



## Attorney Misconduct Complaint

### Your Contact Information

Title: Mr.

First name: ROGERIO

Middle name: CHAVES

Last name: SCOTTON

Address: 160 W Camino Real 102

City: BOCA RATON

State: FL

ZIP code: 33432

Email: rs@scottonracing.com

Your telephone numbers:

Home: (561) 770-8909

Work:

Cell:

### Attorney's Information

First name: Elizabeth

Middle name: Robyn

Last name: Chapman

Address: USDOJ PO Box 878

City: Washington

State: DC

ZIP code: 20044

Email: elizabeth.r.chapman@usdoj.gov

CA Bar License #: 274658

Primary phone: (202) 630-0101

Other phone:

Cell phone:

Website:

Have you or a member of your family complained to the State Bar about this attorney previously?

☐ Yes ☒ No

Did you hire the attorney?

☐ Yes ☒ No

Does this complaint involve allegations of theft or misappropriation of funds?

☐ Yes ☒ No

Does this complaint involve allegations of attorney misconduct against a person 65 years of age or older?

☐ Yes ☒ No

Does this complaint involve allegations of attorney misconduct against a person who is incapacitated, infirm, disabled, incarcerated, an immigrant, or a minor?

☒ Yes ☐ No

Does this complaint involve allegations that the attorney has abandoned a client?



## Attorney Misconduct Complaint

☐ Yes ☒ No

Are you an attorney?

☐ Yes ☒ No

Enter the approximate date you hired the attorney and the amount, if any paid to the attorney.

Date:

Amount paid:

What is your connection with the attorney? Explain briefly.

I was directly involved in legal proceedings where Elizabeth R. Chapman, acting as an attorney for the U.S. Department of Justice, requested the dismissal of my petitions for judicial review during my deportation case. She argued multiple times that my case was moot despite ongoing issues related to my due process rights.

### Statement of Complaint

Include with your submission a statement of what the attorney did or did not do that is the basis of your complaint. Please state the facts as you understand them. Do not include opinions or arguments. If you hired the attorney(s), state what you hired the attorney(s) to do. Additional information may be requested.



## Attorney Misconduct Complaint

On November 13, 2019, I was served by ICE with two forms, I-85 (Notice of Intent to Deport) and I-85A (Final Deportation Order), while detained at D. Ray James Correctional Facility. Form I-85 indicated that I had 10 calendar days to respond, but both forms were issued and signed on the same day, violating my due process rights under U.S. immigration law. I immediately filed for judicial review with the appellate court.

Before the court could respond, Elizabeth Chapman, an attorney for the U.S. Department of Justice, filed a motion to dismiss my petition as moot, claiming that the forms had been canceled. However, two days later, ICE served me with the same forms again, both issued and signed on the same day, repeating the due process violation. I filed another judicial review with the Eleventh Circuit, and again, Ms. Chapman requested dismissal, claiming the forms had been canceled.

On the third occasion, ICE issued the forms once more, but before I could file another judicial review, I was forcibly removed from the U.S. I was handcuffed, shackled, and transported through several states (Georgia, Louisiana, Texas, Puerto Rico), before being deported to Brazil without identification, money, or proper clothing, despite having lived in the U.S. for over 42 years and having an approved I-130 petition filed by my U.S. citizen mother.

Ms. Chapman also failed to respond to multiple letters I sent to her office, including requests for my complete A-file (Alien file), a right to which I am entitled as part of my deportation proceedings. Her refusal to provide these documents further obstructed my ability to defend myself and properly challenge the legality of the deportation actions taken against me.

Moreover, Ms. Chapman was fully aware of the fact that ICE wrongfully classified me as an aggravated felon under INA § 101(a)(43)(M), which pertains to crimes involving fraud or deceit where the loss to the victim exceeds \$10,000. There was no mention of any loss amounts tied to the 27 counts of mail fraud for which I was convicted. The restitution used to justify this classification was not connected to my charges, and the unverified spreadsheet presented at trial contained no specific loss amounts. Despite knowing this, Ms. Chapman allowed ICE to proceed with its improper actions, violating my rights.

