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COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

SUPERIOR COURT
CIVIL ACTION
No. 1881cv00157

COMMONWEALTH OF MASSACHUSETTS

vs.

GEORGE C. MAROUN, JR. and MAROUN LAW GROUP

FINDINGS OF FACT AND CONCLUSIONS OF LAW FOLLOWING BENCH TRIAL

This is a consumer protection enforcement action brought by the Massachusetts Attorney General pursuant to G.L. c. 93A, § 4, seeking civil penalties, restitution, and permanent injunctive relief. The Commonwealth alleges that George C. Maroun, Jr., a Massachusetts attorney, engaged in unfair or deceptive acts or practices in violation of G.L. c. 93A, § 2(a) in connection with his legal representation of certain undocumented Brazilians who paid Maroun to provide legal services in connection with their immigration status or immigration proceedings.

Trial occurred over 12 days between October 4 and October 22, 2021, followed by closing arguments and then post-trial submissions on November 5, 2021. The court heard testimony from George Maroun, as well as two former employees in his law office, Georgina Mantovanelli and Naire Borba Freitas. The court also heard testimony from nine former clients of Maroun:

(i) Julio Noquiera Ramos;
(ii) Ronaldo Salgado;
(iii) Regiane de Cassia Sarvinah Salgado;
(iv) Patricia Micheline Gomes Da Fonseca;
(v) Rhumenick Ferreira Miranda;
(vi) Adalgiza Souza Costa;
(vii) Fabiane Feriato;
(viii) Ricardo Dos Santo Lopes De Souza; and
(ix) Paulo Andre Cordeiro.

(hereafter referred to as the "testifying clients"). And finally, the court heard testimony of Meghan Boyle, the director of the Asylum office in Boston for the US Customs and Immigration Service. The court also admitted fifty-one (51) exhibits, which included the client files for ten former clients of Maroun—nine clients who testified at trial plus Paulo Cordeiro's spouse. Among the trial exhibits were the two transcripts from the Commonwealth's deposition of Maroun, together with the exhibits from those depositions (Exs. 28-30).

Set forth below are findings of fact and conclusions of law following trial. As detailed below, the Commonwealth has proven that Maroun engaged in unfair or deceptive acts or practices with respect to all of the former clients who testified at trial, entitling the Commonwealth to civil penalties, restitution and injunctive relief. Although the evidence at trial supports an inference that many other clients of Maroun, beyond those who testified at trial, likely were subject to the same type of unfair or deceptive conduct by Maroun and his office, the Commonwealth has not requested findings or relief that extend beyond the testifying witnesses. Therefore, the findings and scope of relief in this case ties closely to the trial evidence concerning the testifying clients. However, in assessing civil penalties, I will account for the inference, which I draw from the evidence, that Maroun's treatment of the testifying former clients is illustrative of his standard business practices, such that the same unfair or deceptive conduct by Maroun likely impacted dozens more similarly-situated clients.

I. FINDINGS OF FACT

With the exception of two Maroun clients (Rhumenick Miranda and Ricardo DeSouza) who already faced pending immigration enforcement—such as detention at an ICE facility—the testifying clients all described a very similar experience with Maroun's office and his legal services. Although I will issue findings with respect to each testifying client, I will start with an

overview of Maroun's practices, drawn from all the evidence, before discussing individual clients.

A. Maroun's Practice of Law and Advertising Directed to Brazilian Community

Maroun is an attorney admitted to practice in Massachusetts, since approximately 2008. Since he started his practice, he has maintained several offices, including in Chelmsford, Somerville, Stoneham and Woburn. Most of the clients who testified at trial interacted with Maroun and his staff at the Woburn office, located at 397 Main Street in Woburn.

Maroun practices immigration law. He held himself and his firm out in advertising as specializing in the "Brazilian community." Although Maroun does not speak or read Portuguese, a large majority of his clients from the Brazilian community did. Some clients spoke English in addition to Portuguese; others spoke or read very little English. For this reason, Maroun relied on his employees, who spoke Portuguese, in order to interact with his clients. Sometimes these employees translated for Maroun as he spoke directly with his clients. Sometimes Maroun instructed his employees what to say to clients and left it to the employees to talk to clients. And often, because the employees had learned how Maroun ran his office and how Maroun provided legal services, the employees worked directly with the clients, with little or no involvement by Maroun.

Foremost among Maroun's Portuguese-speaking employees was Marinalva Harris, who was a legal assistant in Maroun's practice for several years. With respect to nearly every testifying former client, Harris was central to their interactions with Maroun and his office. Harris was closely involved in the initial client meetings, discussed below, often handling the bulk of those meetings without Maroun.

In addition to Harris, Maroun also employed Jordana Almeida Mantovanelli ("Mantovanelli") and Nair Freitas ("Freitas") as paralegals in his immigration practice. Both spoke, wrote and read Portuguese as well as English.

Maroun understood and acknowledges that, as the lawyer at his firm, he was responsible for the actions of his employees, especially with respect to their interactions with clients. Maroun kept close track of his employees' communications with clients. He routinely accessed and reviewed emails, text messages, voicemails and other communications that clients sent to Harris or his other employees who interacted with clients. Maroun also directed Harris to receive his permission before setting up an appointment with a prospective client.

Maroun advertised his immigration services to the Brazilian community by using outlets directed at Brazilian immigrants, including Portuguese-speaking radio shows. He also relied on word-of-mouth advertising among the Brazilian community. Most initial contacts to the office were fielded by Harris or by a Portuguese-speaking receptionist. If a prospective client was interested in immigration legal services, Maroun's office sought to set up an initial meeting at Maroun's office. Generally, Maroun met with every new client for *some* amount of time. Maroun rarely was present for all or most of the meeting with a new client. More commonly, Harris was the person explaining—or more accurately failing to explain—how Maroun's office would help clients with their immigration status, and collecting the client's signatures and discussing payment of fees.[1]

Maroun's principal focus for a meeting with a new client was to enter into a contract with the new client, which Maroun and clients typically referred to as "fee agreements." Maroun drafted the fee agreements himself. In order for Maroun to consider a person his client, he

[1] To the extent Maroun contended that he always handled the initial client meetings, I discredit that testimony. He typically met the new client for a short time but relied on Harris, and later other employees, to handle much of the client meeting and to collect signatures and money.

required that person to sign a fee agreement and make a "down payment" toward the fixed legal fee set forth in the agreement. Each testifying client signed a fee agreement, featuring mostly consistent terms.

Three aspects of these fee agreements warrant mention. First, at Section 2 on the first page, the fee agreement set forth the "scope of representation." This scope of representation was very brief, and referred to certain sections of the immigration law. A typical scope of representation read:

> "Represent in conducting an analysis of the Client's immigration options. Obtaining and reviewing his immigration history and relevant documentation, and filing entire 589 and 42B Submission including all filing fees and work permit fees."

See, e.g., Ex. 1 & 4. Other fee agreements identify the scope as simply: "42B Cancellation of Removal." Second, the fee agreements identified the fixed legal fee that Maroun would charge. This ranged from $4,000 to $30,000. The most common fee was $12,000 to $16,000 for a ""589 and 42B" submission, which refers to an asylum application and a petition for withholding of removal. Third, the fee agreement contained several disclaimers including that Maroun could not guarantee any particular outcome of the representation.

These initial client meetings are discussed further below in Section I.C. These initial meetings played a central and problematic role in the legal services Maroun provided clients. Namely, at this initial meeting, Maroun and Harris paid significant attention to executing the fee agreement, collecting a down payment, and arranging a payment plan to pay the remainder of the fixed legal fee. But Maroun and Harris provided very little information, and sometimes *no* meaningful information, on exactly how Maroun would help the clients with their immigration status. Maroun and Harris provided only the broadest of explanations, typically stating simply that they would secure a green card for the client, and a work authorization and a driver's

license, but without explaining what steps would be taken on the client's behalf. Although the fee agreement typically disclosed "589" or "42B," Maroun's clients had no idea what those numbers meant, and had no idea what mechanisms Maroun would employ to make them legal residents in the United States. More to the point, they had no idea that Maroun would submit an asylum application on their behalf.

B. Brief Background on Immigration Procedures

To provide context, I will provide a short discussion of the various avenues that may be relevant to a non-citizen who desires to remain in the United States. All of the testifying former clients had resided in the United States for more than a decade, and all or nearly all did not have documentation that authorized them to reside in the United States. They were all fully employed, paid taxes, several owned their own businesses, several owned homes, most had children in Massachusetts public schools, and most of their children were U.S. citizens because they were born here. Yet, these Maroun clients ran the risk of deportation if they happened to have an encounter with law enforcement. However, most of the clients[2] had no pending immigration proceedings at the time they visited Maroun for their initial consult.

Maroun routinely filed applications on behalf of his clients seeking the following immigration benefits or actions: asylum, withholding of removal, and cancellation of removal. "Removal" refers to removal from the United States, that is, deportation. Each mechanism is discussed briefly to provide context for this decision.

Asylum

There are generally two paths for individuals seeking asylum. An individual seeking asylum who is not in removal proceedings may file an *affirmative* asylum application with the United States Citizenship and Immigration Services ("USCIS"). An individual seeking asylum

[2] Rhumenick Miranda and Ricardo DeSouza are exceptions; they faced deportation when they hired Maroun.

who is already in removal proceedings may file a *defensive* asylum application that is heard by an immigration judge. An asylum application is typically commenced using the Form I-589, which can commence either an affirmative or defensive asylum application. For a person already in removal proceedings, the I-589 can include both an asylum application and withholding of removal. Another relevant form is the Form EOIR-42B ("42B"), which is used to request the cancellation of a removal order in cases where a client has already been ordered removed from the United States.

To be eligible for asylum, a petitioner must: 1) be present in the United States; 2) request asylum within one year of their arrival to the United States; and 3) establish that they have suffered past persecution or establish through credible, direct and specific evidence a fear of persecution in their home country of origin on account of any of five statutorily enumerated "protected ground[s]," namely "race, religion, nationality, membership in a particular social group, or political opinion."[3]

Asylum Interview

After an affirmative asylum application is filed, the Asylum Office schedules an interview with the asylum applicant by issuing an interview notice. At the interview, an asylum officer seeks to gather information about the applicant's claims, assess the applicant's eligibility for asylum and the applicant's credibility. The applicant has the burden of proof to show that they satisfy the asylum criteria. If the Asylum Office determines that an applicant satisfies the asylum criteria, it may grant the application. If the Asylum Office determines the applicant is not eligible or not credible then the Asylum Office will not grant the asylum application. If an asylum application is denied and the applicant has no other legal status at that time, the Asylum Office will refer the applicant to an immigration judge through the issuance of a Notice to

[3] Immigration and Nationality Act (INA), § 208, as amended, 8 U.S.C.A. § 1158; 8 C.F.R. § 208.13(a), (b)(1).

Appear ("NTA"). This places the applicant into removal proceedings before an immigration judge. In a removal proceeding, the applicant can renew the asylum claim before an immigration judge. As with the Asylum Office, the immigration judge can grant or deny the asylum claim. If the immigration judge determines that the applicant is ineligible for asylum or otherwise does not have a legal basis for their asylum claim, the applicant would be subject to a removal order.

In sum, if a person files an asylum application that does not satisfy the asylum criteria, eventually they will be placed in removal proceedings before an immigration judge. It may take months or years for that removal proceeding to be finally heard, and an applicant may renew their asylum application before a judge (although the same criteria must be met), but this highlights the risk of filing an affirmative asylum application, particularly for a person without any pending immigration proceedings: by virtue of filing an asylum application, their status changes from living peaceably in the United States—albeit without documentation and to some degree "in the shadows"—to being in removal proceedings, with a significant likelihood of deportation, often away from their children, who are U.S. citizens. Plainly, when an undocumented immigrant receives legal advice about these options—asylum, cancellation of removal, or not pursuing protection under immigration laws—the stakes are high.

Asylum Application Timely Filing Requirement

As noted, one statutory requirement is that an asylum application must be filed within one year of the applicant's arrival in the United States. Limited exceptions apply to this rule. The one-year rule and whether those exceptions apply, are among the criteria that will be assessed by an asylum officer, or an immigration judge, in connection with an asylum application. An applicant can avoid the one-year rule if they demonstrate the existence of *changed circumstances* which materially affect the applicant's eligibility for asylum or

extraordinary circumstances relating to the delay in filing an application. In the absence of an exception, the Asylum Office will refer an applicant with no legal status to an immigration judge through the issuance of an NTA. An example of a changed is where circumstances in the applicant's home country have changed such that, when the applicant first arrived in the U.S. they could not claim persecution at home, but then changed political or other circumstances create a risk of persecution. An example of extraordinary circumstances relating to a delayed application could be that the applicant had no ability to learn about the one-year requirement for asylum applications, for instance, because the applicant spoke a rarely spoken language. According to Meghan Boyle's testimony, which I credit, an applicant—or at least a Portuguese-speaking applicant from Brazil—will not be excepted from the one-year rule if their only reason for not filing a timely application is that they were not aware of that requirement.

Withholding of Removal and Cancellation of Removal

Once an undocumented immigrant is placed in removal proceedings, they still may pursue avenues to avoid removal. First, they can seek to qualify for "withholding of removal." This issue is decided by an immigration judge. To qualify for withholding of removal, an applicant must establish that it is likelier than not that they will face persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, if he or she is returned to their country of origin. The criteria for this protection are similar to asylum, but the "likelier than not" standard is more demanding than standard for asylum. An asylum applicant must show they have a subjective fear of future persecution, and that there is an objective basis for their fear such that a reasonable person in the applicant's shoes would fear persecution upon returning to their country of origin. See 8 C.F.R. § 208.16(b). Withholding of removal requires a determination that such persecution is more likely than not.

