

**BEFORE THE DISCIPLINARY BOARD OF THE SUPREME COURT OF  
PENNSYLVANIA**

**OFFICE OF DISCIPLINARY COUNSEL,**       :  
  **Petitioner**   :  
  **v.**                       :  
  :  
**DOUGLAS ANDREW GRANNAN,**               :  
  **Respondent**   :

**No. 197 DB 2016**

**REPORT AND RECOMMENDATION OF HEARING COMMITTEE**

**SUMMARY OF PROCEEDINGS**

This matter is before the Hearing Committee on a Petition for Discipline filed by Office of Disciplinary Counsel (ODC) on December 5, 2016. The Petition for Discipline charges Respondent, Douglas Andrew Grannan, with violating the Pennsylvania Rules of Professional Conduct (RPC) in seven matters. Testimony was heard on May 23, 2017 (Joao Batista Ribeiro matter), June 15, 2017 (Eustaquio Juarez-Aparicio and Otto R. Villatoro-Ochoa matters), July 18, 2017 (Jinfei Jiang matter), November 17, 2017 (Ed Carlos Stipp and Dr. Del Gaiso matters), and January 17, 2018 (Ang Phing and Herman Salim matter). Respondent testified on February 28, 2018 and April 24, 2018. Respondent called no witnesses during his case. On June 13, 2018, ODC presented a rebuttal witness concerning the Villatoro charge and counsel for ODC presented a closing argument. Counsel for Respondent chose not to present a closing argument.

Respondent is a lawyer whose practice primarily serves immigrants who require legal services in connection with immigration related matters. Respondent's client base is underserved by the legal community at large and Respondent should be commended for choosing to practice in a field of law where clients with limited resources often need legal representation in connection

their right to remain in the United States and retain access to the benefits of legal residency in this country. Such representations are complicated by the need to employ translators to communicate with a client base whose constituents speak a wide variety of languages and whose English is limited or non-existent.

However, as shown by the evidence presented over eight days of hearings, Respondent, consistently failed to represent his clients according to the standards of practice in the Commonwealth. In multiple instances, the rights of Respondent's clients were either jeopardized or lost due to failure to present evidence or pursue arguments essential to advancement of legal rights. In most instances, Respondent's defense was based on testimony that the clients failed to provide him with the necessary information or documentation. However, the Hearing Committee finds the testimony of the clients and the documentary evidence provided by the clients significantly more credible than that of Respondent, and the consistent absence of written communication corroborating Respondent's version of events casts doubt on his explanations.

Two of the seven charges against Respondent involve personal injury matters filed in the Philadelphia County Court of Common Pleas. Both matters were mishandled per the Rules of Professional Conduct and the Pennsylvania Rules of Civil Procedure, resulting in adverse consequences to the clients and unnecessary expense to litigants, their counsel and the Court.

ODC requests a suspension of not less than two years. In the absence of prior disciplinary proceedings against Respondent, the Hearing Committee deems such a suspension excessive. However, the complete absence of any remorse by Respondent, his failure to present any character testimony, the absence of any measures undertaken to prevent the sort of communication failures described here, and the number and nature of charges proven by ODC, the Hearing Committee recommends a suspension of sufficient length to ensure that Respondent's return to practice will

be accompanied by a formal application for reinstatement. For the reasons set forth below, the Hearing Committee recommends that Respondent be suspended from practice for one year and one day.

**CHARGE I: OTTO R. VILLATORO-OCHOA MATTER**

Mr. Otto R. Villatoro-Ochoa (Mr. Villatoro) is a native of Guatemala. Mr. Villatoro entered the United States illegally, was arrested by United States Border Patrol Agents, agreed to voluntarily depart the United States, and failed to depart as he had agreed to do. On March 19, 2014, Respondent filed an Application for Stay of Deportation or Removal with the Department of Homeland Security (“DHS”). On April 4, 2014, Respondent wrote a follow-up letter to DHS regarding the Application for Stay. On April 10, 2014, Respondent filed with the Immigration Court (“IC”) an Emergency Request to Stay Removal and Motion to Reopen (“Emergency Request”).

