

**IN THE SUPREME COURT OF PENNSYLVANIA**

In the Matter of : No. 966 Disciplinary Docket No. 3  
: :  
: No. 125 DB 2004  
MOHAMED ALAMGIR : :  
: Attorney Registration No. 65321  
: :  
PETITION FOR REINSTATEMENT : (Out of State)

**ORDER**

**PER CURIAM:**

**AND NOW**, this 9<sup>th</sup> day of April, 2019, upon consideration of the parties' responses to the Court's rule to show cause dated January 11, 2019, the rule is made absolute, and the Petition for Reinstatement is denied. Petitioner is directed to pay the expenses incurred by the Board in the investigation and processing of the Petition for Reinstatement. See Pa.R.D.E. 218(f).

A True Copy Patricia Nicola  
As Of 04/09/2019

  
Attest:  
Chief Clerk  
Supreme Court of Pennsylvania

BEFORE THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

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REPORT AND RECOMMENDATIONS OF  
THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

TO THE HONORABLE CHIEF JUSTICE AND JUSTICES  
OF THE SUPREME COURT OF PENNSYLVANIA:

Pursuant to Rule 218(c)(5) of the Pennsylvania Rules of Disciplinary Enforcement, The Disciplinary Board of the Supreme Court of Pennsylvania submits its findings and recommendations to your Honorable Court with respect to the above captioned Petition for Reinstatement.

I. HISTORY OF PROCEEDINGS

By Order of September 28, 2004, the Supreme Court of Pennsylvania disbarred Mohamed Alamgir on consent following the filing of a resignation statement on August 16, 2004, based on his criminal conviction resulting from his guilty plea to a 164-count criminal information charging one count of Conspiracy to Defraud the United States, 159 counts of Fraud and Misuse of Visa/Permits, and four counts of Money Laundering.

Petitioner filed a Petition for Reinstatement to the bar on July 22, 2014, but later withdrew the Petition without prejudice. On August 15, 2017, Petitioner filed the instant Petition for Reinstatement, along with a Supplement. Office of Disciplinary Counsel (“ODC”) filed a Response to Petition for Reinstatement on October 20, 2017.

Following a prehearing conference on December 14, 2017, a reinstatement hearing was held on January 26, 2018, before a District III Hearing Committee. Petitioner testified and presented the testimony of four additional witnesses. The parties introduced Joint Stipulations, and Petitioner presented Petitioner’s Exhibits 1-9, which were admitted into evidence. ODC presented the testimony of two witnesses and introduced ODC Exhibits 1-17, 18- 37, and ODC Exhibit A.

On March 14, 2018, Petitioner filed a Brief to the Hearing Committee.

On March 29, 2018, ODC filed a Brief to the Hearing Committee.

On May 25, 2018, the Hearing Committee filed a Report and recommended that the Petition for Reinstatement be denied on the basis that Petitioner has not demonstrated that he engaged in a qualitative period of rehabilitation during his disbarment, and further, that Petitioner has not demonstrated he possesses the qualifications necessary for readmission to the bar.

On June 22, 2018, Petitioner filed a Brief On Exceptions.

On July 9, 2018, ODC filed a Brief Opposing Exceptions.

The Board adjudicated this matter at the meeting on July 20, 2018.

II. FINDINGS OF FACT

The Board makes the following findings:

1. Petitioner is Mohamed Alamgir, born in Bangladesh in 1957 and admitted to practice law in the Commonwealth in 1992. Petitioner became a United States citizen in 1994. He resides in Annandale, Virginia. Petitioner is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania. Stipulation ("ODC-1") at ¶12.

2. In or about June 1999, Petitioner was admitted to the District of Columbia bar. Reinstatement Questionnaire ("RQ") No. 2(c); N.T. 164.

3. One of Petitioner's purposes in obtaining his Pennsylvania law license was to be able to practice law in the District of Columbia. N.T. 163.

4. Petitioner has never resided or had an office located in Pennsylvania. N.T. 162.

5. Following his admission to practice law, Petitioner founded and owned Eapen Alamgir & Associates, a law firm principally located at 1010 Vermont Ave., N.W., Office 618, Washington, D. C. 20005. ODC-6.

6. The firm's principal focus was immigration law, and a substantial part of Petitioner's practice involved service to immigrant clients, many of whom were Bangladesh nationals. Attorney Eapen was not involved in Petitioner's immigration practice. ODC-7; PET-9.

7. From at least August 1996 through at least August 2003, within the District of Columbia and elsewhere, Petitioner knowingly and willfully conspired,

confederated, and agreed with others to commit labor certification and immigration fraud, by knowingly preparing fraudulent Applications for Employment Certification (“ETA-750”) and fraudulent Immigration Petitions for Alien Workers (“Form I-140”), which contained false material statements made under penalty of perjury and knowingly subscribed as true. N.T. 164-165.

