

Falls Church, Virginia 22041

File: D2016-0029

Date: DEC 29 2017

In re: Samuel C. MARSH a.k.a. Samuel Campbell Marsh, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF EOIR: Jennifer J. Barnes
Disciplinary Counsel

ON BEHALF OF DHS: Catherine M. O'Connell
Disciplinary Counsel

The respondent will be suspended from practice before the Board of Immigration Appeals ("Board"), the Immigration Courts, and the Department of Homeland Security ("DHS") for 1 year.

The Supreme Court of Washington suspended the respondent's license to practice law on an interim basis on August 21, 2017. The Disciplinary Counsel for the Executive Office for Immigration Review ("Disciplinary Counsel for EOIR") petitioned for the respondent's immediate suspension from practice before the Board and the Immigration Courts on August 29, 2017. The Disciplinary Counsel for EOIR stated that the respondent remained suspended on an interim basis, and was ineligible to practice law in Washington, as of the date of its filing.

The DHS asked that the respondent be similarly suspended from practice before that agency. We granted the petition on September 18, 2017.

On October 13, 2017, the United States Court of Appeals for the Ninth Circuit suspended the respondent from the practice of law in that court for 1 year, for the reasons set forth in the Ninth Circuit Appellate Commissioner's Report and Recommendation. The Ninth Circuit Appellate Commissioner had concluded that the respondent showed a lack of diligence and competence concerning immigration cases. Consequently, on November 1, 2017, the Disciplinary Counsel for EOIR filed a Notice of Intent to Discipline.

The respondent was required to file a timely answer to the allegations contained in the Notice of Intent to Discipline but has failed to do so. *See* 8 C.F.R. § 1003.105. The respondent's failure to file a response within the time period prescribed in the Notice of Intent to Discipline constitutes an admission of the allegations therein, and the respondent is now precluded from requesting a hearing on the matter. 8 C.F.R. § 1003.105(d)(1).

The Notice of Intent to Discipline proposes that the respondent be suspended from practicing before the Board and the Immigration Courts for 1 year. The DHS Disciplinary Counsel asks the Board to extend that discipline to practice before that agency as well. Because the respondent has failed to file an answer, the regulations direct the Board to adopt the proposed sanction contained in the Notice of Intent to Discipline, unless there are considerations that compel us to digress from that proposal. 8 C.F.R. § 1003.105(d)(2).

The proposed sanction is appropriate, in light of the fact that on October 13, 2017, the Ninth Circuit suspended the respondent from the practice of law in that court for 1 year. We will deem the respondent's suspension to have commenced on September 18, 2017, the date of the Board's immediate suspension order.

ORDER: The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS, for 1 year. The suspension is deemed to have commenced on September 18, 2017.

FURTHER ORDER: The respondent must maintain compliance with the directives set forth in our prior order. The respondent must notify the Board of any further disciplinary action against him.

FURTHER ORDER: The contents of the order shall be made available to the public, including at the Immigration Courts and appropriate offices of the DHS.

FURTHER ORDER: The respondent may petition this Board for reinstatement to practice before the Board, the Immigration Courts, and the DHS under 8 C.F.R. § 1003.107.

A handwritten signature in black ink, appearing to read "Mark J. ...", is written above a horizontal line.

FOR THE BOARD