In the Emergency Request, Respondent opposed the United States’ denial of an administrative stay on the grounds that it did not reflect DHS’ goals as Mr. Villatoro had no criminal history, is the father of an autistic child, had a pregnant wife dependent on his income, and that Mr. Villatoro suffers from epilepsy. Respondent did not substantiate these points with the requisite documentary evidence, notwithstanding that he had received proof of the pregnancy, proof of Mr. Villatoro’s seizure disorders, and a psychiatric evaluation of the autistic child. Respondent also failed to submit an affidavit from Mr. Villatoro regarding his background and reasons why deportation would jeopardize him and his family.

By decision dated May 7, 2014, the ALJ assigned to Mr. Villatoro’s case found that Respondent had failed to establish *prima facie* eligibility for a provisional waiver due to failure to

present the evidence described above. Accordingly, Respondent failed to pursue the matter with the necessary diligence.

Furthermore, Respondent further failed to communicate with his client by failing to provide Mr. or Mrs. Villatoro with a copy of the written fee agreement, failing provide Mr. or Mrs. Villatoro with a copy of his correspondence with DHS, failing promptly inform Mr. and Mrs. Villatoro of the adverse decision, and failing to provide Mr. and Mrs. Villatoro with a copy of the IC's decision denying the Emergency Request.

The circumstances surrounding execution of the retention letter by Mr. Villatoro are particularly troubling. Respondent claims that Mr. Villatoro signed a retention letter on March 8, 2014 when Respondent visited Mr. Villatoro at the Elizabeth (NJ) Detention Center. However, Mr. and Mrs. Villatoro each testified that Respondent visited Mr. Villatoro only one time while Mr. Villatoro was at the Elizabeth Detention Center and that the one visit was not on March 8, 2014, the date Respondent claims Mr. Villatoro signed the fee agreement. Mr. James Wise, Deputy Warden of Elizabeth Detention Center, testified that the Detention Center's records did not reflect that Respondent visited the Detention Center on March 8, 2014, thereby significantly undermining Respondent's explanation concerning when the retention letter was signed the meeting took place.

On or about May 30, 2014, Mr. Villatoro terminated Respondent's representation and retained the legal services of Gerardo Mejia, Esquire. As of September 11, 2014, when Mr. and Mrs. Villatoro filed a complaint with ODC, Respondent had failed to provide Mr. Villatoro or Mr. Mejia with a copy of Mr. Villatoro's file.

Accordingly, the Hearing Committee finds that Respondent violated RPC 1.1, 1.3 and 1.16(d) in connection with representation of Mr. Villatoro.

## CHARGE II: JOAO BATISTA RIBEIRO MATTER

Mr. Joao Batista Ribeiro Viana (“Mr. Ribeiro”) is a native of Brazil who is not lawfully in the United States. As a result of an arrest, Mr. Ribeiro was subject to removal proceedings. On or around September 1, 2012, Respondent met again Mr. Ribeiro, during which time Respondent agreed to represent Mr. Ribeiro in his immigration matter and advised Mr. Ribeiro that he would file an application to stay Mr. Ribeiro’s removal by filing a motion to suppress evidence related to the allegedly unlawful arrest.

In opposition to a motion to suppress filed by Respondent alleging that Mr. Ribeiro’s arrest was in violation of his Fourth Amendment rights, DHS claimed that Respondent’s Motion was unsubstantiated with properly verified evidence. By Order dated March 12, 2013, the assigned ALJ *sua sponte* ordered Mr. Ribeiro to file another motion to suppress by April 25, 2013, and added that Respondent’s failure to timely file the motion would be deemed a waiver.

Mr. Ribeiro received the March 12, 2013 Order in the mail, but Mr. Ribeiro did not read English, had no legal background, did not know what a motion to suppress was, and was unable to understand the decision and order. Respondent did not inform his client the Order. Despite good faith efforts by Mr. Ribeiro, Respondent failed to submit the requisite information that the ALJ noted was required. The ALJ thereafter denied the motion to suppress and further found that right to challenge the circumstances surrounding his warrantless arrest. Although an appeal was taken to the Bureau of Immigration Appeals (“BIA”), the ALJ’s order was affirmed due to failure to proffer evidence. After the BIA entered its ruling, Respondent failed to communicate the ruling to Mr. Ribeiro, who again only found out about a judicial decision by receiving a copy in the mail (at which time he needed to have it translated by a third-party).

