

VIRGINIA:

BEFORE THE FIFTH DISTRICT, SECTION II SUBCOMMITTEE
OF THE VIRGINIA STATE BAR

IN THE MATTER OF
MARC SEGUINOT

VSJ Docket Nos. 25-052-135419
25-052-135880

SUBCOMMITTEE DETERMINATION
(PUBLIC REPRIMAND WITH TERMS)

On May 19, 2026, a meeting in this matter was held before a duly convened Fifth District, Section II Subcommittee consisting of Micah E. Ticatch, Esq., Chair; Lauren Alexa D'Agostino, Esq., Member; and Brenda Esmeralda Ramirez, Lay Member. During the meeting, the Subcommittee voted to approve an agreed disposition for a Public Reprimand with Terms pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-15.B.4. The agreed disposition was entered into by the Virginia State Bar, by Elizabeth K. Shoenfeld, Senior Assistant Bar Counsel, and Marc Seguinot ("Respondent"), pro se.

WHEREFORE, the Fifth District, Section II Subcommittee of the Virginia State Bar hereby serves upon Respondent the following Public Reprimand with Terms:

I. FINDINGS OF FACT

1. Respondent is admitted to practice law in New Jersey only. However, he operates a law office in Virginia where he practices immigration law, and he has a Virginia Interest on Lawyer Trust Account ("IOLTA").

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2. On or about April 12, 2019, Brandon Baird hired Respondent to represent him in removal proceedings and to apply for adjustment in immigration status. Baird is married to and has children with a U.S. citizen and was potentially eligible for a green card. However, Baird's application for a green card was complicated by prior criminal charges against Baird.
3. Baird paid Respondent \$2,500 as a retainer, plus \$3,000 to be paid in monthly installments until paid in full.

4. On or about July 23, 2019, Respondent filed Baird's I-485 application to register permanent residence or adjust status. For an I-485 application to be granted, the applicant must take a medical examination with an approved doctor and an I-693 form completed by the doctor must be filed.
5. In June 2019, Respondent advised Baird that he would have to take a medical examination but said that he would tell Baird when to do it, because "I do not want the medical to expire and then you have to take it again."¹
6. On July 25, 2019, Respondent appeared in immigration court on behalf of Baird. During the hearing, the court asked for documentation regarding the criminal charges against Baird. The court and Respondent had an extended discussion about whether a 212(h) waiver² was needed. The court required additional documentation regarding Baird's prior criminal charges, and their outcome, to (1) determine whether a 212(h) waiver was necessary; and (2) if it was necessary, whether it should be granted. The court said that if Respondent produced proof that the charges had been dismissed, a 212(h) waiver would not be needed. The court warned Respondent that it would have to deny Baird's application if Respondent did not produce the necessary documentation regarding the criminal charges prior to the next hearing.
7. Baird's next hearing was scheduled for June 15, 2021. On June 8, 2021, the Department of Homeland Security ("DHS") attorney handling Baird's case contacted Respondent to notify him that she could not see anything in the record since the 2019 hearing.
8. On June 11, 2021, which was only four days before Baird's hearing, Respondent informed Baird that he needed to have his medical examination completed and sent him a list of doctors who could do it. Baird appeared for the examination the day before the hearing, but the doctor did not complete I-693 form prior to the hearing, and therefore it was not filed with the immigration court on time.
9. On June 15, 2021, Respondent again appeared on behalf of Baird. Respondent took responsibility for Baird not having his medical examination done until the day before the hearing. DHS counsel reminded the court that it had required that additional documentation be filed during the previous hearing, and that no new documentation had been filed.
10. The court told Respondent, "You can't satisfy your burden . . . you can't adjust status with convictions that we don't have conviction documents for." Respondent asked for a short continuance to get the records. The court told Respondent that

¹ Prior to November 1, 2023, I-693 forms were valid for two years from the date of the doctor's signature.

² A 212(h) waiver allows an immigrant to be admitted to the U.S. even if he was convicted of a crime involving moral turpitude, multiple criminal convictions, prostitution and criminalized vice, and certain serious criminal offenses.

this should have been done two years previously and the docket was too crowded for a short continuance. The court also stated that there was no good cause for the medical examination not to have been done timely.

