Ethical Issues in Removal Cases: Pinocchio and His Advisors?

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INTRODUCTION

> *THE BLUE FAIRY: You must learn to choose between right and wrong.*
> *PINOCCHIO: Right and wrong? But how will I know?*
> *THE BLUE FAIRY: Your conscience will tell you.*[1]

As attorneys, we make choices every day between right and wrong. But how do we know the difference? Who decides what is right or wrong? How do we reconcile state ethics rules, federal ethics rules, and our consciences? Representing clients in removal proceedings requires knowledge not only of state ethics rules to maintain an attorney's license to practice law, but also knowledge of disciplinary rules before the Executive Office of Immigration Review (EOIR) and ethics rules for every state where the attorney is licensed or practicing. In this practice advisory, we provide guidance regarding how to determine which ethics rules apply in representing a client in removal proceedings, how to address conflicts of rules between different jurisdictions, and how to apply ethics rules to find solutions to common real-life scenarios, such as withdrawal while a case is pending.

WHERE TO BEGIN TO LOOK FOR GUIDANCE

[1] *Pinocchio* (Disney 2009). [DVD].

Immigration lawyers practice federal law under state bar rules. Immigration law inherently requires knowledge of both state and federal rules of ethics because immigration attorneys are permitted to practice before immigration courts, the Board of the Immigration Appeals (BIA), U.S. Citizenship and Immigration Services (USCIS), and the Department of Homeland Security (DHS) in any state if they are in good standing in one state and not disbarred or suspended from the practice of law.[2] First and foremost, an immigration attorney must retain his or her state license to practice law and follow the ethics rules of the state(s) in which the attorney is licensed to practice.[3] Attorneys who practice law across state lines must also be familiar with the ethics rules of every state in which they practice. The American Immigration Lawyers Association (AILA) and the American Bar Association (ABA) have compiled state-specific resources regarding rules of professional conduct and ethics resources in each state.[4] The AILA Ethics Compendium is a comprehensive resource regarding application of the state and federal rules of professional conduct to ethical dilemmas that arise in the practice of immigration law.[5] The AILA Ethics Compendium addresses the ABA Model Rules of Professional Conduct, which form the basis of many state ethics rules, as well as important state variations from the ABA Model Rules.[6] Many states also have free ethics hotlines that are very helpful in finding answers to specific ethical dilemmas.[7]

In addition to being familiar with state ethical rules, immigration attorneys must also be familiar with the rules of Professional Conduct for Practitioners promulgated by EOIR.[8] Immigration attorneys are subject to discipline not only by state bar authorities but also by the Board of Immigration Appeals (the Board) or an adjudicating official.[9] Grounds for discipline by EOIR include grossly excessive fees or compensation; making false or misleading statements of material fact or law; solicitation of professional employment through in-person or live contact; criminal activity; engaging in frivolous behavior before the Immigration Court, the Board, or other administrative agencies; engaging in conduct that constitutes ineffective assistance of counsel; failure to provide competent representation; and other grounds.[10]

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[2] 8 CFR §292.1 authorizes any attorney as defined in 8 CFR §1.2 to practice law. 8 CFR §1.2 defines an "attorney" as "any person who is eligible to practice law in, and is a member in good standing of the bar of, the highest court of any State, possession, territory, or Commonwealth of the United States, or of the District of Columbia, and is not under any order suspending, enjoining, restraining, disbarring, or otherwise restricting him or her in the practice of law."

[3] *Id.*

[4] American Immigration Lawyers Association, "Ethics Reference Guide by State," *available at* www.aila.org/practice/ethics/ethics-by-state (last visited Mar. 20, 2019); American Bar Association, "Links to Other Legal Ethics and Professional Responsibility Pages," *available at* https://www.americanbar.org/groups/professional_responsibility/resources/links_of_interest/ (last visited Mar. 19, 2019).

[5] "AILA Ethics Compendium" (Aug. 7, 2018), AILA Doc. No. 13100890.

[6] *Id.*; America Bar Association, "Model Rules of Professional Conduct," *available at* www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/model_rules_of_professional_conduct_table_of_contents/ (last visited Mar. 20, 2019).

[7] American Bar Association, "Links to Other Legal Ethics and Professional Responsibility Pages," *available at* www.americanbar.org/groups/professional_responsibility/resources/links_of_interest/ (last visited Mar. 19, 2019).

