

Falls Church, Virginia 22041

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File: D2017-0265

Date: JUN 23 2018

In re: Carllene M. PLACIDE, Attorney

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF EOIR: Paul A. Rodrigues, Acting Disciplinary Counsel

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

The respondent will be disbarred from practice before the Board of Immigration Appeals (Board), the Immigration Courts, and the Department of Homeland Security (DHS).

On May 26, 2017, the Supreme Court of Washington granted the Washington State Bar Association's petition for interim suspension and suspended the respondent from the practice of law in that state, effective June 2, 2017. Consequently, on June 29, 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. The DHS then asked that the respondent be similarly suspended from practice before that agency. We granted the petition on August 2, 2017.

On April 18, 2018, the Supreme Court of Washington issued a decision upholding the Washington State Bar Association Disciplinary Board's unanimous recommendation that the respondent be disbarred from the practice of law in Washington, effective immediately (Notice of Intent to Discipline, Attachment 2). On April 24, 2018, the Acting Disciplinary Counsel for EOIR filed a Notice of Intent to Discipline charging that the respondent is subject to reciprocal discipline under 8 C.F.R. § 1003.102(e) in light of her disbarment in Washington.

The respondent was required to file a timely answer to the allegations contained in the Notice of Intent to Discipline but failed to do so. 8 C.F.R. § 1003.105(c)(1). The respondent instead filed an answer to the Notice of Intent to Discipline one day past the filing deadline without explanation and without a request to accept a late-filed answer.

The Acting Disciplinary Counsel for EOIR argues that the respondent's failure to file a timely answer constitutes an admission of the allegations in the Notice of Intent to Discipline and contends that no further evidence of the allegations need be adduced. *See* 8 C.F.R. § 1003.105(d)(1). We agree that failure to file a response within the time period prescribed in the Notice of Intent to Discipline constitutes an admission of the allegations therein. *See id.* Nevertheless, due to the seriousness of both the charges against the respondent and the consequences of our decision, we will accept the respondent's answer and address her arguments.

In her answer, the respondent admits allegation 1 in the Notice of Intent to Discipline but denies the remaining allegations on the ground that she "lacks information sufficient to form a belief as to the truth of the averment" (Respondent's Answer at 1-2). The respondent further argues that

the allegations against her should be dismissed and the proceedings closed so that she may continue to practice before the Board, the Immigration Courts, and the DHS. She claims that the Washington Supreme Court ruling violates her constitutional rights and that she is appealing the decision to the United States Supreme Court. The respondent also contends that she was denied due process both during the Washington State Bar Association disciplinary proceedings and the proceedings before the Washington Supreme Court. She argues that she has been subject to discrimination based on her race, national origin and gender. Finally, she claims that no client or member of the public has ever been harmed during her legal career. She contends that the disciplinary proceedings in Washington did not include any client complaints and were purely a partnership contract dispute over which the Washington State Bar Association lacked jurisdiction.

The Acting Disciplinary Counsel for EOIR argues that there are no material issues of fact in the respondent's case and that summary discipline is appropriate. The Acting Disciplinary Counsel for EOIR therefore moves for summary adjudication and the issuance of an order disbaring the respondent from practice before the Board and the Immigration Courts.

The respondent has not requested a hearing in her answer to the Notice of Intent to Discipline. *See* 8 C.F.R. § 1003.105(c)(3) (practitioner "shall also state in the answer whether a hearing on the matter is requested). The opportunity for a hearing therefore is waived, and we will proceed in summary disciplinary proceedings. *Id.*

The regulations governing summary disciplinary proceedings state that, in proceedings "based upon a final order of disbarment or suspension, or a resignation while a disciplinary investigation or proceeding is pending (i.e., reciprocal discipline), a certified copy of a judgment or order of discipline shall establish a rebuttable presumption of the professional misconduct." 8 C.F.R. § 1003.103(b)(2). Disciplinary sanctions shall follow unless the attorney can rebut the presumption by demonstrating, through clear and convincing evidence, that (i) the underlying disciplinary proceeding was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; (ii) there was such an infirmity of proof establishing the attorney's professional misconduct as to give rise to the clear conviction that the adjudicating official could not, consistent with his or her duty, accept as final the conclusion on that subject; or (iii) the imposition of discipline by the adjudicating official would result in grave injustice. 8 C.F.R. § 1003.103(b)(2).

First, the respondent asserts that she was denied due process in her proceedings in Washington, but she has offered no evidence or details to support this assertion. Similarly, she has not presented statements or evidence to support her assertion that she was a victim of discrimination. Finally, she argues that her proceedings in Washington involved only a partnership contract dispute and not a disciplinary matter, but the Supreme Court of Washington addressed this argument at length in its decision and dismissed it (Notice of Intent to Discipline, Attachment 2 at 14-17). Accordingly, the respondent has not met her burden of establishing that summary discipline is inappropriate in her case. 8 C.F.R. § 1003.103(b)(2).

Further, the respondent's denial of the allegations against her is not sufficient to make a prima facie showing that there is a material issue of fact in her case or to establish that discipline is unwarranted. *See* 8 C.F.R. § 1003.106(a)(1). The Acting Disciplinary Counsel for EOIR has

submitted the May 26, 2017, and April 12, 2018, orders of the Supreme Court of Washington to prove allegations 2 and 5 in the Notice of Intent to Discipline (Notice of Intent to Discipline, Attachments 1 and 2). The respondent has offered no evidence to challenge the truth of these documents or the truth of the other allegations in the Notice of Intent to Discipline. We therefore sustain the allegations contained in the Notice of Intent to Discipline.

The Notice of Intent to Discipline proposes that the respondent be disbarred from practice before the Board and the Immigration Courts. The Disciplinary Counsel for the DHS has asked that this discipline be extended to practice before that agency as well. Given the respondent's disbarment in Washington and the seriousness of the misconduct discussed in the decision from the Supreme Court of Washington ordering this sanction, disbarment is appropriate. We therefore will order the respondent disbarred from practice before the Board, the Immigration Courts, and the DHS. Further, as the respondent is currently under our August 2, 2017, order of suspension, we will deem her disbarment to commence immediately.

ORDER: The Board hereby disbars the respondent from practice before the Board, the Immigration Courts, and the DHS. The disbarment will commence immediately upon issuance of this order.

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 her.

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.



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FOR THE BOARD