Mr. Ribeiro retained new counsel who, despite best efforts, received limited if any cooperation from Respondent with respect to transition of the file and/or his attempt to reargue the basis for the arrest. When new counsel requested information from Respondent, he was uncooperative and did not explain why he did not file a motion to suppress.

With the assistance of new counsel, Mr. Ribeiro subsequently filed a motion to reopen, citing the ineffective assistance of counsel by Respondent. The BIA denied the motion to reopen, although the BIA agreed that counsel may have been ineffective in not submitting a motion to suppress, after he was given an opportunity to do so. Mr. Ribeiro thereafter filed a motion to reconsider, which DHS elected to not oppose and which was thereafter granted. In subsequent proceedings, an ALJ concluded that there was good cause for dismissal of the Government's removal proceedings against Mr. Ribeiro.

Respondent's mishandling of matter jeopardized Mr. Villatoro's legal rights and caused him and his family substantial distress which could have been avoided through proper handling of the matter.

Accordingly, the Hearing Committee finds that Respondent violated RPC 1.1, 1.3, 1.4(a)(3), 1.4(a)(4) and 1.4(b) in connection with representation of Mr. Ribeiro.

### **CHARGE III: THE JOHN J. DEL GAISO MATTER**

John J. Del Gaiso, DMD is a certified pediatric dentist, performed dental surgery on Jovan, a juvenile on May 8, 2013. Jovan's mother, Marya Magdalena, met with Respondent's office manager on October 16, 2013. The next day, Respondent and Ms. Magdalena entered into a contingent fee agreement for Respondent's representation of a cause of action arising out of Jovan's visit to Dr. Del Gaiso.

By letter dated October 17, 2013, Respondent accused Dr. Del Gaiso of committing dental malpractice and that Jovan's face was irreparably damaged. After Dr. Del Gaiso denied any wrongdoing, Respondent asked Dr. Del Gaiso whether he had insurance to fund a settlement, thereby suggesting that Dr. Del Gaiso encourage his insurance carrier to settle the matter regardless of its merit. At the same time, there is no evidence that Respondent required Jovan to see another pediatric dentist to review the case before filing a Complaint.

On December 20, 2013, Respondent filed a Complaint in the Court of Common Pleas of Philadelphia County alleging malpractice, breach of fiduciary duty and breach of contract. At the time, Respondent Jovan had not been examined by a pediatric dentist and there was no Certificate of Merit, as required by the Rules of Civil Procedure.

With no settlement forthcoming, Respondent abandoned the litigation. Dr. Del Gaiso's counsel was required to seek *non pros* dismissal of the dental malpractice claim, move for dismissal of the contract and breach of fiduciary claims, and move to compel responses to discovery to which Respondent has failed to respond. Respondent failed to attend the discovery hearing and failed to comply with the resulting order to respond to the discovery, thereby requiring Dr. Del Gaiso's counsel to move for sanctions. Respondent failed to attend the hearing on the sanctions motion as well, resulting in an evidence preclusion order. Dr. Del Gaiso's counsel then filed a motion for summary judgment, to which Respondent also failed to respond. On September 30, 2015, Judge Colins entered an Order granting the motion for summary judgment and Jovan and his mother's Complaint was dismissed with prejudice. Dr. Del Gaiso subsequently filed a complaint with the Disciplinary Board.

Respondent therefore abandoned prosecution of a claim which he purportedly deemed valid when he signed the Complaint. Respondent availed his client and himself of none of the

procedural protections available to properly pursue the claim. Respondent egregiously mishandled the matter and wasted the resources of the Court and unnecessarily burdened Dr. Del Gaiso and his counsel, whose testimony was also heard. If, as suggested by Respondent, Ms. Magdalena did not cooperate with pursuit of the claim, Respondent should have filed a motion reflecting as much as sought in order to withdraw from the representation.

Accordingly, the Hearing Committee finds that in connection with the Del Gaiso matter, Respondent violated Rule of Professional Conduct 8.4.<sup>1</sup>

#### **CHARGE IV: JINFEI JIANG MATTER**

Mr. Jinfei Jiang, a native of China, entered the United States illegally and lives in New York City. Mr. Jiang sought to retain Respondent in connection with an asylum application. According to Mr. Jiang, he met with a “Korean” associated with Respondent’s office who spoke no Chinese (Mr. Jiang does not speak Korean).

