had not been properly filed.

C. Rule 8.4 – Misconduct

It is professional misconduct for a lawyer to:

(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation with reflects adversely on the lawyer’s fitness to practice law;

Respondent 's actions that violated this rule include, but are not limited to, the following:

Falsely reporting to her two LAJC supervisors that she had filed the appropriate applications with USCIS for specific clients when she knew she had not; by stating that she had not filed applications for some clients because they had not brought in the filing fees when she knew those fees were in her possession; by blaming clients for her failure to perform work, stating that she could not reach clients or get information she needed when clients were trying to reach her through the LAJC office and Respondent was failing to communicate with her clients.

III. IMPOSITION OF SANCTION

Thereafter, the Board received further evidence and argument in aggravation and mitigation from the Bar, including Respondent's prior disciplinary record which was admitted into evidence as VSB Exhibit 22. The Board recessed to deliberate what sanction to impose upon its findings of misconduct by Respondent. After due deliberation, the Board reconvened to announce the sanction imposed.

The Board finds that the Respondent violated her duty to her clients and to the profession; that these violations were knowing, and with regard to her Rule 8.4 violations, intentional. The Board considered the Respondent's lack of any prior disciplinary record in mitigation. Respondent's statements to the VSB investigator of personal and emotional problems were considered but not given great weight. The Board considered the following factors in aggravation: a dishonest or selfish motive, a pattern of misconduct, multiple offenses, vulnerability of the victims, and Respondent's substantial experience in the practice of immigration law.

Based on the misconduct found, the evidence presented in aggravation and mitigation, and having considered the argument of Counsel, the Board imposes the sanction of Revocation of the Respondent's License. Under Part 6, Section IV, Paragraph 13-1 of the Rules of the Supreme Court of Virginia, "Revocation" means any revocation of an Attorney's license, and when applied to a lawyer not admitted or authorized to practice law in Virginia, means the exclusion from the admission to, or the exercise of any privilege to, practice law in Virginia.

Accordingly, it is ORDERED that the Respondent Astrid Lockwood is excluded from the admission to, or the exercise of any privilege to, practice law in Virginia effective August 25, 2023.

It is further ORDERED that pursuant to Part 6, Section IV, Paragraph 13-9.E of the Rules of the Supreme Court of Virginia, the Clerk of the Disciplinary System shall assess all costs against the respondent.

It is further ORDERED that the Clerk of the Disciplinary System shall mail an attested copy of this order to the Respondent by certified mail, return receipt requested, and by regular first-class mail, at 6215 Sandpiper Court, Unit 101, Elkridge, MD 21075, Respondent's last address of record with the Virginia State Bar, and by electronic mail to Richard W. Johnson, Jr., Assistant Bar Counsel.

ENTERED this 14th day of September, 2023.

VIRGINIA STATE BAR DISCIPLINARY BOARD

A handwritten signature in black ink, appearing to read "David Gogal". The signature is fluid and cursive, with a large loop at the beginning and a long tail.

David Gogal, First Vice Chair