8. Petitioner prepared ETA-750s and Form I-140s for filing with the District of Columbia Department of Employment Services, the Maryland Department of Labor, Licensing and Regulations, the Virginia Employment Commission, the United States Department of Labor, and the Immigration and Naturalization Service. ODC-6; N.T. 170-171.

9. Petitioner’s purpose of conspiracy was to charge fees for legal services for preparing fraudulent ETA-750s and Form I-140s and to obtain Labor Certifications based on the fraudulent ETA 750s, and to obtain Permanent Resident Alien cards based on the fraudulent Form I-140s, and to conceal the proceeds derived therefrom. ODC-6, pp. 4-5; N.T. 174.

10. Petitioner secured employment information for the fraudulent ETA-750s by paying or otherwise inducing employers to falsely certify their intention to employ the alien and/or falsifying the information and forging the employers’ signatures. ODC-3 at 11; ODC-6 at 5, 64-65; ODC-7; N.T. 170-173.

11. Petitioner and his employees told alien clients that, in return for a higher fee, Petitioner could speed up or expedite the processing of a case pending before

the Immigration and Naturalization Service by providing an already-approved ETA-750.  
*Id.*

12. This procedure, known as “substitution,” was a highly desirable means of obtaining lawful permanent residence in that it allowed an alien to jump the application queue, and immediately receive an approved labor certification. ODC-7 at 4.

13. Petitioner charged his clients fees of as much as \$35,000 when substitution was used. N.T. 173-174.

14. To support the fraudulent ETA-750s, Petitioner and his employees instructed alien clients to obtain false letters of experience and/or assisted alien clients to create false, forged letters of experience by giving the aliens the language necessary to prepare the letters. ODC-6 at 6-7; ODC-7 at 4-5.

15. Petitioner obtained tax returns, ostensibly from the employers, to file with Form I-140s by supplying fraudulent and unsupported information to an accountant, who prepared the tax returns denoting inflated employer incomes to support the employers’ ability to pay the client aliens. ODC-3 at 11; ODC-6 at 7; ODC-7 at 5; N.T. 175.

16. Petitioner also paid employers to provide fraudulent payroll and withholding certificates to demonstrate that his alien clients were working for them when, in fact, the aliens had not worked for or had not been paid by the employers. ODC-3 at 12-13; ODC-6 at 7, 65; ODC-7 at 5, 8.

17. Petitioner instructed his alien clients for whom fraudulent ETA-750s and Form I-140s were prepared to pay his fees in cash or by personal check, omitting the name on the payee line. ODC-6 at 7, 20, 65; ODC-7 at 5-6; N.T. 177.

18. Petitioner used the cash and personal checks to pay the employers for their participation in the conspiracy. *Id.*

19. Petitioner frequently encouraged the employers not to deposit the third-party checks into their personal or business accounts, but to pay creditors or other debts. ODC-6 at 65; ODC-7 at 6, 8.

20. Petitioner also deposited client checks into bank accounts held in the names of other relatives and friends or he would use them to pay other expenses, without passing the funds through his business bank account or other bank accounts held in his name. ODC-3 at 7; ODC-6 at 7; ODC-7 at 6.

21. Petitioner's intention in handling funds in that manner was to conceal the proceeds of his immigration fraud. ODC-3 at 7; ODC-7 at 7-8; N.T. 177.

22. Petitioner prepared these documents with the intention to mislead the Department of Labor and the Immigration and Naturalization Services concerning facts material to the adjudications of the applications. ODC-7 at 7.

23. Petitioner would further coach his alien clients to provide fraudulent answers during their visa interviews. N.T. 176-177.

24. Petitioner's immigration fraud scheme included the assistance of at least twelve co-conspirators, each of whom was criminally convicted for their involvement. N.T. 181-184.

25. Petitioner deposited the proceeds of his immigration fraud into bank accounts held by persons not associated with his law firm, to be held for a short period of time. ODC-3 at 13.

26. Petitioner laundered the illegal proceeds of his immigration fraud by purchasing parcels of real property with the illegally obtained funds and further disguised his ownership interest in the real property by placing it in the names of small businesses that he established and incorporated, but that were purportedly owned mainly by his wife, children and sister. ODC-3 at 7, 13, 19-21.

27. Tariqul Khan is Petitioner's relative and, during the time of Petitioner's immigration fraud scheme, was an employee of the World Bank in Washington, D.C. ODC-3 at 13.

28. Beginning in 1998, at Petitioner's direction, Mr. Khan would deposit checks and large amount of cash into his personal bank accounts. These funds had been received from immigration clients. ODC-3 at 14.

29. Petitioner instructed Mr. Khan to split large cash deposits into amounts less than \$10,000.00 to avoid disclosure paperwork required for deposits exceeding \$10,000. *Id.*

30. Mr. Khan, at Petitioner's direction, used the funds to purchase cashier's checks made payable to Petitioner or to others on Petitioner's behalf primarily for the purchase of real property. ODC-3 at 19-21; ODC-6 at 20, 62-64.