[8] Professional Conduct for Practitioners—Rules and Procedures, 8 CFR §1003.101 *et seq.*, *available at* www.ecfr.gov/cgi-bin/text-idx?SID=9ac3efd9a95e1a880e309de37c67f6a6&mc=true&node=sp8.1.1003.g&rgn=div6#se8.1.1003_1101

[9] 8 CFR §1003.101.

[10] 8 CFR §1003.102.

WHAT TO DO WHEN EOIR OR DHS RULES CONFLICT WITH STATE BAR RULES

In general, an immigration attorney should strive to follow both state and federal rules of professional conduct, complying with the rules of the state of licensure, the rules of the state(s) in which the attorney is practicing, and all EOIR and federal rules. However, what should an immigration practitioner do if EOIR or DHS rules conflict with state bar rules?

In the case of a conflict, state ethics rules take precedence. To practice before immigration courts, a lawyer must be eligible to practice law and be a member in good standing of the bar of the highest court of any state, possession, territory, or commonwealth of the United States.[11] Thus, as a prerequisite to practice in immigration court, an attorney must maintain state licensure. In the event of a conflict between a state ethics rule and an EOIR rule, the best practice would be to advise the immigration court on the record of the conflict and why an attorney cannot comply with a request of the court by virtue of being bound by state ethics rules.

Could federal preemption require lawyers to place ethical rules issued by EOIR above their own state rules? The answer is likely it does not—state ethical rules still take precedence. First, while EOIR has the authority to discipline practitioners before the immigration court, the disciplinary committee may report a case to the lawyer's state bar for the purpose of allowing the state to then handle the issue of counsel's ethics violation.[12] It then becomes up to that state to proceed as they see fit or as their rules provide. Second, in a Ninth Circuit case the court specifically addressed this issue, reasoning that federal preemption did not prevent a state bar from discipling an attorney for conduct related to representation in immigration court.[13] The court noted that the federal scheme contemplated cooperation between federal and state authorities in disciplinary matters.[14] In fact, 8 CFR §1003.103 requires immediate suspension of any lawyer who has been found guilty of a serious crime or suspended or disbarred by any state. Whether a state would reciprocally require that an individual be disbarred or disciplined if disbarred or disciplined before the immigration court would be a matter of state ethics rules. ABA Model Rule 8.5, which provides for choice of law in disciplinary matters, would suggest that each jurisdiction is to make its own determination as to whether conduct violates its rules, and therefore, violation of EOIR rules may not per se result in violation of state rules.

If a conflict arises between EOIR rules of conduct and state ethics rules, then state ethics rules may defend the individual from sanctions in the state in which they are licensed. However, this would not necessarily stop the EOIR disciplinary counsel from disciplining counsel in immigration court. It is likely little comfort to immigration lawyers practicing removal defense that they could be disciplined out of immigration court, but still eligible to practice law in their state. However, practically speaking, an attorney would likely be able to avoid this situation by (1) striving to know and follow both state and EOIR rules; and (2) advising the immigration court on the record of any conflict in state ethics rules that prohibits an attorney from complying with the request of the court.

[11] 8 CFR §1.2 (defining "attorney").
[12] 8 CFR 1003.103.
[13] *Gadda v. Ashcroft*, 377 F.3d. 934 (9th Cir. 2004).
[14] *Id.*

New EOIR Guidance for Disciplinary Action

Being familiar with the rules of Professional Conduct for Practitioners promulgated by EOIR is particularly important in light of new efforts by the Department of Justice regarding reporting attorneys for disciplinary action. On December 18, 2018, Director James R. McHenry III issued a memorandum titled "Internal Reporting of Suspected Ineffective Assistance of Counsel and Professional Misconduct," which was distributed to all EOIR staff.[15] Effective January 1, 2019, all EOIR employees are required to report all suspected violations to EOIR disciplinary counsel for investigation within 60 days of the suspected violation.[16] Immigration Judges and members of the BIA are also instructed to inform the disciplinary counsel of suspected ineffective assistance of counsel discovered through review of the record.[17] EOIR disciplinary counsel may then decide if such action should then be reported to local state bars.[18] The Director's authority is derived from 8 CFR §1003.0(e)(1), which provides that "the General Counsel shall administer programs to protect the integrity of immigration proceedings before EOIR, including administering the disciplinary program for practitioners and recognized organizations."[19] The Board of Immigration Appeals has authority under 8 CFR §1003.101 to discipline any practitioner if it is in the public interest to do so based upon the grounds for discipline under 8 CFR §1003.102. Discipline may include disbarment or suspension from practice before the Board, Immigration Courts, DHS, or all three authorities; public or private censure; or other sanctions deemed appropriate.[20]

