

FILE NO. _____

STATE OF MINNESOTA

IN SUPREME COURT

In Re Petition for Disciplinary Action
against ENGLEBERT CHIA AKONG,
an Attorney at Law of the
State of Minnesota.

**PETITION FOR
DISCIPLINARY ACTION**

TO THE SUPREME COURT OF THE STATE OF MINNESOTA:

The Director of the Office of Lawyers Professional Responsibility, hereinafter Director, files this petition pursuant to Rules 10(a) and 12(a), Rules on Lawyers Professional Responsibility (RLPR). The Director alleges:

The above-named attorney, hereinafter respondent, was admitted to practice law in Minnesota on October 25, 1996. Respondent was suspended on January 1, 2000, for non-payment of attorney registration fees. Respondent currently resides in his native country of Cameroon in West Africa.

Respondent has committed the following unprofessional conduct warranting public discipline:

FIRST COUNT

Filing Documents with Forged Signatures with the Board of Immigration Appeals

1. In January 1999 the Immigration and Naturalization Service (INS) arrested respondent and banned him from representing persons in INS proceedings. Following an INS hearing at which respondent conceded deportability and working without authorization, he was granted voluntary departure. At the end of October 1999 respondent closed his office and left the United States for his native country, Cameroon.

2. In the fall of 1999 Rachel Sampong agreed to take over representation of six client matters from respondent. She did not agree to substitute as attorney for Adam M. Fate, Kenneth Ayuk or Mathias Etchu-Njang.

3. Before leaving the country respondent filed appeals to the Board of Immigration Affairs (BIA) on behalf of Fate, Ayuk and Etchu-Njang. Without her knowledge or authorization, respondent signed Rachel Sampong's name to these appeals and used her attorney registration number.

4. When Sampong received communications from the BIA regarding these three individuals she sent a November 17, 1999, letter to the BIA stating that respondent had used her name without her authorization in filing appeals on behalf of Adam M. Fate, Kenneth Ayuk and Mathias Etchu-Njang. Sampong had never met these three individuals, obtained the files or records pertaining to their matters or obtained consent to represent them (Exhibit 1).

5. On December 7, 1999, Jennifer Barnes, bar counsel for the Executive Office of Immigration Review, an agency within the United States Department of Justice with oversight authority over the immigration courts nationwide and the BIA filed a complaint with the Director's Office regarding these forged signatures.

6. Respondent's conduct in misrepresenting to the BIA that Rachel Sampong had agreed to substitute as attorney for Fate, Ayuk and Etchu-Njang by signing her name to pleadings filed with the court violated Rules 4.1 and 8.4(c) and (d), Minnesota Rules of Professional Conduct (MRPC).

SECOND COUNT

Neglect, Non-Communication and Improper Withdrawal

7. On May 5, 1998, Ms. Anu A. Adefuye retained respondent to assist her with her immigration status. Adefuye paid respondent a \$50 consultation fee and signed a G28 form indicating that respondent was her attorney.

8. In July 1998 respondent received a response to his Freedom of Information Act request, including a petition for asylum filed by a New York attorney on her behalf in 1993. Adefuye had first entered the United States in 1988 as a student. She has been continuously present in the United States since that time. Her asylum petition was listed as still pending with the Chicago INS office.

9. Based on her asylum petition Adefuye received work authorization that she personally renewed each year. Adefuye was employed at HealthEast as a nursing assistant.

10. When Adefuye met with respondent she told him that she wanted to obtain legal residency. At some point in 1998 she also requested assistance with her work authorization which had lapsed when she failed to submit a check for the correct amount of the fee with her renewal application.

11. Between November 1998 and April 1999 Adefuye paid respondent an additional \$525 to work on her legal residency (Exhibit 2).

12. On June 21, 1999, Adefuye received notification of an interview to be held on July 22, 1999, regarding her request for asylum. Adefuye took the notice to respondent. Respondent did not give Adefuye a copy of her asylum petition or prepare her for the interview but assured her that he would be present for the interview. On the day of the interview, when respondent did not appear, Adefuye proceeded with the interview *pro se*.

13. On August 3, 1999, Adefuye received a letter from the INS informing her that her request for asylum had not been granted.

14. Adefuye made repeated calls to respondent's office leaving messages on his answering machine. Respondent never contacted her, did not inform her that he was closing his office and leaving the country, and did not return her immigration file.

15. On or about October 13, 1999, Adefuye received a notice to appear in removal proceedings. The notice informed her that a hearing had been scheduled for February 10, 2000. Adefuye went to Minneapolis to visit respondent's office and was told by other people in the building that he was gone and that they knew nothing about where he could be found.

16. Adefuye continued her efforts to locate respondent. Adefuye went to his former office and talked with the rental agent for the building but received no help. Adefuye sent letters to respondent by both regular and certified mail hoping to locate him

and receive either assistance or the return of her file. Adefuye's certified letter was returned unclaimed.

17. Adefuye, who is from northern Nigeria, has an 8-year-old United States citizen daughter whose father has abandoned them. The daughter speaks only English and has attended St. Paul public schools since kindergarten. Adefuye volunteers in her daughter's school and is an active member of her church. In addition to her employment at HealthEast, Adefuye has been taking post-secondary classes to improve her education and employability.

18. Respondent's conduct in failing to appear with, or prepare Adefuye for, the INS asylum interview, in failing to return her telephone calls or to notify her of his termination of practice, and in failing to return her file violated Rules 1.3, 1.4 and 1.16, Minnesota Rules of Professional Conduct (MRPC).

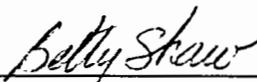
WHEREFORE, the Director respectfully prays for an order of this Court imposing otherwise appropriate discipline, awarding costs and disbursements pursuant to the Rules on Lawyers Professional Responsibility, and for such other, further or different relief as may be just and proper.

Dated: October 26, 2000.



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