

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT**

IN THE MATTER OF Mary M. Cowan Respondent.	)	
	)	File No. D2023-0214
	)	
	)	
	)	IN PRACTITIONER DISCIPLINARY
	)	PROCEEDINGS
	)	
	)	Date: April 27, 2026

FINAL ORDER AND DECISION OF THE ADJUDICATING OFFICIAL

The Disciplinary Counsel for the Executive Office for Immigration Review and the Department of Homeland Security (Disciplinary Counsel or government) seek to disbar Ms. Mary M. Cowan (respondent) from the practice of law before the Immigration Courts, Board of Immigration Appeals (BIA or Board), and the Department of Homeland Security (DHS). The respondent argues she did not violate any rules of professional conduct and disbarment will not be in the public's interest. For the reasons stated below, this Court concludes that the government has met its burden to establish that the respondent violated the rules of professional conduct, and that disbarment is the appropriate sanction.

I. BACKGROUND AND PROCEDURE HISTORY

On August 16, 2024, the Disciplinary Counsel filed a Notice of Intent to Discipline (NID) with the Board of Immigration Appeals (Board). (Exh. 1). The NID charges Ms. Cowan with four separate instances of violating her professional responsibility governing practice before the Immigration Courts, the Board, and the DHS. Disciplinary Counsel alleges that Ms. Cowan engaged in the unauthorized practice of law in violation of a prior suspension order and making false or misleading communications regarding her qualifications or services. (*Id.* at 9-10).

On February 11, 2025, the Board issued a decision forwarding the record to the Office of the Chief Immigration Judge for the appointment of an Adjudicating Official.¹ This Court was appointed to be the Adjudicating Official on the same day. On February 19, 2025, this Court scheduled a pre-hearing conference to be held on March 25, 2025. The purpose of the hearing was to discuss deadlines and scheduling the case for a hearing on the NID. (Exh. 3). At the March 2025 hearing, the parties had not yet discussed whether resolution without a hearing was possible. The respondent requested time to do so. The request was granted and the case rescheduled to another pre-trial conference to be held on April 14, 2025. (Exh. 4). At the April hearing, the Court concluded that a hearing was necessary because the parties could not agree on a resolution without a hearing. (Exh. 5). At the same hearing, the government argued that the respondent was not entitled to a hearing because she failed to formally request one in her answer to the NID. (*Id.*) The parties were given a briefing schedule to address this issue, and they timely filed their respective briefs. (Exh. 7; Exh. 8).

In a short order, this Court agreed with Disciplinary Counsel, and concluded that the respondent waived her right to an evidentiary hearing. (Exh. 9). Despite this finding, the regulations require that the Court give the parties an opportunity to “submit briefs and evidence to support or refute any of the charges or affirmative defenses.” 8 C.F.R. § 1003.106(a)(2)(iii). A scheduling order was issued for the parties to provide briefs and additional evidence. (Exh. 9). The parties timely filed their briefs and additional evidence.²

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¹ The Disciplinary Counsel for the Executive Office of Immigration Review and DHS filed a joint NID. (Exh. 2).

² The government sought and was granted an extension of time to file its brief. (Exh. 10). Given the grant of extension of time, the Court *sua sponte* extended the time for the respondent to file her brief and additional evidence. (Exh. 10A).

II. EVIDENCE PRESENTED

This Court has considered all the evidence of record, even if not explicitly mentioned in this order.³ All the documents admitted into evidence were properly served on the parties. The following documents are admitted into evidence.

A. Documentary Evidence

Exhibit 1	Notice of Intent to Discipline, pages 1-12
Exhibit 1A	Respondent's Answer to Notice of Intent to Discipline
Exhibit 2	Board of Immigration Appeals Order, dated February 11, 2025
Exhibit 3	Adjudicating Official's Order, dated February 19, 2025
Exhibit 4	Adjudicating Official's Order, dated March 25, 2025
Exhibit 5	Adjudicating Official's Order, dated April 14, 2025
Exhibit 6	Government's Initial Exhibits, pages 1-398
Exhibit 6A	Government's Amended Proof of Service of Exhibits
Exhibit 7	Government's Brief on Waiver of Hearing
Exhibit 8	Respondent's Reply to Government's Brief on Waiver of Hearing
Exhibit 9	Adjudicating Official's Order, dated July 31, 2025, granting Government's Motion that Respondent Waived Hearing and Scheduling Order
Exhibit 10	Government's Motion to Extend Time to File Brief
Exhibit 10A	Adjudicating Officials Order, dated August 29, 2025, Granting Government's Motion to Extend Time
Exhibit 11	Government's Brief in Support of Disciplinary Sanctions
Exhibit 12 ⁴	Respondent's Brief in Opposition to Disciplinary Sanctions

³ Normally, in removal proceedings a party's motions and briefs are not evidence. *INS v. Phinpathya*, 464 U.S. 183, 188-89 n.6 (1984) (the statement of an attorney in a brief or motion is not evidence); *Matter of S-M-*, 22 I&N Dec. 49, 51 (BIA 1998) (same). In disciplinary proceedings, however, this Court must consider the entire file including briefs. See 8 C.F.R. § 1003.103(a)(2)(iv) (stating that "in rendering a decision, the adjudicating official shall consider the following: the complaint, the preliminary inquiry report, the Notice of Intent to Discipline, the answer, any supporting documents, and any other evidence, including pleadings, briefs, and other materials")

⁴ Attached to the respondent's brief was a note card with a handwritten note to the Court and a proposition that may be on the ballot for voters in Tucson, Arizona, to consider. (See Atch.

B. Testimonial Evidence

No testimonial evidence was taken because this Court concluded that the respondent waived her right to a hearing. A short order was issued detailing the Court's decision. (Exh. 9). A more detailed analysis of this decision is provided below.

III. FINDINGS OF FACT RELATED TO DISCIPLINARY ALLEGATIONS

The NID alleges four instances of violations of the professional code of conduct. (Exh. 1). The respondent filed an answer, admitting some allegations and denying others. (Exh. 1A). Before this Court can determine whether sanctions are appropriate, it must first analyze whether the government has met its burden of proof to establish a violation of the rules of professional conduct. 8 C.F.R. § 1003.106(a)(iv) (stating that the government bears the burden by clear and convincing evidence). For the sake of clarity, the Court will analyze each factual allegation and count to determine if the government has met its burden of proof.

A. Analysis of Denied Factual Allegations

1. Count 1

In Count 1, the Disciplinary Counsel alleges that the respondent was suspended by the Board on July 22, 2023. That order suspended her from the practice of law before the Board, the Immigration Courts, and the DHS for two years. (Exh. 6 at 250-66). The government alleges the respondent is still subject to that suspension order. (*Id.*) The respondent admits these allegations. They are thus proven by the government.

The respondent denies factual allegations three and four of the NID because she is unable to answer whether they are accurate. Those factual allegations state that the DHS received a filing postmarked August 1, 2023, with the respondent's

1). It is unclear whether the note, the card, or the initiative were served on the government. The Court is attaching a copy of each document to this order to ensure the government is served a copy.

return address on the mailing label. (Exh. 1 at ¶ 3). The NID further alleges that the filing contained the respondent's Form G-28 (Notice of Entry of Appearance as Attorney or Accredited Representative of Record), on behalf of alien [REDACTED]. (*Id.* at ¶ 4).

The respondent admitted factual allegations five through seven in count 1. Those allegations state that the respondent signed the G-28 on April 20, 2023, indicating that she was counsel of record for the alien and that she is not under "any order suspending, enjoining, restraining, disbarring, or otherwise restricting" the respondent in the practice of law. (*Id.* at ¶ 5). The NID further alleges that the respondent signed a Form I-765 (Application for Employment Authorization) as the preparer on April 20, 2023, and that her representation extends beyond assisting with preparing the work authorization request. (*Id.* at ¶ 6). Furthermore, the NID alleges, and the respondent admits, that she signed a Form I-821D (Consideration of Deferred Action for Childhood Arrivals (DACA)) on April 20, 2023. (*Id.* at ¶ 7). Once again, the respondent attached a G-28 to demonstrate she was appearing as [REDACTED] counsel. (*Id.*)

This Court concludes that the denied allegations, namely factual allegations three and four, are sustained by clear and convincing evidence. The government submitted a copy of the documents. (Exh. 6 at 2-19). It also submitted a copy of the envelope in which those documents came, which includes the respondent's return address and the date of the mailing. (Exh. 6 at 20). A strong inference can be drawn that the documents listed in the allegations the respondent admits were in the envelope provided to this Court. *See Matter of D-R-*, 25 I&N Dec. 445, 454-55 (BIA 2011) (explaining that an Immigration Judge may make "reasonable inferences from direct and circumstantial evidence of the record as a whole" and "is not required to accept a respondent's assertions, even if plausible, where other permissible views of the evidence based on the record").⁵ In addition, this Court's

⁵ This Court cites to Board cases that deal with removal proceedings because disciplinary proceedings are to be conducted "in the same manner as Immigration Court proceedings as it appropriate." 8 C.F.R. 1003.106(a)(2)(v).

conclusion is further bolstered by the respondent's own brief in opposition to the imposition of discipline. In her brief, the respondent admits that each filing had the contents described above and were sent to the DHS.⁶ (Exh. 12 at 1). This admission alone satisfies the government's burden of proof.⁷ (*Id.* at 1-2) (admitting as normal practice to give applications, a signed G-28, and an envelope to clients who then send the application to the DHS).

2. Count 2

In count 2, the government alleges that the respondent assisted [REDACTED] with work authorization and a DACA application. (Exh. 1 at ¶¶ 8-9). According to the Disciplinary Counsel, the respondent signed her notice of appearance on July 8, 2023, and indicated that she is not subject to any discipline, disbarment, or otherwise restricted from practicing law. (*Id.* at ¶ 10). Like in count 1, the respondent signed as the preparer of the two forms for [REDACTED]. (*Id.* at 11). All these documents, including the respondent's notice of appearance, were mailed to the DHS on August 10, 2023. (*Id.* at 3-4).

The respondent admitted to the allegation in paragraph 8, which states that on August 10, 2023, the government received a filing postmarked August 7, 2023, with the respondent's return address. (Exh. 1A at 1). She further claimed that the conduct occurred prior to her suspension. (*Id.*) She did not address the remaining allegations in count 2. For the government to be required to meet its burden, the respondent must explicitly admit or deny each factual allegation in the NID. Failure to do so means that the allegations that are not denied "shall be deemed to

⁶ Ironically, the respondent's admissions made in disciplinary proceedings initiated by the State Bar of Arizona are different than her claims before this Court. (Exh. 6 at ¶¶ 120 and 122). Before the state bar the respondent said that staff at her *pro bono* clinic drafted applications and sent them to the DHS. (*Id.*) Either way, the government has proven the contents of the filing.