Second, "cancellation of removal" is a form of immigration relief that allows eligible individuals who are subject to a removal order to remain in the United States. To qualify for cancellation of removal, an applicant must satisfy four elements: 1) continuous presence in the United States for 10 years; 2) good moral character during that 10-year period; 3) no convictions of certain criminal offenses; and 4) that their removal would result in *exceptional and unusual hardship on the applicant's United States citizen or legal permanent resident spouse, child, or parent*. 8 U.S.C. § 1229b(b)(1) (emphasis supplied). "Continuous presence" in the United States is deemed to end in the event an applicant is served with an NTA. 8 U.S.C. § 1229b(d)(1).

Like asylum, it can take months or years to complete the adjudication of withholding of removal or cancellation of removal proceedings before an immigration judge, as the immigration courts face a significant backlog of proceedings. These proceedings—which are typically pursued in conjunction with asylum, at least by Attorney Maroun—raise a similar dynamic as asylum, particularly for a person not currently facing any immigration proceeding: if an applicant is successful, they may obtain formal protection under immigration law. But if they do not meet the statutory criteria, they risk deportation and its serious impact on their family.

C. Overview of Maroun's Practices Providing Immigration Services to Brazilians who were not U.S. Citizens.

With this initial background, this Section C provides an overview of the unfair and deceptive conduct that Attorney Maroun engaged in with respect to his former clients who testified at trial, all of whom described a very similar experience with Maroun and his staff.[4] To

[4] In addition to the testimony of Maroun employees and former clients with respect to the business practices discussed in this section, I draw an adverse inference against Maroun based on his invocation of the Fifth Amendment privilege against self-incrimination with respect to several questions asked by the Commonwealth. Mass. R. Evid. § 525; *Lentz v. Metro. Prop. & Cas. Ins. Co.*, 437 Mass. 23, 26 (2002) ("We have long recognized that, in civil cases, an adverse inference may be drawn against a party who invokes the Fifth Amendment privilege against self-incrimination."). Based on those questions posed by the Commonwealth to Maroun at trial, which he declined to answer and instead invoked the Fifth Amendment, I draw adverse inferences that it was Maroun's practice to: (i) ask clients to sign a blank page with their name on it that would later be attached to their asylum

be sure, certain clients faced different circumstances or received different services from Maroun, and those differences and their impact are discussed in the client-specific findings below. For instance, a client who first contacted Maroun because they were detained at an immigration detention center is in markedly different circumstances than a client presently facing no immigration action. This section C discusses the consistent experience of those Maroun clients who were living in the United States—albeit without permanent authorization—and faced no immigration proceedings when they first encountered Maroun.

Maroun's Explanation of Services or Lack Thereof

As already noted, at their first meeting with a prospective client, Maroun and Harris focused on getting the client to sign a fee agreement, make a down payment, and agree to a payment plan for the balance of the legal fee. Precious little time or attention was dedicated to explaining exactly what steps Maroun proposed to take on the clients' behalf, and no time whatsoever was dedicated to explaining the immigration process and the risks of pursuing an asylum applications.

For all or virtually all of the testifying clients, Maroun filed an asylum application, usually an "affirmative" asylum application because the client was not yet in removal proceedings. The asylum application was almost always coupled with a withholding of removal application, as the Form I-589 allowed an applicant to seek both remedies. For the reasons noted above, filing an asylum application has serious consequences: it will result in removal proceedings if it is not successful. The consequences are especially acute if an applicant does

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application as part of an affidavit; (ii) have clients sign the signature page of the asylum application without reviewing the rest of the application; (iii) have clients sign various documents at once, including signature pages for documents that had not yet been completed; and (iv) decline to show clients their full asylum application before he filed them. These inferences are consistent with the testimony of Maroun's former clients and employees.

not face removal or other immigration action at the time of the asylum application, and of course, also if the applicant does not have a valid basis for asylum.

Remarkably, Maroun and his staff not only did not discuss the immigration process they intended to use or the risks inherent in an asylum application, they did not even disclose to clients that Maroun would file an asylum application on their behalf. The testifying clients left their initial meeting with Maroun, having paid a down payment of thousands of dollars for legal services, without knowing what applications or other legal steps Maroun would take on their behalf. Most clients came to appreciate that Maroun had filed an asylum application on their behalf only when they received a notice for an interview with an asylum officer, many months later. Maroun points to the fee agreements—which typically identify "589" and "42B" in the scope of representation section—to suggest that he disclosed to clients that he would file asylum applications. I do not credit this explanation. There was no evidence at trial that Maroun or his employees explained the asylum process to their clients, let alone the risks involved. All the testifying clients explained that they were not aware of the asylum applications. Even though the fee agreement referenced "589" or "42B," none of the clients appreciated what those references meant, and they also testified that Maroun and his staff did not explain the fee agreement or translate it to Portuguese.

Instead of explaining the legal steps Maroun planned to take on behalf of his clients, Maroun and Harris painted with the broadest of brushes as to how they would "help" their clients. The testifying clients uniformly explained that they went to Maroun, usually after hearing advertising or due to a word-of-mouth recommendation, in order to get immigration "help." They did not know exactly what help they needed or Maroun could offer, but they had heard that Maroun could help. Most commonly, the testifying clients hoped for a "green card,"

or put more generally, legal authorization to reside in the U.S. Maroun and Harris met these clients' general desire with even greater generality. Harris routinely told clients that Maroun would get them their green card. Maroun and Harris also typically explained: "Don't worry; we'll take care of you; you don't need to worry."

This obfuscation was purposeful. Although most of the testifying clients were unsophisticated in legal matters and even immigration matters, they knew something about the concept of asylum and its essential requirement that it was unsafe for the asylum seeker to return to their country of origin. They also knew that, as Brazilians, they had no serious basis to claim asylum. Had Maroun and Harris explained the actual legal steps they planned to take, and the risks associated therewith, it would have been exceedingly difficult to get clients to agree to those legal services, sign a fee agreement, and make a down payment. So, instead, Maroun and Harris avoided any details and told prospective clients that Maroun would take care of everything and they had nothing to worry about.

Signing Forms

Once a client signed a fee agreement and made a down payment, Maroun and his staff obtained the client's signature on a series of forms, necessary for Maroun to carry out his representation. Maroun's staff typically presented that same set of forms and asked the client to sign: i) the Notice of Entry of Appearance in the immigration proceedings, known as the G-28 form ("G28"); ii) page 9 of the I-589 application for asylum and withholding of removal, which requires the applicant's signature, and iii) a blank signature page for what will become the client's affidavit in support of their asylum application.

The testifying clients credibly testified that, when Maroun's staff presented for signature the G28 form, 589 form, and affidavit, they did not show the clients the forms in their entirety; instead, they showed the clients only the signature pages and show them where to sign. Maroun and his staff did not explain what the clients were signing, or why, or the implications of the applications and affidavits once filed. Again painting with a broad brush, Maroun's staff would simply explain that the forms needed to be signed in order for Attorney Maroun to help the clients. Maroun's staff prepared the I-589 and the supporting affidavit using templates, or simply prior versions filed for other clients. Both the I-589 application and the affidavits were nearly identical for all the testifying clients. All claimed a fear of persecution in Brazil, relying on general conditions in Brazil related to crime, gangs and government corruption.

Remarkably, Maroun and his staff did not review with clients their asylum application before seeking the client's signature—never disclosing to clients that they were seeking asylum on the basis of fear of persecution in their home country. And further, Maroun and his staff did not review with their clients the affidavit which set forth the basis for the asylum application; they did not even show the client the affidavit before it was filed. Instead, Maroun's staff secured the client's signature in blank and then generated an affidavit based off a Brazilian template, with or without some details that might be unique to a particular client, which may or may not be accurate. Maroun and his employees routinely fabricated the affidavits that accompany the asylum applications they prepare and file for their clients without the knowledge or consent of their clients. The testifying clients typically never saw their asylum affidavit until much later in the asylum process, such as before an interview, or sometimes only once they terminated Maroun's representation and obtained their file. At trial, the testifying clients uniformly testified with respect to the asylum affidavit that Maroun filed on their behalf: a) that

they never saw the affidavit at the time it was nominally signed or before it was filed with authorities; b) that they did not provide to Maroun and his staff the information set forth in the affidavit; and c) that the affidavit was not accurate, *e.g.*, they did not fear persecution or for their safety were they to return to Brazil.

In her testimony, Ms. Mantovanelli confirmed this approach to preparing legal documents and obtaining signatures. Marinalva Harris taught Mantovanelli how to prepare these pages for client signature, and where to find the "template" forms and affidavits. Mantovanelli taught Ms. Freitas the same. Although these critical steps of obtaining client signatures on forms with no explanation of the applications and obtaining signatures in blank for later-generated affidavits was often carried out by Maroun's employees, Maroun was aware of these practices and is responsible for them. First, as the attorney, Maroun is responsible for explaining to his clients the immigration processes he intends to use, as well as explaining the potential risks and benefits, which he utterly failed to do. Maroun acknowledged that he is ultimately responsible for the actions of his employees, especially concerning the provision of legal services. Second, these office practices with respect to new clients and obtaining signatures were prevalent and consistent across Maroun's clients, and I find that Maroun knew of and endorsed these unfair and deceptive practices vis-à-vis his clients. As to the boilerplate asylum affidavits, which were not reviewed by clients and were often inaccurate, Maroun was of the view that the asylum affidavits were not important. He apparently held this view because an asylum applicant, once before an immigration judge, would have an opportunity to supplement their application with additional information. It is clear that Maroun saw value in getting the I-589 Form on file, with little regard for whether it might succeed. It is true that certain benefits were likely to flow from filing the asylum application, such as obtaining a work authorization, social security number or driver's

license. It is also likely that once filed, it would take a long time for all of an applicant's rights to be finally adjudicated before an immigration judge. But none of those factors can justify Maroun's practice of filing asylum applications that: i) are not reviewed by or approved by the applicant/client; ii) contain false information, in that the applicant themself does not believe the claim of persecution; iii) almost certainly do not satisfy the criteria for asylum, both on the merits and because they are untimely without excuse; and iv) are almost certain to result in removal proceedings for clients who, prior to retaining Maroun, were not in removal proceedings. Even if Maroun could identify some strategic benefit to filing untimely, meritless and often false asylum applications, a lawyer may reasonably take that step on behalf of their client only after explaining the process and the risks and benefits of taking that step. Maroun uniformly failed to do that.

Submitting Asylum Applications

Maroun submitted asylum applications for all or nearly all the testifying clients. Given the practices in Maroun's office and the consistency in how Maroun treated Brazilian immigrants who sought immigration help, I infer that Maroun filed asylum applications for dozens more clients who were similarly situated, that is, they presently faced no immigration enforcement. The asylum applications filed for the testifying clients shared the following traits: 1) they contained no basis for asylum that was likely to be recognized by the Asylum Office or an immigration judge as satisfying the statutory criteria for asylum; 2) they were untimely because they were filed years after the applicant's arrival in the United States and offered no extraordinary circumstances for that lapse, saying only the applicant was not aware they could apply; and 3) Maroun filed the asylum applications without sharing the applications or the asylum affidavits with his clients.

The asylum application also requires the person who prepared the application to sign a declaration that states, among other things, that the responses provided are based on all information of which the preparer has knowledge, or which was provided to them by the applicant, and that the completed application was read to the applicant in his or her native language for verification before he or she signed the application in the preparer's presence. That review of the application, in Portuguese, did not occur with respect to any of the testifying clients. By signing, the preparer also acknowledges that he or she is aware that the knowing placement of false information on the I-589 may subject the preparer to civil and criminal penalties.

As noted, certain benefits flowed from the filing of an asylum application, regardless of the application's timeliness or merits. An individual is eligible to apply for work authorization after their application for asylum or withholding of removal has been pending for over 150 days. Maroun's clients received their work authorizations, and many also obtained a driver's license or social security number. Maroun leveraged these benefits by demanding additional payments from clients to obtain the work authorization. And, the work authorization nominally showed clients that Maroun was helping them in a concrete way, within about six months of his retention. It would be many more months before clients understood that Maroun had filed asylum applications which, absent success, would get clients placed in removal proceedings.

The Asylum Interview and Client's Realization

Eventually, the Asylum Office would send Maroun's clients notice of an asylum interview. This typically was the first time that the testifying clients learned that Maroun had sought asylum on their behalf and claimed persecution and fear of harm in their home country of

Brazil. Clients typically called Maroun's office, anxious about receiving the notice. Maroun or his staff routinely told clients not to worry, that Maroun or Harris would attend the interview with the client. Maroun did not view the asylum interviews as critical; he relied heavily on two concepts, first, that applicants would get a second chance if denied by the asylum office, in a de novo proceeding before an immigration judge, and second, that applicants could submit supplemental information, beyond their application, in the proceeding before an immigration judge.

This mindset of Maroun arose repeatedly throughout trial via his cross-examination of his former clients and his arguments, as well as the testimony of his staff. Maroun appeared to view the asylum application (including the affidavit) as relatively unimportant, except for the value of getting it on file and obtaining the benefits that flowed (automatically) from its filing. The affidavits were templates, and the application typically checked several boxes claiming asylum based on persecution based on membership in a group, political views and the Torture Convention, even though the relevant criteria did not appear satisfied on the face of the applications and affidavits. It is technically accurate that defensive asylum applicants would get a second chance at asylum before an immigration judge and that applicants could supplement information in support of their application. But Maroun's focus on those concepts misses the point: if an asylum applicant has no meaningful basis for asylum, or for their late filing, then neither supplemental information nor a hearing before an immigration judge will transform a meritless asylum application into a successful one. In its most charitable light, given the delays in immigration judges adjudicating asylum and withholding of removal, Maroun might argue that he could provide several years of relative stability while a client's applications remained pending. But even if that could be a reasonable tactic, Maroun could only reasonably pursue that

approach after discussing the process and its risks and benefits with his clients. For the testifying clients, that would have required Maroun to explain that the ultimate result of filing the asylum application was likely to be denial of asylum, being placed in removal proceedings, likely followed by removal from the United States. Maroun, of course, never disclosed these risks to the testifying clients. They all testified that, had they been aware of the risk of removal proceedings, they would not file an asylum application and never would have retained Maroun.