11. Respondent and Baird then had the following exchange on the record:

2 MR. BAIRD TO JUDGE

3 Your Honor, can I say something?

4 JUDGE TO MR. BAIRD

5 Well, actually, sir, you have a lawyer that you have to speak through.

6 MR. SEGUINOT TO MR. BAIRD

7 What did I tell you about the criminal records? You were supposed to
8 bring them.

9 MR. BAIRD TO MR. SEGUINOT

10 Bring what?

11 MR. SEGUINOT TO MR. BAIRD

12 You didn't bring them and I talked to you yesterday about this.

13 MR. BAIRD TO MR. SEGUINOT

14 Marc --

15 MR. SEGUINOT TO MR. BAIRD

16 Bring the original records.

17 MR. BAIRD TO MR. SEGUINOT

18 Marc.

19 MR. SEGUINOT TO MR. BAIRD

20 I just talked to you about this Monday.

21 MR. BAIRD TO MR. SEGUINOT

22 You talked to me about, I gave you, you told me to --

23 MR. SEGUINOT TO MR. BAIRD

24 See, this is why I don't like to talk to client's on the phone. Yesterday --

1 Are you kidding?

2 MR. SEGUINOT TO MR. BAIRD

3 – I told you, bring the criminal records.

4 MR. BAIRD TO MR. SEGUINOT

5 You said, okay, do you want me to ask my wife if she has them. What if

6 she has it? If she has the criminal records –

7 MR. SEGUINOT TO MR. BAIRD

8 You should know whether she has them or not.

9 MR. BAIRD TO MR. SEGUINOT

10 The criminal records?

11 MR. SEGUINOT TO MR. BAIRD

12 Yes.

13 JUDGE FOR THE RECORD

14 But you told me you had everything.

15 MR. SEGUINOT TO MR. BAIRD

16 I told you to bring all the originals.

17 JUDGE TO MR. SEGUINOT AND MR. BAIRD

18 Okay. Gentlemen, excuse me.

12. Based on the failure to timely file the medical exam and the failure to provide the criminal records, the court denied Baird’s adjustment of status and ordered his removal from the U.S.
13. On July 15, 2021, Respondent advised Baird that he had filed an appeal with the Board of Immigration Appeals (“the Board”), and he had done so pro bono.
14. On August 25, 2022, the Board issued a briefing schedule for Baird’s appeal. Baird’s opening brief was due September 15, 2022.
15. On October 5, 2022, Respondent filed a brief on behalf of Baird. Respondent said he thought he attached a Motion to Accept Late-Filed Brief for Good Cause with it, in which he asserted that he was filing the brief 10 days after the December 13, 2021 deadline because of “extreme difficulty with a medical emergency which led to his not being able to complete the brief on time.”

16. On October 13, 2022, the Board of Immigration Appeals rejected the brief as untimely.
17. On October 18, 2022, Respondent filed a Motion to Reconsider Rejection of Brief. In this Motion, Respondent elaborated that the medical emergency involved cancer treatments for his daughter. Respondent was permitted to file the brief, but the appeal was denied because Baird had failed to submit the results of his medical exam prior to the hearing.
18. Respondent attempted to appeal the decision to the United States Court of Appeals for the Fourth Circuit. However, the filing fee, which Respondent asserted that Baird was supposed to pay, was not filed on time and the appeal was denied as untimely.

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19. On June 4, 2025, Truist bank notified the bar that Respondent had overdrafted his IOLTA in the amount of \$147.95. The overdraft was caused by credit card processing charges that Respondent asserted were charged against his IOLTA improperly. These charges had been assessed against Respondent's IOLTA for several months, but Respondent did not notice them because he was not reconciling his trust account.
20. A review of Respondent's IOLTA statements also revealed that Respondent deposited personal funds into his IOLTA, although Respondent asserted that this was an accident. In 2024, Respondent received two rent checks that he deposited into his IOLTA. Respondent did not immediately notice the error and did not move the funds into another account.

II. NATURE OF MISCONDUCT

Such conduct by Respondent constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct:

Pursuant to Virginia Rule of Professional Conduct 8.5(b)(1), "for conduct in connection with a proceeding in a court, agency, or other tribunal before which a lawyer appears, the rules to be applied shall be the rules of the jurisdiction in which the court, agency, or other tribunal sits, unless the rules of the court, agency, or other tribunal provide otherwise[.]" Respondent's conduct in the Baird complaint was in connection with a case pending before the immigration courts, as well as ultimately the United States Circuit Court for the Fourth Circuit. 8 C.F.R. § 1003.102

contains ethical rules applicable to attorneys practicing before immigration tribunals. Under those circumstances, 8 C.F.R. § 1003.102 applies.

