

IN RE: CONRAD GREGORY BADAR

BBO # 658503

NO. BD-2022-023

Order (Term Suspension) entered by Justice Kafker on March 10, 2022, with an Effective Date of April 9, 2022.¹

For varied misconduct in three immigration matters, the respondent received a three-month suspension.

SUMMARY²

The respondent stipulated to the facts alleged and disciplinary rule violations charged in the Petition for Discipline. These reflect misconduct in three immigration matters. At all relevant times, the respondent exclusively practiced immigration law before the Immigration Courts, the Board of Immigration Appeals, and the Federal Courts of Appeal.

In the first matter, in an asylum claim, the respondent waived the presence of a court-appointed interpreter for his client, who did not speak English; failed to instruct her about a biometrics requirement; failed to communicate with her for over a year; and did not adequately prepare her for the hearing, after which her asylum application was denied for her failure to comply with the biometrics requirement, and she was ordered removed to China.

The second matter involved an asylum claim and adjustment of status application. After the client was ordered removed to China, the respondent filed a Notice of Appeal to the BIA, but included an incorrect mailing address for the client. The Court denied the appeal. The respondent did not inform his client, who had not received a copy due to the incorrect address, until after the expiration of the time to appeal the BIA decision. The respondent self-reported his misconduct to bar counsel. Successor counsel got the matter reopened, and the decision reissued, based on the respondent's ineffective assistance. The effect of the reissue, according to bar counsel and the respondent's counsel, was to reset the clock for the time to pursue a further appeal.

In the third matter, the respondent was retained after the client was ordered removed. He filed a motion to reopen and stay, but failed to inform the client about, or comply with, an order to supplement the motion with the client's affidavit. The motion was denied. The respondent did not ensure that the client understood her appeal rights, and no appeal was filed. A later attempt by the client to adjust her immigration status was unsuccessful due to the outstanding order of removal, and she was transferred to a detention center on December 2, 2020. The respondent learned of her arrest and detention, promptly self-reported his misconduct to bar counsel, and promptly filed, based on his ineffectiveness, an emergency motion to reopen. This was allowed, and the client was released from detention on January 12, 2021.

¹ The complete order of the Court is available by contacting the Clerk of the Supreme Judicial Court for Suffolk County.

² Compiled by the Massachusetts Board of Bar Overseers' Office of General Counsel based on the record filed with the Supreme Judicial Court.

In accordance with Mass. R. Prof. C. 8.5(b)(1), the rules of professional conduct to be applied to the respondent's conduct are set forth in 8 C.F.R. § 1003.102.

In aggravation, the respondent received an admonition in 2018 for similar misconduct in the 2015-2017 time frame – failure to act diligently, and failure to adequately communicate with his client. In mitigation, the parties describe emotional stress, the respondent's self-reporting in two of the three matters, his work with LCL to manage stress and develop appropriate office management strategies, and his commitment to addressing these issues moving forward.

The parties filed a stipulation as to the misconduct and rule violations and jointly recommended to the Board a three-month suspension. By vote dated February 14, 2022, the Board of Bar Overseers recommended to the S.J.C. that it accept the parties' stipulation to a three-month suspension.

On March 10, 2022, Justice Kafker imposed a three-month suspension.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPREME JUDICIAL COURT
FOR SUFFOLK COUNTY
NO: BD-2022-023

IN RE: CONRAD GREGORY BADAR

ORDER OF TERM SUSPENSION

This matter came before the Court, Kafker, J., on an Information and Record of Proceedings pursuant to S.J.C. Rule 4:01, § 8(6), with the Recommendation and Vote of the Board of Bar Overseers and the stipulation of the parties filed by the Board on March 9, 2022. Upon consideration thereof, it is ORDERED that:

1. Conrad Gregory Badar is hereby suspended from the practice of law in the Commonwealth of Massachusetts for a period of three (3) months. In accordance with S.J.C. Rule 4:01, § 17(3), the suspension shall be effective thirty (30) days after the date of the entry of this Order. The lawyer, after the entry of this Order, shall not accept any new retainer or engage as a lawyer for another in any new case or legal matter of any nature. During the period between the entry date of this Order and its effective date, however, the lawyer may wind up

and complete, on behalf of any client, all matters which were pending on the entry date.