⁷ In her opposition to the government's request for discipline, the respondent asserted that she did not practice law after the Board's suspension order. She even filed two affidavits, purportedly from individuals named in the NID in counts 2 and 3, to support her assertion. A detailed analysis of this argument and the suspicious nature of the affidavits is provided below.

be admitted and may be considered as proved, and no further evidence in respect of such allegation need be adduced.” 8 C.F.R. § 1003.105(c)(2). The respondent’s failure to address the remaining factual allegations in count 2 means they are proven without reference to any evidence in the record. *See id.*

3. Count 3

Like the prior two counts, count 3 alleges that the respondent entered an appearance to represent an alien ([REDACTED]) before the DHS. On August 23, 2023, an envelope was received by the DHS that was postmarked on August 21, 2023. (Exh. 1 at ¶ 13). The envelope contained the respondent’s notice of appearance, an application for work authorization, and a DACA application. The respondent signed the notice of appearance on August 20, 2023, and she affirmed she was not restricted in any way from practicing law. The application for work authorization was signed on May 20, 2023, as was the DACA application. (*Id.* at ¶¶ 14-17).

The respondent denied all the allegations related to count 3. This Court finds that the government has met its burden. The Disciplinary Counsel submitted evidence to support the allegations contained in count 3. A copy of the respondent’s notice of appearance, the work authorization application, the DACA application, and envelope used to send these materials were admitted into evidence. (Exh. 6 at 42-60). Additionally, the respondent admitted in her brief that the description in counts 1 and 2, which is identical to the allegation in count 3, was the “standard office practice.” (Exh. 12 at 1-2). Given this admission, and the documentary evidence, this Court finds that the government has met its burden of proof related to all the factual allegations in count 3.

The documentary evidence and the respondent’s own admissions correspond in every respect to the allegations contained in count 3, except for the exact date the respondent signed the notice of appearance. In the NID, the government alleged that the respondent signed her notice of appearance on August 20, 2023 (Exh. 1 at 4, ¶ 15), but the record evidence shows that the respondent signed it on August 30, 2023. (Exh. 6 at 44). This ten-day discrepancy

is not fatal to the factual allegation. In the context of criminal cases, it is “well-settled that the government need prove only that [the defendant committed the offense] ‘reasonably near’ the date specified in the indictment.” *United States v. Hinton*, 222 F.3d 664, 672 (9th Cir. 2000) (citing *United States v. Tsinhnahjinnie*, 112 F.3d 988, 991 (9th Cir. 1997)). The government need not prove the offense occurred on the exact date in the indictment. *Tsinhnahjinnie*, 112 F.2d at 991. Indeed, the “reasonably near standard provides the government a significant amount of leeway in drafting its indictments.” *Hinton*, 222 F.3d at 672. But there are limits to the leeway given. *Id.* at 672-73 (comparing that a nineteen-day variance in an indictment was immaterial and non-fatal with two years and seven-month variance as being fatal). To be sure, a NID is not a criminal indictment, but it is an appropriate analogue for this Court to use when determining whether a variance in the charging document and the evidence is fatal to the conduct charged. This Court finds that the ten-day variance in the allegation in the NID and the evidence is not fatal to the government’s burden of proof. *See Matter of Landers*, 29 I&N Dec. at 246-47 (concluding, in part, that the use of circumstantial evidence in disciplinary proceedings is appropriate by analogizing the use of such evidence in a criminal cases).

4. Count 4

The government charged the respondent with practicing law for a prior client after her suspension. The respondent filed a Form EOIR-28 (Notice of Entry of Appearance) in [REDACTED] removal case before the Immigration Court on May 16, 2023. (Exh. 6 at 62). A few days after this filing, the respondent and [REDACTED] appeared before Immigration Judge Gilda M. Terrazas and filed applications for asylum, withholding of removal, and protection under the Convention Against Torture. (*Id.* at 65-80).

The respondent admits that she represented [REDACTED], but she denied the remaining allegations in the NID related to count 4. The documentary evidence, to include the transcripts from proceedings before Judge Terrazas, is sufficient to meet the government’s burden. More specifically, the documentary evidence

shows that a hearing was conducted before Judge Terrazas on May 24, 2023, wherein the judge scheduled the case for a merit hearing. (Exh. 6 at 84-85). On July 24, 2023, the Tucson Immigration Court sent [REDACTED] a notice that the respondent was suspended from practicing before the Immigration Court and a hearing notice was sent to the respondent directly to confirm notice of his upcoming September 1, 2023 merit hearing. (*Id.* at 88-89).

On August 14, 2023, [REDACTED] filed a purportedly *pro se* filing, which provided documents in support of his applications for relief. (*Id.* at 91-133). The next day a second *pro se* filing was submitted with more documentary evidence. (*Id.* at 134-211). Fifteen days later, the respondent appeared for his merit hearing before Judge Terrazas. (*Id.* at 213). At the beginning of the hearing, the judge confirmed that [REDACTED] was being assisted by the respondent while she was suspended. (*Id.* at 6-7). In fact, [REDACTED] admitted that he met with the respondent fifteen days prior to his merit hearing, and she asked him to sign the *pro se* filings to be submitted to the Immigration Judge. (*Id.* at 215). This documentary evidence alone clearly demonstrates that the government has met its burden of proof.

It would be difficult to conclude that the alien himself gathered the documents, drafted a cover sheet and certificate of service, and submitted them to the Court and DHS. This is particularly true since the alien admitted he is not fluent in English. (*Id.* at 68). Additionally, the cover letter and certificate of service are identical to other filed documents submitted by the respondent, to include the same font and styling. (*Compare* Exh. 6 at 65-67 *with* Exh. 6 at 91-92 and 133-34). In the end, the totality of the evidence demonstrates that the factual allegations detailed in count 4 are proven by the government. *See Matter of Landers*, 29 I&N Dec. 240, 246-47 (BIA 2025) (concluding that circumstantial evidence may be used to determine whether the government has met its burden in disciplinary proceedings). Even a defendant charged with a criminal offense can be convicted on circumstantial evidence alone. “Circumstantial evidence is often as convincing to the minds as direct testimony, and often more so.” *Thompson v. Bowie*, 71 U.S. 463, 473 (1866). In this case, a “number of concurrent facts, like rays of the sun, all converging to the same centre, may throw not only a clear light but a burning

conviction; a conviction of truth more infallible than the testimony even of two witnesses directly to a fact.” *Id.*

B. Respondent’s Defenses to Government’s Allegations of Violations of the Ethical Rules

The respondent asserts that she did not practice law while she was under the Board’s suspension order. To support this claim, the respondent filed two affidavits, purportedly from the two aliens referenced in counts 2 and 3. Those affidavits state that the respondent notified the aliens that she was suspended from practicing law pursuant to the Board’s order.⁸ This Court gives no weight to the affidavits submitted by the respondent, or the respondent’s claim that she did not violate the Board’s suspension order, for at least two reasons. First, except for pertinent dates, the affidavits are identical, to include the font choice, formatting, and words. Second, the affidavits purport to be from the individuals referred to in counts 2 and 3, but the names and signatures do not match the other evidence of record related to these two individuals.

1. Two Affidavits

The documentary evidence shows that the alien referenced in count 2 is [REDACTED] (Id. at 23, 26, 32, 33, and 39) and the alien in count 3 is [REDACTED] (Id. at 43, 45, 46, 52, 53, and 59). The affidavits, however, use different names. The affidavit purportedly related to the alien in count 2 is “[REDACTED]” and the name on the affidavit for the alien referenced in count 3 is “[REDACTED].” Furthermore, [REDACTED] signed her name [REDACTED] even though the signature line states “[REDACTED].” What’s more is the alien’s last name is misspelled, which sheds further doubt as to the veracity of the affidavit. It would be strange for an individual to misspell her own last name in affidavit she wrote. (Compare Affidavit with last name spelled “[REDACTED]” with Exh. 6 at 26-39 where last name is spelled “[REDACTED]”).

⁸ No citation to the record is provided because the affidavits are not paginated. The affidavits are attached to the respondent’s brief at Exhibit 12.

In addition, the affidavits are incoherent on their face. The purpose of the affidavits is to convince this Court that the respondent notified her clients that she was suspended by the Board. Both individuals claimed to have attended a meeting on July 13, 2023, wherein the respondent informed the group of her suspension. If this is true, then it makes no sense that the aliens would send their applications with the respondent's notice of appearance *after* the July 2023 meeting if the respondent notified them that she was suspended by the Board. In other words, if the aliens knew the respondent was suspended from practicing before the DHS by the Board, they would not submit their applications for work authorization and DACA with the notice of appearance by an attorney who is suspended from practicing before the DHS. Such an assertion is internally inconsistent and makes little sense. *Wang v. INS*, 352 F.3d 1250, 1258-59 (9th Cir. 2003) (reasoning that an Immigration Judge "need not ignore palpable inconsistencies in a petitioner's testimonial and documentary evidence that directly undermine his allegations"); INA § 208(b)(1)(B)(iii) (credibility findings may be based on, among other things, the consistency between written and oral statements).

Finally, the signatures on the affidavits do not match the signatures on the other documents in the record. (*Compare* Affidavits with Exh. 6 at 23, 26, 32, 33, 39, 43, 45, 46, 52, 53, and 59); *United States v. Woodson*, 526 F.2d 550, 551 (9th Cir. 1975) (concluding that jury may compare signatures without expert testimony to determine if they match) (citing 28 U.S.C. § 1731, Fed. R. of Evi. 901(b)(3), and *People v. Weiskopf*, 60 Cal.App.2d 214 (1943)). Arguably, [REDACTED] signature is much closer to the signature on the affidavit, but that is not the case for [REDACTED]. [REDACTED]. His purported signature on his affidavit and his signature as reflected in the record are utterly different. Such a drastic difference in signature leaves this Court with the impression that the affidavits are unreliable at best. To put it bluntly, this Court does not believe that the affidavits were signed by the individuals who allegedly signed them.⁹ Submitting false or misleading evidence calls the respondent's entire case and defense into question. "Sometimes a witness

⁹ The ramifications of this finding will be discussed later in this order.

lies about one thing but tells the truth about another. Other times a witness lies about everything.” *Yang v. Lynch*, 822 F.3d 504, 508 (9th Cir. 2006).

The respondent presses other arguments to attempt to show that she did not violate the Board’s suspension order. She argues that the documentation submitted to support the allegations in count 3 demonstrates she did not sign her notice of appearance to the government while she was suspended. (Exh. 12 at 2). Instead, she argues that the date “could actually be 5/30/23.” (*Id.*) She further argues that other documents submitted to support the allegations demonstrate they were signed on May 30, 2024. (*Id.*) For the respondent, it stands to reason that her notice of appearance was signed on the same day. (*Id.*) These claims are unpersuasive.

The respondent’s argument not only misses the point of the allegation but also mischaracterizes the evidence. First, the allegation did not state that the application was signed in August 2023. The allegation is that the respondent signed her notice of appearance on August 20, 2023. That assertion is borne out by the record evidence, which clearly shows the respondent dated the document “8/30/2023.”¹⁰ (Exh. 6 at 44). The respondent is certainly correct that some of the signatures from the preparer were signed on May 30, 2023. (*Id.* at 51 at 58). But she conveniently ignores other documents that show they were signed in August 2023. (*Id.* at 49 and 57). In any event, this Court finds the respondent’s explanation cannot overcome the clear record evidence and thus the factual allegation is sustained.