Virginia Rule of Professional Conduct 8.5(b)(3) states that “notwithstanding subparagraphs (b)(1) and (b)(2), for conduct in the course of providing, holding out as providing, or offering to provide legal services in Virginia, the Virginia Rules of Professional Conduct shall apply.” In both matters, Respondent maintained an office in Virginia and performed work from Virginia. He also had a Virginia IOLTA. Consequently, the Virginia Rules of Professional Conduct also apply.

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By repeatedly failing to make timely filings on Baird’s behalf, by failing to ensure that he had obtained and reviewed the necessary criminal records well in advance of the June 2021 hearing, and by failing to analyze those records and make a plan for Baird’s case based on what the records demonstrated, Respondent violated 8 C.F.R. § 1003.102(o) and (q) and Virginia Rules of Professional Conduct 1.1 and 1.3(a).

By failing to inform Baird of the need to take the medical examination sufficiently in advance of the June 2021 hearing, and by failing to explain to Baird the significance of the criminal records and the potential consequences of not securing them prior to the hearing, Respondent violated 8 C.F.R. § 1003.102(r) and Virginia Rule of Professional Conduct 1.4(a).

8 C.F.R. § 1003.102 Grounds.

It is deemed to be in the public interest for an adjudicating official or the Board to impose disciplinary sanctions against any practitioner who falls within one or more of the categories enumerated in this section, but these categories do not constitute the exclusive grounds for which disciplinary sanctions may be imposed in the public interest. Nothing in this regulation should be read to denigrate the practitioner’s duty to represent zealously his or her client within the bounds

of the law. A practitioner who falls within one of the following categories shall be subject to disciplinary sanctions in the public interest if he or she:

...

- (o) Fails to provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation. Competent handling of a particular matter includes inquiry into and analysis of the factual and legal elements of the problem, and use of methods and procedures meeting the standards of competent practitioners;

...

- (q) Fails to act with reasonable diligence and promptness in representing a client.
 - (1) A practitioner's workload must be controlled and managed so that each matter can be handled competently.
 - (2) A practitioner has the duty to act with reasonable promptness. This duty includes, but shall not be limited to, complying with all time and filing limitations. This duty, however, does not preclude the practitioner from agreeing to a reasonable request for a postponement that will not prejudice the practitioner's client.
 - (3) A practitioner should carry through to conclusion all matters undertaken for a client, consistent with the scope of representation as previously determined by the client and practitioner, unless the client terminates the relationship or the practitioner obtains permission to withdraw in compliance with applicable rules and

regulations. If a practitioner has handled a proceeding that produced a result adverse to the client and the practitioner and the client have not agreed that the practitioner will handle the matter on appeal, the practitioner must consult with the client about the client's appeal rights and the terms and conditions of possible representation on appeal;

- (r) Fails to maintain communication with the client throughout the duration of the client-practitioner relationship. It is the obligation of the practitioner to take reasonable steps to communicate with the client in a language that the client understands. A practitioner is only under the obligation to attempt to communicate with his or her client using addresses or phone numbers known to the practitioner.

In order to properly maintain communication, the practitioner should:

- (1) Promptly inform and consult with the client concerning any decision or circumstance with respect to which the client's informed consent is reasonably required;
- (2) Reasonably consult with the client about the means by which the client's objectives are to be accomplished. Reasonable consultation with the client includes the duty to meet with the client sufficiently in advance of a hearing or other matter to ensure adequate preparation of the client's case and compliance with applicable deadlines;

- (3) Keep the client reasonably informed about the status of the matter, such as significant developments affecting the timing or the substance of the representation; and
- (4) Promptly comply with reasonable requests for information, except that when a prompt response is not feasible, the practitioner, or a member of the practitioner's staff, should acknowledge receipt of the request and advise the client when a response may be expected[.]

RULE 1.1 Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

RULE 1.3 Diligence

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

RULE 1.4 Communication

- (a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

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By depositing personal funds into his IOLTA and allowing them to remain there, Respondent violated Virginia Rule of Professional Conduct 1.15(a)(3).

