

Falls Church, Virginia 22041

File: D2018-0218

Date: SEP 06 2018

In re: Patrick Chinedu Nwaneri, Attorney

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

PETITION FOR IMMEDIATE SUSPENSION

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

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

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 of Immigration Appeals ("Board") and the Immigration Courts on August 9, 2018. The Disciplinary Counsel for the Department of Homeland Security ("DHS") asks that the respondent be similarly suspended from practice before that agency. The petition will be granted.

On June 7, 2017, the Supreme Court of Minnesota suspended the respondent from the practice of law in Minnesota for 30 days, effective June 21, 2017. *In Re Nwaneri*, 896 N.W.2d 518, 527 (Minn. 2017); Petition for Immediate Suspension, Exh. 2. The Supreme Court of Minnesota observed that the respondent filed an untimely brief, made a false statement under oath by signing and filing an affidavit containing false information, and then initially lied about the reason for the late filing during the disciplinary investigation. *Id.* at 521-24. This was concerning a personal injury action against the Minneapolis Public Housing Authority. *Id.* at 521.

The Supreme Court of Minnesota stated that the respondent would be eligible for reinstatement to the practice of law in Minnesota if, among other requirements, within 1 year he filed proof of successful completion of a professional responsibility examination. *Id.* at 527. The court warned, citing Rule 18(e)(3), Minnesota Rules on Lawyers Professional Responsibility, that failure to provide such proof would result in automatic re-suspension. *Id.*

As a result of the June 7, 2017, decision of the Supreme Court of Minnesota, the Disciplinary Counsel for EOIR, in Case No. D2017-0301, petitioned for the respondent's immediate suspension from practice before the Board and Immigration Courts, and in its Notice of Intent to Discipline sought to have the respondent suspended from practice for 30 days.

On August 1, 2017, we terminated the disciplinary proceedings in Case No. D2017-0301. We noted, in part, that "it appears that the respondent now has been reinstated to the practice of law, by the Supreme Court of Minnesota, as of July 21, 2017." That is, on July 21, 2017, the Supreme Court of Minnesota conditionally reinstated the respondent to the practice of law in Minnesota, "subject to his successful completion of the written examination required for admission to the practice of law by the State Board of Law Examiners on the subject of professional responsibility." *In Re Nwaneri*, 899 N.W.2d 185, 185-86 (Minn. 2017); Notice of Intent to Discipline, Exh. 1. The

Minnesota Supreme Court stated that the respondent had to comply with this requirement by June 7, 2018, and reiterated that a failure to do so would result in automatic re-suspension under Rule 18(e)(3), Minnesota Rules on Lawyers Professional Responsibility. *Id.*

On June 7, 2018, the Supreme Court of Minnesota suspended the respondent from the practice of law in Minnesota indefinitely, effective June 17, 2018. *In Re Nwaneri*, 912 N.W.2d 882, 882-83 (Minn. 2018); Petition for Immediate Suspension, Exh. 1. This was based on the respondent's failure to timely submit proof of having successfully completed the Multistate Professional Responsibility Examination, in compliance with Rule 18(e)(3), Minnesota Rules on Lawyers Professional Responsibility. *Id.* The Minnesota Supreme Court observed that it had provided warnings concerning this requirement in its previous orders concerning the respondent. *Id.*

Based on the Supreme Court of Minnesota's June 7, 2018, suspension order, the Disciplinary Counsel for EOIR petitioned for the respondent's immediate suspension from practice before the Board and the Immigration Courts on August 9, 2018.

We agree with the Disciplinary Counsel for EOIR that the Supreme Court of Minnesota's June 7, 2018, order is a disciplinary suspension, in that it directly resulted from the respondent's 2017 suspension for professional misconduct. *See* Petition for Immediate Suspension at 1, n.1; 8 C.F.R. § 1003.103(a)(1) and (4) (practitioner who has been suspended by the highest court of any state is subject to immediate suspension by the Board).

The Disciplinary Counsel for EOIR states that the respondent remains suspended from the practice of law in Minnesota, as of the date of its filing. The Disciplinary Counsel for DHS asks that he be similarly suspended from practice before that agency. The petition will be granted.¹

ORDER: The petition is granted, and the respondent is immediately suspended from the practice of law before the Board, the Immigration Courts, and the DHS. 8 C.F.R. § 1003.103(a)(4).

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



FOR THE BOARD

¹ The Board may set aside the order of immediate suspension upon a showing of good cause when it appears in the interest of justice to do so. 8 C.F.R. § 1003.103(a)(4).