2. Arguments Related to Allegation that the Respondent Practiced Law while Suspended

The respondent’s other arguments do not fare any better. In her brief, she claims that she did not hide her suspension from the public. (Exh. 12 at 3). According to the respondent, she made it known and was even interviewed by the press so that the community would know she was not authorized to practice due

¹⁰ As noted above, this Court does not find the ten-day variance as a fatal flaw in the NID.

to the Board's suspension order. Based on a review of the entire record, this claim is meritless.

Prior to her suspension, the respondent helped create a non-profit organization called "Keep Tucson Together" (KTT). (Exh. 12 at 3). The organization has a website, and the staff section of the website states that the respondent is the Project Supervisor. (Exh. 2 at 223). In describing the respondent's experience, it states that she is admitted to practice law in Arizona since 1995. (*Id.*) It does not notify the public of her suspension, nor does it even mention that she cannot assist potential clients in removal proceedings. (*Id.*) Instead, it strongly suggests that due to her years of experience the organization is supervised by an experienced immigration attorney. (*Id.*) (stating the respondent "has been an attorney in general immigration practice since 1986").

To be sure, the respondent authored a fall newsletter from KTT, which acknowledges her suspension. (*Id.* at 3-4). But the acknowledgment is hollow and an apparent attempt to shift responsibility away from her violations of court-imposed deadlines to an attack on the right to counsel. (*Id.*) In so doing, the respondent's actions certainly created some doubt as to the scope of her suspension and whether she would abide by it given the charged language she used in the newsletter. (*Id.*) Furthermore, the statements in the newsletter do not mean that the government has failed to meet its burden of proof related to the charge of practicing law while suspended. As noted above, there is sufficient evidence to demonstrate the government has met its burden to demonstrate the respondent engaged in the factual conduct detailed in the NID. Additionally, it is unclear to whom and how widespread this newsletter was published. Without such information, this Court is hard pressed to believe the unsubstantiated claims raised by the respondent related to her publication of her suspension far and wide.

3. Other General Arguments Related to Violations of the Board's Suspension Order

In her brief related to a waiver of her hearing, the respondent made several arguments to support her assertion she did not violate the Board's suspension

order. Before addressing the specific allegations in the NID, the respondent summarized the way applications for work authorization and DACA were handled at her organization, KTT. (Exh. 8 at 1). Such applications would be filled out by a volunteer and either the respondent or a volunteer attorney would review and sign the application. (*Id.*) The alien would then be contacted to review the application. Once the alien is satisfied, an envelope with the correct DHS address to send the application and the return address of KTT was provided to the alien. (*Id.*) Apparently, the alien was responsible for sending the application to the DHS. The respondent surmises that the aliens may not have had the funds to pay for the applications and thus did not mail them until the dates on the envelope. (*Id.*) Additionally, the respondent argues that all other signatures were dated prior to the respondent's suspension.

None of these assertions undermine the Disciplinary Counsel's case. Rather, her arguments bolster this Court's finding that the government has met its burden. The NID does not allege that the respondent mailed the documents described in counts 1-3. The arguments the respondent raises go more towards whether she violated either of the two sections of the federal regulations alleged in the NID, not the factual allegations in the NID. Those arguments will be addressed in the next section.

IV. FINDINGS RELATED TO VIOLATIONS OF CODE OF PROFESSIONAL CONDUCT

Disciplinary Counsel alleges that the respondent engaged in misconduct that violates two federal regulations, the unauthorized practice of law (8 C.F.R. § 1003.102) and false or misleading communication about qualifications or services (8 C.F.R. § 1003.102(f)(1)). Disciplinary counsel bears the burden to prove the grounds for disciplinary sanctions by clear and convincing evidence. 8 C.F.R. § 1003.106(a)(iv). In the event "one or more grounds for disciplinary sanctions enumerated in the [NID] have been established by clear and convincing evidence," the Adjudicating Official "shall rule that the disciplinary sanctions set forth in the [NID] be adopted, modified, or otherwise amended." 8 C.F.R. § 1003.106(b). All

grounds in the NID “that have not been established by clear and convincing evidence shall be dismissed.” *Id.* The government has met its burden to establish the respondent violated both regulations.

A. Unauthorized Practice of Law

The respondent is charged with practicing law before the DHS and the Immigration Court. (Exh. 1 at ¶ 25). To prove a violation of this regulation, the government must demonstrate the respondent was suspended and practiced law while under a suspension order. 8 C.F.R. § 1003.102. The sustained facts as detailed above demonstrate that the respondent engaged in the unauthorized practice of law while she was under an order of suspension by the Board.

The definition of “practice” is slightly different under the pertinent regulations related to the DHS and the Immigration Courts. Practice before the DHS means “the act or acts of any person appearing in any case, either in person or through the preparation or filing of any brief or other document, paper, application, or petition on behalf of another person or client before or with DHS.” 8 C.F.R. § 1.2. The definition of practice also includes acts labeled “preparation.” Under the DHS regulations, “preparation constituting practice” includes the “study of the facts of a case and the applicable laws, coupled with the giving of advice and auxiliary activities, including the incidental preparation of papers,” excluding the functions of a notary public “or services consisting solely of assistance in the completion of blank spaces on printed DHS forms[.]” *Id.*

The regulations related to practice before the Board and Immigration Courts are nearly identical to the definition for practice before the DHS. In particular, the term practice means “exercising professional judgment to provide legal advice or legal services related to any matter before EOIR” and includes, but is not limited to, “determining available forms of relief from removal or protection; providing advice regarding legal strategies; drafting or filing any document on behalf of another person appearing before EOIR based on an analysis of applicable facts and law; or appearing on behalf of another person in any matter before EOIR.” 8 C.F.R. § 1001.1(i). The term “preparation” means “the act or acts consisting solely of

filling in blank spaces on printed forms with information provided by the applicant or petitioner that are to be filed with or submitted to EOIR, where such acts do not include the exercise of professional judgment to provide legal advice or legal services.” 8 C.F.R. § 1001.1(k).

Here, the respondent engaged in unauthorized practice before the DHS and Immigration Court. As it relates to the DHS, the respondent signed a notice of appearance that she knew would be submitted with applications filed with DHS. As detailed counts 1-3 above, the government has proven that on three occasions (counts 1-3) aliens filed requests for work authorization and DACA. In each instance, the respondent signed a notice of appearance before the DHS, two of which appear to be signed prior to her suspension. The respondent argues that since she signed the notice of appearance before her suspension, she did not violate the Board’s suspension order. (Exh. 8; Exh. 12). The respondent is mistaken.

The timing of signing the notice of appearance is irrelevant. When she signed the notices of appearance, the respondent knew her clients would submit it to the DHS, along with the applications, once the clients were able to gather the funds to pay for the applications. Gathering funds for an application could take weeks or months. She obviously knew this based on her experience and the briefs she filed, and she admitted as much in her briefs. (Exh. 8 at 1-2) (surmising that the clients initially likely did not have sufficient funds to pay for the applications and thus mailed the applications later); (Exh. 12 at 1-2) (same). This was her reason for explaining why the envelopes sent to the DHS were dated after her suspension. But that only proves the point.

Once the suspension order was issued, the respondent was obligated to keep track of those individuals she represents and notify them of the Board’s decision. *See* 8 C.F.R. § 1003.106(c) (delaying the onset of discipline to allow an attorney to notify clients of a suspension order). The regulations contemplate an obvious ongoing obligation to notify clients of discipline issued by the Board. *Id.* The respondent’s failure to do so amounts to practice before the DHS because practice is defined as appearing in any case in person or by filing any documents.

8 C.F.R. § 1.2. The respondent did not stop representing the aliens detailed in counts 1-3 because she never withdrew her notice of appearance after her suspension by the Board. *See* Ariz. R. Sup. Ct. 72(a)(1) (requiring an attorney to notify “all clients being represented in pending matters” within 10 days that the attorney has been disciplined).¹¹ Moreover, the respondent made wholly different admissions to the State Bar of Arizona when describing how applications are submitted to the DHS by KTT. (Exh. 6 at 343-44, ¶¶ 120 and 122). In her admissions to the state bar, she stated that her organization gathered the applications, filing fees, and notice of appearance, and sent them to the DHS. (*Id.*) This means that the respondent’s statements to this Court (or to the state bar) are, at best, inaccurate, or at worst a fabrication. It also means, if the statements to the state bar are correct, the respondent’s defense that she signed the notice of appearance before her suspension does not hold water since her *pro bono* clinic sent her notice of appearance after her suspension had become final.

The respondent’s conduct goes beyond failing to notify her clients that she was suspended from the practice of law before the DHS. She also continued to practice before the Immigration Courts. As detailed in count 4, the respondent assisted a client with submitting supplemental documents to support his application for relief. (Exh. 2 at 91-211). In fact, her client admitted that the respondent asked him to sign documents he later submitted to the Court, and this occurred after meeting with the respondent and having a conversation with her. (*Id.* at 215-16). These actions are in direct contravention of the Board’s decision. *See* 8 C.F.R. 1001.1(i). It is apparent that the respondent gathered the supplemental documents for the respondent, drafted the cover sheet, summary of the filing, and

¹¹ The respondent further stated that she took steps to notify the public of her suspension by “advising current clients and future clients that I was suspended from Immigration Court practice for two years.” (Exh. 12 at 3). She claimed that her intention was not to keep her suspension secret. (*Id.*) She notified “colleagues, friends, neighbors, religious leaders, elected officials and the undocumented community and hundreds of volunteers.” (*Id.*) She even did “several television interviews and the Arizona Daily Star published a long article, with [her] photograph.” (*Id.*) These claims ring hollow given the evidence before this Court. The respondent clearly did not notify all current clients as evidence by the four respondents detailed in the NID.

certificate of service. (Exh. 2 at 91 and 133). She then had him sign the filing to make it appear that the alien was submitting the documents. (*Id.* at 92 and 134). The filing by the alien has striking similarities to the filings the respondent submitted in other cases. (*Compare* 65-67 *with* Exh. 6 at 91-92 and 133-34). The font is the same, and the heading, spacing, and certificate of service are identical. (*Id.*) Such consistency leads to the inevitable conclusion that the respondent drafted the documents submitted by her client while she was under the Board's suspension order. *See Matter of Landers*, 29 I&N Dec. 240, 246 (BIA 2025) (recognizing circumstantial evidence may be used to establish violations of professional conduct).

