U.S. Department of Justice
Executive Office for Immigration Review

Falls Church, Virginia 22041

Decision of the Board of Immigration Appeals

File: D2006-173 Date: AUG 28 2008

In re: PETER D. WINTHROP, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

MOTION

ON BEHALF OF GENERAL COUNSEL: Jennifer J. Barnes, Bar Counsel

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

ORDER:

PER CURIAM. The respondent will be reinstated to practice law before the Board, the Immigration Courts, and the Department of Homeland Security (the "DHS"), effective October 23, 2008.

On March 23, 2006, the Supreme Court of Illinois suspended the respondent from the practice of law for 2 years. Consequently, on October 10, 2006, the Office of General Counsel for the Executive Office for Immigration Review petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. On October 16, 2006, the DHS asked that the respondent be similarly suspended from practice before that agency. Therefore, on October 23, 2006, we suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding. On December 6, 2006, the Board issued a final order suspending the respondent from practice for 2 years, effective October 23, 2006, the date of the immediate suspension order.

Prior to the expiration of the suspension period, on August 5, 2008, the respondent filed a "Petition For Early Reinstatement", and presents evidence that he has been reinstated to practice law in Illinois. *See* 8 C.F.R. § 1003.107; *Matter of Jean-Joseph*, 24 I&N Dec. 294 (BIA 2007); *Matter of Krivonos*, 24 I&N Dec. 292 (BIA 2007). Under 8 C.F.R. § 1003.107(b), a party who has been suspended for a year or more may petition to be reinstated after one-half of the suspension period has expired.

The Office of General Counsel argues that the respondent should not be reinstated prior to the end of the full suspension period. First, the Office of General Counsel argues, the respondent failed to report his Illinois suspension to the Board under 8 C.F.R. § 1003.103(c). "By failing to report his suspension in Illinois to EOIR, Respondent effectively delayed the initiation of these disciplinary proceedings so that the suspension period imposed by the Board could not run contemporaneously with the suspension imposed by the Supreme Court of Illinois. Respondent should not now be able to benefit from his prior failure to comply with his duty to self-report by being reinstated prior to the completion of the full suspension period." Office of General Counsel Opp., at p. 3.

Second, the Office of General Counsel notes that the respondent has presented evidence of having completed just 2 hours of continuing legal education over the last 2 years. *Id.* Finally, the Office of General Counsel notes that 2 of the attorneys offering support for the respondent's reinstatement motion have themselves been the subject of past disciplinary action in Illinois. *Id.* at 4.

The Office of General Counsel does not oppose the petition for reinstatement as of October 23, 2008, the date that the full suspension period expires. The Office of General Counsel observes that the respondent has presented evidence that he is currently eligible to practice law in Illinois. The Board therefore finds that the respondent will be reinstated to practice before the Board, the Immigration Courts, and the DHS, as of October 23, 2008. Because the respondent will be reinstated, public notices regarding the respondent's suspension should reflect this reinstatement as of October 23, 2008. If the respondent wishes to represent a party before the DHS or Board, he must file a Notice of Appearance (Form G-28 or Form EOIR-27), including any case in which he was formerly counsel, prior to his suspension.

FOR THE BOARD