31. Petitioner deposited the cashier's checks made payable to him in five bank accounts that were held jointly with his wife, into which Petitioner also deposited portions of his and his wife's respective incomes. ODC-3 at 15-19.

32. Petitioner deposited cashier's checks into an account held in the name of one of his employees. ODC-3 at 18-19.

33. Petitioner's intent in handling the funds in this manner was to conceal or disguise the nature, source, and disposition of the funds received for his immigration fraud. ODC-3 at 7; ODC-7 at 7-8.

34. On or about April 23, 2004, Petitioner entered a plea of guilty to a 164-count criminal information charging one count of Conspiracy to Defraud the United States, in violation of 18 U.S.C. §§1371 and 2; 159 counts of Fraud and Misuse of Visa/Permits, in violation of 18 U.S.C. §§1546(a) and 2; and four counts of Money Laundering, in violation of 18 U.S.C. §1956(a)(1)(B)(i). ODC-1 at ¶7; ODC-5; ODC-7; ODC-8; ODC-9.

35. Petitioner was sentenced to 40 months imprisonment followed by a three-year term of supervised release, assessed a \$16,400.00 monetary penalty, and ordered to disgorge the property described in the criminal indictment and the sum of \$2,000,000.00 to the United States. ODC-1 at ¶8.

36. The \$2,000,000.00 forfeiture amount was later reduced to \$1,334,092.73. N.T. 195.

37. On or about August 10, 2007, Petitioner was released from prison. ODC-1 at ¶9.

38. On or about August 9, 2010, Petitioner completed his three-year term of supervised release. ODC-1 at ¶10.

39. Petitioner fully satisfied the \$16,400.00 monetary penalty. ODC-1 at ¶11.

40. On or about April 21, 2014, a Certificate of Release of Lien was issued by the United States Attorney's Office for the District of Columbia concerning the fine/forfeiture imposed, in the amount of \$1,334,092.73. ODC-1 at ¶12.

41. The lien was waived due to Petitioner's lack of funds or assets to satisfy the debt. N.T. 195-196.

42. By Order dated September 28, 2004, the Supreme Court of Pennsylvania disbarred Petitioner on consent. ODC-1 at ¶3.

43. By Order dated December 2, 2004, the District of Columbia Court of Appeals disbarred Petitioner on consent. ODC-1 at ¶4. Petitioner is disbarred in the Immigration Court. N.T. 200.

44. Petitioner credibly testified at the reinstatement hearing on January 26, 2018.

45. Petitioner expressed sincere remorse and genuine regret for his criminal misconduct. He admitted that he embarrassed his family and humiliated himself in front of his community. N.T. 179. He testified that his actions were "terribly wrong," and that "All I know is that I have done an act which is criminal and which is very bad, and I agree that I disappointed everybody. I brought shame to this body that I have to go through this process." N.T. 156, 167, 168.

46. Petitioner testified that “I cannot blame to my friends or community; it is me who did everything”; “All I can say is that I have no language to say sorry and I regret, but all I can say, that I really want to start my life”, and, “I made a big mistake, and I regret it every single day.” N.T. 137, 139.

47. Although Petitioner was reluctant to revisit the specifics of his misconduct, describing the process as “very, very painful,” he explained that “I’m not forgetting my past, what I have done. What I want to have is have that future that I can change my life and I can tum my page of this life.” N.T. 137, 167.

48. Petitioner desires reinstatement so that he can “die an attorney, not a disbarred attorney.” N.T. 157.

49. Petitioner testified that he let his community down. He described how some friends did not want to talk to him and that he was excluded socially because of his misconduct. N.T. 138 139.

50. After Petitioner’s release from prison, he decided to perform good works in service to his community in order to regain his reputation. N.T. 138–139, 158, 179.

51. Petitioner testified that there has been a transition period in his community where people knew about his wrongdoing and incarceration and were critical of him, but over time came to respect him again. N.T. 157-158.

52. Petitioner testified that the Bangladeshi community was well aware that he was incarcerated, as there were news articles in the *Washington Post* and the

American Bengali-language newspaper, but not all people were aware of the specifics of his wrongdoing. N.T. 179-180.

53. Following his release from prison, Petitioner and his wife, Dr. Laila Alamgir, agreed that due to difficulty in finding employment and significant family needs at home, Petitioner would focus on caring for his children, at that time ages 11 and 8, and his elderly mother who had medical issues. Dr. Alamgir would continue her employment outside the home as a physician to support the family. N.T. 139-142.

54. Petitioner explained that in the Bangladeshi culture, the eldest son cares for the parents, so it was his responsibility to care for his mother. N.T. 140.

55. Petitioner's mother suffers from diabetes, high blood pressure and dementia and requires regular medical attention. 109-110.