Cancelling the I-85 and I-85A forms may have appeared to be the right course of action, but in reality, it was a deliberate attempt to avoid judicial review. By canceling the forms each time I filed a judicial review, Ms. Chapman effectively prevented the appellate court from ruling on my petitions and addressing the merits of my case. This intentional avoidance of court review violated my right to due process, which is a cornerstone of both U.S. and immigration law.

Under California Bar standards, Ms. Chapman's conduct constitutes clear violations of the following rules:

Rule 3-200(A) – Prohibiting attorneys from pursuing legal actions that are unwarranted. Her actions were in bad faith, as she repeatedly filed to dismiss my petitions under the guise of mootness, despite knowing that my claims were legitimate.

Rule 3-110 – Requiring attorneys to act competently and diligently. Ms. Chapman's refusal to provide my A-file, failure to respond to my letters, and deliberate obstruction of the court's review process demonstrate a lack of professional competence and diligence.

Rule 8.4(c) – Prohibiting attorneys from engaging in conduct involving dishonesty or deceit. Her conduct in filing motions to dismiss based on canceled forms, without addressing the underlying legal issues, amounts to deceit and a violation of my rights.

Ms. Chapman knew, based on my judicial reviews, that ICE's use of restitution to classify me as an aggravated felon was wrong and lacked merit. Her actions have caused irreparable harm to my family, especially my legally blind U.S. citizen mother, who was forced to leave the U.S. with my ill stepfather to care for me in Brazil, without access to Medicare and other benefits she would have received in the U.S.

Elizabeth Chapman's disregard for the law, her failure to act in good faith, and her deliberate obstruction of justice must not go unpunished. Her actions are in violation of her duties as an officer of the court and as a licensed attorney under California Bar standards. I respectfully request that the California Bar investigate her conduct in this matter and hold her accountable for the harm she has caused.



## Attorney Misconduct Complaint

### Related Court Case Information

**Court name:** Eleventh Circuit appeal court

**Case name:** ROGERIO CHAVES SCOTTON V. WILLIAM P. BARR

**Case number:** 20-111181-D

**Approx. date case was filed:** 4/24/2020

**Size of law firm complained about** Government Attorney

If you are not a party to this case, what is your connection with it? Explain briefly.

### Attachments

☐ No files attached

- 20230311\_172440.jpg
- File Name Lost (2985).jpg
- l130.jpg
- img09252022\_002.jpg
- letter to ELIZABETH CHAPMAN.pdf
- REPLY TO RESPONDET OPPOSITION TO PETITIONER EM.pdf
- SCOTTON PETITION TO LEAVE TO AMEND.pdf

### Translation Information

☐ Not applicable

The State Bar accepts complaints in over 200 languages. If you need translation services to communicate with the State Bar, please let us know by completing this section of the complaint form. We will communicate with you through a translation service in the language of your choice. Do you need translation services?

☐ Yes ☒ No

State the language in which you need formal translation:



## Attorney Misconduct Complaint

### Submission

- ☒ By checking this box I certify that all information on this form is true and correct. I understand that the content of my complaint can be disclosed to the attorney. I understand that I waive the attorney client privilege and any other applicable privilege between myself and the attorney to the extent necessary for the investigation and prosecution of the allegations. I also agree that the checkbox and my name typed below are to be used as my electronic signature.
- ☒ I understand that if the Office of Chief Trial Counsel (OCTC) prosecutes allegations contained in this complaint, I may be required to testify before the State Bar Court in order to prove the charge or charges or misconduct against the above-named attorney.
- ☒ I understand that every person who reports to the State Bar or causes a complaint to be filed with the State Bar that an attorney has engaged in professional misconduct, knowing the report or complaint to be false and malicious, is guilty of a misdemeanor.

**Signature** Rogerio Chaves Scotton