The Uniform Shortcomings of the Asylum Applications

This potential chronology—denial of asylum by the Asylum office, removal proceedings, and a serious likelihood of eventual removal—was not hypothetical for the testifying clients; it appears to be the most likely result of the applications Maroun filed. Meghan Boyle, director of the Boston Asylum office after serving as an asylum officer and supervisor for about twelve years, credibly testified as to the how the asylum standards are typically applied consistent with immigration law and precedent, and whether the applications of the testifying clients tended to satisfy those standards. First, the asylum applications of the testifying clients were uniformly late, filed well beyond one year of entry to the U.S., usually ten to twenty years after the applicant's entry. According to Boyle, to explain that the application was not timely filed because a Brazilian, Portuguese-speaking applicant was not aware that they could file for asylum, would not satisfy the extraordinary circumstances required under immigration law to justify an untimely application. This makes logical sense, or else the one-year requirement would be meaningless. Second, the protected categories identified by Maroun on the asylum applications generally did not satisfy the statutory requirements. It does not suffice to identify as a "Brazilian man" or "Brazilian woman," without further explanation, to qualify as a protected category. Likewise Maroun routinely claimed protection under the Torture Convention, and

often political views, with no factual basis. Third, Maroun's applications for the testifying clients consistently relied on general conditions claimed in the applicant's home city or state in Brazil: high levels of violence, gang violence, government corruption, which made it difficult for honest, hard-working people to stay safe and live in Brazil. Occasionally, an application included an experience unique to the applicant—a brother who was kidnapped for his truck, a father who was threatened by criminals, but usually the affidavit cited high levels of crime and gang activity with no specific connection to the applicant. Boyle credibly testified that, while intense criminal violence and gang activity in one's home country can serve as the starting point to a successful asylum application, it is essential that the applicant tie those issues to their particular safety and the likelihood of persecution and harm should they return to their home country. General descriptions of crime, gangs, and highlighting the challenges of living and working in one's home country as compared to the United States, are highly unlikely to support asylum.

Maroun knew, or at a minimum should have known, that these consistent infirmities in the asylum applications he prepared created a very strong likelihood that the applications would ultimately be denied, by the Asylum Office as well as an immigration judge. This meant that his clients would be placed in removal proceedings and face deportation. Once that occurred, Maroun could still pursue withholding of removal, but that required satisfaction of the asylum criteria but under a more rigorous standard. Maroun also could pursue cancellation of removal, but that too required satisfaction of a rigorous and fact-specific standard—that removal of the applicant would pose an extraordinary hardship to the applicant's U.S. citizen family members (most often the applicant's children, born in the U.S.) that is beyond the serious hardship associated with removal.

There was limited evidence to indicate how Maroun might have fared adjudicating withholding of removal and cancellation of removal for his clients. This is because the testifying clients all terminated their association with Maroun, especially after the Commonwealth brought this lawsuit and publicized its allegations against Maroun. All or most retained new counsel, who uniformly sought to change course from Maroun's tactics under immigration law. At the time of trial, Maroun's former clients had not yet been removed from the United States, but the majority still appeared to face a serious risk of removal.[5] However, there was no evidence to indicate that the testifying clients were likely to succeed in withholding or cancelling removal any more than with respect to asylum. More to the point, there is no indication that Maroun gave those claims any more thought or analysis than the asylum claims. The evidence indicated only that, he knew he could pursue those claims, they would take a long time to adjudicate, and he focused principally on getting applications filed and collecting his fee. The merits of the applications—asylum, withholding, cancellation—were unimportant. And further, like asylum, Maroun never discussed with the testifying clients the process and the risks (that is, removal from the U.S.) of these proceedings.[6]

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[5] There was very limited evidence from any of the testifying clients as to the current status of their immigration proceedings commenced when Maroun was their attorney. Most of the evidence was the former client's own description of their understanding of where things stood. Generally speaking, most were exceedingly worried, and upset, that they faced deportation, possibly soon.

[6] One can debate whether it is better to have an immigration proceeding underway, likely to last several years, even if the outcome is uncertain and could even lead to removal, as compared to living "in the shadows" where an interaction with law enforcement could lead to immigration detention or deportation. But that question need not be answered to assess Maroun's unfair and deceptive conduct as an attorney. With the stakes so high for an undocumented immigrant, the attorney is obligated to explain the legal process, and the risks and benefits before taking a step as consequential as filing the application for asylum and withholding of removal. Regardless whether the appropriateness of Maroun's legal maneuvers is debatable, his conduct was unfair and deceptive because he never disclosed or discussed the risks to his clients.

The testifying clients who were not in removal proceedings when they retained Maroun, were eventually placed in removal proceedings as a result of the asylum applications filed by Maroun.

As to the testifying witnesses, because most got new counsel and changed course from Maroun's tactics, we do not yet know the end result of the immigration submissions made by Maroun on their behalf. However, the Asylum Office provided some evidence concerning the success of asylum applications filed by Maroun over the last ten years. The Boston Asylum Office maintains records concerning the asylum applications it has received, including but not limited to data about the applicant, the application preparer, and the status of the application. Maroun filed 284 asylum applications since 2010 that have been received by the Boston Asylum Office. Of those 284 asylum applications, 29 applications have been "referred" to immigration court; 120 have been "closed," and 2 have been "granted." If an application has been "referred" that means the Asylum Office has sent the application to immigration court for de novo review and the applicant has been placed in removal proceedings. Applications are "closed" by the Asylum Office because the applicant withdraws their application, the applicant does not appear for their interview, or because the Asylum Office does not have jurisdiction over the application. I infer from the evidence that the balance of Maroun's application remain pending.

Fee Collection

Maroun typically charged clients between $14,000 and $16,000 for an affirmative asylum application and cancellation of removal, and approximately $12,000 for a defensive asylum application. Maroun often took his fee payments in cash, though he also accepted checks and used mobile payment services like Venmo and Zelle. Maroun tracked payments made by clients in a software-based invoice system, although not all client payments were always recorded.

Maroun's office provided receipts to clients for payments made, sometimes but not always. This led to discrepancies in the amount clients owed, which sometimes came to the fore when Maroun was collecting his fees.

Maroun initiated client collection activities himself or by directing his employees to contact a client to request payment. When clients owed fees or were behind in their monthly payments, Maroun often used asylum interviews and court dates as leverage to collect fees. He directed his employees to call clients before court dates, request payment, and threaten that Maroun would not go to court or would drop their case if they did not make payment. Maroun made these types of threats to clients to obtain payments due under a payment plan, or accelerate payments under a payment plan, and sometimes extract additional payments beyond the amounts agreed to in the fee agreement.

D. Individual Client Experiences with Attorney Maroun

1. Ramos Julio Noquiera Ramos

Julio Noquiera Ramos ("Ramos") learned about Maroun through a radio program. He received Maroun's phone number from his pastor. In 2015, Ramos called Maroun's office and set up a meeting. When Ramos contacted Maroun, he had no immigration enforcement matters pending. At the initial meeting, Ramos met with Maroun and Marinalva Harris. Maroun and Harris told Ramos that the immigration process could take between two to four years and then he would get a green card. They also explained to Mr. Ramos that, before the green card, he could obtain a driver's license and a social security number. Beyond these generalities, Maroun and Harris did not explain to Ramos how the immigration process would work, or what applications or requests would be pursued on his behalf.

Harris showed Ramos exemplars of the documents she said he could expect to receive, including a letter requesting he get his fingerprints taken, a work authorization card, a social security card, a driver's license, and a blue letter telling him he needed to go before a judge. Harris explained that when Ramos received "the blue letter" he should contact Maroun and Maroun would go to court with him. Harris told Ramos that after he went to court, he would have his green card. Maroun and Harris did not tell Ramos that they would be applying for asylum on his behalf. They did not request any documentation from Ramos to support an application for legal immigration status. They did not explain the risks of their intended actions, including the risk of deportation.

Maroun and Harris presented Ramos a fee agreement written in English. Ramos could not read and understand the agreement because he does not read English well. Without explaining the agreement, Maroun and Harris asked Ramos to sign the fee agreement, flipping through the pages and directing him where to sign. Ramos and Maroun signed a fee agreement dated September 22, 2015. As with all the fee agreements, Maroun drafted the fee agreement. The scope of representation in the fee agreement states,

> "THIS FIRM HAS BEEN HIRED TO CONDUCT A REQUEST AND FILE 589 BASED ON GENERAL COUNTRY CONDITION OF BRAZIL AND SUBSTITUTE IT TO 42B IF CLIENT ELIGIBLE DEPENDING ON HIS CRIMINAL RECORD AND OTHER CRITERIA NECESSARY FOR THE APPROVAL OF CANCELLATION OF REMOVAL."

Mr. Ramos did not know what "589" meant, or that it specifically refers to an application for asylum. Mr. Ramos did not understand what "42B" or "cancellation of removal" meant or referred to.

Maroun charged Ramos $16,000 for his services per the fee agreement. Initially, Ramos gave Maroun $2,000 cash as a down payment. Over time, Ramos paid Maroun at least $5,000.

In October 2015, Maroun prepared and filed an affirmative asylum application on Ramos's behalf, accompanied by a two-page affidavit Maroun's office prepared for Mr. Ramos. Before it was filed, Maroun and Harris showed Mr. Ramos pages of documents to sign, including the asylum application and affidavit. Harris flipped through the pages quickly and without explanation, telling Mr. Ramos where to sign, which he did. Maroun and Harris did not explain or translate any of the content of the asylum application, including the affidavit, for Ramos from English to Portuguese. Despite his contrary representation as preparer of Ramos' application, Maroun did not ensure that the information in Mr. Ramos's asylum application was accurate and complete and did not have the application read to Mr. Ramos in Portuguese for verification before Mr. Ramos signed the application.

In Part B of Ramos's asylum application, Maroun checked the boxes indicating that Ramos was applying for asylum or withholding of removal based on "Political opinion," "Membership in a particular social group," and "Torture Convention." The sole basis for Mr. Ramos's application for asylum based on membership in a particular social group was that he is a Brazilian man. The Ramos affidavit supporting the asylum application relied on general conditions of crime and Ramos' resulting fear of harm, including the following assertions:

- "[i]n Brazil people that are willing to earn an honest living are victims of all the gangs that rule the country." Ramos Aff. ¶ 5.
- "I am absolutely terrified and scared of that place (Brazil) I've grown up there so I know how hard it is and how cruel people can be." Id. ¶ 6.
- that people in Brazil "live with threats, violence and corruption every day," and that "the police are not trustful; they are corrupt and just want to help themselves." Id. ¶ 7.
- the government of Brazil "is unable to control all of the gangs that exist in the country," Id. ¶ 8, and the police in Brazil "do not intervene with gang violence or threats," that they do not "protect hard working citizens from threats or extortion,"

and that "[a]s long as I am in the United States with my family, I know that we are safe."

- if Ramos returns to Brazil, he fears "I will be murdered and my family will be harmed," and that "[i]t is not fair that my family was a target of threats and violence, but that is how Brazil is."

- Due to increasing crime rates, "if they hear that you are even a bit successful or at least has any little bit of money they will come after you they are dangerous and I'm scared for my life." Id. ¶¶ 11-12.

- Paragraph 14 reiterates that if Ramos returns to Brazil "I'm going to be a target of the violence and crimes; because everywhere you go in Brazil you can see all the violence and crimes that are ruining the country."

Ramos' affidavit provided the sole basis for his application for asylum, as to political opinion, Torture Convention and membership in a group. Maroun never supplemented the application with additional information after it was filed. Maroun knew, or at a minimum should have known, that these bases for asylum did not satisfy the immigration law criteria.

Maroun filed Ramos's asylum application more than one year after Ramos' last arrival to the United States. Maroun wrote on the application that Mr. Ramos did not file within one year because "[he] did not know [he] could apply for asylum." Maroun knew the application was untimely and knew that this reason was not an exception to the statutory one-year requirement. Maroun also had no information that was likely to support Ramos' cancellation of removal request, *i.e.*, that a U.S. citizen relative would suffer exceptional and extremely unusual hardship if Mr. Ramos were to be deported.

Later, Ramos asked Maroun for a copy of the documents his office prepared. After Ramos had paid Maroun $5,000, Ramos received a copy of the asylum application with his signatures on it in the mail from Maroun's office. Ramos learned that Maroun had filed an asylum application on his behalf when he met with a legal services attorney to prepare his taxes.

When Ramos learned that Maroun had filed an asylum application and that removal proceedings could result, he cried and felt shock and fear. When he first had the asylum affidavit translated to Portuguese, Ramos was shocked because the affidavit was untrue. Ramos eventually terminated Maroun's representation and retained new counsel. Had Ramos been informed of the asylum application and the risks associated with it, he would not have approved applying for asylum.

2. Ronaldo Salgado

Ronaldo Salgado ("Mr. Salgado") met Marinalva Harris at a party. He told Harris that he and his wife, Regiane de Cassia Sarvinah Salgado ("Mrs. Salgado"), came to the United States years ago and that he hoped to get legal status. Harris told Mr. Salgado that she could help. Mr. and Mrs. Salgado made an appointment to meet with Harris at Maroun's office. In or around June 2015, Mr. and Mrs. Salgado met with Harris and an assistant at Maroun's office.