By failing to reconcile his trust accounting records, Respondent violated Virginia Rule of Professional Conduct 1.15(d)(3).

RULE 1.15 Safekeeping Property

(a) Depositing Funds.

...

(3) No funds belonging to the lawyer or law firm shall be deposited or maintained therein except as follows:

- (i) funds reasonably sufficient to pay service or other charges or fees imposed by the financial institution or to maintain a required minimum balance to avoid the imposition of service fees, provided the funds deposited are no more than necessary to do so; or
- (ii) funds in which two or more persons (one of whom may be the lawyer) claim an interest shall be held in the trust account until the dispute is resolved and there is an accounting and severance of their interests. Any portion finally determined to belong to the lawyer or law firm shall be withdrawn promptly from the trust account.

...

(d) Required Trust Accounting Procedures. In addition to the requirements set forth in Rule 1.15 (a) through (c), the following minimum trust accounting procedures are applicable to all trust accounts.

...

- (3) The following reconciliations must be made monthly and approved by a lawyer in the law firm:
- (i) reconciliation of the client ledger balance for each client, other person, or entity on whose behalf money is held in trust;
 - (ii) reconciliation of the trust account balance, adjusting the ending bank statement balance by adding any deposits not shown on the statement and subtracting any checks or disbursements not shown on the statement. This adjusted balance must equal the balance in the checkbook or transaction register; and
 - (iii) reconciliation of the trust account balance ((d)(3)(ii)) and the client ledger balance ((d)(3)(i)). The trust account balance must equal the client ledger balance.

III. PUBLIC REPRIMAND WITH TERMS

Accordingly, it is the decision of the Subcommittee to impose a Public Reprimand with

Terms. The terms must be met by the deadlines set forth below and are as follows:

1. Within two weeks of the issuance of any Subcommittee Determination approving this Agreed Disposition, Respondent must refund \$3,000 to Brandon Baird and provide bar counsel proof that he has done so.
2. Within six months of the issuance of any Subcommittee Determination approving this Agreed Disposition, Respondent must complete four hours of continuing legal education credits by attending courses approved by the Virginia State Bar in the subject matter of trust accounting and/or law practice succession planning. Respondent's Continuing Legal Education attendance obligation set forth in this paragraph will not be applied toward his Mandatory Continuing Legal Education requirement in Virginia or any other jurisdictions in which Respondent may be licensed to practice law. Respondent will certify his compliance with the terms set forth in this paragraph by delivering a fully and properly executed Virginia MCLE

Board Certification of Attendance form to bar counsel promptly following his attendance of each such CLE program(s).

3. Within 12 months of the issuance of any Subcommittee Determination approving this Agreed Disposition, Respondent must either (1) terminate his law practice and close any IOLTA accounts; or (2) engage the services of an accountant who is familiar with the requirements of Rule 1.15 of the Rules of Professional Conduct to review Respondent's attorney trust account record-keeping, accounting, and reconciliation methods and procedures to ensure compliance with Rule 1.15 of the Rules of Professional Conduct and pay when due the accountant's fees and costs for services. Also within 12 months of the issuance of any Subcommittee Determination approving this Agreed Disposition, Respondent must certify in writing to bar counsel which of these two options he has chosen and that he has completed it.

If any of the terms are not met by the deadlines set forth above, pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-15.F, the District Committee shall hold a hearing and Respondent shall be required to show cause why a Certification for Sanction Determination should not be imposed. Any proceeding initiated due to failure to comply with terms will be considered a new matter and an administrative fee and costs will be assessed.

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-9.E, the Clerk of the Disciplinary System shall assess costs.


FIFTH DISTRICT, SECTION II SUBCOMMITTEE
OF THE VIRGINIA STATE BAR



Micah Ephram Ticatch
Subcommittee Chair

CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2026, a true and complete copy of the foregoing Subcommittee Determination was sent to Marc Seguinot, Respondent, by first-class mail, care of Muriel Pitney, Clerk of the Supreme Court of Virginia, at Post Office Box 1315, 100 North Ninth Street, Richmond, Virginia 23219; by certified mail and first-class mail at Seguinot & Associates, P.C., 8280 Willow Oaks Corporate Drive, Suite 600, Fairfax, Virginia 22031; and by email to marcseguinot76@gmail.com.


Elizabeth K. Shoenfeld
Senior Assistant Bar Counsel