With the recent implementation of the EOIR Internal Reporting Procedures memorandum, it appears that EOIR has taken a renewed interest in the ethical obligations and effective assistance of counsel. This comes at a time when pressure is at an all-time high in removal defense given the tremendous backlog, aversion to the use of prosecutorial discretion, and changing rules due to opinions coming from all levels of courts as well as the Attorney General. With the former attorney general using terminology like "dirty immigration lawyers," it would certainly beg the question whether this new focus is meant to have a chilling effect by causing practitioners to take caution in their choice of strategies when challenging rules and decisions, including those decisions issued by the Attorney General. At a minimum, it is a reminder to those who practice before immigration courts that they are bound to follow not only the rules of their licensing jurisdiction, but also the grounds for discipline before the immigration courts provided at 8 CFR §1003.102.[21]

Hypothetical #1: An Immigration Judge finds that a practitioner has committed ineffective assistance of counsel by not informing client of his removal hearing resulting in an *in absentia* order of removal. Given counsel's record and with no opposition from DHS, the Immigration Judge grants a Motion to Reopen *sua sponte* without compliance with *Matter of Lozada.* The case

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[15] EOIR Memorandum, James R. McHenry III "Internal Reporting of Suspected Ineffective Assistance of Counsel and Professional Misconduct" (Dec. 18, 2018), AILA Doc. No. 18121938 (*posted* Dec. 18, 2018).
[16] *Id.*
[17] *Id.*
[18] *Id.*
[19] 8 CFR §1003.0(e)(1).
[20] 8 CFR §1003.101. For a detailed discussion of EOIR disciplinary procedures, *see* Margaret Mikyung Lee, "Legal Ethics in Immigration Matters: Legal Representation and Unauthorized Practice of Law," Congressional Research Service (Sept.18, 2009).
[21] *See* Appendix A of "Internal Reporting of Suspected Ineffective Assistance of Counsel and Professional Misconduct."

is denied on merits and timely appealed. Upon review of the record, the Board reports the attorney to disciplinary counsel for ineffective assistance of counsel. Disciplinary Counsel issues a notice of discipline before EOIR and also reports the attorney to the state bar. What happens when the attorney is reported for discipline both before EOIR and the state bar?

> *The state bar finds that the violation does not rise to the level of suspension or disbarment, but EOIR orders that the attorney may no longer practice before the Board, Immigration Courts, or DHS. The attorney may continue to practice state law before state courts, but may no longer practice before the Board, Immigration Courts, or DHS. Model Rule 1.1 v. 8 CFR §1003.102(k).*

Hypothetical #2: A client hires Attorney to represent her in preparing for an individual hearing after she had already filed an asylum application before the Court with the help of a non-lawyer. While preparing for the hearing, it becomes clear that the facts on the asylum application are not accurate. The client tells Attorney that the non-lawyer told her that those facts would be best and that she would not be granted asylum unless she testified to those exact facts. She asks Attorney to help prepare her to testify to those false facts.

> If Attorney is not able to persuade the client not to engage in fraud, withdrawal is mandatory under Model Rule 1.16(a). In addition, under Model Rule 3.3, a lawyer has the obligation to prevent or rectify fraud on a tribunal. It depends on state ethics rules whether Attorney is required to apprise the court of the fraud. In states that follow Model Rule 3.3, a motion to withdraw may need to contain enough information to apprise the court of the fraud while not disclosing protected information. Attorneys may wish to seek to balance rules of confidentiality under Model Rule 1.6 and candor to the tribunal under Model Rule 3.3 by indicating that "professional considerations" require withdrawal or that they are seeking withdrawal in accordance with the "professional rules of responsibility." However, some states, such as California, Tennessee, Oregon, and the District of Columbia, provide that an attorney must hold inviolate the confidentiality of a client, and disclosure of false evidence or testimony to the court is not included in remedial measures that may be taken by an attorney.[22]

CONFLICTS OF ETHICAL RULES BETWEEN JURISDICTIONS

There is never a lack of things for an immigration attorney to consider in day to day representation of clients. Ethical considerations common to most areas of law, such as candor to the court, competence, and client communication, are joined with issues relating to dual representation and a multi-jurisdictional practice. These latter two concerns may appear straight-forward, but in practical terms they can present a variety of complex and nuanced questions. If an attorney engages in law practice in a state where the attorney is not authorized, he or she risks triggering an unauthorized practice of law ("UPL") violation—a violation which could have severe consequences.

