

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

TROY DONAHUE HARRIS,

Respondent.

Supreme Court Case No.  
SC-

The Florida Bar File No.  
2018-70,484 (11B)

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**COMPLAINT**

The Florida Bar, complainant, files this Complaint against Troy Donahue Harris, respondent, pursuant to the Rules Regulating The Florida Bar and alleges:

1. Respondent is, and was at all times mentioned herein, a member of The Florida Bar admitted on May 22, 1997, and is subject to the jurisdiction of the Supreme Court of Florida.
2. Respondent resided and practiced law in Miami-Dade County, Florida, at all times material.
3. The Eleventh Judicial Circuit Grievance Committee "B" found probable cause to file this complaint pursuant to Rule 3-7.4, of the Rules Regulating The Florida Bar, and this complaint has been approved by the presiding member of that committee.

4. On or about 2005, respondent was retained by Mr. Chukwudi Nwankwo and his spouse, Ms. Nennaya Okorie Ekeya to assist them in an immigration matter, specifically to apply for lawful permanent residence for Mr. Nwankwo based on his marriage to a United States citizen.

5. On or around November 20, 2005, respondent filed the initial I-130 Petition for Alien Relative, concurrently with an I-485 Application to Register Permanent Residence to Adjust Status.

6. Respondent filed the I-485 knowing that Mr. Nwankwo was not eligible to adjust status through this petition based on his unlawful entry into the United States.

7. However, respondent contends the purpose of the filing this petition was so that Mr. Nwankwo could temporarily be issued an Employment Authorization Document while his immigration matters were pending.

8. As a result of the denial of the I-485, Mr. Nwankwo was placed in removal proceedings. A Notice to Appear was issued on or around March 28, 2012.

9. The initial I-130 petition that was filed November 20, 2005 was granted on January 22, 2007 by the USCIS.

10. However, respondent failed to convey to his client that his I-130 petition was approved by USCIS on January 22, 2007.

11. Consequently, the initial I-130 petition was deemed abandoned.
12. Subsequently, respondent filed a second I-130 petition on Ms. Ekeya's behalf for her spouse, Mr. Nwankwo (receipt number WAC-10-069-14404).
13. Again, respondent failed to adequately communicate with his client.
14. Respondent failed to communicate that on March 16, 2010, an interview was scheduled following the filing of the second I-130 petition, or otherwise keep his client apprised of the status of the application.
15. On or about March 2012, the Miami Immigration Court issued a Notice to Appear for Mr. Nwankwo in removal proceedings.
16. Respondent was informed by the Immigration Court that a hearing on the removal case was scheduled for June 12, 2017.
17. Respondent failed to communicate with his client that a hearing had been scheduled.
18. As a result, Mr. Nwankwo failed to appear at the final hearing in his removal proceedings on June 12, 2017.
19. Respondent acknowledged that eight hearings were scheduled in Miami Immigration Court, and since being placed in removal proceedings in 2012, Mr. Nwankwo had never missed any scheduled hearings until June 12, 2017.

20. Mr. Nwankwo was ordered removed from the United States in absentia on June 12, 2017.

21. Respondent failed to inform Mr. Nwankwo that he was ordered removed from the United States in absentia on June 12, 2017.

22. Respondent had no contact with his client, Mr. Nwankwo, from June 2015 to June 12, 2017.

23. Approximately six months later, respondent filed additional immigration petitions, including an EOIR 42B Application for Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents; and a I-589 Application for Asylum and Withholding of Removal.

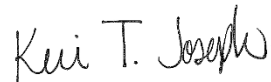
24. Respondent acknowledged that his actions contributed to his client being placed in removal proceedings, and executed an affidavit to accompany Mr. Nwankwo's immigration appeal.

25. Respondent charged his client clearly excessive fees related to his representation in various immigration matters, which included charges for types of relief respondent knew Mr. Nwankwo was not entitled to receive under law.

26. Respondent issued Mr. Nwankwo a refund of \$4,000 on April 30, 2019.

27. By reason of the foregoing, respondent has violated the following Rules Regulating The Florida Bar: 4-1.1 (Competence); 4-1.4 (Communication); and 4-1.5 (Fees and Costs for Legal Services).

WHEREFORE, The Florida Bar prays respondent will be appropriately disciplined in accordance with the provisions of the Rules Regulating The Florida Bar as amended.



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## **CERTIFICATE OF SERVICE**

I certify that this document has been e-filed with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, with a copy provided via e-mail to Troy D. Harris, Respondent, at [troy@troydharris.com](mailto:troy@troydharris.com); via U.S Mail and Certified Mail No. 7017 1070 0000 4774 4115 to Troy D. Harris, P.A., 3550 Biscayne Blvd., Suite 403, Miami, FL 33137-3854; and via e-mail to Keri T. Joseph, Bar Counsel, [kjoseph@floridabar.org](mailto:kjoseph@floridabar.org), on this 6th day of November, 2019.



Patricia Ann Toro Savitz  
Staff Counsel

**NOTICE OF TRIAL COUNSEL AND DESIGNATION OF PRIMARY  
EMAIL ADDRESS**

PLEASE TAKE NOTICE that the trial counsel in this matter is Keri T. Joseph, Bar Counsel, whose address, telephone number and primary email address are The Florida Bar, Miami Branch Office, 444 Brickell Avenue, Rivergate Plaza, Suite M-100, Miami, Florida 33131-2404, (305) 377-4445; [kjoseph@floridabar.org](mailto:kjoseph@floridabar.org); and Respondent need not address pleadings, correspondence, etc. in this matter to anyone other than trial counsel and to Staff Counsel, The Florida Bar, 651 E Jefferson Street, Tallahassee, Florida 32399-2300, [psavitz@floridabar.org](mailto:psavitz@floridabar.org).

**MANDATORY ANSWER NOTICE**

RULE 3-7.6(h)(2), RULES REGULATING THE FLORIDA BAR,  
PROVIDES THAT A RESPONDENT SHALL ANSWER A COMPLAINT.