The respondent does not plausibly dispute that her client implicated her in practicing before the Immigration Court while suspended by the Board. (*Id.* at 215-16). She did attempt to address the issue in two briefs she filed with the Court. In one brief, she argued that there is no evidence presented to establish the time frame the client met with the respondent, nor a copy of the documents he filed. (Exh. 8 at 3). This bold claim is belied by the record. Frankly, it is astonishing that the respondent would make such a claim when the evidence unequivocally demonstrates the contrary. The record evidence shows that Immigration Judge Terrazas held a hearing on September 1, 2023. (Exh. 2 at 212). At that hearing, the judge clearly asked the alien who "asked you to sign the documents [filed on August 16], who asked you to sign that?" (*Id.* at 215). The alien stated [REDACTED] (*Id.*) The judge then asked when the alien last met with the respondent. (*Id.*) The alien replied "[f]ifteen days ago" and he confirmed that he met with the respondent on the day he signed the submitted documents. (*Id.*) This exchange clearly shows the timeframe in which the alien met with the respondent, and the meeting with the alien occurred after the respondent was suspended from practice before the Immigration Court. (*Id.* at 253-66). The government also submitted the documents referenced in the colloquy between Judge Terrazas and the alien. (*Id.* at 133-211). These filings were served on the respondent via Federal Express on April 8, 2025, over a month before the respondent filed the arguments referenced above. (*See* Proof of Service at the end of Exh. 2).

In a separate brief, the respondent, once again, failed to address the evidence submitted in support of the allegations in count 4. (Exh. 12 at 2-3). In a clear attempt to try and distance herself from the filing, the respondent made some initial observations on the way she assists aliens in removal proceedings. She stated she does not do any research related to country conditions evidence, which are the documents referenced in the colloquy with the Immigration Judge. (*Id.* at 2). She further stated that volunteers and retired university professors and scholars prepare those documents. (*Id.*) She claimed that often “retired college professors, research and prepare the actual I-589 applications and supporting documentation.”¹² (*Id.*)

After making these generalized statements, the respondent, once again, made statements that are directly contradicted by the record evidence. She asserted that the name of the client was not disclosed and thus she “cannot review his file and provide the Court detailed information.” (*Id.*) This Court does not know what to make of this claim. It is utterly unsupported by the record evidence and appears to be a complete fabrication. The government submitted the transcripts of the September 2023 hearing, which included the alien’s name and A-number. (Exh. 6 at 212). In addition, as noted above, the supplemental filings referred to by Judge Terrazas were submitted and served on the respondent. These documents also contain the alien’s name and A-number. (*Id.* at 133). Finally, the NID provided the name and A-number of the alien. (Exh. 1 at 4). It is troubling that the respondent ignored the plethora of evidence submitted by the government and instead claimed she could not address the issue due to a lack of information.

Equally troubling is the lack of evidence submitted by the respondent to corroborate her claims. To be sure, the burden of proof rests with the government

¹² The statement that retired professors often assist in the research and preparation of the Form I-589 is troubling. It is unclear whether these retired professors are lawyers or accredited representatives. *See Sobol v. Alarcon*, 212 Ariz. 315, 316 (2006) (detailing what a document preparer can and cannot do). If they are neither, it is possible that the respondent is facilitating the unauthorized practice of law. While this issue is not before this Court, in Arizona, such an offense is punishable by civil fines and contempt, if Court orders to cease-and-desist are not followed. *See Ariz. R. Sup. Ct. 31*; *see also Ariz. Code of Jud. Admin. § 7-208*.

and never shifts to the respondent. *Matter of Landers*, 29 I&N Dec. at 242 (citing 8 C.F.R. § 1003.106(a)(2)(iv)). Nevertheless, this Court must determine the weight to assign evidence presented to the Court. *Kalulu v. Bondi*, 128 F.4th 1009, 1024 (9th Cir. 2024) (concluding that a remand was appropriate to allow the Immigration Judge to “properly consider and evaluate the evidentiary weight of multiple documents [the respondent] offered into the record independent of her testimony”). This is even more important in this case where the respondent asserts that she complied with the Board’s suspension order. Obviously, the respondent submitted two affidavits purporting to be from the aliens referred to in counts 2 and 3 of the NID, but those affidavits are not believable. As discussed above, this Court gives no weight to the two affidavits. (Affidavits Attached to Exh. 12). The signatures on the affidavits are not the same as the signatures on the applications those aliens submitted to the DHS. In addition, the affidavits have identical language and font, which suggests that the same individual typed the affidavits. Such circumstantial evidence severely damages if not totally eviscerates the veracity of the affidavits, which in turn affects this Court’s assessment of all evidence submitted by the respondent to support her arguments. *Li v. Holder*, 767 F.2d 1387, 1392 (9th Cir. 1985) (“*Falsus in uno, falsus in omnibus* is a horary maxim which allows a fact-finder to disbelieve a witness’s entire testimony if the witness makes a *material* and *conscious* falsehood in one aspect of his testimony.”) (citation omitted). This is “based on the logic that a person may mistakenly testify wrongly and still be believable, but if a person testifies falsely, willfully, and materially on one matter, then his ‘oath’ or word is not ‘worth anything’ and he is likely to be lying in other respects.” *Id.* (citation omitted).

The respondent also failed to provide any credible independent evidence to support her claim that she did not violate the Board’s suspension order. To be sure, as noted above, the respondent does not have a burden to produce any evidence or to disprove the government’s allegations. Nevertheless, when the respondent decides to defend against the Disciplinary Counsel’s allegations, she must provide credible and persuasive testimony or statements. *See Garland v. Ming Dai*, 593 U.S. 357, 371 (2021). She did none of this. The two affidavits she

submitted create more doubt than resolve the arguments in the respondent's favor. Furthermore, the respondent did not submit any evidence to demonstrate the procedures she used to notify current or future clients of her suspension. *See* 8 C.F.R. 1003.106(c). Given the issues related to the evidence the respondent presented in this case, her word is insufficient to overcome the mountain of evidence against her.

In the end, once the respondent was ordered suspended by the Board, it was incumbent on her to notify her clients that she could not represent them before the DHS while she was suspended. And she certainly should not have assisted her client to submit evidence to the Immigration Court after her suspension was final.

The arguments raised by the respondent appear to be convincing at first blush, but the respondent's ostrich defense is not convincing. *See Transbay Auto Services, Inc. v. Chevron USA Inc.*, 807 F.3d 1113, 1120 (9th Cir. 2015) (upholding the use of a willful blindness or 'ostrich' instruction). As the respondent herself states, aliens would be given envelopes to send application materials when completed and the alien had the funds to pay the application fee. (Exh. 8 at 1-2; Exh. 12 at 2). But the respondent was obligated to notify her clients that they could not submit her notice of appearance once she was suspended. 8 C.F.R. § 1003.106(c). This obligation extended to clients who she may have represented *before* her suspension, and certainly for clients for whom she signed notices of appearance prior to her suspension. *Id.* ("any final order imposing discipline shall not become effective sooner than 15 days from the date of the order to provide the practitioner [an] opportunity to comply with the terms of such order, including, but not limited to, withdrawing from any pending immigration matters and notifying immigration clients of the imposition of any sanction").

The Court, therefore, concludes that the respondent engaged in the unauthorized practice of law as it relates to counts 1-4 in the NID. Even if the Court were to take the respondent's claims as true, she still practiced law when she failed to notify her clients that she could not represent them while she was suspended by the Board. By her statements, the respondent took a much narrower

view of the Board's suspension order. This was her error. The Board's order clearly required that she notify all clients that she could not practice law, as defined by the regulations, for two years before the Immigration Courts, Board, or DHS. It is no defense to claim that she previously represented the aliens noted in counts 1-3, and signed applications and notices of appearance before her suspension. To be sure, signing an application prior to her suspension order did not violate the Board's order. It is her failure to notify clients for whom she previously signed a notice of appearance that is the issue. This is particularly true when the respondent knew her clients did not always file applications on the date she signed her notice of appearance. And it is also true when she admitted to the State Bar of Arizona that her *pro bono* organization submitted applications, fees, and the notice of appearance in an envelope for their clients.

Of the first three counts, count 3 is the clearest evidence that the respondent engaged in the practice of law while she was suspended by the Board. Her notice of appearance was signed in August 2023. (Exh. 6 at 44). The respondent argued that the date "could be" May 30, 2023, which is the same date that the other documents were signed. (Exh. 12 at 2). This Court has reviewed the government's submission, and the first month is clearly an "8" and not a "5" as the respondent asserts. By signing the notice of appearance in August 2023, the respondent was clearly practicing law after the Board's July 2023 suspension order.¹³

Count 4 also unmistakably shows that the respondent practiced law before the Immigration Court after the Board's suspension order. As detailed above, the respondent's own client admitted that he met with her fifteen days prior to his September 1, 2023 hearing. This meeting occurred after the respondent was

¹³ The notice of appearance seems to be signed on August 30, 2023. (Exh. 6 at 44). The packet that included counsel's notice of appearance was mailed on August 23, 2023. (Exh. 6 at 60). It is impossible for the respondent to sign the notice of appearance after the packet was mailed. Because this Court concludes that the respondent signed the document in August when she dated her signature using the number "8," it finds that the "30" is a scrivener's error. See *Matter of D-R-*, 25 I&N Dec. 445, 454-56 (BIA 2011) (upholding an Immigration Judge's finding based on reasonable inferences drawn from the record evidence).

suspended by the Board and the respondent had the alien “sign” a document. As noted above, the document was a certificate of service and cover sheet of supplemental documents. Those documents are identical in font, spacing, and the certificate of service, as documents the respondent filed in cases when she was not suspended. Viewing all the evidence, this Court finds that the respondent engaged in the practice of law as detailed in NID after the Board’s suspension order.

B. False or Misleading Communications Regarding Qualifications and Services

The government also charged the respondent with engaging in false or misleading communications regarding qualifications and services. This charge requires proof that the respondent made “a false or misleading communication about . . . her qualifications or services,” and that the communication was made “[k]nowingly or with reckless disregard.” 8 C.F.R. § 1003.102(f). A communication is false or misleading if it contained “a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading[.]”¹⁴ 8 C.F.R. § 1003.102(f)(1).

The government alleges that the respondent made three false or misleading communications based on filings received by the DHS on August 4, August 10, and August 23, 2023. On each of those dates, the DHS received a separate Form G-28 signed by the respondent. (Exh. 1 at ¶¶ 3, 8, 13). By signing a Form G-28, the respondent represents that she is not “subject to any order suspending, enjoining, restraining, disbarring, or otherwise restricting” her in the practice of law. (*Id.* at ¶¶ 5, 10, 15). The government asserts that the respondent’s statement

¹⁴ A practitioner may also be charged with making a false or misleading statement about the practitioner’s qualifications or services. 8 C.F.R. § 1003.102(f)(2). Specifically, a “practitioner shall not state or imply that the practitioner has been recognized or certified as a specialist in immigration or nationality law unless such certification is granted by the appropriate State regulatory authority ...” 8 C.F.R. § 1003.102(f)(2). The Disciplinary Counsel makes no such assertion in this case and this Court finds none. The Court will not, therefore, analyze the charge of false or misleading statements under this provision of the regulations.

that she was not suspended or otherwise disciplined was a false or misleading communication, or it was a material omission that made the assertion misleading. (*Id.* at ¶ 26 (“Contrary to her declarations or omissions on the Form G-28s, [the] [r]espondent was subject to a Board order suspending her from practice before the Board, the Immigration Courts, and DHS *at the time the Form G-28s were filed with USCIS.*” (emphasis added))).