56. In addition to acting as a caretaker for his mother and being a stay-at-home father, Petitioner did some small at-home projects, such as paperwork for a school and managing construction renovation projects. N.T. 142.

57. Petitioner worked at a Subway fast-food restaurant from February 2009 through June of 2016. RQ No. 11(a).

58. Petitioner engaged in volunteer activities in the Bangladeshi community before his conviction in 2004, but he increased his participation in such activities during his disbarment. N.T. 161. As Petitioner's children grew older, he had more time to spend performing community and charity works. N.T. 143.

59. Petitioner is heavily involved in the Federation of Bangladeshi Associations of North America (FOBANA) and the Bangladeshi Association of Greater Washington DC (BAGWADC).

60. Petitioner travels to Bangladesh once or twice per year to do charitable work where he grew up. In connection with that work, he and his wife host fundraisers in their home to support various causes. N.T. 144-146.

61. Community members often drop by Petitioner's home to seek his counsel and support on various life matters. N.T. 146.

62. Petitioner testified as to his recent leadership of protests supporting the persecuted Rohingya minority. N.T. 154-155.

63. Petitioner authenticated and explained the many significant awards and recognitions presented to him for his volunteer work, including the following:

a. the Prio Bangla Award, given in 2015 in recognition of Petitioner's years of service to that organization, which is dedicated to promotion of mutual understanding of different cultures and social backgrounds;

b. The American Friends of the Centre for Rehabilitation of the Paralyzed Award of Appreciation, given in July of 2017, honoring Petitioner's work in America and Bangladesh giving support to provide prostheses for persons in need and raising awareness on disability issues;

c. The 2016 FOBANA Excellence in Leadership Award, presented to Petitioner as President of the host committee of the 2016

FOBANA convention, in recognition of the specific efforts of Petitioner organizing a convention attended by many thousands of people from 77 affiliated organizations from across the United States;

d. The BAGWDC Appreciation Award honoring Petitioner for outstanding service as its President and leader from 2008-2012. PET 1- 8.

64. Petitioner fulfilled his Continuing Legal Education requirements necessary for reinstatement and has kept current in immigration law and federal practice. In the year preceding the filing of his reinstatement petition, Petitioner completed 40 hours of education, 20.5 in the area of ethics. N.T. 196, 198-199, 211; ODC-A. Overall, during his disbarment, Petitioner completed more than 100 hours of continuing legal education, including 24 hours in legal ethics, and accessed and studied an internet site that focused on immigration law in order to keep apprised of recent changes. ODC-1 at ¶13; N.T. 210-211; RQ No. 21.

65. If reinstated, Petitioner intends to resume his practice in the area of immigration law in and around Washington, D.C., where his family is located. N.T. 200-211.

66. Petitioner understands that he will need to be reinstated in the Immigration Court, and intends to follow through in that jurisdiction after he is reinstated in Pennsylvania. N.T. 202.

67. Petitioner testified that he hopes to work with another lawyer and has talked to a couple of people in this regard, but at this time has no specific person in mind. N.T. 203.

68. Petitioner testified that he intends to follow the bar procedures, legal ethics and professional conduct rules in the future. N.T. 204.

69. Petitioner has not engaged in the unauthorized practice of law while disbarred, nor has he engaged in any criminal conduct.

70. Petitioner presented the testimony of four character witnesses, all of whom credibly testified on his behalf.

71. Azadul Haq lives in Houston, Texas and works for the energy company Kinder Morgan. He has known Petitioner on a personal basis since 2013 and has contact with him frequently, through their mutual participation in FOBANA, of which Mr. Haq is the immediate past chairman. N.T. 18-19, 24-25.

72. As an executive member of FOBANA, Mr. Haq knew of Petitioner as a community leader from Washington, D.C., even before he met him. N.T. 20.

73. Mr. Haq is aware of Petitioner's good reputation in the community, based on conversations with different people involved in their organization, and Mr. Haq testified that Petitioner has a reputation as a trustworthy, dependable and helpful person. N.T. 25-27, 28-29.

74. Mr. Haq testified that Petitioner expressed shame and remorse for his criminal actions. N.T. 26.

75. Mr. Haq has no hesitation in recommending Petitioner for reinstatement, and considers him to be a law-abiding person who would be a tremendous asset to the community. N.T. 29, 32.

76. Anthony P. Gomes is an IT professional who resides in Virginia. He heard about Petitioner approximately ten years ago and met Petitioner approximately five years ago through their mutual participation in FOBANA and BAGWDC. N.T. 47.

77. Mr. Gomes testified that he is aware that Petitioner has a criminal conviction, but was not interested in the details because he counts on what people are doing in the present, not the past. N.T. 47-48.

78. Mr. Gomes testified he was inspired by Petitioner's leadership qualities to become more involved in the various charitable organizations. N.T. 49, 51.