It is FURTHER ORDERED that:

2. Within fourteen (14) days of the date of entry of this Order, the lawyer shall:

a) file a notice of withdrawal as of the effective date of the suspension with every court, agency, or tribunal before which a matter is pending, together with a copy of the notices sent pursuant to paragraphs 2(c) and 2(d) of this Order, the client's or clients' place of residence, and the case caption and docket number of the client's or clients' proceedings;

b) resign as of the effective date of the suspension all appointments as guardian, executor, administrator, trustee, attorney-in-fact, or other fiduciary, attaching to the resignation a copy of the notices sent to the wards, heirs, or beneficiaries pursuant to paragraphs 2(c) and 2(d) of this Order, the place of residence of the wards, heirs, or beneficiaries, and the case caption and docket number of the proceedings, if any;

c) provide notice to all clients and to all wards, heirs, and beneficiaries that the lawyer has been suspended; that he is disqualified from acting as a lawyer after the effective date of the suspension; and that, if

not represented by co-counsel, the client, ward, heir, or beneficiary should act promptly to substitute another lawyer or fiduciary or to seek legal advice elsewhere, calling attention to any urgency arising from the circumstances of the case;

d) provide notice to counsel for all parties (or, in the absence of counsel, the parties) in pending matters that the lawyer has been suspended and, as a consequence, is disqualified from acting as a lawyer after the effective date of the suspension;

e) make available to all clients being represented in pending matters any papers or other property to which they are entitled, calling attention to any urgency for obtaining the papers or other property;

f) refund any part of any fees paid in advance that have not been earned; and

g) close every IOLTA, client, trust or other fiduciary account and properly disburse or otherwise transfer all client and fiduciary funds in his possession, custody or control.

All notices required by this paragraph shall be served by certified mail, return receipt requested, in a form approved by the Board.

3. Within twenty-one (21) days after the date of entry of

this Order, the lawyer shall file with the Office of the Bar Counsel an affidavit certifying that the lawyer has fully complied with the provisions of this Order and with bar disciplinary rules. Appended to the affidavit of compliance shall be:

a) a copy of each form of notice, the names and addresses of the clients, wards, heirs, beneficiaries, attorneys, courts and agencies to which notices were sent, and all return receipts or returned mail received up to the date of the affidavit. Supplemental affidavits shall be filed covering subsequent return receipts and returned mail. Such names and addresses of clients shall remain confidential unless otherwise requested in writing by the lawyer or ordered by the court;

b) a schedule showing the location, title and account number of every bank account designated as an IOLTA, client, trust or other fiduciary account and of every account in which the lawyer holds or held as of the entry date of this Order any client, trust or fiduciary funds;

c) a schedule describing the lawyer's disposition of all client and fiduciary funds in the lawyer's possession, custody or control as of the entry date of this Order or thereafter;

d) such proof of the proper distribution of such

funds and the closing of such accounts as has been requested by the bar counsel, including copies of checks and other instruments;

e) a list of all other state, federal and administrative jurisdictions to which the lawyer is admitted to practice;

f) the residence or other street address where communications to the lawyer may thereafter be directed; and

g) any and all bar registration cards issued to the lawyer by the Board of Bar Overseers.

The lawyer shall retain copies of all notices sent and shall maintain complete records of the steps taken to comply with the notice requirements of S.J.C. Rule 4:01, § 17.

4. Within twenty-one (21) days after the entry date of this Order, the lawyer shall file with the Clerk of the Supreme Judicial Court for Suffolk County:

a) a copy of the affidavit of compliance required by paragraph 3 of this Order;

b) a list of all other state, federal and administrative jurisdictions to which the lawyer is admitted to practice; and

c) the residence or other street address where
communications to the lawyer may thereafter be directed.

By the Court, (Kafker, J.)

/s/ Maura S. Doyle

Maura S. Doyle, Clerk

Entered: March 10, 2022