The respondent was suspended from practice before the Board, the DHS, and the Immigration Courts on July 7, 2023. (Exh. 6 at 253-66). The Board’s suspension order took effect on July 22, 2023. (*Id.*) The Form G-28s referenced in counts 1-3 were received by USCIS in August 2023—while the respondent was, in fact, “subject to [an] order suspending, enjoining, restraining, disbaring, or otherwise restricting” her in the practice of law before USCIS. (*Id.*) As such, the Form G-28s contained a misrepresentation of fact that, as of the date of filing, constituted a “false . . . communication about [the respondent’s] qualifications.” 8 C.F.R. § 1003.102(f).

The respondent does not directly address this charge, but she indirectly argues that she did not engage in misconduct because she signed the notices of appearance before she was suspended. For the respondent, the statements were truthful, not misleading, and there was no omission at the time she signed the notices. The respondent misapprehends her obligations after the Board issued its suspension order.

A final order that imposes discipline shall only take effect no sooner than 15 days from the date of the order. 8 C.F.R. § 1003.106(c). This delay allows “the practitioner [the] opportunity to comply with the terms of such order, including, but not limited to, *withdrawing* from any pending immigration matters *and notifying* immigration clients of the imposition of any sanction.” *Id.* (emphasis added). Filing a notice of appearance before any court or agency means that the practitioner is stating that she is authorized to practice before the entity. The practitioner has an ongoing obligation to notify the court, agency, and her clients if her status as an attorney changed. “An attorney must set an example for the

general public that obedience to a court order is not a matter of personal convenience and cannot be ignored or disregarded without serious consequences.” *Matter of Arrick*, 161 Ariz. 16, 20 (1989) (*en banc*). This is particularly important if the attorney is aware that a client believes the practitioner represents the client. *See* Ariz. R. Sup. Ct. 72(a)(1) (requiring an attorney to notify “all clients being represented in pending matters” within 10 days that the attorney has been disciplined). The respondent was also on notice by the Board’s suspension order “to promptly notify, in writing, any clients with cases currently pending before the Board, the Immigration Courts, or DHS that she has been suspended from practicing before these authorities.” (Exh. 6 at 266). Clearly, this did not happen for the clients listed in counts 1-3 of the NID.

The respondent’s argument that she signed the notices before her suspension does not negate the fact that, at the time the notices were filed, they misrepresented her qualifications to the DHS. The Court is similarly unpersuaded by the respondent’s attempt to shift the blame to the aliens who allegedly filed the applications on a later-than-expected timeline. Instead, the Court finds that the respondent made the false communications either “[k]nowingly or with reckless disregard.” 8 C.F.R. § 1003.102(f).

Regarding KTT’s regular practice for filing applications with the DHS and Immigration Court, the respondent has provided different characterizations before different disciplinary bodies. As previously noted, the respondent represented to the State Bar of Arizona that KTT volunteers gathered applications, filing fees, and notice of appearance, then sent them to the DHS. (Exh. 6 at ¶¶ 63, 65, 83, 109, 120, 122, 125). Before this Court, the respondent asserted that after a KTT volunteer prepared an application, she or another volunteer lawyer would review and sign the application, and then the alien would “be notified that the application was ready for the [alien] to review to ensure all of the information was accurate.” (Exh. 8 at 1.) She further explained that “[i]t is the practice of the KTT Clinic that when an application has been prepared, reviewed by a volunteer lawyer, reviewed with the [alien], then the application, bearing the correct

government address and KTT's return address[,] is given to the [alien] to mail." (*Id.* ("These documents are mailed by the [alien,] not the [KTT] staff.")).

It is difficult—if not impossible—to reconcile the respondent's representations to the state bar with her claims in these proceedings. Even so, neither narrative excuses her misconduct. If KTT mailed the August 2023 filings, the respondent's leadership role within KTT means that she knew, or should have known, that submitting her signed notices of appearance while suspended was improper. The respondent does not fare any better with her convenient new narrative blaming the aliens. If the Court were to credit the respondent's current claims, the Court would still conclude that the respondent made the misrepresentations alleged in counts 1-3 with reckless disregard.

In count 1, the alien signed his application forms in May 2023, but the documents were not filed with the DHS until August 2023. As the alien's attorney of record, the respondent would have received a Receipt Notice from USCIS once the alien's forms were received. *See* 8 C.F.R. § 292.5(a). If, at the time of her suspension, the respondent was not in possession of a Receipt Notice, she should have taken the appropriate actions to prevent the filing of her previously signed notice of appearance. Yet nothing in the record suggests that she sought to investigate, let alone remedy, the potential problem. Nor does the record reflect that the respondent complied with her ethical obligation to notify the alien in count 1 that she had been disciplined. Instead, the respondent proceeded with reckless disregard for the possibility that the notice of appearance she signed in May 2023 could be filed following her suspension. And, because of her recklessness, that is exactly what happened.

In count 2, the relevant documents were signed by the respondent and the alien on July 8, 2023, and July 14, 2023, respectively. (Exh. 6 at 24). The affidavit purportedly authored by the alien referenced in count 2 states that the alien met with the respondent on July 8, 2023, regarding her DACA renewal application. (Exh. 12, [REDACTED] Affidavit at ¶¶ 6–8). It further states that on July 13, 2023, the alien was present during a town-hall-like address wherein the respondent made

an “announcement” that she had been “suspended from practicing in Immigration Court.” (*Id.* at ¶¶ 11–12). However, the respondent does not appear to have informed the alien individually—or the crowd at large—that she was suspended from practicing before the DHS. She similarly did not advise the alien regarding the signed notice of appearance or instruct her to remove it if she intended to file the application after the respondent’s suspension went into effect.

The affidavit purportedly authored by the alien referenced in count 3 indicates that on July 13, 2023, he too was “informed by [the respondent] that she had been suspended from practicing in Immigration Court.” (*Id.* at ¶ 11). Yet the count 3 notice of appearance received by USCIS in August 2023 was signed by the respondent in August 2023, as reflected by the handwritten date next to the signature. (Exh. 6 at 44). Regardless of who mailed the filing detailed in count 3, the respondent’s decision to sign a notice of appearance while suspended reflects a reckless disregard of the fact that, if filed, the document would be a clear misrepresentation of her disciplinary status.

Following her suspension, the respondent had an obligation to ensure that no appearance forms containing a misrepresentation were filed with the DHS. Instead, the respondent failed to appropriately advise her clients detailed in counts 1-3 to remove the signed notices from any unsent application packages intended for the DHS. She similarly provided no such instruction during her town-hall-like address at the July 13, 2023 KTT meeting. Nor has the respondent “argued or established that [she] attempted to withdraw [her] entry of appearance after it was filed” in the cases cited in counts 1-3. *Matter of Gupta*, 28 I&N Dec. at 656 n.3. For these reasons, the Court finds that the respondent knowingly or with reckless disregard made the misrepresentations alleged in counts 1-3.

Finally, the respondent’s statements on the notice of appearance before the DHS are materially false statements. To establish materiality, the Court must determine whether the “concealment or misrepresentation ... ‘has a *natural tendency to influence*, or was capable of influencing, the decision of’ the decision making body to which it was addressed.” *Matter of D-R-*, 27 I&N Dec. 105, 109

(BIA 2017) (citing *Kungys v. United States*, 485 U.S. 759, 770 (1988) (emphasis in original)). There is no requirement that the statement or omission must “raise a fair inference that a statutory disqualifying fact actually existed.” *Matter of D-R-*, 27 I&N Dec. at 109 (citing *Kungys*, 485 U.S. at 783) (Brennan, J., concurring) (emphasis added).¹⁵ The only application of the fair inference test is that it “applies to whether the alien ‘procured the immigration benefit by his misrepresentation, not to whether the misrepresentation is ‘material.’” *Id.* (citation omitted).

Here, the respondent’s statements on the notice of appearance before the DHS were material. She stated that she was an attorney “eligible to practice law in, and a member in good standing of, the bar of the highest courts of” the following states or territories. (Exh. 6 at 2, 22, and 42). This statement in each notice of appearance was materially false after the Board’s suspension order, and, as discussed above, the respondent was obligated to make that clear after the order issued its order. She did not do so. In fact, she defends her actions based on the date she signed her notice of appearance. That is not a viable defense because it can take years for the government to adjudicate applications. *See, e.g., Matter of Pinzon Rozo*, 29 I&N Dec. 507, 509 (BIA 2026) (discussing lengthy wait times for SIJS applications pending before the government and visa availability); *Matter of Ibarra-Vega*, 29 I&N Dec. 476, 478 (BIA 2026) (same in the context of U-visas). The respondent was obligated to notify her clients of her suspension and her statement in the notice of appearance was materially false statement on its face. Such a statement obviously makes the decisionmaker contact counsel rather than the alien if there are any issues with the application pending before it.

Additionally, the respondent was aware that signing her notice of appearance for applications to be filed with the government may not be mailed the same day. She admits that many clients delayed sending the application for lack of money to pay the required fees. She also admitted to the state bar that her organization would send these materials to the government for their clients. This

¹⁵ Even though the “fair inference” test was proposed in a concurring opinion, the test “has been widely held to be controlling in the context of prosecutions for unlawful procurement of citizenship and naturalization[.]” *Matter of D-R-*, 27 I&N Dec. at 109-10 (collecting cases).

knowledge required the respondent to correct her now false statement in her notice of appearance submitted to the DHS. Her failure to do so is a false and misleading communication as defined under the regulations.

C. The Respondent's Final Defense

The respondent finally argues that she takes Court orders seriously and did not violate the Board's suspension order. (Exh. 12 at 4). She further stated that her work in the community to help those in removal proceedings should be considered when deciding her case. (*Id.* at 3). This is particularly important, as the respondent says, because the community she serves does not have the resources to higher counsel to represent them. (*Id.*) She also highlighted the success of her *pro bono* clinic like "creat[ing] in excess of 7000 new U.S. citizens and much more." (*Id.*)

This Court does not doubt the respondent's desire to help those in removal proceedings, particularly individuals who cannot afford to hire counsel. Nor does the Court diminish the important work *pro bono* counsel do in courtrooms across the United States. But none of that is a defense to the charges in the NID. Noble intentions do not overcome the allegations listed in the NID. In fact, they are utterly irrelevant to whether the respondent violated the Board's suspension order. They are, of course, relevant to any sanction the Court may impose, which will be addressed later in this order.