Mr. Jiang testified that Respondent failed to properly prepare him for his asylum interview by not translating certain documents from Chinese to English and sending him to an interview with “Ms. Huang” who was not capable of assisting Mr. Jiang at his hearing.

By letter dated February 13, 2014, the Asylum Office advised Mr. Jiang that he had not met his burden of proof and referred Mr. Jiang’s application to an ALJ for removal proceedings. In preparation for the hearing, it appears that Respondent intended to offer untranslated travel documents as well as untranslated letters from family, friends and a church in support of the application. On April 30, 2014, the ALJ noted the difficult burden facing Mr. Jiang and that corroborating witness support and documentation demonstrating his claim were important to the

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<sup>1</sup> Because Respondent’s clients did not file a complaint, the Committee declines to find that Respondent violated RPC 1.1 and 1.3 in connection with the Del Gaiso matter.

hearing outcome. Respondent failed to proffer letters of support that appear to have been available from Mr. Jiang's church, an employer and family and friends. Furthermore, the documents provided to Respondent by Mr. Jiang had still not been translated into English. On the day of the hearing, the ALJ indicated that DHS had agreed to defer prosecution but that Mr. Jiang's asylum case would be closed due to failure to provide translated copies of all of the documents that Mr. Jiang intended to submit to support his claim.

Although there was competing testimony concerning responsibility for translation of the documents and related costs, there was insufficient evidence that Respondent ever clearly communicated the consequences for failure to do so to Mr. Jiang. Respondent's claim that the documents were not translated and submitted because doing so may have raised suspicions of fraud was not credible. Furthermore, Mr. Jiang's original documents were not returned to him following the hearing.

Mr. Jiang terminated Respondent's representation and retained Then H. Jin, Esquire, to pursue Mr. Jiang's asylum matter. An appropriate request for file transfer was made by Mr. Jin. Respondent failed to mail Mr. Jiang's documents to Mr. Jin and failed to return all of the original documents given by Mr. Jiang to Respondent, thereby making it more difficult for Mr. Jiang to pursue his asylum case.

Accordingly, the Hearing Committee finds that Respondent violated RPC 1.1, 1.3, 1.16(d) proven with respect to charge brought by Mr. Jiang.

#### **CHARGE V: EUSTAQUIO JUAREZ-APARICIO MATTER**

Eustaquio Juarez-Aparicio is a native of Mexico and entered the United States illegally in 2003. On or around October 3, 2014, Mr. Juarez-Aparicio retained Respondent seeking an adjustment in his immigration status. At all times thereafter, Mr. Juarez-Aparicio had repeated

difficulty reaching Respondent to discuss his case. On or around June 1, 2015, Mr. Juarez-Aparicio terminated Respondent's legal representation.

Mr. Juarez-Aparicio thereafter went to Respondent's office but when Respondent arrived, he declined to return Mr. Juarez-Aparicio's documents. Thereafter, Mr. Juarez-Aparicio retained Gary T. Jodha, Esquire, to assist him in obtaining his documents from Respondent and to represent him in further proceedings. Mr. Jodha submitted an appropriate file transfer request to Respondent to which Respondent did not timely or properly respond. Mr. Jodha sent another copy of the file transfer letter via certified mail and facsimile transmission. Respondent again did not respond. Several weeks later, Mr. Jodha sent yet another letter requesting the file and Respondent again failed to respond. Several more attempt were made by Mr. Jodha by mail and telephone, and Respondent did not release the file materials to Mr. Juarez-Aparicio's new counsel.

Respondent's claim that he told Mr. Jodha to contact a lawyer who had represented Mr. Juarez-Aparicio previously fails to explain why the documents in Respondent's possession were not provided or why Respondent did not respond to the majority if not all of Mr. Jodha's efforts to obtain the file materials for his client.

Accordingly, the Hearing Committee finds that Respondent violated RPC 1.1, 1.3, 1.4(a)(3), 1.4(a)(4), 1.4(b) and 1.16(d) with respect to charge brought by Mr. Juarez-Aparicio.