79. Mr. Gomes testified that he knows people who have known Petitioner for a long time in the community and although they put shame on him for his criminal actions at the time he committed them, they currently view him as a social leader who has a reputation for honesty and sincerity, and who deserves a second chance. N.T. 58, 60, 61.

80. Radwan Chowdhury is the Chief Operating Officer for IT Link Corporation and resides in Virginia. He has known Petitioner since approximately 2013 through BAGWDC and knows others in the community who know Petitioner. N.T. 71-72.

81. Mr. Chowdhury testified that Petitioner is very involved with BAGWDC, works without pay for the organization and spends substantial portions of his day communicating with community members and the organization N.T. 76.

82. Mr. Chowdhury testified that Petitioner has participated in flood relief for Bangladesh and helped organize protest marches concerning the persecuted Rohingya minority. N.T. 74-75.



83. Mr. Chowdhury testified that from his knowledge of persons who know Petitioner, Petitioner is highly-regarded and his reputation is that of a trustworthy, honest and caring individual. N.T. 77-78, 80.

84. Mr. Chowdhury testified that the community would benefit from Petitioner's knowledge and service, if he is reinstated. N.T. 81.

85. Laila Alamgir is Petitioner's wife since 1989. They have two college-aged children. Dr. Alamgir is a physician and is employed by Howard University College of Medicine, and also maintains a private practice. N.T. 107-108.

86. Dr. Alamgir testified that Petitioner's imprisonment and subsequent release required major adjustments in family responsibilities. N.T. 107, 108, 108, 113, 122.

87. Dr. Alamgir and Petitioner agreed that he would dedicate himself to the home life of the family, by raising their children and caring for his elderly, ill mother while Dr. Alamgir was the breadwinner. N.T. 109, 112, 113, 114.

88. Dr. Alamgir testified that during his disbarment, Petitioner has been very active in charitable work in their community, and there are frequent organizational meetings at their home, with people dropping by seeking help from Petitioner. N.T. 110, 111, 118.

89. Dr. Alamgir knows people in the community who have known Petitioner for a long time. She testified that these people have great respect for Petitioner, because after he was released from prison, he dedicated himself to substantial community work. N.T. 116.

90. Dr. Alamgir testified that Petitioner has a reputation for being dependable, committed, generous and caring. N.T. 119, 134.

91. Dr. Alamgir testified that people in the community are looking forward to Petitioner regaining his law license and they have no worries that he will do something inappropriate. N.T. 117.

92. Thomas K. Eapen, Esquire, is Petitioner's former law partner. He provided a statement that Petitioner expressed sincere remorse and is motivated by a desire to redeem his reputation and that he has done everything possible to pay back the community for the damage his past has done. PET-9.

93. ODC presented the telephonic testimony of two witnesses, William John Vandenberg, Esquire and Ejaz Sabir, Esquire. These witnesses are Pennsylvania-licensed attorneys with offices in Pennsylvania for the practice of immigration law. Both testified that they would be offended by Petitioner's reinstatement. N.T. 217-238.

94. Neither of ODC's witnesses knew Petitioner or knew his reputation in the community. Both reviewed files sent to them by ODC regarding Petitioner's misconduct. N.T. 224, 237.

III. CONCLUSIONS OF LAW

1. The misconduct for which Petitioner was disbarred is not so egregious as to preclude reinstatement. *Office of Disciplinary Counsel v. John J. Keller*, 506 A.2d 872 (Pa. 1986).

2. Petitioner demonstrated by clear and convincing evidence that a sufficient period of time has passed since the misconduct, during which he engaged in a qualitative period of rehabilitation. *In re Jerome J. Verlin*, 731 A.2d 600 (Pa. 1999).

3. Petitioner demonstrated by clear and convincing evidence that he possesses the moral qualifications, competency and learning in the law required to practice law in the Commonwealth, and his resumption of the practice of law will be neither detrimental to the integrity and standing of the bar or administration of justice, nor subversive of the public interest. Pa.R.D.E. 218(c)(3).

IV. DISCUSSION

Petitioner seeks readmission to the practice of law in Pennsylvania following his disbarment on consent by Order of the Supreme Court of Pennsylvania dated September 28, 2004. The misconduct giving rise to Petitioner's resignation was his April 23, 2004 criminal conviction for one count of Conspiracy to Defraud the United States, 159 counts of Fraud and Misuse of Visa/Permits, and four counts of Money Laundering.

Petitioner's burden of proof with respect to his request for reinstatement from disbarment is heavier than the burden of proof following a suspension. As the Supreme Court of Pennsylvania held in *Keller*, "[i]n the case of disbarment, there is no

basis for an expectation by the disbarred attorney of the right to resume practice at some future point in time.” *Id* at 875. The threshold issue in a disbarment matter is whether the misconduct that resulted in Petitioner’s disbarment was of such magnitude so as to preclude the Board’s consideration of his reinstatement. *Id*.

