

Falls Church, Virginia 22041

File: D2018-0013

Date: AUG 21 2018

In re: Rene SEGUNDO, 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

On February 13, 2018, the Supreme Court of Texas issued a final order accepting the respondent's resignation in lieu of disciplinary action.¹ On May 4, 2018, the Acting Disciplinary Counsel for the Executive Office for Immigration Review (Acting Disciplinary Counsel for EOIR), through an Amended Petition for Immediate Suspension, petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals (Board) and the Immigration Courts.² The Disciplinary Counsel for the DHS then asked that the respondent be similarly suspended from practice before that agency. We granted the amended petition on July 30, 2018. *See* 8 C.F.R. §§ 1003.103(a)(1) and (4) (2017) (discussing grounds for immediate suspension).

The respondent was required to file a timely answer to the allegations contained in the Amended Notice of Intent to Discipline but has failed to do so.³ 8 C.F.R. § 1003.105. The respondent's failure to file a response within the time period prescribed in the Amended 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).

¹ In the order, the Supreme Court of Texas deemed the professional misconduct detailed in the Response of the Office of the Chief Disciplinary Counsel for the Commission for Lawyer Discipline conclusively established for all purposes (Amended Petition for Immediate Suspension, Attachment 1).

² On April 12, 2018, we denied the original Petition for Immediate Suspension filed by the Acting Disciplinary Counsel for EOIR on the ground that the Acting Disciplinary Counsel for EOIR had not established that the respondent "had been disciplined" for the purposes of 8 C.F.R. § 1003.103(a)(4). The Amended Petition for Immediate Suspension was based on new allegations of misconduct and was supported by new evidence (Amended Petition for Immediate Suspension, Attachment 1).

³ The Disciplinary Counsel for EOIR filed a Notice of Intent to Discipline on January 17, 2017. After we denied the Petition for Immediate Suspension filed on the same date, the Disciplinary Counsel for EOIR filed an Amended Notice of Intent to Discipline. The original Notice of Intent to Discipline therefore has been superseded and need not be addressed.

The Amended Notice of Intent to Discipline proposes that the respondent be disbarred from practicing before the Board and the Immigration Courts. The Disciplinary Counsel for 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 Amended 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 respondent's disbarment in Texas. 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 July 30, 2018, order of suspension, we will deem his disbarment to have commenced on that date.

ORDER: The Board hereby disbars the respondent from practice before the Board, the Immigration Courts, and the DHS. The disbarment is deemed to have commenced on July 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 this Board for reinstatement to practice before the Board, the Immigration Courts, and the DHS under 8 C.F.R. § 1003.107.



FOR THE BOARD