V. THE DISCIPLINARY HEARING

No formal evidentiary hearing was held in this case. A properly filed NID must contain several things, including "the procedure for filing an answer or requesting a hearing, and the mailing address and telephone number for the Board." 8 C.F.R. § 1003.105(a)(1). Once the NID is filed with the Board, the respondent has 30 days from service of the NID to file a written answer. 8 C.F.R. § 1003.105(c)(1). The answer must include, among other things, "whether a hearing on the matter is requested." 8 C.F.R. § 1003.105(c)(3). Failure to request a

hearing requires a finding that the respondent has waived the opportunity to have a hearing. *Id.*

The respondent was served a copy of the NID. (Exh. 1). She even requested additional time to file an answer with the Board, which further demonstrates that she received the NID. In the NID, the government provided detailed procedures for filing an answer and requesting a hearing. (*Id.* at 11-12). Among those procedures, the government clearly stated that the respondent “shall state in the answer” whether she “requests a hearing in the matter.” (*Id.* at 12). The NID further gives the respondent notice that her failure to make such a request means that she has waived her right to an evidentiary hearing. (*Id.*) This warning is just two paragraphs above the paragraph which describes the deadline to file requests to extend time to file an answer.

The respondent was on notice that she must specifically request a hearing in her answer and that her failure to do so will result in a finding that she waived her right to a hearing. She did not do so. To be sure, she did make the request to this Court in her in opposition to the government’s motion to find that a hearing was not warranted. (Exh. 8). But this Court is not the forum to request a hearing. That must be done in her answer filed with the Board. Because the respondent did not make a request in her answer, she has waived her right to a hearing. 8 C.F.R. § 1003.105(c)(3).

The respondent advanced other arguments to support her claim that she properly requested a hearing. None are persuasive. In her brief, she first detailed the procedural history of her case, including that she was previously represented by [REDACTED]. (Exh. 8 at 4). Before an answer was filed, however, [REDACTED] withdrew from representing the respondent because of his commitments in other cases. (*Id.*) The respondent asserted that she was not “up to speed” on due dates and deadlines because she left that to [REDACTED], and she assumed this Court would schedule a hearing.¹⁶ (*Id.*) Finally, she claimed she was unaware of

¹⁶ The Court does not take the respondent’s assertions about [REDACTED] to be a claim of ineffective assistance of counsel. Instead, the statements are merely designed to explain why the

a requirement that she needed to formally request a hearing in her answer or she would forfeit her right to a hearing.

None of these explanations are persuasive, and some are unbelievable. [REDACTED] involvement in the case ended before an answer was filed. The respondent essentially claims ignorance and a mistake regarding the deadline and requirement that she must request a hearing in her answer. The NID detailed the deadlines to file an answer, where to file it, to whom to serve the answer, and the contents of the answer. (*Id.* at 11-12). The NID also notified the respondent regarding the procedures to request an extension of time to file an answer. (*Id.* at 12). Finally, the NID notified the respondent that she was required to affirmatively request a hearing in her answer. (*Id.*)

Because the respondent was proceeding in her case *pro se*, she filed her answer to the NID. She obviously read and understood the directions in the NID because she properly requested an extension of time to file her answer. The procedures to request an extension of time to file an answer is two paragraphs above the requirement to request a formal evidentiary hearing. (*Id.* at 12). The warning is clear, it cites the applicable regulation, and it explains the ramification for failing to abide by the regulations. (*Id.*) The NID specifically states that the respondent “shall state in the answer whether [she] requests a hearing in the matter.” (*Id.*) Failure to make such a request in the answer will result in a waiver of a hearing, and the Adjudicating Official will adjudicate the case “without a full evidentiary hearing.” (*Id.*) (citing 8 C.F.R. § 1003.106(a)(2)(iii)). These warnings and consequences of failing to abide by the warnings were sufficient to put the respondent on notice. See *Arizmendi-Medina v. Garland*, 69 F.4th 1043, 148 (9th Cir. 2023) (an Immigration Judge may enforce a set deadline so long as the deadline and the consequences of failing to abide by the deadline are clear); see also *Matter of R-C-R-*, 28 I&N Dec. 74, 79-80 (BIA 2020) (same). Finally, the claim that the respondent was mistaken or unaware of the requirements is astonishing given her

respondent did not request a hearing in her answer. Moreover, [REDACTED] withdrew from representing the respondent before an answer was filed, making any potential claim of ineffective assistance of counsel frivolous.

extensive and lengthy experience. She failed to request a hearing in her answer and thus none was conducted.

VI. DISCIPLINARY SANCTIONS

Once an adjudicating official finds that a practitioner has violated the rules of professional conduct, it must decide whether to impose disciplinary sanctions. 8 C.F.R. § 1003.101(a). Disciplinary sanctions may be imposed “against any practitioner” if the adjudicating official “finds it to be in the public interest.” *Id.* An adjudicating official has wide latitude in issuing disciplinary sanctions from private or public censure, to disbarment, or any “other disciplinary sanctions as the adjudicating official or the Board deem appropriate.” 8 C.F.R. §§ 1003.101(a)(1)(a)(4).

The regulations do not define when it is in the public interest to sanction a practitioner. Disciplinary sanctions, however, must be imposed if a practitioner “engaged in criminal, unethical, or unprofessional conduct, or frivolous behavior” as defined in the regulations. 8 C.F.R. § 1003.101(a). In determining an appropriate sanction, this Court will look to similar cases in states around the country for persuasive guidance and the standards set forth by the American Bar Association. *See Matter of K. Gupta*, 28 I&N Dec. 653, 657 (BIA 2022) (“While we are not bound by the ABA standards, we find them persuasive on this issue.”).

A. Disciplinary Sanctions are Appropriate in this Case

The regulations require some form of disciplinary sanction given this Court’s finding regarding the respondent’s violation of the Board’s suspension order. Moreover, the totality of the respondent’s conduct, as detailed above, compels this Court to order a disciplinary sanctions against her. In summary, the respondent repeatedly engaged in the unauthorized practice of law before the DHS and once before the Immigration Court. Her blatant disregard of a court order suspending her from the practice of law and her unwillingness to accept responsibility demonstrates that some form of sanction is necessary.

The respondent's repeated and knowing violation of the Board's suspension order cannot be excused. She has failed to recognize the gravity of her misconduct and the effect it has on the system. "Membership in the bar is a privilege burdened with conditions. An attorney is received into that ancient fellowship for something more than private gain. He becomes an officer of the court, and, like the court itself, an instrument or agency to advance the ends of justice." *In re Synder*, 472 U.S. 634, 644 (1985) (quoting *People ex rel. Karlin v. Culkin*, 248 N.Y. 465, 470-71 (1928) (internal quotations and alternations omitted)).

Disciplinary sanctions are designed "to protect the public, the legal profession, and the legal system and deter other attorneys from engaging in unprofessional conduct." *In re Non-Member of State Bar of Arizona Van Dox*, 214 Ariz. 300, 303 (2007) (*en banc*). They are also designed to "instill public confidence" in the state bar's integrity. *In re Abrams*, 227 Ariz. 248, 252 (2011). Sanctions are not intended to punish the practitioner, although that may be the incidental effect. *In re Van Dox*, 214 Ariz. at 303. The ABA suggests that disciplinary authorities should consider four factors when imposing an appropriate sanction—"(1) the duty violated, (2) the lawyer's mental state, (3) the actual or potential injury caused by the lawyer's misconduct, and (4) the existence of aggravating or mitigating circumstances." *Id.* (citing *ABA Standards*, Standard 3.0).

A reprimand "is generally appropriate when a lawyer is negligent in dealing with client property and causes injury or potential injury to a client." *Id.* (citing *ABA Standards*, Standard 4.13). Such a sanction, however, is usually only fitting "when a lawyer engages in an isolated instance of negligence in determining whether he or she is competent to handle a legal matter, and causes little or no actual or potential injury to a client." *Id.* (citing *ABA Standards*, Standard 4.54). Disbarment "is generally appropriate when a lawyer ... intentionally or knowingly violates the terms of a prior disciplinary order and such violation causes injury or potential injury to a client, the public, the legal system, or the profession." *Matter of K. Gupta*, 28 I&N Dec. at 656-57 (quoting ABA, Center for Professional Responsibility, *Annotated Standards for Imposing Lawyer Sanctions* 379 (2015)). Such a sanction for "flaunting a previous court order serves the

fundamental goals of maintaining the integrity of the court as well as protecting the public, the primary purpose of disciplinary sanctions.” *Id.* at 670 (citation omitted).

B. The Four ABA Factors

As noted above, when determining an appropriate sanction, this Court is to consider several factors. *In re Van Dox*, 214 Ariz. at 303. Those factors are “(1) the duty violated, (2) the lawyer’s mental state, (3) the actual or potential injury caused by the lawyer’s misconduct, and (4) the existence of aggravating or mitigating circumstances.” *Id.* (citing *ABA Standards*, Standard 3.0). Each factor and its application to the respondent’s case are discussed below.

1. The Duty Violated

The duty violated by Ms. Cowen strikes at the core principles of our judicial system. At a minimum, lawyers must follow Court orders and they should not be in the business of finding ways to skirt or circumvent those orders. When lawyers ignore Court orders, the system comes to a grinding halt, and the public cannot be confident in the entire judicial system. To conclude that the duty violated was anything less than a serious breach of trust would be to minimize the public perception and the effect on the Court system. “Lawyers are essential cogs in the machine of justice. When lawyers refuse to obey court orders . . . they fail to perform their function and thereby jeopardize the fair and efficient administration of justice.” *People v. Efe*, 475 P.3d 620, 640 (Colo. O.P.D.J. 2020).

Without adherence to Court orders and particularly suspension orders, our adversarial system will decay and become nothing more than anarchy. One can imagine a whole host of examples of the chaos that would ensue if lawyers failed to adhere to Court orders. For example, Court orders would be mere suggestions and individuals would stop relying on the legal system to resolve disputes. Without an intact and functional legal system, society begins to devolve into vigilante justice and anarchy ensues. Allowing lawyers to brazenly violate suspension orders strikes at the core of an adversarial system and the inherent

power of courts to police the actions of those who appear before them. *See Rojo v. Rojo*, 84 So.3d 1259, 1262 (Fla. Dist. Ct. App. 2012) (the purpose of contempt powers is to ensure compliance with court orders). This is particularly true in the context of immigration proceedings. Judges routinely order deadlines to file relief or briefs. Ignoring those orders has a negative effect on the public's perception of immigration proceedings. So too if not more so when an attorney disobeys a suspension order. The public would have no respect for such a system if sanctioned and suspended attorneys are free to ignore such orders.