At that meeting, Harris told Mr. Salgado that Maroun's office would apply for asylum and that this was the only way for Salgado to get in front of an immigration judge. Harris said she would provide the immigration judge an explanation about Mr. Salgado's case. Mr. Salgado understood that he would be able to obtain legal status through the process Harris explained. Neither Harris nor Maroun explained to Mr. Salgado that the asylum application could be denied and, if so, he would be placed in removal proceedings.

Mr. and Mrs. Salgado are native Portuguese speakers. They do not speak or read English well. In 2015, neither Mr. or Mrs. Salgado could read and understand a legal document written in English. Maroun drafted and signed a fee agreement with Mr. Salgado dated "June 2015." No one translated the fee agreement for Mr. Salgado into Portuguese. The scope of representation in the fee agreement stated: "Represent in conducting an analyses of the Client's

immigration options. Filing entire I-589 for 42B Application including all filing fees." Maroun testified he determined that Mr. Salgado was eligible for an affirmative asylum application and for cancellation of removal at the time he contracted to provide these services in June 2015.[7]

Maroun charged Mr. Salgado $14,000 for these services, in addition to fees charged to Mrs. Selgado. The Selgados together paid Maroun at least $15,000, including $4,000 in down payments.

In June 2015, Maroun prepared and filed an affirmative asylum application on Mr. Salgado's behalf, accompanied by a one-page affidavit Maroun's office prepared for Mr. Salgado. Mr. Salgado does not recall reviewing the affidavit before signing, or discussing the affidavit with Maroun or his staff, or discussing with Maroun's office his life in Brazil. Despite his contrary representations as preparer of the application, Maroun did not ensure the information contained in Mr. Salgado's asylum application was accurate and complete, and did not have the application read to Mr. Salgado in Portuguese for verification before Mr. Salgado signed the application.

In Part B of Mr. Salgado's asylum application, Maroun checked the boxes indicating Mr. Salgado was applying for asylum based on "Political opinion," and "Torture Convention." The basis for these asylum claims is Salgado's affidavit, which contains the following statements:

- the "main reason why my wife and I moved to the U.S. was because we couldn't live with all the violence and crimes." Ex. 24, Salgado Asylum Application Aff. ¶ 3.
- "Brazil is a very violent country full of corruption and lacks justice and opportunities." Id. ¶ 4.
- Paragraph 5 states that Mr. Salgado was "amazed" when he came to the United States because of "how much the opposite of Brazil it was" and because "justice and police cannot be easily bought much like our city."

[7] The Selgado fee agreement refers in error to "consular services," which the parties did not contemplate and which services were not provided.

- Paragraph 6 states that Mr. Salgado is at greater risk of being assaulted or killed because of how long he has lived in the United States, which will lead people to "think we have more money."

- Paragraph 7 states that Mr. Salgado knows from his "family and the news that Brazil has only gotten worst since we came and that is terrifying."

- Mr. Salgado asks to be allowed to "keep living safely and honestly and be able to provide for our 2 U.S. citizen children." Id. ¶ 8.

- "In Brazil people that are willing to earn an honest living are victims of all the gangs that rule the country." If "they hear that you are even a bit successful" they will "come after you they are dangerous and I'm scared for my life and my wife's life." Id. ¶¶ 10-11.

Mr. Salgado's asylum affidavit is identical to his wife's asylum affidavit, focusing only on general conditions in Brazil, like "corruption," "violence," and "crimes." Maroun knew, or at a minimum should have known, that these bases for asylum did not satisfy the immigration law criteria.

Maroun filed Mr. Salgado's asylum application more than one year after his last arrival to the United States. On the application, Maroun wrote that Mr. Salgado did not apply within one year "[b]ecause [he] did not know [he] could apply for asylum." Maroun knew the application was untimely and that this reason was not a cognizable exception to the one-year rule. Neither Maroun nor Harris discussed the one year filing requirement with Mr. Salgado.

Maroun's office never asked for additional information or documents that might support Salgado's asylum application or cancellation of removal, and Salgado did not provide any. Likewise, when he filed the application, Maroun had no information likely to support cancellation of removal for Salgado, i.e., that a U.S. citizen relative of Mr. Salgado's would suffer exceptional and extremely unusual hardship if he were to be deported.

Mr. Salgado learned through the news about claims made by the Commonwealth against Maroun concerning Maroun's immigration work. Salgado stopped paying Maroun, ended Maroun's representation, and got a new lawyer.

At trial, Mr. Salgado credibly testified that the asylum affidavit that Maroun filed on his behalf was not accurate. By way of example, Paragraph 3 claiming, "[t]he main reason why my wife and I moved to the U.S. was because we couldn't live with all the violence and crimes," was not true. Likewise, Salgado disavowed Paragraph 11 which states, "There [in Brazil] if they hear that you are even a bit successful or at least has any little bit of money they will come after you they are dangerous and I'm scared for my life and my wife's life." Put simply, Salgado was not afraid for his life or his wife's life were he to return to Brazil, and never told that to Maroun's office.

3. Regiane de Cassia Sarvinah Salgado

Maroun and Mrs. Salgado entered into a fee agreement, drafted by Maroun, dated "June 2015." The scope of representation in the fee agreement provides: "Represent in conducting an analysis of the Client's immigration options. Filing entire I-589 for 42B Application including all filing fees." Maroun determined that Mrs. Salgado was eligible to file an affirmative asylum application and for cancellation of removal. He charged Mrs. Salgado $14,000 for these services, in addition to the fee charged to Mr. Salgado. Together the Salgados paid Maroun at least $15,000, including $4,000 for down payments.

In June 2015, Maroun prepared and filed an affirmative asylum application on Mrs. Salgado's behalf. The application included a one-page affidavit prepared by Maroun's office. Neither Maroun nor anyone employed by Maroun showed Mrs. Salgado the asylum affidavit.

Nor did Maroun's office review the affidavit with Mrs. Salgado for accuracy, or even discuss with Mrs. Salgado her experience in Brazil.

Despite his contrary representation as preparer of Mrs. Salgado's asylum application, Maroun did not have the application read to Mrs. Salgado in Portuguese for verification before Mrs. Salgado signed the application.

In Part B of Mrs. Salgado's asylum application, Maroun checked the boxes indicating Mrs. Salgado was applying for asylum based on "Political opinion," "Membership in a particular social group," and "Torture Convention." Except for the first two paragraphs, which list the affiants' names and convey that they came to the United States with each other in 2000, the contents of Mrs. Salgado's affidavit are identical to those in Mr. Salgado's asylum affidavit, discussed above. The affidavit relies on general alleged conditions of crime, gangs, and corruption. The sole basis for Mrs. Salgado's application for asylum based on membership in a particular social group was that she is a "Brazilian woman." The sole basis of Mrs. Salgado's application for asylum based on political opinion and Torture Convention are paragraphs 3 through 12 of her affidavit making general reference to crime and corruption. Maroun knew, or at a minimum should have known, that these bases for asylum would not satisfy the immigration law criteria.

Mrs. Salgado's asylum application was filed more than one year after her last arrival to the United States. On the application, Maroun wrote that Mrs. Salgado did not apply within a year after arrival "[b]ecause [she] did not know [she] could apply for asylum." Maroun knew the application was untimely and knew that this reason was not a cognizable exception to the one-year rule. The issue of the one-year rule was never raised or discussed with either Mr. or Mrs. Salgado.

Maroun obtained no additional information or documents in support of Mrs. Salgado's asylum application after its filing. Maroun had no information likely to support the cancellation of removal, i.e., that a U.S. citizen relative of Mrs. Salgado would suffer exceptional and extremely unusual hardship if she were to be deported.

Like her spouse, Mrs. Delgado credibly testified at trial that the asylum affidavit prepared for her by Maroun was untrue. Paragraph 3 misstated her motivation for leaving Brazil ("we couldn't live with all the violence and crimes"), and Paragraph 11 misstated that she feared for her life were she to return to Brazil.

Both Mr. and Mrs. Salgado's signatures on their affidavit appear alone on an otherwise blank third page, further demonstrating how Maroun and his staff obtained signatures in blank, followed by their generation of a template affidavit.

Mrs. Salgado, with her spouse, eventually terminated Maroun's representation and retained new immigration counsel.

4. Patricia DeFonseca

Patricia Micheline Gomes Da Fonseca ("Ms. Fonseca") was referred by a friend to Maroun. In 2013, Fonseca scheduled an initial consultation with Maroun's office. She met with Marinalva Harris. Ms. Fonseca asked Harris about the "10 year law" and how it could help her remain in the United States. This refers to the standard for cancellation of removal—requiring ten years in the United States plus a serious hardship were the applicant deported. Harris told Ms. Fonseca that she could obtain documents through the "10 year law," and that to do so, the person seeking the documents should have lived in the United States for ten years, have children, and have no criminal record. Harris also told Ms. Fonseca that through the 10 year law she would have access to a work permit, driver's license, and eventually get a green card. At this

initial consultation, Harris presented Ms. Fonseca with documents for her signature. The documents were written in English, which Ms. Fonseca could not read, and no one translated the documents for Ms. Fonseca. Ms. Fonseca signed the documents.

No one from Maroun's office explained to Ms. Fonseca the process for asylum and cancellation of removal, nor did anyone disclose or discuss the risks of filing for asylum, namely, the risk of deportation. At the time Ms. Fonseca hired Maroun, she had no pending immigration applications, had never been to a check-in with Immigration and Customs Enforcement, and had not had interactions with immigration authorities. At the time Ms. Fonseca contracted with Maroun for services, she understood that she was completing a legal application to obtain a green card. She did not know that Maroun would apply for asylum.

At Maroun's office, Ms. Fonseca was asked about her life in Brazil, what she did there, and whether anything of great impact happened to her family. She told Maroun's staff that she had studied business administration in Brazil and that her brother had been kidnapped by people who wanted his pickup truck. Besides this information, Ms. Fonseca did not provide and Maroun's office did not seek, any additional information.

Maroun drafted and signed a fee agreement with Ms. Fonseca dated July 19, 2013. The scope of representation in the fee agreement, stated: "42B Cancellation of Removal." Ms. Fonseca did not understand what "42B" or "Cancellation of Removal" meant or referred to. Maroun charged Ms. Fonseca $6,000 for his services. Ms. Harris asked Ms. Fonseca to take her down payment to Ms. Harris's house. Ms. Fonseca went to Harris' house and paid her $500 in cash. Ultimately, Fonseca paid Maroun at least $5,300.

In July 2013, Maroun prepared and filed an affirmative asylum application on Ms. Fonseca's behalf, accompanied by a one-page affidavit Maroun's office prepared for her.

Despite his contrary representations as preparer of the application, Maroun did not ensure that the information contained in Ms. Fonseca's asylum application was accurate and complete, nor did he have the application read to Ms. Fonseca in Portuguese for verification before she signed the application.

In Part B of Ms. Fonseca's asylum application, Maroun checked the boxes indicating Ms. Fonseca was applying for asylum based on "Political opinion," "Membership in a particular social group," and "Torture Convention." Ms. Fonseca's affidavit states that she came to the United States "not because I wanted to, but because my life was at risk." The city that she is from "is small but it's very known by all the crimes," and "[o]ne day my brothers and his girlfriend who happen to live near my house were kidnapped by three men, known criminals in the city and in the community, the intention of them were to take my brother's truck." When her brother and "sister-in-law" refused to give the kidnappers their truck, they "where [sic] taken captive," but they escaped two days later. Following the kidnapping Ms. Fonseca "was so afraid I was not the same person." The affidavit states that she feared leaving her home to go to work and to college because "I knew that the people who did this to my brother and his girlfriend was someone in the town someone I knew and at any time they could do the same with me." The affidavit also states that Ms. Fonseca is afraid of returning to Brazil with her United States citizen daughter because "something bad" may happen to them. Ex. 9, Fonseca Asylum Application.

These statements in Ms. Fonseca's affidavit related to kidnapping and theft of her brother's truck were the only source of information to support her application for asylum based on political opinion and the Torture Convention. The sole basis for Ms. Fonseca's application for asylum based on membership in a particular social group was that she is a "Brazilian

woman." Maroun knew, or at a minimum should have known, that these bases for asylum did not satisfy the immigration law criteria.

Ms. Fonseca's asylum application was filed more than one year after her last arrival to the United States. Maroun wrote on the application that Ms. Fonseca did not file within one year because "[she] did not know [she] could apply for asylum." Maroun knew that the application was untimely and that this reason was not a cognizable exception to the one-year rule. Neither Maroun nor his staff discussed the one-year filing requirement with Ms. Fonseca, or the risk of rejection under this rule.

Maroun testified that he determined, before filing the application, that Ms. Fonseca was eligible for cancellation of removal. But Maroun possessed no information suggesting that Fonseca could qualify for cancellation of removal, i.e., that a U.S. citizen relative would suffer exceptional and extremely unusual hardship if Ms. Fonseca were to be deported. Maroun did not obtain or submit any additional information or documents in support of Ms. Fonseca's asylum application after it was filed.

Ms. Fonseca eventually retained a new attorney and withdrew her asylum application. To get advice from a new immigration attorney, Ms. Fonseca requested her file from Maroun's office. At that time, she saw the completed asylum application for the first time. Ms. Fonseca was surprised to read the asylum affidavit because it contained false statements, inconsistent with the information she had earlier provided to Harris and the assistant. Namely, Fonseca did not tell anyone in Maroun's office that she was "so afraid [she] was not the same person" after her brother was kidnapped. Ms. Fonseca continued her daily life after this incident occurred. Nor did Ms. Fonseca tell anyone in Maroun's office that she came to the United States "to start a new life without fear or concern."

