

Falls Church, Virginia 22041

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File: D2000-077

Date: SEP 25 2003

In re: MICHAEL G. MOORE, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

PETITION FOR IMMEDIATE SUSPENSION

ON BEHALF OF GENERAL COUNSEL: Jennifer J. Barnes, Esquire

ON BEHALF OF DHS: Eileen M. Connolly, Appellate Counsel

ON BEHALF OF RESPONDENT: Pro se

ORDER:

PER CURIAM. On August 8, 2003, the Supreme Judicial Court for Suffolk County, Commonwealth of Massachusetts, ordered that the respondent be disbarred from the practice of law, effective September 7, 2003. The court found that the respondent made misrepresentations on his Massachusetts bar application, and his "history of misconduct and his multiple misrepresentations" justified disbarment.

Consequently, on August 29, 2003, the Office of General Counsel for the Executive Office for Immigration Review initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. On September 5, 2003, the Department of Homeland Security (the "DHS," formerly the Immigration and Naturalization Service) asked that the respondent be similarly suspended from practice before that agency.

The respondent submitted a letter to the Board, "in response to the request for immediate suspension"<sup>1</sup>, and contends that the disbarment order against him is on direct appeal to the full Massachusetts Supreme Judicial Court, and therefore is not "final." However, the regulations direct that the Board should immediately suspend a practitioner who has been disbarred, regardless of an appeal of the discipline. 8 C.F.R. § 3.103(a)(2). We therefore decline to accept the respondent's arguments.

The petition is granted, and the respondent is hereby suspended, absent a showing of good cause, from the practice of law before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding. See 8 C.F.R. § 3.103(a).

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<sup>1</sup>We do not construe the respondent's letter to be an answer to the Notice of Intent to Discipline, served by the OGC on September 2, 2003. See 8 C.F.R. § 1003.105(c)(1)(written answer to Notice of Intent to Discipline must be filed within 30 days of service).

Accordingly, the respondent is directed to promptly notify, in writing, any clients with cases currently pending before the Board, the Immigration Courts, or the DHS that the respondent has been suspended from practicing before these bodies. The respondent shall maintain records to evidence compliance with this order. Moreover, we direct that the contents of this notice be made available to the public, including at Immigration Courts and appropriate offices of the DHS.



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FOR THE BOARD