

Falls Church, Virginia 22041

File: D2018-0188

Date: AUG 23 2018

In re: Martin C. LIU, 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 June 20, 2018, the Disciplinary Counsel for the Executive Office for Immigration Review ("Disciplinary Counsel for EOIR"), and the Disciplinary Counsel for the Department of Homeland Security ("DHS"), jointly filed a Notice of Intent to Discipline concerning attorney Martin C. Liu. The respondent will be suspended from practice before the Board of Immigration Appeals ("Board"), the Immigration Courts, and the DHS for 4 years.

The Notice of Intent to Discipline alleges that on November 17, 2014, the respondent was ordered "administratively ineligible" to practice law in New Jersey, for non-compliance with continuing legal education requirements (Notice of Intent to Discipline at 1; Exhs. 1-2).

According to New Jersey "Definitions and Explanations for Attorney Status," the status of "administratively ineligible" means that "the attorney is not currently eligible to practice law in New Jersey for one or more reasons..." (Notice of Intent to Discipline, Exh. 1). The definition also states that "administrative ineligibility is not the result of discipline, but attorneys who are administratively ineligible are not allowed to practice law in New Jersey." *Id.* The Notice of Intent to Discipline alleges that the respondent has been ineligible to practice law in New Jersey from November 17, 2014, until the present date.

The Notice of Intent to Discipline also alleges that, between November 17, 2014, and April 4, 2018, the respondent filed at least 13 Forms G-28 ("Notice of Entry of Appearance as Attorney"), with the United States Citizenship and Immigration Services ("USCIS") of DHS (Notice of Intent to Discipline at 2; Exh. 3). The respondent listed his attorney licensing authority as the Supreme Court of New Jersey, or New Jersey, on each Form G-28, and checked a box indicating that he was not subject to any order suspending or restricting him in the practice of law. *Id.* The respondent signed the Forms G-28 under a statement declaring under penalty of perjury that the information provided was true and correct. *Id.*

The Notice of Intent to Discipline also alleges that a check of USCIS systems shows that the respondent is listed as the representative of record on 3,691 immigration application receipts filed between November 17, 2014, and June 6, 2018 (Notice of Intent to Discipline at 2; Exh. 4).

The Notice of Intent to Discipline also alleges that, between November 17, 2014, and April 4, 2018, the respondent filed at least 9 Forms EOIR-28 ("Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court") with the Immigration Court (Notice of Intent to Discipline at 3; Exh. 5). The Notice of Intent to Discipline alleges that the respondent checked a box on each Form EOIR-28 indicating that he was eligible to practice law, and was not under any order suspending or restricting him from the practice of law. *Id.* The respondent listed his attorney licensing authority as the Supreme Court of New Jersey on each Form EOIR-28. *Id.*

The Notice of Intent to Discipline also alleges that a check of EOIR systems shows that the respondent is listed as the representative of record in 47 Immigration Court matters filed between November 17, 2014, and June 6, 2018 (Notice of Intent to Discipline at 3; Exh. 6).

The government contends that disciplinary sanctions are warranted under 8 C.F.R. § 1003.102(f)(1), in that the respondent "knowingly or with reckless disregard ma[de] a false or misleading communication about his ... qualifications or services" made on the Forms G-28 and Forms EOIR-28 (Notice of Intent to Discipline at 3-4). That is, contrary to his declarations, the respondent was not eligible to practice law in New Jersey at the time he filed the Forms G-28 with USCIS and the Forms EOIR-28 with the Immigration Court. *Id.*

The government also charges that disciplinary sanctions are warranted in the public interest under 8 C.F.R. § 1003.102 (Notice of Intent to Discipline at 4). That is, the government contends, the respondent engaged in the practice of law before USCIS and EOIR in violation of applicable regulations. *Id.*

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 Disciplinary Counsel for EOIR and the Disciplinary Counsel for the DHS filed a "Motion For A Final Order Imposing Discipline" on July 25, 2018, which will be granted.

The Notice of Intent to Discipline proposes that the respondent be suspended from practicing before the Board, Immigration Courts, and DHS for 4 years. 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, absent other circumstances. 8 C.F.R. § 1003.105(d)(2).

The proposed discipline is appropriate, considering the government's charges, which the respondent does not dispute. Notice of Intent to Discipline, at p. 4 (citing and applying American Bar Association "Standards For Imposing Lawyer Sanctions" in proposing the discipline).

Accordingly, we will suspend the respondent from practice before the Board, the Immigration Courts, and the DHS for 4 years.

ORDER: The "Motion For A Final Order Imposing Discipline" filed by the Disciplinary Counsel for EOIR and the Disciplinary Counsel for the DHS is granted.

FURTHER ORDER: The respondent is suspended from practice before the Immigration Courts, Board of Immigration Appeals, and DHS for 4 years, effective 15 days from this date.

FURTHER ORDER: The respondent is directed to promptly notify, in writing, any clients with cases currently pending before the Board, the Immigration Courts, or the DHS that the respondent has been suspended from practicing before these bodies.

FURTHER ORDER: The respondent shall maintain records to evidence compliance with this order.

FURTHER ORDER: The respondent is instructed to notify the Board of any further disciplinary action against him.

FURTHER ORDER: The Board directs that the contents of this notice be made available to the public, including at Immigration Courts and appropriate offices of the DHS.

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



FOR THE BOARD