Prior to retaining new counsel, Ms. Fonseca met with Maroun at his office to discuss the status of her case. At this meeting, Maroun told her that everything was fine, and she just had to wait for her green card.

5. Rhumenick Ferreira Miranda

Rhumenick Ferreira Miranda ("Mr. Miranda") was referred to Maroun by his friend, who gave him Maroun's phone number. At the time Mr. Miranda contacted Maroun's office, he was in deportation proceedings. Mr. Miranda was placed into removal proceedings after an arrest for driving without a license in 2013, approximately six years after entering the United States.

Mr. Miranda's first conversation with Maroun's office was with Marinalva Harris. During the call, Miranda and Harris set an appointment for a week later at Maroun's office. On or about October 17, 2013, Miranda and his wife, Nubia Abreu ("Ms. Abreu"), met with Harris. Miranda did not see Maroun during this meeting. Miranda does not speak or read English. He is a native Brazilian Portuguese speaker.

At this initial meeting, Harris presented Miranda and Ms. Abreu with a fee agreement written in English. No one translated the fee agreement to Portuguese in writing or orally during the meeting. No one explained the contents of the fee agreement to Mr. Miranda and Ms. Abreu. Ms. Abreu signed the fee agreement. Miranda agreed to pay Maroun $6,500 for his services, including a $3,000 down payment followed by monthly payments of $500.

During the meeting with Harris, Harris explained to Miranda that his "clock had stopped" so he was not eligible for "the 10 year law." At the time Miranda and Ms. Abreu contracted for Maroun's services, Miranda understood simply that he was applying for a way to stay in the United States longer and obtain a driver's license. Miranda also understood that Maroun's office could cancel his deportation order. Miranda thought that "the 10 year law" and cancellation of

removal were different processes. Based on his conversation with Harris, Mr. Miranda believed Maroun could, and would, cancel his deportation.

Harris told Mr. Miranda that applying for asylum would mean more time for him in the United States. Harris did not explain to Miranda the asylum process or the requirements for cancellation of removal, or his likelihood of success. She did not explain the risks of filing or the risk of deportation once his application was reviewed by immigration authorities.

At the time Miranda contracted with Maroun, he had no parents, children, or spouse who was a United States citizen or legal permanent resident.

Maroun charged Miranda $6,500 to prepare his asylum application and another $2,500 to prepare his employment authorization application. Miranda paid Maroun at least $3,500.

Miranda signed documents at Maroun's office, though he is not aware exactly what he signed. Harris showed Miranda papers and told him where to sign, which he did. No one explained or translated the documents Mr. Miranda was asked to sign. The documents presented to him were written in English, which Miranda could not read and did not understand.

In September 2014, Maroun prepared and filed an asylum application on Miranda's behalf, including a one-page affidavit Maroun's office prepared for Mr. Miranda. Miranda signed page 9 of the asylum application. Mr. Miranda did not sign the G-28 form where a signature appears purporting to be the signature of Mr. Miranda. No one explained or translated any portion of the asylum application prepared by Maroun's office to Mr. Miranda.

Maroun testified that before filing the asylum application, he reviewed the affidavit for accuracy. Despite his contrary representation as preparer, Maroun did not have the application read to Miranda in Portuguese for verification before Miranda signed the application.

In Part B of Mr. Miranda's asylum application, Maroun checked the boxes indicating Mr. Miranda was applying for asylum based on "Membership in a particular social group," and "Torture Convention." The sole basis for these asylum claims was the affidavit submitted with the application, which focused on general conditions in Brazil related to crime and government corruption. The affidavit stated:

- "In Brazil, violence has grown tremendously, and the government is not interested in helping people." Ex. 13, Miranda Asylum Application, Affid. ¶ 4.
- "Every day people are robbed, kidnapped and assaulted." Id. ¶ 5.
- "Every day hundreds of people go to the streets to protest against the government, because of all the corruption of Brazil, which is making the country sink." Id. ¶ 6. "With these protests, a lot of people, homes and business are robbed and vandalized." Id. ¶ 7.
- "In my city a few people take justice to their own hands, because they think that the city and the government can't protect the people." Id. ¶ 8. "And all this is because the Brazilian government is ruining the country." Id. ¶ 9.
- Paragraph 10 states: "Please let my family and I stay, so I can give them a safe living environment here in The United States."

Maroun knew, or at a minimum should have known, that these general concerns about Brazil crime and the Brazilian government would not satisfy the immigration law criteria for asylum.

Beyond the lack of merit for the application, the asylum affidavit was not the product of information provided by Miranda. Miranda could not read the affidavit (in English), and its contents were never translated for him into Portuguese. Instead, Harris's directed Miranda to sign a blank white page that was appended to the first page of the asylum affidavit. The affidavit incorrectly identifies Miranda's birth date as August 1, 1981, not his actual birth date of January 1, 1981. And finally, Miranda did not discuss the country conditions of Brazil, specifically those referenced in the asylum affidavit, with Maroun or anyone in his office.

Miranda's asylum application was filed more than one year after his last arrival to the United States. Maroun wrote in the application that Miranda did not file within one year "[b]ecause [he] did not know [he] could apply for asylum." Maroun knew the application was untimely and knew that this reason was not a cognizable exception to the one-year rule.

Maroun requested no additional information or documents in support of Mr. Miranda's application after its filing.

After Maroun filed Mr. Miranda's asylum application, Harris instructed Mr. Miranda to obtain letters from friends who could vouch for his good character. Mr. Miranda did so. Harris did not explain how Maroun would use the letters as part of Mr. Miranda's case.

Over two years after retaining Maroun, Miranda became aware that if his asylum application was rejected, he would be deported. Had Maroun discussed with Miranda the legal processes and Miranda's options, as well as the risks and benefits of the options, Miranda would not have submitted an unlikely asylum application had he known that an unsuccessful application could lead to his deportation. Of course, unlike most of the testifying clients, Miranda faced deportation proceedings when he first contacted Maroun. This places Miranda's experience with Maroun in a markedly different context. Nonetheless, Maroun still failed in the basic and essential obligation to explain to clients the steps he intended to take on their behalf and the associated risks and benefits, before filing important applications on behalf of his clients. He also filed false affidavits, not reviewed by his client, which is inappropriate in any context.

6. Adalgiza Souza Costa

Adalgiza Souza Costa ("Ms. Costa") met Harris in 2013 when Harris came to her house to collect a payment from her boyfriend who was a client of Maroun's at the time. Ms. Costa told Harris that she wanted to get a driver's license so she could drive her son safely and without

fear of being stopped by police as an undocumented immigrant. Harris told Ms. Costa to meet her at her office in Woburn, Massachusetts the following week. At the office, Harris promised Ms. Costa that she could get her a driver's license, work permit, and a Social Security number. She did not explain how. Harris did not tell Ms. Costa that she would get her a driver's license by applying for asylum or withholding of removal on her behalf.

Harris told Ms. Costa that since she lived in Minas Gerais, a state in Brazil, before coming to the United States, she "would be all set." Ms. Costa entered into a fee agreement with Maroun on December 7, 2013. Ms. Costa is a native Portuguese-speaker, and she does not have the ability to read English. No one explained to Ms. Costa the terms of the fee agreement or translated the fee agreement for her from English into Portuguese. The Scope of Representation in the fee agreement references "589." Ms. Costa does not know what 589 means or refers to. Per the fee agreement, Maroun charged Ms. Costa $10,000 for his legal services. Ms. Costa paid Maroun at least $5,000.

During their first meeting at the office, Harris told Ms. Costa to sign a series of documents. In 2013, Maroun prepared and filed an asylum application for Ms. Costa, accompanied by a one-page affidavit Maroun's office prepared for Ms. Costa. At the time Maroun filed the asylum application for Ms. Costa in 2013, she had already been deported from the United States twice. Maroun knew Ms. Costa was not eligible for asylum because of her deportation history, so he filed the application as a withholding of removal application.

Despite his contrary representations as preparer of the application, Maroun did not ensure that the information contained in Ms. Costa's asylum application was accurate and complete before he signed the application, nor did Maroun have the application read to Ms. Costa in Portuguese for verification before she signed the application.

In Part B of Ms. Costa's asylum application, Maroun checked the boxes indicating Ms. Costa was applying for withholding of removal based on "Race," "Religion," "Nationality," "Political opinion," "Membership in a particular social group," and "Torture Convention." The application contained no specific basis for withholding of removal based on Race, Religion, or Nationality. Whatever basis for asylum that was advanced by Ms. Costa's application appeared in her asylum affidavit, which stated:

- That Costa had "tried many times to live in Brazil, but the place I come from is very dangerous and full of crimes," and that she fears for her son's and her safety and endangering their lives by returning to Brazil. Ex. 16, Costa Asylum Application, Affidavit, ¶ 4.

- that Costa fears returning to Brazil "more than before" because of "all the riots and protests against the government and so many people have died in these riots." *Id.*

- That it is impossible for Costa to "try to get a better life where I could raise my son safely," which is why she has left Brazil "so many times." Id. ¶ 5.

- that "Governador Valadares is the 5th most violent city in Brazil," that "[t]here are a lot of deaths involving young adults such as my son," and that her son "has serious health problems that I wouldn't be able to afford treatment for in Brazil." Id. ¶ 6.

Ms. Costa's asylum or withholding of removal application was filed more than one year after her last arrival to the United States. Maroun wrote in the application that Ms. Costa did not file within one year "[b]ecause [she] did not know [she] could apply for asylum." Maroun knew that this reason was not a cognizable exception to the statutory one-year rule.

Ms. Costa remained Maroun's client until at least 2017. Ms. Costa was scheduled for an interview regarding her asylum or withholding of removal application in December 2017. At no point did Maroun supplement her application or ask Ms. Costa for new information. Ms. Costa contacted Maroun's office in 2017 and made an appointment to meet with Maroun after she received a notice written in English from USCIS, which her friend explained to her was for a court date. Ms. Costa explained to Maroun and Harris that she was afraid of going to court.

Maroun told Ms. Costa that she was too nervous and upset and that she should not go to her interview or court. Maroun also told Ms. Costa not to worry about it, that she could leave and he would take care of the court date himself. Ms. Costa did not trust Maroun or Ms. Harris because they told her she did not need to go to her immigration appointment. Ms. Costa retained new counsel shortly before her asylum interview. Ms. Costa through her new counsel withdrew the asylum or withholding of removal application prepared by Maroun, and as a result Ms. Costa's case was "terminated," and she was placed into removal proceedings.

Ms. Costa testified that her affidavit accompanying her withholding of removal application are untrue. She never told Harris, Maroun, or anyone in Maroun's office that she was afraid of riots, corruption, or protests in Brazil. The affidavit also wrongly states where she was born and the date she first entered into the United States. Ms. Costa never read the asylum application prepared by Maroun on her behalf and its contents were never explained to her, discussed with her, or translated for her into Portuguese. Maroun's employees directed Ms. Costa to sign where there were sticky notes placed on a stack of documents. They flipped the pages of the documents quickly, and Ms. Costa did not receive any explanation about the documents she was signing.

As a result of the problems created by the application Maroun submitted to USCIS on her behalf, Ms. Costa felt desperate, experienced depression, and lost weight. Ms. Costa would not have applied for withholding of removal if she knew that it would lead to her being placed in removal proceedings.

7. Fabiane Feriato

Fabiane Feriato ("Ms. Feriato") first learned of Maroun when her partner, Ricardo Dos Santo Lopes De Souza ("Mr. De Souza"), was detained by immigration authorities in 2012. Ms.

Feriato called Maroun's phone number for help. When she called the phone number for Maroun's law office, the call went directly to Marinalva Harris's cell phone. Ms. Feriato briefly explained to Harris over the phone her partner's situation. Initially, Harris told Ms. Feriato that she could not help them. A few hours later, Harris called Ms. Feriato back and asked if her partner had a criminal record, to which Ms. Feriato answered that he did not. Then Harris said she would take the case. Harris told Ms. Feriato to go to her office to talk about payment.

The next day, Ms. Feriato went to Maroun's office in Woburn, Massachusetts. Ms. Feriato met with Maroun and Harris together. Maroun told Ms. Feriato that he could help her partner, Mr. De Souza. Maroun said he needed to make a phone call to a friend, who worked in immigration, who would help. Ms. Feriato believed that Maroun and Harris had special connections with immigration authorities based on their statements to her.

Harris called Ms. Feriato and asked her if she wanted a driver's license. Ms. Feriato was pregnant at the time. Believing that Harris and Maroun were going to get her a driver's license, Ms. Feriato agreed to retain their services. Harris and Maroun did not explain to Ms. Feriato the immigration process they intended to pursue on her behalf.

Ms. Feriato agreed to go to an appointment at ICE's office with Ms. Harris because she believed she would get a driver's license as a result of the meeting. Ms. Feriato was surprised at the ICE office meeting when she asked the ICE employee at the meeting about getting a driver's license Ms. Harris instructed her to "be quiet" and "stop talking." Ms. Feriato was concerned about that interaction at the ICE office meeting because it did not seem "right" to her.

Ms. Feriato and Mr. De Souza worked hard to always pay Maroun and Harris because they were afraid that if they did not pay, they would be deported. Maroun told Ms. Feriato that if she and Mr. De Souza did not pay him, he could tell them the day they would be leaving this

country. Ms. Harris told Ms. Feriato and Mr. De Souza, "If you do not pay, then you go," which they understood to mean they would be deported. At first, Ms. Feriato and Mr. De Souza paid Harris with cash but then they began paying in checks after Maroun's office's mistakes recording payment transactions. Maroun would give Ms. Feriato and Mr. De Souza discounts for paying in cash. Ms. Feriato wanted to switch to a new attorney, but she was afraid of Maroun and Harris to terminate Maroun's representation. She feared that if she stopped paying them, she would be deported.