#### **CHARGE VI: ED CARLOS STIPP MATTER**

Ed Carlos Stipp is a native of Brazil who entered the United States illegally. On March 31, 2011, DHS charged Mr. Stipp with violating the immigration laws and took him into custody. Shortly after Mr. Stipp's release, on July 12, 2011, Mr. Stipp retained Respondent to prepare an application for cancellation of removal proceedings. Mr. Stipp ultimately agreed to pay

Respondent \$8,250 to prepare the application as well as an application for employment authorization.

On November 9, 2011, Respondent filed an Application for Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents. Mr. Stipp's Application was scheduled for a hearing on September 7, 2012. Three days before the hearing, Respondent sought a continuance based on purported office move and various scheduling conflicts. The hearing was continued until July 30, 2013. Although ODC claims that the handling of the continuance application evidenced a lack of diligence, Mr. Stipp does not appear to have been prejudiced by the delay and there was no showing by ODC that Respondent could have taken steps to shorten the length of the continuance. At the July 30, 2013 hearing, the ALJ noted that Mr. Stipp's fingerprints had expired, thereby imperiling his Application, noted that certain evidence had not been submitted and granted Respondent's second request for a continuance. The hearing was continued until May 12, 2014.

At the May 8, 2014 hearing, Respondent acknowledged that he had failed to properly submit exhibits offered in support of Mr. Stipp's case and was admonished by the ALJ for the delay in prosecution of the application. However, the ALJ rescheduled the hearing for February 11, 2015. At the February 11, 2015 hearing, it again became apparent that Respondent has failed to submit evidence timely and according to the applicable rules. However, the ALJ accepted the evidence in deference to Mr. Stipp and his family. The ALJ also apparently *sua sponte* took steps to ensure that Mr. Stipp would not lose his visa number, which had been jeopardized by the dilatory matter in which the Application had been litigated.

Mr. Stipp testified that Respondent failed to keep him apprised of the status of the proceedings, failed to answer all of his questions and did not provide him with a copy of the

Application. To support his Application, Mr. Stipp needed to establish presence in the United States for at least ten years. Although Mrs. Stipp as well as Mr. Stipp's co-workers and friends apparently were available to testify on Mr. Stipp's behalf, Respondent did not ask any of these witness to testify as to Mr. Stipp's activities and moral character and the hardship that would be caused to Mr. Stipp and his disabled son by removal. Respondent also failed to explain to Mr. Stipp that Mr. Stipp needed an expert report to explain why his son's medical care related to ADHD would suffer if the family was required to return to Brazil. Respondent appears to have failed to adequately prepare Mr. Stipp to testify at the hearing.

Following completion of the hearing, the ALJ explained that the record was deficient and that he was "shocked" by the absence of a proffer of medical evidence relating to Mr. Stipp's son. Nonetheless, the ALJ continued the hearing yet again, until August 31, 2015, and kept the record open. Respondent failed to submit any additional evidence, and at the August 31 hearing. The ALJ denied the Application due to a failure to introduce documentation establishing the when Mr. Stipp's arrived in the U.S. and his continuous presence in the U.S., when Mr. Stipp began paying taxes, and failure to provide documentation to support the medical condition of Mr. Stipp's son and the necessity of Mr. Stipp to remain in the U.S. with his son.

After Mr. Stipp's appeal was denied, Mr. Stipp retained new counsel, Jay S. Marks, Esquire, who filed a Motion to Reopen and provided new, previously unavailable evidence regarding the health of Mr. Stipp's son. The BIA found that Mr. Stipp had substantially complied with the process requisite to asserting an ineffective assistance of counsel claim and reopened the record to give Mr. Stipp and opportunity to submit additional evidence.

Mr. Stipp provided credible and persuasive testimony concerning Respondent's failure to communicate with him during the course of the representation. Despite the protracted length of

the proceedings involving Mr. Stipp, it appeared to the Hearing Committee that Respondent did not explain the nature of the Application process to Mr. Stipp and did not meet sufficiently frequently with Mr. Stipp during the engagement. Mr. and Mrs. Stipp also described many unreturned phone calls and generally and credibly claimed that Respondent did not keep them adequately informed concerning the status of the legal proceeding.

Despite repeated requests from Mr. Marks, upon the termination of Respondent's representation, Respondent failed to provide any additional documents from Mr. Stipp's file to Mr. Marks.

Accordingly, the Hearing Committee finds that Respondent violated RPC 1.1, 1.3, 1.4(a)(3), 1.4(a)(4), 1.4(b) and 1.16(d) with respect to charge brought by Mr. Stipp.