Petitioner orchestrated and carried out a scheme with the involvement and assistance of approximately twelve co-conspirators, whereby Petitioner completed and filed immigration documents for alien clients that were replete with fraudulent information. Petitioner engaged in his misconduct for profit, charging some clients for whom he submitted fraudulent documents fees up to \$35,000.0 per case. Petitioner attempted to conceal the proceeds of his immigration fraud scheme by using the funds to pay employers for their involvement and by laundering the funds through numerous bank accounts and through the purchase of real property. Petitioner’s criminal conduct resulted in a sentence of incarceration of 40 months with supervised release of three years, a monetary penalty of \$16,400.00 and forfeiture of property.

In light of the Court’s previous holdings, we cannot say Petitioner’s misconduct was so great that his reinstatement is precluded. There are numerous examples where the threshold question has been met in cases involving dishonest, criminal conduct. *See In re Lawrence D. Greenberg*, 749 A.2d 434 (Pa. 2000) (misappropriation of two million dollars and commission of perjury in bankruptcy proceeding); *In re William James Perrone*, 899 A.2d 1108 (Pa. 2006) (improperly obtained public funds allocated for indigent legal representation by filing false fee

petitions); *In the Matter of Gerard Emmett Evans*, No. 10 DB 2001 (D. Bd. Rpt. 10/3/2008) (S. Ct. Order 12/15/2008) (conviction of mail fraud and wire fraud in connection with lobbying activities); *In the Matter of Stephen Greg Doherty*, No. 69 DB 2010 (D. Bd. Rpt. 9/13/2017) (S. Ct. Order 10/27/2017) (conviction of mail fraud, wire fraud, bankruptcy fraud and money laundering in connection with a program of real property sales and lease-back transactions intended to assist homeowners facing foreclosure).

The above-cited cases are examples of serious and deplorable acts by Pennsylvania lawyers, all of whom were able to meet the threshold standard for reinstatement. The Board concludes that Petitioner's acts of misconduct, while extremely grave and a breach of his ethical responsibilities, are not so egregious as to prevent reinstatement.

Following our analysis of the *Keller* threshold, we next consider whether Petitioner has established that he has the moral qualifications, competency and learning in the law required for admission to practice law in Pennsylvania and that his readmission would not have a detrimental impact on the integrity and standing of the bar, the administration of justice or be subversive of the public interest. Pa.R.D.E. 218(c)(3). To that end, Petitioner must prove that his post-disbarment conduct and efforts at qualitative rehabilitation were sufficient to dissipate the detrimental impact of his conduct on the public trust. *Verlin* at 602. To make this determination, the Board weighs the amount of time that has passed since Petitioner's disbarment against the gravity of the breach of

trust. *In re William James Perrone*, 777 A.2d 413, 416-417 (Pa. 2001); *Greenberg* at 436-438.

The Hearing Committee recommended that Petitioner's request for reinstatement be denied, based on the conclusion that Petitioner failed to demonstrate a qualitative period of rehabilitation, failed to establish that he understood the nature of his wrongdoing and that he is not predisposed to commit the same ethical violations in the future, and failed to establish his competency to return to the practice of law in Pennsylvania. Upon review, we find no basis in the record to support the Committee's findings and recommendation, and we conclude for the following reasons that Petitioner met his reinstatement burden.

Petitioner has been removed from the practice of law since 2004. Whether a sufficient period of time has passed must be determined by the circumstances of each reinstatement case. In cases of similar misconduct, petitioners have been reinstated. *See In the Matter of Jay Ira Bomze*, No. 149 DB 2002) (D. Bd. Rpt. 11/21/2017) (S. Ct. Order 12/26/2017) (disbarred on consent for conviction of health care fraud; reinstated after fifteen years); *Doherty* (petitioner disbarred on consent for conviction of mail fraud, wire fraud, bankruptcy fraud and money laundering; reinstated after seven years; *Evans* (petitioner disbarred on consent for conviction of mail fraud and wire fraud; reinstated after seven years); *In the Matter of Craig B. Sokolowe*, 128 DB 1995 (D. Bd. Rpt. 9/19/2008) (S. Ct. Order 12/10/2008) (petitioner disbarred on consent for conviction of mail fraud and money laundering; reinstated after eleven years).

The record in the instant matter convincingly demonstrates that the nearly fourteen year period of disbarment has been qualitative and meaningful to Petitioner's rehabilitation and has dissipated the impact of the original misconduct on the public trust.

Petitioner expressed genuine remorse for his misconduct. He admitted that his actions were "very bad," N.T. 167, that he understands that his actions brought shame and embarrassment to his family, community and profession, NT.168, and that he regrets his actions every day. N.T. 137. Petitioner assured the Committee and the Board that in the future he will not engage in unethical behavior. N.T. 204. The Hearing Committee criticized Petitioner for not discussing specifics of his misconduct, however; the record shows that Petitioner was sincere in his contrition and was not trying to avoid culpability, but simply found it very painful to talk about, and is looking forward to a new chapter in his life.