In her defense, the respondent asserts that she did not practice law while suspended. She claims she notified those who used the services of KTT, she appeared on various public media, and she was not attempting to keep her suspension a secret. (Exh. 6 at 229-248; Exh. 12 at 3). To be sure, in a newsletter she explained her suspension and stated that other members of KTT will represent the organization's clients while her appeal of her suspension was pending. (Exh. 6 at 226). But none of these actions change what Ms. Cowan *did* while being suspended by the Board. Arguably, her public statements make things worse. She apparently outwardly portrayed as if she notified the public of her suspension and yet surreptitiously continued to practice law in violation of a suspension order. Her ongoing opportunity to surreptitiously practice law was even documented by the media. "As of this writing, Cowan is not allowed to practice before the Board of Immigration Appeals, the immigration courts, or the Department of Homeland Security[.]" (*Id.* at 246). And yet she still visited KTT "on a regular basis, and attends the weekly clinic at Pueblo High School." (*Id.*) The respondents the public statements about her suspension did not match her (private) misconduct, which involved both actions and omissions. Considered in context, the respondent's actions constitute an egregious violation of the respondent's ethical obligations, but it also demonstrates a total disregard for her duty of candor and honest dealings. *See Matter of Wayland*, 180 Ariz. 15, 19 (1994) (lawyers have a duty "owed as a professional to maintain the integrity of the legal profession"). The

respondent failed in this duty. She repeatedly violated the Board's suspension order.¹⁷

2. The Practitioner's Mental State

A practitioner's "mental state affects the sanction for ethical violations." *In re Van Doox*, 214 Ariz. at 303. "Intentional or knowing conduct threatens more harm to the public, the legal system, and the profession than does negligent conduct, and is accordingly sanctioned more severely." *Id.* (citing ABA *Standards* at 9-10.) This Court is also required to determine the injury caused by the respondent's actions. *In re Abrams*, 227 Ariz. at 251-52 (citation omitted). Injury is defined as "the harm to a client, the public, the legal system, or the profession which results from a lawyer's misconduct." *Id.* (citation omitted). The respondent's actions were all intentional. There is no evidence that she inadvertently engaged in the practice of law while suspended or inadvertently provided false or misleading communications regarding her qualifications and services. Nor is there any evidence that she was unaware of her suspension.

The respondent's mental state is telling. She attempted to deflect responsibility from her actions, claiming that she signed as counsel of record for clients before she was suspended. While this is partially true, that did not absolve her of her duty to notify her clients that she could no longer represent them. (Exh. 6 at 91-211, 215) (unequivocally demonstrating that the client met with the

¹⁷ The respondent also claimed that she "never complained" about the Board's suspension order. (Exh. 12 at 3). This statement is wholly contradicted by the record evidence. In KTT's newsletter, the respondent's words characterized her suspension as a political vendetta stating that the complaints were lodged by Tucson Immigration Court Judges "in the Trump years[.]" (*Id.*) She further minimized her actions by stating that the complaints were mostly about missed deadlines, which she blamed on her clients. (*Id.*) She also complained in the media. "Cowan continued to be vocal in her views that the sanction was unjust and that border officials and conservative judges ... were looking to remove an effective thorn in their sides." (*Id.* at 243). To be sure, none of these inconsistencies or her statements are a basis to sanction the respondent. *Bates v. State Bar of Arizona*, 433 U.S. 350, 383 (1977) (holding that lawyer advertising is a form of commercial speech and could not be "subjected to blanket suppression"). She is certainly entitled to her opinion and has the right to voice it, but these statements demonstrate a willingness to shade the truth when it suits her.

respondent prior to his hearing and she had him sign the cover sheet to his supplemental filings); 8 C.F.R. § 1003.106(c) (delaying the onset of discipline to allow an attorney to notify clients of a suspension order); Ariz. Sup. Ct. 72(a)(1) (requiring an attorney to notify “all clients being represented in pending matters” within 10 days that the attorney has been disciplined). This is particularly true since she admits she expected that her clients would not immediately file the prepared applications with the DHS. (Exh. 8 at 1-3; Exh. 12 at 1-2).

Her most egregious and intentional violation of the Board’s suspension order comes from her conduct detailed in count 4 of the NID. There she assisted a client with submitting supplemental evidence while she was suspended. She went so far as to tell him where to sign to submit the documents to the Court. These actions are a clear, intentional, and unmistakable violation of the Board’s suspension order. The evidence clearly shows the respondent’s mental state was intentional. Such an intentional violation of a court’s suspension order assaults the very foundation of the rule of law. Court orders are not guideposts or suggestions; they are to be taken seriously and followed. Courts must be able to rely on their power to enforce their orders if a party seeks to ignore them. Nowhere is this more important when an attorney intentionally violates a suspension order.

3. The Actual or Potential Injury Caused by the Practitioner’s Misconduct

Injury in this context is defined as “harm to a client, the legal system, or the profession which results from a lawyer’s misconduct.” *In re Van Dox*, 214 Ariz. at 305 (citing ABA *Standards* at 12.) Any “level of injury greater than ‘little or no’ injury[]” is sufficient to find that an injury occurred. *Id.* at 305-06.

Lawyers have enormous power and are generally regarded in society with respect and admiration. They can file lawsuits on their client’s behalf, defend a client from lawsuit or criminal charges, and are even confidantes. “Few vocations offer as great a spectrum of good and honorable works as does the legal profession. The attorney is entrusted with life savings and investments of his clients. He

becomes the guardian of the mentally deficient, and potential savior for the accused. He is a fiduciary, a confidant, an advisor, and an advocate.” *Matter of Wines*, 135 Ariz. 203, 208 (1983) (*en banc*). Accompanied with this “great privilege of serving in all of these capacities” comes with it a “concomitant responsiblit[y] of truth, candor, and honesty.” *Id.* This is why disciplinary procedures are established, “not for punishment, but rather as a catharsis for the profession and a prophylactic for the public.” *Id.*

Our adversarial system relies on lawyers who are willing to abide by Court orders, even ones with which they may disagree. Without such a system, the rule of law is eroded, and the system descends into anarchy. Citizens no longer believe in accountability or honoring court orders. Indeed, the “administration of justice under our adversary system largely depends upon the public’s ability to rely on the honesty of attorneys who are placed in a position of being called upon to conduct the affairs of others both in and out of court[.]” *Id.* Such a system cannot survive without lawyers’ willingness to not just accept but adhere to court orders, particularly suspension orders. For such orders strike at the heart of the public’s trust in the legal system.

Here, the respondent’s actions are a blow to an institution we have relied on for 250 years, and every blow weakens the fabric of the system and the trust of the public. When a lawyer ignores court orders, particularly ones that manage those who may appear before it, public trust is eroded. Courts and the legal system depend on public trust to ensure that orders are followed. Knowing and repeated violations of the Board’s suspension order and claims that the respondent did not violate any order “are serious violations that undermine the integrity of the legal system.” *Matter of K. Gupta*, 28 I&N Dec. at 657.

4. The Existence of Aggravating and Mitigating Circumstances

There are several aggravating and mitigating factors in this case. Those factors include—(1) her prior disciplinary history; (2) multiple and repeated violations of the professional code of conduct; (3) her refusal to acknowledge her

misconduct; and (4) her substantial experience in the practice of law, particularly immigration law. *See Matter of Levine*, 174 Ariz. 146, 171 (1993) (*en banc*).

This is not the first time this respondent has been before this Court regarding disciplinary issues. The respondent was last before this Court in late 2020. This Court last issued a decision on December 8, 2020. (Exh. 6 at 253). This Court ordered the respondent suspended for no less than 5 years, and other requirements before seeking the suspension be lifted.¹⁸ The suspension order was based on three categories of violations of the code of professional conduct. (*Id.* at 276). Boiled to its essence, the respondent's prior misconduct related to her failure to abide by Court deadlines and orders. (*Id.* at 276-77). In her defense of her prior misconduct, the respondent failed to take responsibility for her actions. She blamed others, such as her clients, for her failure to follow Court imposed deadlines and Court orders.¹⁹

Here too, the respondent has failed to abide by the Board's suspension order. She attempts to, once again, deflect from taking any responsibility for her actions. While she acknowledges that she signed as counsel of record before the DHS, she states that it occurred prior to her suspension. She took no steps to rectify the misapprehension of her clients that she could continue to represent them while she was suspended. Additionally, and most egregiously, the respondent assisted a client with gathering and submitting evidence in support of his application for relief after the suspension order. (*Id.* at 91-211). She went so far as to draft the cover sheet and certificate of service. (*Id.* at 91-92, 133-34).²⁰

¹⁸ On July 7, 2023, the Board affirmed this Court's findings related to the regulatory ethical violations, but it reduced the time for suspension to two years. (Exh. 6 at 253-54). The Board reaffirmed its decision on March 21, 2025, after the case was remanded from the United States District Court, District of Arizona. (*Id.* at 250-52).

¹⁹ As a result of the Board's decision, the State Bars of Arizona and Pennsylvania issued reciprocal discipline against the respondent. (*Id.* at 312-16).

²⁰ The alien who is the subject of count 4 stated that he met with the respondent on August 16 and the respondent had him sign the document. (Exh. 6 at 215). It is unclear what meeting the judge was referring to or what documents, but this Court concludes that the documents

The total disregard for Court orders is mind boggling. This Court cannot fathom an attorney purposely failing to abide by Court orders, let alone trying to disguise her actions by claiming the filings were submitted by her clients. Our American adversarial system is designed for those who follow the law and court orders. A “basic proposition” of the judicial system is “that all orders and judgements of courts must be complied with promptly.” *Maness v. Meyers*, 419 U.S. 449, 458 (1975). The remedy to correct an order a party believes is in error “is to appeal, but, absent a stay, he must comply promptly with the order pending appeal.” *Id.* In fact, the “orderly and expeditious administration of justice by the courts requires that an order issued by a court with jurisdiction over the subject matter and person must be obeyed by the parties until it is reversed by orderly and proper proceedings.” *Id.* at 459 (citation and internal quotation marks omitted).

In the end, the respondent’s conduct was a flagrant disregard of the Board’s suspension order. Her actions were calculated to circumvent the rules and to slyly continue to practice even though she was prohibited from doing so. The American judicial system relies on lawyers to follow the rules set forth by the governing Court before which they practice. Without such reliance, Courts would cease to exist because lawyers would ignore the rules governing the practice of law without fear of sanction, consequences, or repercussions. The judicial system would become a free-for-all without any sense of decorum or dignity. Such a system would likely collapse of its own weight. Rather than comply with the Board’s order, the respondent continued to violate it without fear or concern about the system she professes to respect.

The mitigating factors in the respondent’s case include an absence of any other formal prior disciplinary record, her reputation, and the *pro bono* clinic she

submitted by the government in this case are the documents the alien received from the respondent. It is also the documents that she prepared for him and for which she had him sign a certificate of service.

created to ensure aliens who cannot afford counsel are represented in immigration proceeding. *See Matter of Levine*, 174 Ariz. at 172.

In weighing the aggravating and mitigating factors in the respondent's case, this Court concludes that the aggravating factors far outweigh the mitigating factors. To be sure, it is admirable, and significant that the respondent has attempted to create an organization where underrepresented individuals are able to obtain representation. This Court has considered the respondent's lengthy and otherwise "unblemished disciplinary record" over the course of her representation of aliens in immigration courts, the Board, and before the DHS. *See Matter of Mulhall*, 159 Ariz. 528, 768 (1989) (finding an unblemished record prior to misconduct as a mitigating factor).

Despite these significant and weighty mitigating factors, the aggravating factors in the respondent's case are repeated, egregious, and substantial. The respondent repeatedly failed to abide by the Board's suspension order, and she met with at least one client and provided him with supplemental documents to submit for his merit hearing while she was suspended. Nowhere has the respondent taken responsibility for her actions. In fact, she even blamed the system and "Trump-era judges" for the complaints filed in her first disciplinary proceedings. Her actions demonstrate to this Court that the Board's suspension order was a nuance that she tried to circumvent without anybody's knowledge.