#### **CHARGE VII: ANG PHING AND HERMAN SALIM MATTERS**

Mr. Herman Salim and Ms. Ang Phing, husband and wife, are from Indonesia. They are lawful permanent residents of the U.S. and have limited fluency in English. Mr. Salim and Ms. Phing were seeking new counsel in connection with at least two slip-and-fall matters pending in the Philadelphia County Court of Common Pleas Ms. Phing saw Respondent's advertisement in an Indonesian language newspaper, which stated, in pertinent part, that Respondent handled "accident" matters. On or around November 26, 2013, Respondent met with Ms. Phing and Mr. Salim about their accident matters and was retained, notwithstanding his limited experience with personal injury cases. During Respondent's meeting with Ms. Phing and Mr. Salim, Respondent did not disclose that he might try to find another lawyer to handle or assist with their accident cases. The documentation provided by Respondent and accepted by Mr. Salim indicated that Respondent would be their attorney.

Respondent subsequently met with Warren Siegel, Esquire and Francis J. Bernhardt, III, Esquire, then counsel for Ms. Phing and Mr. Salim, and arranged for transfer of the case files for two cases, hereunder referred to as *Tran* and *Choi*. At the time, a settlement had been offered to resolve at least one of the matters, but it appears that Respondent believed that the settlement proposal was inadequate. On March 11, 2014, Mr. Siegel filed a Motion to Withdraw Appearance on behalf of Ms. Phing and Mr. Salim in the *Tran* and *Choi* matters. Respondent failed to enter his appearance in either matter. Respondent failed to advise Ms. Phing and Mr. Salim that an arbitration in the *Tran* matter had been scheduled for June 30, 2014. On June 30, 2014, the Court entered a judgment of *non pros* in the *Tran* matter due to Mr. Salim's and Ms. Phing's failure to appear. On October 27, 2014, the Court dismissed the complaint in *Choi* for failure to comply with prior orders. Respondent failed to inform Ms. Phing and Mr. Salim that the Court dismissed their complaint in the *Choi* matter.

Although the record is unclear as to the timing of several conversations between Ms. Phing and Mr. Salim and Respondent and/or his staff, Ms. Phing credibly testified that she inquired of Respondent regarding the status of the two cases and that Respondent did not disclose the status of the two cases. Almost two years after the cases were dismissed, in August 2016, Ms. Phing and Mr. Salim met with an unnamed lawyer in Chinatown who, when told about the two cases which they believed were pending, reviewed the dockets and told Ms. Phing and Mr. Salim that both cases had been dismissed. The lawyer suggested that Ms. Phing contact ODC. Ms. Phing, Mr. Salim, and a friend then went to Respondent's office to retrieve Ms. Phing and Mr. Salim's accident files. Respondent informed them that he no longer had the files.

Shortly after agreeing to represent Ms. Phing and Mr. Salim, Respondent, without first discussing the matter with his clients, contacted Michael H. Gaier, Esquire to see if he would

represent Ms. Phing in a third matter related to a July 2013 auto accident case. After investigation, Mr. Gaier advised Ms. Phing by letter that he would not be able to represent Ms. Phing in her July 2013 accident case. According to Ms. Phing, the letter was never received because she was in Indonesia at the time it was sent. Ms. Phing testified that she had no knowledge that Respondent would be speaking to another attorney regarding involvement in the matter, and Respondent never conveyed to Ms. Phing that the matter would not be pursued.

After Ms. Phing and Mr. Salim retained Respondent to handle their personal injury matters, there was a serious automobile accident where one Indonesian-speaking person was killed and several Indonesian-speaking persons were seriously injured. Respondent contacted Ms. Phing to find out more about the injured because he suspected she might know other members of the Indonesian community. After Mr. Phing helped Respondent locate those injured, Ms. Phing went with Respondent to the hospital to meet the injured parties. None of the injured retained Respondent. Ms. Phing, however, was paid \$100 for assisting Respondent in the direct solicitation of potential clients.<sup>2</sup> Respondent subsequently offered to help Ms. Phing become a United States citizen without payment of fees because of her assistance with solicitation of potential clients.