Petitioner served his prison sentence and completed his supervised release. He fully satisfied the restitution portion of his sentence and the lien was waived. Subsequent to his release from prison in 2007, Petitioner was the primary caregiver for his two children and his elderly, ill mother, while his wife, a physician, practiced medicine full-time. Petitioner and his wife decided on this arrangement as the best way to manage their drastically changed family dynamic, as the children were young at that time and it was customary in Petitioner's culture that the eldest son care for the parent. In this regard, Petitioner managed the daily lives of his children and mother for the better part of his

disbarment period. Petitioner also performed some small at home projects and worked at a Subway sandwich restaurant in Washington, D.C. from 2009 to 2016.

Petitioner demonstrated his commitment to the practice of law by fulfilling his Continuing Legal Education credits above the required 36 credit hours, and by maintaining his currency in the law through an informational website on the subject matter of immigration law. Although he does not have a firm plan for his future practice of law, he desires to regain his Pennsylvania license as the first step towards his goal of reestablishing himself in as an immigration lawyer in the Washington, D.C. area, where his family resides. All of his actions since his release from prison are consistent with his stated wish that an important reason that he desires to regain his law license is so that he will not die as a disbarred lawyer.

Petitioner's analysis of his misconduct resulted in his realization that the best way to move past the shame he brought on his family and community and regain his good reputation was to perform charitable works to benefit his community. Prior to his conviction, Petitioner had engaged in community activities, but during his disbarment he increased his level of support in many significant ways. Petitioner is very involved in Bangladeshi community organizations on a local and national level, including FOBANA and BAGWDC, where he has assumed leadership roles. Some of his activities included travel to Bangladesh to support the rural villages and provide prostheses for disabled individuals, other aspects of his leadership resulted in protest marches in Washington D.C., on behalf of the persecuted Rohingya minority, while still other aspects of his



leadership and support involved fundraising. Petitioner has been recognized and awarded for his significant efforts.

The credible and compelling testimony of Petitioner's four character witnesses confirms Petitioner's current good reputation and the support he enjoys as he seeks reinstatement. The testimonial evidence came from community members who know Petitioner through their mutual participation in Bangladeshi community organizations, as well as Petitioner's wife. Contrary to the conclusion reached by the Hearing Committee that none of the witnesses were able to demonstrate the required rehabilitation and personal growth, the record demonstrates that the witnesses were aware that Petitioner's criminal actions involved Bangladeshi clients, that he was incarcerated and suffered shame from the community, that he was remorseful, and that as time passed the community regained their trust in Petitioner after observing his dedication to charitable works. In particular, Anthony Gomes testified that although he knew Petitioner had been incarcerated, he judges him on his present actions and finds Petitioner to be inspiring, honest and sincere. The witnesses attested to many examples of Petitioner's good works and further testified that Petitioner has a reputation in the community as a trustworthy, honest, caring and dependable individual. The witnesses compellingly testified that they respect Petitioner and appreciate the work he has done for the community during his disbarment. These witnesses believe that the community needs Petitioner to return to the practice of law and are confident in his abilities as a legal practitioner. The letter submitted by Attorney Eapen, who practiced law with Petitioner and who has known Petitioner for many years, indicated that Petitioner's remorse is

sincere and that Petitioner wants the opportunity to prove himself again as a lawyer in his community.

ODC presented the testimony of two witnesses regarding their perceptions of Petitioner's misconduct. Although both witnesses were credible, we give no weight to their testimony, as neither of the witnesses knew Petitioner or was aware of his reputation in the community.

The Hearing Committee was troubled by the fact that Petitioner did not present any attorney testimony on his behalf, did not produce an attorney mentor, and found that Petitioner had no clear plan to reenter the practice of law.

Generally, there is no requirement that a petitioner for reinstatement produce character testimony from attorneys or have a detailed plan for practicing law upon reinstatement. In two recent matters, the Supreme Court reinstated petitioners who had no attorney character testimony and who did not have detailed plans to practice law upon reinstatement.

In *In the Matter of Maria Del Sol Morell*, No. 136 DB 2001 (D. Bd. Rpt. 5/4/2018) (S. Ct. Order 5/30/2018), the petitioner was reinstated after a thirty month period of suspension following her conviction of making false statements to financial institutions. At the time of her conviction, Ms. Morell owned a title agency based in the Washington, D.C. area and never practiced law in Pennsylvania. She waited nearly seventeen years before applying for reinstatement. In support of her reinstatement, Ms. Morell presented five credible and compelling character witnesses, none of whom were

lawyers. Although she never practiced law in the Commonwealth, and indeed had never practiced law since her admission, Ms. Morell testified that she wanted to practice in the Pittsburgh area, where she had family, and expressed interest in serving the Hispanic community. Ms. Morell testified that she intended to take Continuing Legal Education and review Pennsylvania law to ensure her competence, and she further testified that she did not have specific legal employment in place upon reinstatement.