[22] For a full discussion regarding balancing rules of confidentiality with rules of candor to the tribunal, *see* "AILA Ethics Compendium," at 12-13, *published on* AILA InfoNet at Doc. No. 13100890 (*posted* Aug. 7, 2018).

To tackle issues of multi-jurisdictional practice and UPL, many States turned to the American Bar Association (ABA) for guidance. The ABA's Model Rule 5.5 sets out the general parameters of when an attorney who is not licensed in a specific state may, nonetheless, practice within a state's boundaries. While the ABA rule focuses on the temporariness of the attorney's practice in the non-licensed state, the immigration regulations seem to offer a broader stance. 8 CFR §1292.1(a) sets out that a person may be represented, in part, by "attorneys of the United States"; the term "attorney" is defined as "any person who is eligible to practice law in, and is a member in good standing of the bar of, the highest court of any State, possession, territory, or Commonwealth of the United States, or of the District of Columbia, and is not under any order suspending, enjoining, restraining, disbarring, or otherwise restricting him or her in the practice of law."[23]

However, where the issue becomes less clear is what impact the immigration regulations have on an attorney whose practice is more than just temporary in a specific jurisdiction other than the one in which they regularly practice. While one could argue that the federal regulations take precedence over the state rule if an attorney is temporarily practicing in a state, no definitive answer is found. Additionally, while some states allow for a "federal exception" that does not require an attorney to be admitted to the state's bar to practice within its boundaries, others have not.[24]

Apart from the rules governing multistate practice, there are also rules which determine the ability of an attorney to advertise and solicit clients who are not residents of the state in which the attorney practices.[25] Much like many things in immigration practice, the practical aspects of these rules are often far more complicated than they appear. A few examples that illustrate this complexity follow:

Hypothetical #3: Attorney is licensed in State A and appears for a removal hearing in State B, a state which has adopted the ABA Model Rules but a state in which Attorney is not licensed. Is this ethical?

> Probably. It is likely ethical under these facts but only in states which have adopted the ABA Model Rules.[26] The attorney, consistent with the ABA rules, is appearing on a temporary matter and is confining his or her practice to the federal immigration court. Under these facts, the attorney could rely on the federal exception found under ABA Model Rule 5.5. In accordance with ABA Model Rule 5.5(d)(2), the lawyer may rely on the agency regulations to establish that the "services are….authorized by federal or other law."

Hypothetical #4: Attorney is licensed in State A and appears for a removal hearing in State C, a state which has not yet adopted the ABA Model Rules. Attorney is not licensed in State C. Is this ethical?

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[23] 8 CFR §1.2.
[24] ABA Model Rule 5.5(d)(2).
[25] ABA Model Rule 7.1, 7.2, and 7.3.
[26] *See* Jurisdictional Rules Comparison chart from the ABA, *available at* https://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/mrpc_5_5.pdf (last visited Feb. 8, 2019).

> It depends. The attorney will have to review the state professional rules for the state in which he or she wishes to practice. If a state has not adopted the ABA Model Rules, then the attorney is likely bound by the state's rules. There is, however, an argument that the Supreme Court's holding in State Bar of Florida v. Sperry,[27] would protect the attorney. In Sperry, the U.S. Supreme Court relied on the Supremacy Clause to preempt the Florida licensing requirements in a U.S. patent case.

Hypothetical #5: Attorney is the spouse of a military serviceperson. The attorney and spouse move jurisdictions on a regular basis. The attorney only practices immigration law. Must the attorney become licensed in every jurisdiction?

> Likely. In about 33 states, there are special dispensations for military spouses.[28] In such states, the attorney would still need to be licensed, but would be eligible for an extended temporary license.

Hypothetical #6: Attorney places nationwide advertisements publicizing Attorney's practice and firm. As a result of these advertisements, Attorney represents clients from all across the country. Is this ethical?

