

Falls Church, Virginia 22041

File: D2018-0068

Date: MAY 02 2018

In re: Ulrich SMITH a.k.a. Ulrich W. Smith, 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 90 days.

On November 29, 2017, the Supreme Court of Nevada suspended the respondent from the practice of law in Nevada for 90 days, effective immediately. The court noted that the respondent had admitted to violating rules of professional conduct concerning his representation of an elderly client, in a trust matter. The Disciplinary Counsel for the Executive Office for Immigration Review petitioned for the respondent's immediate suspension from practice before the Board and the Immigration Courts on March 20, 2018, and stated that the respondent remains suspended from the practice of law in Nevada, as of the date of its filing.

The DHS Disciplinary Counsel asked that the respondent be similarly suspended from practice before that agency. We granted the petition on April 30, 2018.

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. 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 90 days. *See* 8 C.F.R. § 1003.102(e) (attorney who is subject to final order of suspension is subject to discipline). The DHS 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).

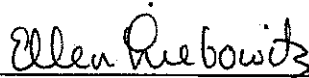
The proposed sanction is appropriate, in light of the discipline imposed against the respondent in Nevada. Further, as the respondent is currently under our April 30, 2018, order of suspension, we will deem his suspension to have commenced on that date.

ORDER: The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS, for 90 days. The suspension is deemed to have commenced on April 30, 2018.

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 for reinstatement to practice before the Board, the Immigration Courts, and the DHS under 8 C.F.R. § 1003.107.



FOR THE BOARD