In a 2017 check-in meeting with ICE, the ICE agent told Ms. Feriato to buy tickets to return to Brazil. Harris later told Ms. Feriato that this happened because of the presidential election. After she understood that she would be deported, Ms. Feriato was no longer afraid to find a new lawyer because she did not believe Maroun or Ms. Harris could do anything more to harm her case. Ms. Feriato felt desperate about her immigration case but also was relieved to be free from Maroun. Ms. Feriato and Ms. De Souza terminated Maroun's representation and hired a new lawyer.

In total, Ms. Feriato and Mr. De Souza paid Maroun about $30,000.

8. Ricardo Dos Santo Lopes De Souza

When Mr. De Souza first met Maroun and Harris they promised him that they would be able to get him work authorization, a social security number, and a driver's license. They said they could get Mr. De Souza these benefits because they have special connections with immigration. Maroun also said that he could cancel Mr. De Souza's deportation. Maroun told Mr. De Souza that they would need to "wait for the law to change" and that since Mr. De Souza was a good person that the law would let him stay. Mr. De Souza understood from these statements that Maroun would be able to stop his deportation and obtain him legal status.

Mr. De Souza thereafter received work authorization and a driver's license, which led him to trust Harris and Maroun. At ICE check-in meetings, Mr. De Souza observed Harris's friendly interactions with ICE employees and he observed her giving them gifts. Mr. De Souza and Ms. Feriato attended an ICE check-in without Maroun or Harris. At this check in, the ICE officer told them that they were going to need to leave the country. Mr. De Souza spoke with Harris about the ICE check-in meeting and Ms. Harris told Mr. De Souza that it was "all taken care of." Mr. De Souza felt that Harris was lying to him but also felt he had no choice but to accept what she and Maroun said. Mr. De Souza believes that Maroun and Ms. Harris have special connections with immigration based on their statements to him and his observations. At one point, Maroun told Mr. De Souza "That's how it is. If you don't pay, we know the dates you will get deported." Mr. De Souza wanted to switch to a new attorney, but he was too afraid of Maroun and Harris to terminate Maroun's representation. He believed that if he stopped paying them, he would be deported.

9. Paulo Andre and Carrina Cordeiro

Paulo Andre Cordeiro ("Mr. Cordeiro") and his wife Carina Cassiano Cordeiro ("Mrs. Cordeiro")(together, the "Cordieros") met Maroun and Harris through a friend. At the time that the Cordeiros met Maroun and Ms. Harris, Mr. Cordeiro spoke some English and had difficulty reading English, especially legal documents written in English. During the Cordeiro's first meeting with Harris, Mr. Cordeiro explained that he was seeking legal immigration status through his employer. At the time, Mr. and Mrs. Cordeiro were legally present in the United States through the sponsorship of Mr. Cordeiro's employer under a program known as the permanent labor certification program (PERM). Harris told Mr. and Mrs. Cordeiro that

obtaining legal immigration status through PERM would take too long and that she had a faster option to help them each get a green card in about three years.

During this initial meeting, Ms. Harris told Mr. and Mrs. Cordeiro that they could get legal immigration status because they have lived in the United States for over ten years and they have children who are United States citizens. During this initial meeting, Harris and Maroun guaranteed that Mr. and Mrs. Cordeiro would each get a green card. Maroun told Mr. and Mrs. Cordeiro that he had connections, and that he knows judges and immigration officers. These representations made Mr. and Mrs. Cordeiro comfortable hiring Maroun as their immigration lawyer.

During this initial meeting, Harris presented to the Cordeiros various documents for their signature, including a fee agreement for each of them. Harris did not translate or provide any explanation about the fee agreement or the other documents to Mr. and Mrs. Cordeiro. Maroun prepared and signed a fee agreement with Mr. Cordeiro dated January 23, 2014, as well as an agreement with Mrs. Cordeiro on the same date. The scope of representation, in both agreements, stated "filing entire 589 and 42B Submission." Mr. Cordeiro did not understand what "589" or "42B" meant or referred to. Maroun and Harris did not explain to the Cordeiros that Maroun would file for asylum on their behalf, nor did they disclose or discuss the risks of that application, including deportation.

Before contracting with Maroun, Mr. Cordeiro had never been to immigration court or any immigration proceeding. Maroun charged Mr. Cordeiro $15,000 for his services, and charged the same amount to Mrs. Cordeiro under her fee agreement. Mr. Cordeiro and Mrs. Cordeiro jointly paid Maroun $15,000 for his services on both of their cases.

In January 2014, Maroun prepared and filed an affirmative asylum application on behalf of each of Mr. and Mrs. Cordeiro, each accompanied by a one-page affidavit Maroun's office prepared for each of them.

Despite his contrary representations as preparer of the application, Maroun did not ensure that the information contained in Mr. and Mrs. Cordeiro's asylum applications was accurate and complete before he signed those asylum applications, nor did he have the applications read to Mr. or Mrs. Cordeiro in Portuguese for verification before they signed their respective applications.

In Part B of Mr. Cordeiro's asylum application, Maroun checked the boxes indicating Mr. Cordeiro was applying for asylum based on "Political opinion," "Membership in a particular social group," and "Torture Convention." The sole basis for these asylum claims is the asylum affidavit. Paragraph 3 of Mr. Cordeiro's affidavit states that he moved to the United States "because of everyday violence and crimes that happens in Brazil everyday," and that the violence in Brazil and his city "increases more each day." Paragraph 4 states that he is "afraid to return to Brazil and be killed," that it would be "very hard" for his United States citizen children to "get used to the Brazilian lifestyle," and that Mr. Cordeiro does not "want to risk my life and the lives of my family." Paragraph 5 states that police corruption in Brazil is increasing and that "[m]any Brazilians are protesting against the unjust police department and corruption throughout the country." Paragraph 6 states that Mr. Cordeiro is afraid of returning to Brazil "[b]ecause of the protests and the clear corruption of law enforcement," that when he was in Brazil, he "suffered first hand the threats and corruption of police officers," and he "would be the target of the police officer my father got into an accident with." Ex. 29. The sole basis for Mr. Cordeiro's

application for asylum based on membership in a particular social group was that he is a Brazilian man.

Mrs. Cordeiro's asylum application and affidavit were substantively identical to that of Mr. Cordeiro. In Part B of Mrs. Cordeiro's asylum application, Maroun checked the boxes for asylum based on "Political opinion," "Membership in a particular social group," and "Torture Convention." Except for the affiants' names and birthplaces, Mrs. Cordeiro's asylum affidavit is the same as that of Mr. Cordeiro, including the contents cited above at ¶¶ 3-6 of the affidavits, including even the claim that she was at risk because her father had been in an accident with a police officer. See Ex. 6, Mrs. Cordeiro Asylum Application.

Both the Cordeiros' asylum applications were filed more than one year after their last arrival to the United States. Maroun wrote in the application that Mr. and Mrs. Cordeiro did not file within one year because "[he] did not know [he] could apply for asylum." Maroun knew the application was untimely and that this reason was not a cognizable exception to the one-year rule. No one in Maroun's office discussed the one-year filing requirement with Mr. Cordeiro.

Neither Mr. nor Mrs. Cordeiro ever signed the affidavit accompanying the asylum application filed by Maroun on their behalf. Mr. Cordeiro does not remember ever seeing the affidavit accompanying the asylum application that Maroun filed on his behalf. Neither Maroun nor his employees discussed the affidavit with Mr. Cordeiro. No one from Maroun's office translated or read the affidavit to Mr. Cordeiro. Both asylum affidavits are not accurate. The affidavits falsely state: "[Mr./Mrs. Cordeiro] would be the target of the police officer my father got into an accident with." Mr. Cordeiro does not know who his father is; there is no father listed on his birth certificate. Mr. Cordeiro also testified that he did not "[suffer] first hand the threats and corruption of police officers," he did not move to the U.S. because of violence and crime in

Brazil, and he was not afraid of being killed if he returned to Brazil. No one in Maroun's office discussed with either Mr. or Mrs. Cordeiro the reasons they moved to the United States.

With respect to cancellation of removal, Maroun possessed no information that a U.S. citizen relative of Mr. Cordeiro would suffer exceptional and extremely unusual hardship if Mr. Cordeiro were deported. After filing Cordeiro's application, Maroun did not request and Cordeiro did not provide any additional information or documents supporting Mr. Cordeiro's asylum application after it was filed.

The Cordeiros became concerned about Maroun's representation when Mrs. Cordeiro heard about an immigration scam related to asylum applications. Mr. Cordeiro called Maroun and set an appointment to talk with him about their cases. At the meeting, Maroun was rude and told Mr. Cordeiro that he should thank him and he "has ways to go around the law." Mr. Cordeiro terminated Maroun's representation and retained new counsel in or around April 2018.

The Cordeiros would not have retained Maroun if they knew that Maroun would be applying for asylum on their behalf, and they would not have filed for asylum had they known of the risk of deportation.

II. CONCLUSIONS OF LAW

A. Liability for Violations of G.L. c. 93A

G. L. c. 93A, § 2 makes unlawful "unfair methods of competition" and "unfair or deceptive" acts or practices in trade or commerce. Chapter 93A creates new "substantive rights," *Slaney v. Westwood Auto, Inc.*, 366 Mass. 688, 693 (1975), and is not restricted to existing claims such as breach of contract or common law torts. See *Exxon Mobil Corp. v. Attorney Gen.*, 479 Mass. 312, 316 (2018) ("Our analysis of what constitutes an unfair or deceptive act or practice requires case-by-case analysis . . . and is neither dependent on traditional concepts nor

limited by preexisting rights or remedies."). A commercial act or practice is unfair in violation of c. 93A "if it falls within at least the penumbra of some common-law, statutory, or other established concept of unfairness;" is "immoral, unethical, oppressive, or unscrupulous;" and causes substantial injury to consumers. See *PMP Associates, Inc. v. Globe Newspaper Co.*, 366 Mass. 593, 596 (1975). An act or practice is "deceptive" if it could reasonably be found to cause a person to act differently from the way he or she otherwise would have acted. *See Aspinall v. Philip Morris Cos.*, 442 Mass. 381, 396 (2004). Moreover, conduct is deceptive if it has "a tendency to deceive." *Id.* at 394.

The scope of c. 93A liability turns on all the facts and circumstances of the case. *Commonwealth v. DeCotis,* 366 Mass. 234, 242 (1974). The purpose of G.L. c. 93A, including enforcement actions under Section 4, is "to improve the commercial relationship between consumers and business persons and to encourage more equitable behavior in the marketplace." *Poznik v. Massachusetts Med. Professional Ins. Ass'n*, 417 Mass. 48, 53 (1994).

Central to Maroun's interactions with his clients, misrepresentations and failure to disclose material information are squarely within c. 93A's prohibition of unfair or deceptive conduct. See *Commonwealth v. AmCan Enters., Inc.*, 47 Mass. App. Ct. 330, 334 (1999) (act or practice is deceptive if a representation or omission is misleading on a material matter); 940 C.M.R. 3.05(1), 3.16(2) (Attorney General regulations prohibiting misrepresentations and failure to disclose material information).

Attorneys may be subject to liability for their unfair or deceptive conduct under G.L. c. 93A, § 2. *Frullo v. Landenberger*, 61 Mass. App. Ct. 814, 822 (2004) (citing *Brown v. Gerstein*, 17 Mass. App. Ct. 558, 570 (1984)). The Rules of Professional Conduct for attorneys may serve as standards for business conduct ("concepts of unfairness" in *PMP*) that are relevant in Chapter

93A determinations, particularly to the concept of unfairness. *Sears, Roebuck & Co. v. Goldstone & Sudalter*, 128 F.3d 10, 19 (lst Cir.1997) (observing that "[v]iolations of the rules governing the legal profession are . . . relevant in Chapter 93A determinations" and holding that the unethical behavior fell within the penumbra of established concepts of unfairness). Violations of G.L. c. 93A by attorneys and their representatives occurring within the attorney-client relationship are especially reprehensible in light of the elevated ethical duty that attorneys owe their clients. *See Karasavas v. Gargano*, Mass. Super., No. MICV201001419 at 7 (Feb. 7, 2014); *Commonwealth v. Desire*, Mass. Super., No. 97-1387-BLS2 at 7 (Oct. 20, 2011).

As detailed in the findings of fact, Maroun consistently engaged in unfair or deceptive acts or practices with his immigration clients. Rather than attempt to identify every misrepresentation or failure to disclose, or unfair ethical violation, with respect to each testifying client, instead I will identify the most prominent categories of unfair or deceptive conduct engaged in by Maroun. I will explain briefly why that aspect of Maroun's conduct qualifies as unfair or deceptive in violation of c. 93A, although most of Maroun's violations require little explication. Then, for purposes of assessing civil penalties, I will identify which unfair/deceptive acts or practices Maroun engaged in with respect to each of the testifying former clients.