> Maybe. The rules on advertising have not yet addressed issues which have arisen based on modern technology and modern social forums such as AVVO, LinkedIn, and the like. To provide greater guidance the ABA, in August 2018, adopted changes to the advertisement rules which focus on misleading and false ads.[29] Despite these changes, the issue remains unclear. The attorney should review the EOIR rules and the rules of the state in which they practice regularly to see if there is any prohibition on such advertisements and proceed with diligent caution.

HOW TO WITHDRAW ETHICALLY WHILE A CASE IS PENDING

> *You've got to know when to hold 'em, know when to fold 'em.*
> *Know when to walk away, know when to run.*
>
> \- Don Schlitz, *The Gambler*[30]

Finally, we address a specific circumstance of when an attorney must balance both state bar and EOIR rules to seek withdrawal from a pending case. Withdrawal from a client matter is its own art form, a dance in which the attorney extricates herself from a case—for mandatory or discretionary reasons—without harming the interests of her then-client. Withdrawal becomes necessary for any

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[27] *State Bar of Florida v. Sperry*, 373 U.S. 379 (1963).
[28] Military Spouse J.D. Network, *available at* https://www.msjdn.org/rule-change/ (last visited Feb. 8, 2019)
[29] "ABA Model Rules on Lawyer Advertising to Be Modernized, " *available at* http://www.abajournal.com/news/article/model_rules_on_lawyer_advertising_to_be_modernized (last visited Mar. 21, 2019).
[30] Most famously re-recorded by Kenny Rogers in 1978, on the album of the same name, winning Rogers a Grammy Award in 1980.

number of causes, triggered by a client's wishes, the attorney's interests, or out of simple necessity dictated by the facts of the case. Rarely does the need for withdrawal arise at a timely moment.

The Retainer

Practitioners know their local USCIS office and Immigration Court, its prevailing temperament(s), and its general pace of scheduling. With these factors in mind, the attorney can plan ahead, to manage their cases and to protect themselves in the event that they ever need to withdraw from representation. Every retainer agreement should clearly enumerate the need for both client cooperation in case development and timely managing financial responsibilities, along with the attorney's right to withdraw if the client neglects either factor.[31] Deadlines are crucial for effective representation and should be clearly set and consequences triggered in advance of predictable case developments. Representation is a partnership, so if either the client or counsel neglects those deadlines, the case is inevitably disadvantaged. When a client misses deadlines, the attorney must contemplate his or her own rights under the retainer agreement.

Withdrawing Before the Court

Withdrawing from representation before the immigration court has mechanical requirements and requires a formal motion, written or oral.[32] The attorney must formally notify the client in writing of the intent to withdraw. As in the case of any motion, the attorney further must notify DHS counsel of the imminent filing and ascertain DHS position regarding the motion to withdraw. In the motion, the attorney must establish a basis for withdrawal, and provide proof of the aforementioned communications with the client and DHS. All of this must take place sufficiently in advance of a hearing or in advance of a court-imposed deadline, so as to provide sufficient time for the court to rule and for the client to adjust to their new reality of finding a new attorney or proceeding *pro se*.

If the immigration judge releases the attorney from the case, the attorney is relieved of responsibility. However, if the attorney is not released, the attorney must proceed.

Hypothetical #7: A typical fact pattern is found in a decision from the Sixth Circuit in Spring 2019: Approximately six weeks before Rogelio Mendoza-Garcia's final removal hearing, his attorney warned him that he needed to comply with the terms of their retainer agreement—that is, to pay

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[31] It may be helpful for a retainer agreement to mirror the permissive withdrawal language of the attorney's state bar rules. For example, Florida 4-1.16 follows the ABA rule:

> (b) When Withdrawal Is Allowed. Except as stated in subdivision (c), a lawyer may withdraw from representing a client if:
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> 1. withdrawal can be accomplished without material adverse effect on the interests of the client;
> 2. the client insists upon taking action that the lawyer considers repugnant, imprudent, or with which the lawyer has a fundamental disagreement;
> 3. the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;
> 4. the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or
> 5. other good cause for withdrawal exists.

[32] 8 CFR §1003.17(b) (providing that withdrawal or substitution of an attorney or representative may be permitted by an Immigration Judge during proceedings only upon oral or written motion).

the attorney. Mendoza-Garcia did not pay and, one week before the hearing, his attorney filed a motion to withdraw. The immigration judge (IJ) granted the motion on the day of the hearing. When Mendoza-Garcia requested a continuance to find a new attorney, the IJ denied the request.[33] Was the withdrawal ethical?

