

[LETTERHEAD]

July 19, 2017

John Graves  
Investigator  
State Bar of California  
180 Howard Street  
San Francisco, CA 94105

\*\*\* VIA E-MAIL & U.S. MAIL \*\*\*

Re: Charles Dodgson, Case No. 17-O-368741  
CW Henry Cleary

Dear Mr. Graves:

This firm represents Charles Dodgson with respect to the referenced matter number. This letter and documents bates stamped CD 001 – 013 are being submitted to you as Mr. Dodgson's written response to your June 21, 2017 letter. Thank you for the extension of time to provide this response.

As Mr. Cleary is the complaining witness in this case, Mr. Dodgson responds to your letter on the belief that the attorney-client privilege has been waived. Should you believe otherwise, please stop reading immediately and contact me directly.

### **Summary**

Mr. Dodgson is a solo real estate transactional attorney. He recently offered his services as a volunteer lawyer with the Immigration Rights Project ("IRP"). Mr. Cleary's case was to be his first litigation matter (and first immigration case) had it ever been transferred to him.

Mr. Dodgson contacted IRP in December 2016 to offer his pro bono services. IRP had been actively recruiting for new volunteer lawyers and offering training to non-immigration lawyers who wanted to join. When Mr. Dodgson first came into IRP's program, he was assigned Mr. Cleary's matter. However, at the outset, it was clear that the first task requiring the lawyers' attention was a master calendar hearing which would take place when Mr. Dodgson was out of the office for a long-planned month long vacation. Thus, he immediately informed IRP of this fact and the case was instead assigned to another volunteer lawyer to handle until Mr. Dodgson returned from his trip.

Your letter asks how the case was transitioned to Mr. Dodgson and how should it have been transitioned. Mr. Dodgson has limited ability to directly answer these questions. First, the case was never actually transferred to him. By the time he returned from his travels, the master calendar hearing on the case had been missed, the Immigration Court had issued a deportation

order, and IRP was being replaced as counsel by Lawyers' Council. Second, as a brand new volunteer at IRP, Mr. Dodgson has no knowledge of the usual processes of the organization when bringing in a new attorney on a new case.

In short, Mr. Dodgson's involvement in the case was very slight, and it was in anticipation of taking on a more significant role at a later date which never came. There is no reasonable basis upon which to bring disciplinary charges against him.

### **Mr. Dodgson's Involvement in Mr. Cleary's Matter**

#### First Introduction

In December 2016, IRP's intake attorney, Jennifer Small, approached Mr. Dodgson about taking on Mr. Cleary's asylum case. To Mr. Dodgson's knowledge, the case was new to IRP but it is possible that it had been previously handled by another IRP volunteer.

In this initial conversation, Ms. Small gave Mr. Dodgson a brief description of the case, but no case materials. Following it, Mr. Dodgson was not added to IRP's calendar or provided with client documents. Mr. Dodgson understood from their casual interaction that Ms. Small would follow up with additional materials as was appropriate under IRP's intake process.

#### Initial Transfer Call

Mr. Dodgson's first substantive interaction on the case was on January 17, 2017. He participated in a call with Ms. Small and another volunteer lawyer, David Wright, who was being added to the matter as well. On this call, Ms. Small informed Mr. Dodgson and Mr. Wright that the next court date on the case was a May 9, 2017 master calendar hearing for Mr. Cleary. (This date was incorrect, and the actual hearing date was May 3, 2017, but at this time Mr. Dodgson did not know that the date he was given was incorrect.)

Upon hearing that the court appearance was set for May 9, Mr. Dodgson informed Ms. Small and Mr. Wright that he would be out of the country. The three attorneys discussed the timing and decided that Mr. Dodgson would not be involved in the May hearing or preparations for it; he would assist on the case following his return.

#### February 10, 2017 Meeting with Client

Mr. Dodgson attended a single meeting with Mr. Cleary on February 10, 2017 at the IRP's Palo Alto office. The meeting was run by Mr. Wright, since he would be handling the case until Mr. Dodgson returned from his planned trip.

As this was Mr. Dodgson's first immigration case, he understood the meeting to be a meet-and-greet with the client, and his role was primarily to be introduced to him and to observe the process of getting to know a new immigration client and understand his claim. At the time of the meeting, he had not received any materials specific to Mr. Cleary's case or any training on substantive or procedural aspects of immigration law.

When Mr. Dodgson arrived to the meeting, Mr. Cleary and Mr. Wright were already present. Mr. Dodgson was introduced to Mr. Cleary and remained present for the duration of the meeting, which lasted approximately one hour. The meeting consisted primarily of Mr. Cleary telling his background story which supported her asylum application.

At the meeting, the May master calendar hearing was discussed. Mr. Dodgson reiterated to Mr. Wright and informed the client for the first time that he would not be present because he would be out of the country.

Mr. Dodgson left the February 10 meeting with the understanding that there was no work for him to perform on the case at that time, as again, the case was not being transferred to him or tasks otherwise assigned to him until after he returned from his trip.

### **Events of May 3, 2017**

May 3, 2017 was the day before Mr. Dodgson's departure on his trip. He was home in Oakland, California preparing to be away for a month.

Mr. Dodgson received a frantic phone call from Mr. Wright late in the morning. On that call, Mr. Dodgson learned that there had been a mistake in IRP, Mr. Wright and Mr. Dodgson's handling of Mr. Cleary's matter, and instead of the calendar hearing being May 9, it was actually May 3 and all counsel and the client had missed it.

Mr. Dodgson and Mr. Wright discussed which of them could get to the Immigration Court in San Francisco most quickly, and they decided that it was Mr. Wright. So, Mr. Wright did in fact go to Immigration Court where he learned that a deportation order had been issued to Mr. Cleary in *abstentia* that morning.

### **Mr. Dodgson's Knowledge of Next Events**

While on his vacation, Mr. Dodgson learned in an email from Mr. Wright that Mr. Cleary's new counsel, Lawyers' Council, had filed a State Bar complaint alleging his ineffective assistance of counsel. It was and remains his understanding that the State Bar complaint was a necessary component of Lawyers' Council's motion to reopen Mr. Cleary's case and rescind the *in abstentia* deportation order.

Subsequently, Mr. Dodgson learned that Lawyers' Council was successful on its motion. The order was signed June 14, 2017, thereby negating the harm of the missed May 3, 2017 calendar hearing. A copy of that order is enclosed.

### **Documents Enclosed**

Enclosed are emails available to Mr. Dodgson which relate to the staffing of the case at IRP. Also enclosed is a copy of the court order vacating the deportation order in the case.

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**Requested Resolution**

Due to his extremely limited role in this entire matter, Mr. Dodgson respectfully requests that this matter be closed without further proceedings.

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If any further information would be helpful, please contact me directly.

Sincerely,

Counsel for Charles Dodgson