B. Maroun's Unfair or Deceptive Acts or Practices

Based on the trial evidence and the findings in Section I, Maroun repeatedly engaged in the following unfair or deceptive acts or practices in conducting his immigration law practice:

1. Undertaking to represent new clients, and filing asylum applications or other immigration applications on behalf of new clients, without disclosing and explaining the legal processes that Maroun would employ on behalf of the client, and without disclosing and explaining the potential risks and benefits of using that process, including the risk of deportation (hereafter, "**Representing clients without explaining legal process or risks and benefits**");

2. Filing asylum applications and affidavits without the client's knowledge, consent, or review of those Asylum Applications ("**Filing asylum applications without client's knowledge**");

3. Filing asylum applications and affidavits with immigration authorities on behalf of clients, which contain false or inaccurate information ("**False applications and affidavits**");

4. Filing asylum applications and affidavits which Maroun knew or should have known did not satisfy the criteria for asylum, but which Maroun knew would ultimately result in removal proceedings for Maroun's client ("**Meritless asylum applications**");

5. Filing asylum applications and affidavits that Maroun knew were untimely and were not excepted from the one-year rule, which was nearly certain to result in their denial, leading to removal proceedings for Maroun's client ("**Untimely asylum applications**");

6. Filing applications for withholding of removal or cancellation of removal on behalf of clients that Maroun knew or should have known did not satisfy the criteria for withholding of removal ("**Meritless withholding of removal petitions**");

7. Charging attorney's fees for asylum applications and withholding of removal petitions that were meritless, untimely, contained false information, and without explaining to clients the legal processes Maroun intended to use as well as the risks and benefits of those processes ("**Charging fees for unfair/deceptive legal services**");

8. Making false guarantees or misrepresentations concerning the likelihood that Maroun would secure documentation or other legal authority for his client to reside in the United States, and failing to disclose material information to clients about the processes Maroun would use and the risks involved ("**False guarantees of immigration success**"); and

9. Using unfair and deceptive threats of deportation and other negative immigration consequences to collect attorney's fees ("**Threats to collect fees**").

Although most of these violations do not require deep analysis to qualify as unfair or deceptive, I draw on the Commonwealth's detailed analysis, with which I agree, to summarize why, in the facts and circumstances of this case, Maroun's conduct was unfair or deceptive.

Failure to Explain Legal Process and the Risks and Benefits. This particular violation applies to every testifying Maroun client. This concept is fundamental to the case because, even if Maroun could somehow justify filing meritless asylum and untimely applications, it is imperative for a lawyer to discuss with their clients exactly what the lawyer intends to do on their behalf, and what the range of possible outcomes are, including the risks and benefits. See Mass. R. Prof. Conduct, § 1.4 (a), (b) & § 1.0(f).[8] Here, most of the testifying Maroun clients were not in removal proceedings; they were living their lives in the United States, albeit as undocumented immigrants. Given the obvious infirmities in the asylum applications Maroun filed, and the plain likelihood that their denial would result in removal proceedings, Maroun was obligated to disclose this risks of deportation proceedings. Had Maroun disclosed those risks, at least his clients could decide whether to bear that risk, although they uniformly testified that they would not have done so.

Filing Asylum and other Applications without the Client's Knowledge, Consent or Review. The testifying Maroun clients credibly testified that they were not aware that Maroun filed asylum applications on their behalf, and did not review or authorize the applications or affidavits before their filing. Although most fee agreements made reference to the "589 form" or "42B" in the "scope of services," the clients credibly testified they did not know what those terms meant and no one from Maroun's office explained them. And, as noted above, Maroun never explained to clients at the time of contracting the risks associated with the filing of the 589 or 42B applications, especially the risks posed by Maroun's template applications.

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[8] Section 1.4 (a)(2) provides that a lawyer must "reasonably consult with the client about the means by which the client's objectives are to be accomplished." Section 1.4 (b) requires that a lawyer must explain a matter to extent necessary for client to make informed decision. Section 1.4(a)(1), requires a client's "informed consent" for certain decisions. "Informed consent" is defined by the Rules as "the agreement by a person to a proposed course of conduct after the lawyer has communicated adequate information and explanation about the material risks of and reasonably available alternatives to the proposed course of conduct." Section 1.0(f).

An important aspect of this unfair/deceptive conduct is that Maroun's office routinely presented clients at the time of contracting only with the pages of the I-589 application that require their signature, namely page 9 and the second page of the G28 form. Maroun's office also routinely directed clients at the time of contracting to sign blank forms that the office would later append to the template affidavits accompanying the 589 forms. Maroun's office did not review the completed forms with their clients, before or their filing.

This conduct is deceptive because Maroun failed to provide his clients with basic, material information about the services he would provide, and because he filed legal documents on their behalf without their knowledge, consent, and review. See *Aspinall*, 442 Mass. at 394. The testifying clients did not know they were applying for asylum or what was contained in the applications filed on their behalf. They further testified that if they had been informed of the immigration process Maroun undertook for them, or if they had an opportunity to review the documents filed on their behalf, they never would have agreed to it. Likewise, had the testifying clients known Maroun's work could lead to their deportation, they would not have agreed to it. This conduct is also plainly unethical and unscrupulous, and unfair. Maroun concealed material information from unsophisticated clients to obtain legal fees that he likely would not have received had he explained to clients his actual intentions. *See Morrison*, 441 Mass. at 457.

False Applications and Affidavits. Massachusetts Rules of Professional Conduct 4.1 provides that an attorney shall not knowingly "make a false statement of material fact or law to a third person." Rule 8.4 states no attorney shall "engage in conduct involving dishonesty, fraud, deceit or misrepresentation." Maroun violated these ethical rules by making false and inaccurate statements to immigration authorities in the asylum applications he prepared. Violation of those standards caused harm to Maroun's clients, which had to answer for the inaccuracies and suffer

the immigration consequences of a meritless application. It was unfair. Maroun's false and inaccurate applications—misrepresentations to the federal government—also were deceptive.

Meritless Applications for Asylum. To be eligible for asylum a petitioner must be 1) present in the United States; 2) request asylum within one year of his or her arrival to the United States[9]; and 3) establish that he or she has a "well-founded fear"[10] of persecution[11] in his or her home country of nationality on account of[12] any of five statutorily enumerated "protected ground[s]," namely "race, religion, nationality, membership in a particular social group, or political opinion." Immigration and Nationality Act (INA), § 208, as amended, 8 U.S.C.A. § 1158; 8 C.F.R. § 208.13(a), (b)(1). To establish a well-founded fear of persecution, the petitioner must show that he or she has a subjectively genuine fear of persecution and that their fear is objectively reasonable. *Mekhoukh v. Ashcroft*, 358 F.3d 118, 123 (1st Cir. 2004). The subjective component may be shown through credible testimony, and the objective component must be shown through credible, direct, and specific testimony and evidence. *Id.* "An alien who fails to

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[9] Unless an exception applies, asylum applications must also be filed within one year of the petitioner's arrival to the U.S. INA §208(a)(2)(B). To overcome the one-year filing requirement, the petitioner must demonstrate "either the existence of changed circumstances which materially affect the petitioner's eligibility for asylum or extraordinary circumstances relating to the delay in filing the application within the [first year of entry.]" INA § 208(a)(2)(D); 8 U.S.C. § 1158(a)(2)(D) (2000). Additionally, the petitioner must prove that the application was filed within a "reasonable period of time" after the changed or extraordinary circumstance. 18.8 CFR §§ 208.4(a)(4)(ii), and 208.4(a)(5) (2005). If a petitioner files an affirmative asylum application over one year after his or her last arrival to the U.S., the application will be referred by USCIS to an Immigration Judge for hearing.

[10] If a petitioner establishes that he or she has been the victim of past persecution on account of a protected ground, a rebuttable presumption is created that he or she has a well-founded fear of future persecution. *Mendez-Barrera*, 602 F.3d at 25. Absent evidence of past persecution, a petitioner can establish a well-founded fear of future persecution by showing that (a) he or she genuinely fears such persecution and (b) an objectively reasonable person in the petitioner's circumstances would fear such persecution. *Mendez-Barrera*, 602 F.3d at 25 (citing *Lopez Perez v. Holder*, 587 F.3d 456, 461-62 (1st Cir. 2009)).

[11] The term "persecution" implies a connection to the government, "the government must practice, encourage, or countenance it, or at least prove itself unable or unwilling to combat it." *Mendez-Barrera*, 602 F.3d at, *quoting Lopez Perez*, 587 F.3d at 462. A showing of persecution requires "more than mere discomfiture, unpleasantness, harassment, or unfair treatment." *Mendez-Barrera,* 602 F.3d at 25 (quoting *Nikijuluw v. Gonzales*, 427 F.3d 115, 120 (1st Cir. 2005)).

[12] To satisfy the "on account of" element, often referred to as the "nexus requirement," the petitioner must show by probative evidence that the enumerated protected ground on which the asylum application is based was "at least one central reason" for the harm endured or feared. *Alvizures–Gomes v. Lynch*, 830 F.3d 49, 53 (1st Cir. 2016).

satisfy the standard for asylum automatically fails to satisfy the more stringent standard for withholding of removal." *Abdullah v. Gonzales*, 461 F.3d 92, 97 (1st Cir. 2006).[13]

Here, as detailed in Section I, Maroun routinely applied for asylum on behalf of his clients using template applications and affidavits that are on their face inadequate to establish asylum relief. There appears to be no real dispute on this point, as Maroun never really defended the asylum applications in evidence as potentially worthy of asylum relief. Immigration precedent makes clear the infirmities in Maroun's applications. First, general fears related to country unrest, violence, or corruption are insufficient to establish a well-founded fear of persecution unless they are supported by credible, direct and specific evidence of a fear of persecution based on a protected characteristic. INA, § 101(a)(42), 8 U.S.C. § 1101(a)(42); 8 C.F.R. § 1208.13(b)(2)(iii)(A).[14] Maroun never advanced any such evidence that his clients feared persecution on the basis of a protected characteristic. Second, the membership in "particular groups" claimed by Maroun were insufficient. For a group to be sufficiently "particular" the group must have distinct characteristics and well-defined boundaries.[15] Maroun either failed to identify a group or relied on membership in the social group of "Brazilian women," "Brazilian men," or "individuals perceived as wealthy on account of living in the

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[13] The American Immigration Lawyers Association (AILA) warns immigration attorneys of "a significant burden" "to investigate the merits of the claim," and that "filing a claim without a basis in law and fact (both subjectively and objectively reasonable) could invite sanctions under the Model Rules and C.F.R."AILA Ethics Practice Advisory, "ETHICAL CONSIDERATIONS RELATED TO AFFIRMATIVELY FILING AN APPLICATION FOR ASYLUM FOR THE PURPOSE OF APPLYING FOR CANCELLATION OF REMOVAL AND ADJUSTMENT OF STATUS FOR A NONPERMANENT RESIDENT," Nov. 1, 2016, at p. 5 (hereinafter "AILA Ethics Practice Advisory").

[14] *Decky v. Holder*, 587 F.3d 104, 112-113 (1st Cir. 2009) (finding petitioners failed to establish a well-founded fear of persecution based on, amongst other things, general country unrest); *Seng v. Holder*, 584 F.3d 13, 19-20 (1st Cir. 2009) (finding petitioner, a Cambodian national, was not entitled to asylum, even though country condition reports depicted general unrest in Cambodia).

[15] *See, e.g., Ahmed v. Holder*, 611 F.3d 90, 95 (1st Cir. 2010) ("[A] loose description of a purported social group does not establish a sufficient level of particularity to render that group cognizable for purposes of the immigration laws.").

United States." These groups failed to satisfy the requirements of immigration law.[16] Third, because Maroun failed to show his clients were members of particular social groups, he also failed to satisfy the "nexus requirement" of the asylum standard.[17] To the extent Maroun relied instead on persecution based on political opinion, he failed to identify any particular religious or political belief that would result in persecution.[18]

As an immigration attorney, Maroun knew or should have known that the asylum applications he prepared and filed were plainly insufficient. Although Maroun at trial contended that these applications could later be supplemented with additional information (for instance, before an immigration judge), there was no evidence that Maroun, in fact, solicited or obtained supplemental information from his clients. Maroun made no efforts to obtain information about his client's personal circumstances or eligibility for asylum, before filing the applications or before an interview or at any other time. Making matters worse, the stakes were high for

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[16] An applicant seeking asylum based on membership in a particular social group must establish that the proposed group is "(1) composed of members who share a common immutable characteristic, (2) defined with particularity, and (3) socially distinct within the society in question." *Paiz–Morales v. Lynch*, 795 F.3d 238, 244 (1st Cir. 2015). The First Circuit has regularly rejected proposed social groups far more particular than "Brazilian men" or "Brazilian women." *See, e.g.*, *Ramirez-Perez v. Barr*, 934 F.3d 47, 51 (1st Cir. 2019) (proposed social group of "males who have had romantic involvement with the partners of drug dealers" insufficiently particular); *Perez-Rabanales v. Sessions*, 881 F.3d 61, 66 (1st Cir. 2018) (social group described as "Guatemalan women who try to escape systemic and severe violence but who are unable to receive official protection" was not legally cognizable because the group potentially encompassed all women in Guatemala, and insufficiently particular); *Vega–Ayala v. Lynch*, 833 F.3d 34, 40 (1st Cir. 2016) (proposed social group of "Salvadoran women in intimate relationships with partners who view them as property" inadequate); *Paiz-Morales*, 795 F.3d at 244 ("members that oppose gang membership" in Guatemala "too amorphous and overbroad to be particular"); *Mendez-Barrera v. Holder*, 602 F.3d 21, 26-27 (1st Cir. 2010) ("young women recruited by gang members who resist such recruitment" in El Salvador not sufficiently particular).

Wealthy persons who have lived in the United States also stood no meaningful chance of being a cognizable social group. *See, e.g.*, *Agustin v. Whitaker*, 914 F.3d 43, 46 (1st Cir. 2019) ("[A] consistent line of our precedent supports the conclusion that wealthy Guatemalans returning to Guatemala do not constitute a protected social group."); *Escobar v. Holder*, 698 F.3d 36, 39 (1st Cir. 2012) (finding purported social group of wealthy individuals returning to Guatemala from a lengthy stay in U.S. did not comprise social group entitled to asylum because "being a target for thieves on account of perceived wealth, whether the perception is temporary or permanent, is merely a condition of living where crime is rampant and poorly controlled").

