

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

April 1, 2025

ZAJI ZAJRADHARA,	)	
Complainant,	)	
	)	
v.	)	8 U.S.C. § 1324b Proceeding
	)	OCAHO Case No. 2024B00013
JIN JOO CORPORATION,	)	
Respondent.	)	
_____	)	

Appearances: Zaji O. Zajradhara, pro se Complainant  
Stephen O. Nutting, Esq., for Respondent

ORDER DENYING COMPLAINANT’S REQUEST FOR SANCTIONS

I. PROCEDURAL HISTORY

This case arises under the employment discrimination provisions of the Immigration and Nationality Act (INA), as amended, 8 U.S.C. § 1324b. On October 17, 2023, Complainant, Zaji Obatala Zajradhara, filed a complaint with the Office of the Chief Administrative Officer (OCAHO) against Respondent, Jin Joo Corporation.

On January 8, 2025, Respondent filed an Answer.

On February 9, 2025, Complainant submitted a filing titled “Response to Order Granting E-Filing and Case Management Order – Highlighting Potential Conflict of Interest and Evidence of Improper Conduct.” Complainant claims Respondent’s counsel has “a significant potential conflict of interest” because he represents several respondents in cases the Complainant has before this Court. Conflict 1. Complainant asks the Court to “[c]onsider whether it is appropriate for [Respondent’s counsel] to continue representing [Respondent]” and “[c]onsider the . . . disqualification of [Respondent’s counsel] from the case. *Id.* at 2-3.

Respondent did not file a response.

## II. LEGAL STANDARDS AND DISCUSSION

### A. Standards

Under OCAHO's Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2024), "[a]ll persons appearing in proceedings before an Administrative law Judge are expected to act with integrity, and in an ethical matter," and "[t]he Administrative Law Judge may exclude from proceedings parties . . . and their representatives for . . . refusal to adhere to reasonable standards of orderly and ethical conduct" or "failure to act in good faith" among other issues. 28 C.F.R. § 68.35(a)-(b).<sup>1</sup>

The Court "looks to the ethics rules of the appropriate state bar to determine whether an attorney has committed an ethical violation." *Ackermann v. Mindlance, Inc.*, 17 OCAHO no. 1462d, 3 (2024) (quoting *United States v. Koy Chinese & Sushi Rest.*, 16 OCAHO no. 1416e, 7 (2023) (CAHO Order)).<sup>2</sup> Here, the Court will look to the ethics rules for the bar of the Commonwealth of the Northern Marianas Islands, based on Respondent counsel's filings. See Mot. Allow Late Filing 4; see also Member Directory, Northern Marianas Bar Association (Mar. 24, 2025), <https://www.cnmibar.com/member-directory-1>.

The Northern Marianas Islands Rules of Attorney Discipline and Procedure rely on the "most recent version of the Model Rules of Professional Conduct of the American Bar Association [or "ABA"]." NMI R. Att'y Disc. & P. R. 3(1).

ABA Model Rule of Professional Conduct 1.7 states that "a lawyer shall not represent a client if the representation involves a concurrent conflict of interest," which it defines as "representation of one client" that is "directly adverse to another client," or representation where "there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client." Model R. Pro. Conduct 1.7.<sup>3</sup>

Although Complainant does not clearly state what he requests the Court do if a conflict of interest exists, the Court notes:

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<sup>1</sup> OCAHO Rules of Practice and Procedure, 28 C.F.R. pt. 68 (2024). The rules are also available through OCAHO's webpage on the United States Department of Justice's website. See <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-regulations>.

<sup>2</sup> Citations to OCAHO precedents reprinted in bound Volumes 1 through 8 reflect the volume number and the case number of the particular decision, followed by the specific page in that volume where the decision begins; the pinpoint citations which follow are thus to the pages, seriatim, of the specific entire volume. Pinpoint citations to OCAHO precedents subsequent to Volume 8, where the decision has not yet been reprinted in a bound volume, are to pages within the original issuances; the beginning page number of an unbound case will always be 1, and is accordingly omitted from the citation. Published decisions may be accessed in the Westlaw database "FIMOCAHO," or in the LexisNexis database "OCAHO," or on the website at <https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions>.

<sup>3</sup> The Comment to Rule 1.7 explains that "absent consent, a lawyer may not act as an advocate in one matter against a person the lawyer represents in some other matter, even when the matters are wholly unrelated." Model R. Pro. Conduct 1.7 cmt. 6.

Because motions to disqualify an opposing party's counsel or representative are susceptible to use as procedural weapons for strategic or tactical advantage, they must be viewed with extreme caution. Cf. *Richardson-Merrill, Inc. v. Koller*, 472 U.S. 424, 441 (1985) ("the tactical use of attorney-misconduct disqualification motions is a deeply disturbing phenomenon in modern civil litigation") (Brennan, J., concurring). In recognition of their potential for abuse, such motions are subjected to strict scrutiny, and the moving party is held to a high standard of proof. *Santiglia v. Sun Microsystems, Inc.*, 9 OCAHO no. 1104, 4 (2004). Disqualification of a representative is an extraordinary remedy, to be used sparingly. *AlliedSignal Recovery Trust v. AlliedSignal Inc.*, 934 So. 2d 675, 678 (Fla. Dist. Ct. App. 2 2006). Caution must be exercised to be sure the motion is not used for purposes of harassment, *In re Employment Discrimination Litigation Against Alabama*, 453 F. Supp. 2d 1323, 1332 (M.D. Ala. 2001), and the burden of proving the grounds for disqualification falls on the proponent of the motion. *In re BellSouth Corp.*, 334 F.3d 941, 961 (11th Cir. 2003).

*Izquierdo v. Victoria Nursing & Rehab. Ctr.*, 10 OCAHO no. 1131, 3 (2009).

#### B. Analysis

Respondent's counsel's decision to represent multiple respondents in this forum does not violate the ABA Model Rule. Respondent's counsel is not representing any one client "against" another, and there is nothing to indicate how or why representing multiple respondent businesses in unrelated (and separate) cases would somehow materially limit counsel's ability to meet his responsibilities to his client. "Disqualification of a representative may not be accomplished based only on an opposing party's imagined scenarios," and here there is no indication any real conflict exists. *Izquierdo*, 10 OCAHO no. 1131, at 3.

To the extent Complainant's motion is one seeking to disqualify Respondent's counsel or have the Court take any action relative to Respondent's counsel's ability to represent this client (or others) in this forum, that motion is DENIED.

SO ORDERED.

Dated and entered on April 1, 2025.

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Honorable Andrea R. Carroll-Tipton  
Administrative Law Judge