Accordingly, the Hearing Committee finds that Respondent violated RPC 1.3, 1.4(a)(1), 1.4(a)(2), 1.4(a)(3), 1.4(a)(4), 1.4(b), 1.5(b), 1.16(d) and 7.3(a) with respect to the charge brought by Ms. Phing and Mr. Salim.

#### **RECOMMENDED PENALTY**

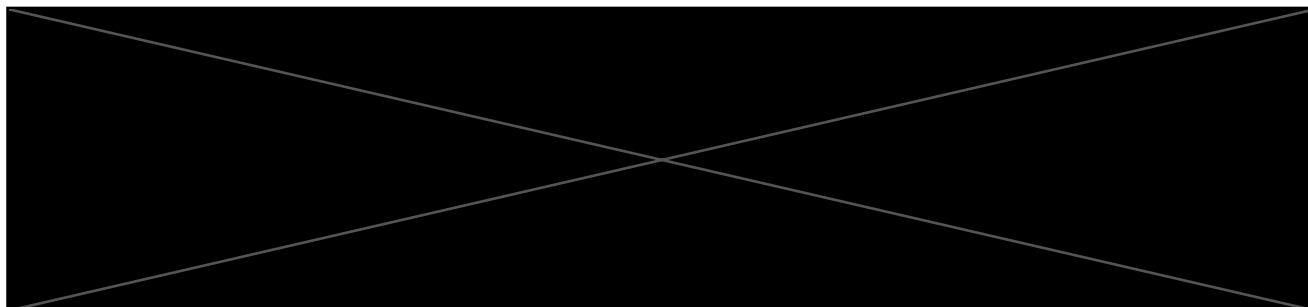
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<sup>2</sup> Respondent also gave Ms. Phing, Mr. Salim, and Ms. Phing's brother t-shirts with the name of his firm, "Law Office of Douglas Grannan," and brochures advertising Respondent's law firm. Ms. Phing was also given printed advertisements to distribute in the community.

In light of the foregoing findings, the Hearing Committee deems a suspension of one year and one day appropriate. Such a result is consistent with prior decisions and Respondent's lack of remorse and acknowledgement of any wrongdoing in connection with the matters described above. Although the Hearing Committee acknowledges that Respondent undertook the representations described above, the majority of which required significant investment of time, for relatively little compensation, Respondent was consistently not diligent with respect to preservation of his clients' rights and jeopardized the right of several of the clients to remain in this country. But for hiring new counsel, several of the clients may have been removed from this country, notwithstanding legitimate arguments under applicable law that would permit continued residence.

In many instances, Respondent testified that he conveyed requests for information and documents to the clients, but the Hearing Committee found the clients' testimony more credible. To the extent that the clients had information or documents that was required or essential to maximizing the chance of a successful outcome on a motion or at the hearing, a reasonably prudent attorney likely also would have communicated the issue in writing. According to Respondent, at all times a paralegal and others associated with his office could communicate with his clients in their native language. Moreover, there are readily available free resources, such as Google Translate, which can instantly translate written communication with sufficient degree of reliability to allow for communication on issues of pressing concern such as the need to provide particular documents or information. Given the number of clients with similar complaints against Respondent, the Hearing Committee rejects Respondent's testimony that the clients were adequately informed of the need for certain information in connection with their respective proceedings.

With respect to the Del Gaiso and Phing / Salim non-immigration, civil matters, the civil dockets alone likely would have been adequate to demonstrate violations of the RPC by Respondent. Although the Hearing Committee has no view on the merits of the Phing and Salim accident cases, Respondent's improper handling of the matters resulted in two dismissals and the loss of potentially valid claims. Based on the testimony related to the Del Gaiso and Phing / Salim matters, it appears that Respondent undertook the representations hoping for early and presumably remunerative resolution and when that did not occur, Respondent failed to litigate the matters appropriately and protect the interests of his clients. If Respondent had determined that any of these matters could not be pursued in good faith, Respondent could have communicated as much to the clients in writing and, if necessary, filed a motion to withdraw or taken other steps to end the representation.



Respectfully submitted,



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KEVIN J. O'BRIEN, ESQ., COMMITTEE CHAIR  
SAYDE J. LADOV, ESQ., COMMITTEE MEMBER  
ANDREW J. SOVEN, ESQ., COMMITTEE MEMBER

Dated: November 19, 2018