> *The Board found that six weeks of notice to the client that the attorney planned to withdraw was sufficiently "reasonable,"[34] in an instance of representation that spanned several years, where the Judge only granted withdrawal at the individual hearing, and where the motion to withdraw was made (apparently) on an emergency basis, as it was filed only a week before the hearing. Thus, the immigration court proceeded to conduct a short direct examination itself, regarding an application for relief, which it then denied. The BIA and the Court of Appeals affirmed the judge's treatment of the case.*

The realities are that if an attorney does not get paid—perhaps the most common basis for terminating a client relationship—it is difficult to allocate time and resources to develop a case. However, if an attorney is pushed to the breaking point, the attorney must act diligently to communicate and perfect the withdrawal in a timely manner. Further, in the instance of a failure of a client to pay, the attorney must simultaneously balance (1) enumerating the client's failure sufficiently in the motion to establish the basis to withdraw, with (2) avoiding disparaging the client in a way that would harm the client's case or reputation before the court.

The ethical question then, for similar situations, is whether counsel has complied with state bar rules governing withdrawal.[35] For example, the Florida Bar Rule 4-1.16(d), typifies other jurisdictions in explicitly requiring that counsel protect a client's interests, noting:

> Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interest, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled, and refunding any advance payment of fee or expense that has not been earned or incurred. The lawyer may retain papers and other property relating to or belonging to the client to the extent permitted by law.

Thus, to both assure the grant of the motion to withdraw, and to prevent ethical consequences, the attorney may need to consider immediate mitigating steps he or she might take to protect a client, whether that be to perfect a pending filing before a looming deadline, communicate pending evidentiary matters that might independently provide the basis of a continuance, or when returning papers to a client, provide them in a manner conducive to subsequent *pro se* filings. One may have decided (reluctantly or with joy) to withdraw, but in walking (or running) away, minimal extra steps to facilitate a clean breakup may be an excellent investment of resources, as a safeguard against a time-consuming and stressful ethical complaint later.

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[33] *Mendoza-Garcia v. Barr*, No. 18-3513, 2019 U.S. App. LEXIS 7370 (6th Cir. Mar. 13, 2019).
[34] *See* Immigration Court Practice Manual § 2.3(i)(i) (indicating that the time remaining before the next hearing and the reason(s) given for the substitution are taken into consideration but that extension requests based on substitution of counsel are not favored).
[35] *See* Immigration Court Practice Manual § 2.3(i)(ii).

CONCLUSION

For attorneys, the determination of right and wrong involves much more than simply listening to one's conscience. Knowledge of both state ethics rules and the rules of Professional Conduct for Practitioners promulgated by EOIR is essential for attorneys representing clients in removal proceedings. Although the balancing act of state and federal ethics rules is undoubtedly complex, many free resources are available from AILA, the ABA, and state bar associations to answer complex dilemmas of immigration practitioners. With a knowledge of state and federal ethics rules and the guide of one's own conscience, immigration attorneys are well-equipped to resolve complex ethical dilemmas and apply aggressive and creative strategy for representation of clients in removal proceedings.

ADDITIONAL RESOURCES

For further reading, please refer to the following additional resources:

- American Bar Association, "Links to Other Legal Ethics and Professional Responsibility Pages," *available at* www.americanbar.org/groups/professional_responsibility/resources/links_of_interest/ (last visited Mar. 19, 2019).

- American Bar Association, "Model Rules of Professional Conduct," *available at* www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/model_rules_of_professional_conduct_table_of_contents/ (last visited Mar. 24, 2019).

- American Immigration Lawyers Association, "AILA Ethics Compendium," *published on* AILA InfoNet at Doc. No. 13100890 (*posted* Aug. 7, 2018), *available at* www.aila.org/practice/ethics/compendium (last visited Mar. 24, 2019).

- American Immigration Lawyers Association, "Ethics Reference Guide by State," *available at* www.aila.org/practice/ethics/ethics-by-state (last visited Mar. 20, 2019)

- Cyrus D. Mehta, "Withdrawal of Representation in Immigration Practice" (Apr. 3, 2018), AILA Doc. No. 12112043

- Timothy Widman, "Ethical Considerations in Declining Representation" (May 10, 2018), AILA Doc. No. 18051046