[17] *See, e.g.*, *Alvizures–Gomes*, 830 F.3d at 53 ("To satisfy the nexus requirement on this basis, an alien must show, at a minimum, that he is a member of a cognizable social group.").

[18] *See, e.g.*, *Mendez-Barrera*, 602 F.3d at 27; *Urgilez Mendez v. Whitaker*, 910 F.3d 566, 571 (1st Cir. 2018).

Maroun's clients: the meritless applications he filed would almost certainly result in removal proceedings.

Maroun's deceptive and unethical conduct constitutes an unfair practice because it falls "within the penumbra of a common law, statutory, or other established concept of unfairness." *See Morrison*, 441 Mass. at 457. Among other concepts of unfairness, Sections 3.1 and 3.3(a)(1) of the Massachusetts Rules of Professional Conduct provide that lawyers shall not bring claims without a basis in law and fact, and shall not make false statements to a tribunal.

Untimely Asylum Applications. Maroun routinely filed asylum applications more than a year after his client's last entry into the United States. The sole justification for the untimely application provided by Maroun, that the applicant did not know he or she could apply for asylum, plainly does not meet any of the statutory exceptions to the one-year filing requirement for asylum applications. INA § 208(a)(2)(D); 8 U.S.C. § 1158(a)(2)(D) (2000). In the absence of a legally valid excuse, Maroun knew or should have known that as a result of filing these asylum applications, his clients would be placed in removal proceedings because the asylum office would automatically refer their applications to an immigration judge.

Meritless Cancellation of Removal Applications. Maroun filed asylum applications expecting that they would be denied by USCIS. He planned then to apply for cancellation of removal for these clients. Cancellation of removal is a discretionary form of relief, available only to persons who can establish, among other criteria, that their removal would result in "exceptional and extremely unusual hardship" to a U.S. citizen relative. *See* U.S.C.A. § 1229b(b)(1)(D).

The hardship standard for cancellation of removal requires the petitioner to show that his or her "qualifying relative(s)," such as a U.S. citizen or legal permanent resident spouse, parent

or child, "would suffer hardship that is substantially different from, or beyond, that which would normally be expected from the deportation of an alien with close family members here."[19]

Maroun's cancellation of removal applications raise similar unfairness and ethical violations as did the meritless asylum applications. That is, Maroun failed to communicate with his clients about the process and the risks; he pursued claims before the immigration tribunal that lacked a basis in fact and law; and he charged his clients fees for meritless applications that would likely result in eventual removal from the United States.

Maroun's False Guarantees to Clients. Maroun and his employees made false guarantees and promises to clients of legal status and green cards in order to charge thousands of dollars in legal fees and obtain a down payment based on the general promise of legal immigration status. This conduct is deceptive and unfair because it is unethical and unscrupulous. The conduct is deceptive because it could reasonably cause a consumer to enter a contract or pay Maroun money that the consumer would not have otherwise done and because it has a tendency to deceive. This is especially true because Maroun's clients were relatively unsophisticated and unfamiliar with the immigration processes that Maroun intended to employ, including the risks posed by those processes.

C. Relief to Commonwealth pursuant to G.L. c. 93A, § 4

[19] *Matter of Monreal-Aguinaga*, 23 I&N Dec. 56, 65 (BIA 2001) (declining to find hardship notwithstanding that immigrant was in U.S. for 20 years and removal would result in the "loss of long-standing employment," various hardships for his school-age U.S. citizen children and separation from his remaining extended family in the United States). *Matter of Andazola-Rivas*, 23 I&N Dec. 319, 323-24 (BIA 2002) (hardship not found for immigrant who was unwed mother who likely would encounter unfavorable employment prospects in Mexico due to her gender, was concerned about limits on her children's educational opportunities and that she had no family support in Mexico). In *Andazola-Rivas*, the BIA explained, "[A]lmost every case, will present some particular hardship," but the burdens the alien had identified were "simply not substantially different from those that would normally be expected upon removal to a less developed country." *Andazola-Rivas*, 23 I&N Dec. at 324.

G.L. c. 93A, § 4 authorizes the Commonwealth to obtain relief for Maroun's unfair and deceptive acts and practices, in the form of civil penalties, restitution to consumers, permanent injunctive relief, and attorney's fees and costs.

1. Civil Penalties

G.L. c. 93A, § 4 authorizes a civil penalty of up to $5,000 for each unfair or deceptive act or practice engaged in by Maroun, provided that I determine Maroun knew or should have known that his conduct was unfair or deceptive. See *Commonwealth v. Source One Associates, Inc.*, 436 Mass. 118, 119 (2002) (affirming trial court's imposition of $500,000 civil penalties arising from 1,000 separate violations of Chapter 93A); *Commonwealth v. Fall River Motor Sales, Inc.*, 409 Mass. 302, 313-314 (1991) (affirming trial court's imposition of multiple civil penalties where deceptive advertising promotion purchased in one single transaction ran three separate times in the Boston Globe). Each misrepresentation violates Chapter 93A. *Chatham Development Co., Inc.*, 49 Mass. App. Ct. 525, 528 (2000) (affirming trial court's imposition of multiple civil penalties because "each individual misrepresentation constitutes an individual violation."). Civil penalties are punitive in nature and designed to deter further unfair and deceptive acts. *See Commonwealth v. AmCan Enterprises, Inc.*, 47 Mass. App. Ct. 330, 339-40 (Mass. App. Ct. 1999).

Here, I will assess civil penalties because Maroun knew or should have known that his conduct vis-à-vis his clients was unfair or deceptive in violation of c. 93A. I will calculate civil penalties with reference to the evidence provided by each of the nine testifying Maroun clients, plus Corrina Cordeiro.[20] I will identify which unfair or deceptive acts Maroun engaged in with respect to each testifying client, and then assess a civil penalty for those violations in the amount

[20] Mrs. Cordeiro did not testify at trial, but the documentary exhibits (e.g., asylum application and affidavit) combined with the testimony of Mr. Cordeiro, who testified to meetings with Maroun's office attended by both he and his wife, provide a basis for relief as to Mrs. Cordeiro.

of **$2500**. This amount is less than the maximum $5,000 because I acknowledge that certain categories of misconduct may be perceived as overlapping. That is because I have tried to identify the unique aspects of Maroun's misconduct that qualify as unfair or deceptive, but also acknowledge that most aspects of Maroun's misconduct occurred upon the filing the asylum applications on behalf of his clients. I think it worthwhile to identify the several ways that Maroun's actions were unfair or deceptive—*i.e.*, the asylum applications were false, and meritless, and late, and filed without the client's knowledge or review, and without explaining the process and risks to clients—because *any one* of those aspects by itself violates c. 93A. However, I decline to assess the maximum civil penalty in acknowledgement that each of those categories of violation are part of Maroun's overall course of conduct in providing legal services. On the other hand, my approach to civil penalties is conservative in that I have categorized Maroun's misconduct instead of identifying, for instance, every misrepresentation or failure to disclose in which Maroun engaged. Further, although the Commonwealth has not asked that I expand assessment of civil penalties beyond the conduct experienced by the testifying clients, I infer from the trial evidence that the experience of the testifying clients reflected Maroun's regular business practices, and therefore it is likely Maroun treated many more clients in the same manner he treated the testifying clients. I do not assess civil penalties for any conduct directed at clients that did not testify, but this inference of broader violations warrants assessing civil penalties at the higher end of the statutory range.

Eight testifying Maroun clients, namely, Julio Noquiera Ramos, Ronaldo and Regiane Salgado, Patricia De Fonseca, Rhumenick Miranda, Adalgiza Costa, and Paulo and Corrina Cordeiro, were subject to the first eight unfair or deceptive acts or practices identified above, that is, representing clients without explaining legal process or risks and benefits; filing asylum

applications without the client's knowledge; filing false applications and affidavits, meritless asylum applications, untimely asylum applications, meritless withholding of removal petitions, charging fees for unfair/deceptive legal services, and misleading guarantees of immigration success. I will assess civil penalties of $20,000 with respect to seven of these testifying clients, and $10,000 with respect to Rhumenick Miranda,[21] for a total of $150,000.

Fabiane Ferato and Ricardo De Souza were in a different situation than the other clients, as Mr. DeSouza was in deportation proceedings when they retained Maroun. Nonetheless, Maroun made misleading guarantees of immigration success to De Souza and made unfair threats to both Ferato and De Souza in order to collect fees. I will assess $5,000 in civil penalties as to each of these testifying witnesses, resulting in civil penalties totaling **$160,000**.

2. Restitution

G.L. c. 93A, § 4 authorizes the Attorney General to recover ascertainable loss suffered by consumers as a result of Maroun's unfair or deceptive acts or practices. Here, in light of the breadth and severity of Maroun's violations, the harm that flowed and still may flow to clients as a result of the asylum applications filed by Maroun, and that clients would not have retained and paid Maroun at all had he properly disclosed his intentions and the immigration risks of filing untimely and meritless asylum applications, the testifying clients should recover as restitution all the fees they paid Maroun.[22] The trial evidence established that the testifying clients paid the following amounts to Maroun:

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[21] Mr. Miranda was subject to the same unfair and deceptive conduct of Maroun as the other seven witnesses, however, he also testified that he was in deportation proceedings when he first retained Maroun. This is a meaningfully different factual context from those clients where Maroun's legal services brought trouble for clients that were not yet in immigration proceedings. This change in facts warrants reducing the civil penalty.

[22] I reach this conclusion even though Maroun paid certain application or filing fees from the fees paid to him by clients. With proper disclosure and explanation from Maroun, the applications would not have been filed.

Rhumenick Ferreira Miranda	$6,500.00
Carina Cassiano Cordeiro and Paulo Andre Cordeiro	$15,000.00
Ronaldo Salgado and Regiane de Cassia Sarvinah Salgado	$15,000.00
Patricia Micheline Gomes Da Fonseca Hasibuan	$5,300.00
Julio Noquiera Ramos	$5,000.00
Adalgiza Souza Costa	$5,000.00
Ricardo Dos Santo Lopes De Souza and Fabiane Feriato	$30,000.00

Judgment against Maroun shall include restitution pursuant to G.L. c. 93A, § 4, totaling $81,800 which, once collected by the Commonwealth, shall be distributed to the testifying clients in the amounts identified immediately above.

3. Permanent Injunction

The Commonwealth is entitled to a permanent injunction to ensure that Maroun's unfair or deceptive acts or practices do not injure consumers in the future. The Commonwealth urges that I prohibit Maroun from practicing immigration law in the Commonwealth, including entering into agreements for legal services, providing legal advice related to a client's immigration status, and filing petitions or applications with federal immigration authorities. In my view, the Supreme Judicial Court and the Board of Bar Overseers are better positioned to determine whether, and how, Maroun's practice of law should be restricted. I will enter a permanent injunction that is tied to the unfair or deceptive conduct proven at trial. Prohibiting those practices should serve to protect consumers, leaving to the principal regulators of attorneys whether Maroun's legal practice should be further restricted.

4. Attorney Fees

G. L. c. 93A § 4 authorizes the Commonwealth to recover attorney's fees if Maroun knew or should have known that his conduct violated G. L. c. 93A § 2(a). To reiterate my earlier finding, Maroun knew or should have known that his conduct described in this decision was

unfair or deceptive in violation of c. 93A. Accordingly, the Commonwealth is entitled to recover its attorneys' fees and costs. The Commonwealth shall serve upon Maroun pursuant to Super. Ct. Rule 9A, within thirty days, its application for attorney's fees and thereafter file with the court the application and any opposition. Entry of judgment will await my ruling on any such application.

CONCLUSION AND ORDER

For the reasons set forth in the above Findings of Fact and Conclusions of Law,

1. Judgment shall enter under G.L. c. 93A, § 4 in favor of the Commonwealth and against Maroun, in the total amount of $241,800, comprising civil penalties in the amount of $160,000 and restitution in the amount of $81,800;
2. The Commonwealth is entitled to attorney's fees and costs pursuant to G.L. c. 93A, § 4, and shall serve upon Maroun pursuant to Super. Ct. Rule 9A, within thirty days, its application for attorney's fees and thereafter file with the court the application and any opposition.
3. Maroun is permanently enjoined from:

    a. Undertaking to represent new clients, or filing asylum applications or any immigration applications for any client, or soliciting or accepting any legal fees from any client, without first disclosing and fully explaining the legal processes that Maroun intends to use on behalf of the client, the available options to achieve the client's goals, and the risks and benefits of using the processes that Maroun recommends, and obtaining the client's informed consent before undertaking any representation or filing any applications on behalf of the client.

    b. Filing any asylum application or other immigration application for any client without first reviewing the complete application with the client and obtaining the client's consent before filing;

    c. Filing any asylum application or other immigration application (i) that contains false or inaccurate information, (ii) which Maroun knows or reasonably should know does not satisfy the criteria for asylum or the applicable criteria for another

immigration benefit sought; or (iii) which Maroun knows or should reasonably know is untimely and not subject to an exception;

d. Charging or accepting fees for any legal services in circumstances where Maroun has not conformed the requirements of subsections (a), (b) and (c) of this permanent injunction;

e. Misrepresenting any material fact or failing to disclose any material fact to a client concerning his legal services, including providing any guarantee of a particular result from his legal services; and

f. Making threats of deportation or other negative immigration consequences in order to collect current or additional legal fees from clients.

It is **so ordered**.

Christopher K. Barry-Smith
Justice of the Superior Court

DATE: March 18, 2022