"Membership in the bar is a privilege burdened with conditions. An attorney is received into that ancient fellowship for something more than private gain. He becomes an officer of the court, and, like the court itself, an instrument or agency to advance the ends of justice." *In re Synder*, 105 S.Ct. 2874, 2880-81 (1985) (citation, internal brackets, and quotation marks omitted). The power of being a member of the bar and an officer of the court cannot be understated. These dual roles provide attorneys the "singular power[] that others do not possess; by virtue of admission, members of the bar share a kind of monopoly granted only to lawyers." *Id.* at 2881. A "lawyer can cause persons to drop their private affairs and be called as witnesses in court, and for depositions and other pretrial process

that, while subject to the ultimate control of the court, may be conducted outside courtrooms.” *Id.* This license “granted by the court requires members of the bar to conduct themselves in a manner compatible with the role of courts in the administration of justice.” *Id.*

Ms. Cowan did not take the Board’s suspension seriously. She continued to violate it, including assisting an alien to submit supplemental documents in support of an application for relief before the Immigration Court. When she was caught, she claimed there was no evidence to support the allegations. Ms. Cowan’s actions demonstrate a total disregard for Court orders and a willingness to ignore them at her own will, which militates against her minimal prior disciplinary history.

C. Analysis of Entire Record and Final Rationale for Disbarment Decision

In considering the entire record and the factors discussed above, this Court concludes that disbarment from the practice before the Immigration Courts, the Board, and the DHS is appropriate. In fashioning an appropriate sanction, this Court weighs the factors discussed above and finds that the respondent’s conduct and her inability to accept responsibility for her actions requires such a harsh sanction. Moreover, the issued sanction is appropriate because of the respondent’s repeated failure to abide by the Board’s suspension order. *See The Florida Bar v. D’Ambrosio*, 25 So.3d 1209, 1219 (Fla. 2009) (“Court does not hesitate to disbar attorneys who continue to engage in the practice of law while suspended”) (citing cases). Indeed, the clear “violation of any order or disciplinary status that denies an attorney the license to practice law generally is punishable by disbarment.” *Id.* at 1219-20 (citation omitted).

The ABA standards also support disbarment. “Standard 8.1 of the American Bar Association’s Standards for Imposing Lawyer Sanctions states that disbarment ‘is generally appropriate when a lawyer . . . intentionally or knowingly violates the terms of a prior disciplinary order and such violation causes injury or potential injury to a client, the public, the legal system, or the profession.’” *Matter of Gupta*,

28 I&N Dec. at 656-57 (citation omitted). The sanction of disbarment is particularly appropriate because “flaunting a previous court order serves the fundamental goals of maintaining the integrity of the court as well as protecting the public, the primary purpose of disciplinary sanctions.” *Id.* at 657 (citation omitted). Indeed, “courts uniformly impose disbarment on attorneys who continue to practice while suspended because lawyers who have violated prior disciplinary orders exhibit a basic disrespect for the court and its authority.” *Id.* (citation and internal quotation marks omitted); *Matter of Landers*, 29 I&N Dec. at 247 (repeated violations of Board’s suspension order justified disbarment).

While this Court is not bound by the ABA standards, they are persuasive in this case. *Matter of Gupta*, 28 I&N Dec. at 656-57. Ms. Cowan violated the Board’s suspension order, and she tried to hide her actions by having her client submit documents as if she was doing so. The respondent failed on all fronts to live up to her role and responsibility as an attorney, burdened with the privilege of membership in the bar. She failed to conduct herself in a manner commensurate with the role of courts to administer justice. No attorney would dream of acting in this manner before any other court in the country, let alone repeatedly do so. *See Matter of De Anda*, 17 I&N Dec. 54, 58-59 (BIA 1979) (concluding that an attorney’s failure to appear twice before an Immigration Judge would result in contempt in any state or federal court and thus a 6-month suspension was appropriate). It should not be tolerated by Immigration Courts or the Board. Immigration proceedings are serious and could result in banishment of an individual from the United States. Depending on the scenario, that banishment may be for life. *Delgadillo v. Carmichael*, 332 U.S. 388, 391 (1947) (“Deportation can be the equivalent of banishment or exile.”) Attorneys cannot be allowed to ignore suspension orders and attempt to make an end-run around the rules. This is particularly true in an area of law that is complex, dynamic, and ever changing. *See Nunez-Reyes v. Holder*, 646 F.3d 684, 688 (9th Cir. 2011) (citing cases that demonstrate the complexity of immigration law).

An attorney should not be entrusted with analyzing cases for clients when she does not bother to follow court orders. While Ms. Cowan did not engage in

disrespectful conduct when she violated the Board's suspension order, "[f]louting a court's command in a polite, respectful, and subdued manner has been found to be the essence of obstruction the administration of justice." *United States v. Thoreen*, 653 F.2d 1332, 1340 (9th Cir. 1981) (citation and internal quotation marks omitted). The legal profession is more than just billing clients and making arguments to advance a client's interest. "Lawyers do indeed occupy professional positions of responsibility and influence that impose on them duties correlative with their vital right of access to the courts." *Application of Griffiths*, 413 U.S. 717, 729 (1973).

To ensure fairness in any adversarial proceeding, hearings "must be conducted in an atmosphere of respect, order, decorum and dignity befitting its importance[.]" otherwise such proceedings would devolve into a free-for-all, without any solemnity towards the serious nature of the proceedings. *Matter of Cohen*, 370 F.Supp. 1166, 1174 (S.D.N.Y. 1973). Any person who is to appear before a tribunal will certainly be worried, concerned, and overwhelmed by his legal troubles. Immigration proceedings are no different and may even be more daunting for a foreign national, who does not speak the language, and may not understand the proceedings. Such individuals should be confident in the counsel they hire (particularly *pro bono* counsel who attempts to portray a concern for the foreign nationals she serves) to help them through the maze of the United States legal system, particularly one that is as complex and daunting as immigration law. Like the Internal Revenue Code, immigration law can be an "impenetrable labyrinth." *Escobar-Grijalva v. INS*, 206 F.3d 1331, 1335 (9th Cir. 2000). To allow an attorney to continue to practice before a court when she is unwilling to follow the rules in her own case, flies in the face of the public interest. This is particularly true given the potential drastic consequences that can befall an alien in immigration proceedings. "While once there was only a narrow class of deportable offenses and judges wielded broad discretionary authority to prevent deportation, immigration reforms over time have expanded the class of deportable offenses and limited the authority of judges to alleviate the harsh consequences of deportation. The 'drastic measure' of deportation or removal . . . is now virtually

inevitable for a vast number of [aliens] convicted of crimes.” *Padilla v. Kentucky*, 559 U.S. 356, 364 (2010).

In circumstances like those discussed above, it is only proper to disbar an attorney who does not act in concert with this noble profession. Ms. Cowen knowingly and repeatedly violated the Board’s suspension order. These are “serious violations that undermine the integrity of the legal system.” *Matter of Gupta*, 28 I&N Dec. at 657. Sometimes the “power of disbarment is necessary for the protection of the public in order to strip [one] of the implied representation by courts that a [wo]man who is allowed to hold [her]self out to practice before them is in ‘good standing’ so to do.” *Theard v. United States*, 354 U.S. 278, 281 (1957).

Finally, this Court has grave concerns about some of the evidence submitted by the respondent. As detailed above, the respondent submitted two affidavits that are purported to be from the aliens who are the subject of two counts in the NID. The affidavits are incoherent on their face. The aliens claim they attended a meeting wherein the respondent notified the group about her suspension order. If this is true, then they should not have sent her notice of appearance with their applications to the DHS. But they did. (Exh. 6 at 40 and 60). Moreover, and more concerning, is the respondent’s apparent willingness to file false affidavits with this Court to try and show she did not violate the Board’s suspension order. In removal proceedings, filing false documents could result in a finding that the alien filed a frivolous asylum application. *See Udo v. Garland*, 32 F.4th 1198, 126 (9th Cir. 2022) (requiring a specific finding that an alien “deliberately fabricated a material element of the application”). Such a finding has severe consequences, namely making an alien “permanently ineligible for any benefits under [the Act] including asylum.” *Id.* (citing INA § 208(d)(6)). Lying to an Immigration Judge can result in a finding that the alien lacks good moral character. *Matter of Gomez-Beltran*, 26 I&N Dec. 765 (BIA 2016).

“Truthful testimony and disclosures are critical to the effective operation of the immigration court system.” *Id.* at 768. This is particularly important in the context of asylum, where that “process is ultimately an honor system—it depends

largely on the assumption that asylum seekers will take the oath seriously, and that they will be truthful in their testimony.” *Martinez v. Holder*, 557 F.3d 1059, 1065 (9th Cir. 2009). So too it is what is expected of lawyers in all courts around the country. It is no different in immigration proceedings, where judges must be able to rely on the honesty of advocates without concern that the truth is elusive to them. Allowing an attorney to continue to appear before the Immigration Courts, the Board, and the DHS who is willing to submit affidavits that are at best unreliable, and likely fraudulent, flies in the face of what is expected of aliens who appear before each of those bodies. If judges will not tolerate aliens who are dishonest or submit false documents before the Court, they should not allow the public to be duped by an attorney unwilling to follow the same rules. In the end, this Court, therefore, concludes that disbarment is the appropriate sanction in accordance with the applicable regulations.

Accordingly, the Court enters the following Orders:

IT IS HEREBY ORDERED that all factual allegations have been proven by clear and convincing evidence;

IT IS FURTHER ORDERED that all the allegations related to violations of the professional code of conduct in Counts 1-4 are **ADOPTED**;

IT IS FURTHER ORDERED that the allegation of professional misconduct pursuant to 8 C.F.R. § 1003.102 (unauthorized practice of law) and 8 C.F.R. § 1003.102(f)(1) (false or misleading communication about qualifications or services) are **SUSTAINED**;

IT IS FURTHER ORDERED that the respondent shall be disciplined for her violations of the professional code of conduct before the Immigration Courts, the Board of Immigration Appeals, and the Department of Homeland Security; and

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IT IS FURTHER ORDERED that the respondent shall be disbarred from the practice and appearing before the Immigration Courts, the Board of Immigration Appeals, and the Department of Homeland Security in accordance with the governing regulations.

**MUNISH
SHARDA**

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MUNISH SHARDA
Date: 2026.04.27
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Munish Sharda, Adjudicating Official
Immigration Judge

APPEAL RIGHTS: Both parties have the right to appeal the decision of the Immigration Judge in this case. Any appeal must be received by the Board of Immigration Appeals within thirty calendar days from the date of service of this decision.

CERTIFICATE OF SERVICE

THIS DOCUMENT SERVED BY: MAIL (M) PERSONAL SERVICE (P) ELECTRONIC (E)
TO: (E) RESPONDENT () RESPONDENT'S ATTORNEY (E) DISCIPLINARY COUNSEL (EOIR
and DHS)

DATE: 4-27-2026 BY COURT STAFF: rnb