In *In the Matter of Clarence C. Burris, III*, 177 DB 2012 (D. Bd. Rpt. 5/16/2018) S. Ct. Order 7/2/2018), the petitioner was reinstated from a reciprocal indefinite suspension before the Board of Immigration Appeals, and had been removed from the practice of law for five years in Pennsylvania. Mr. Burris never practiced law in Pennsylvania, and testified that he did not intend to establish a practice in the Commonwealth upon reinstatement, but was interested in pursuing a practice in immigration law, which he reviewed on line while suspended. Mr. Burris also compellingly testified that an important reason underlying his request for reinstatement was to restore his name and credibility. Mr. Burris did not present any live witnesses testimony on his behalf, but instead offered four letters of reference, which the Board found very compelling, none of which were from attorneys.

However, we note the case of *In the Matter of Kirk Douglas Rhodes*, No. 170 DB 2002 (D. Bd. Rpt. 4/22/2014) (S. Ct. Order 9/30/2014), relied on by the Hearing Committee, wherein the petitioner was denied reinstatement from disbarment on the basis that he was not competent and learned in the law. Mr. Rhodes practiced law in New

Jersey for his entire professional career and was disbarred in that jurisdiction due to his misappropriation of client funds, which resulted in reciprocal disbarment in Pennsylvania. We take judicial notice that disbarment is a permanent status in the State of New Jersey.<sup>1</sup> Having no ability to practice in New Jersey, Mr. Rhodes decided to seek readmission in Pennsylvania with an intent to practice law in Philadelphia, despite never having practiced in Pennsylvania. However, the Board was concerned because Mr. Rhodes showed no evidence that he took steps to familiarize himself with Pennsylvania law, such as reviewing advance sheets and the rules of court. The Board noted that Mr. Rhodes presented credible character testimony from several witnesses but none were lawyers in Pennsylvania, nor did Mr. Rhodes attempt to demonstrate that he planned to align himself with a Pennsylvania lawyer to act as a mentor. In addition, the Board noted that Mr. Rhodes had financial problems and did not explain how he would finance a law practice. The combination of these factors lead to the Board's conclusion that Mr. Rhodes was not fit to return to the practice law.

The *Rhodes* case, though containing similar issues to the instant matter, can be distinguished in that Mr. Rhodes intended to practice law in Pennsylvania, but took no steps to familiarize himself with Pennsylvania law and had no clear plan for reentry, whereas Petitioner set forth a deliberate plan to practice immigration law, studied that area of the law on a website, and seeks reinstatement in Pennsylvania as an initial step to reinstatement in the Immigration Court.

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<sup>1</sup> N.J. Court Rules, R.1:20-15A

We find Petitioner's matter analogous to the *Morell* and *Burris* cases. Similar to Ms. Morell and Mr. Burris, the instant Petitioner did not produce character testimony from any attorneys or mentors in his desired field of practice, but his four character witnesses were credible and compelling, and he offered into evidence a letter of recommendation from an attorney with whom he had practiced prior to his conviction. Similar to Ms. Morell and Mr. Burris, Petitioner has never lived in Pennsylvania or had an office for the practice of law in the Commonwealth, and like Mr. Burris, does not have a firm plan to practice in Pennsylvania, but hopes to reestablish himself as an immigration lawyer in Washington, D.C., and took online courses towards that goal. Finally, Petitioner's desire to clear his name is similar to Mr. Burris' compelling reason for seeking reinstatement.

The evidence of record demonstrates that Petitioner's nearly fourteen years of disbarment have been a time of genuine rehabilitation. Petitioner has met his reinstatement burden by clear and convincing evidence that he is morally qualified, competent and learned in the law, and of equal importance, that his reinstatement will not be detrimental to the public or to the profession. Petitioner is fit to resume the practice of law. The Board is aware of the serious nature of Petitioner's misconduct and the basis for his disbarment, which occurred in 2004. We conclude that no valid purpose is served by prolonging Petitioner's disbarment, as the totality of the record before us demonstrates that he has been rehabilitated, has learned from his actions, is fit to practice law in Pennsylvania, and will not pose a threat to the public interest.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that Petitioner, Mohamed Alamgir, be reinstated to the practice of law.

The Board further recommends that, pursuant to Rule 218(f), Pa.R.D.E., Petitioner be directed to pay the necessary expenses incurred in the investigation and processing of the Petition for Reinstatement.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE  
SUPREME COURT OF PENNSYLVANIA

By: David A. Fitzsimons (KW)  
David A. Fitzsimons, Member

Date: 10/19/2018