

Falls Church, Virginia 22041

File: D2018-0206

Date: SEP 11 2018

In re: Rosalind A. KELLY, 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 suspended from practice before the Board of Immigration Appeals ("Board"), the Immigration Courts, and the Department of Homeland Security ("DHS") for 12 months.

On November 20, 2017, we suspended the respondent from practice before the Immigration Courts, Board, and DHS, in Case No. D2017-0383, for 9 months. This was based on the respondent's suspension from the practice of law in Texas. The suspension remains in effect, as the respondent has not been reinstated to practice by the Board.

On May 29, 2018, the District 6 Grievance Committee, Evidentiary Panel 6-3, State Bar of Texas issued an "Agreed Judgment of Partially Probated Suspension." The order suspended the respondent from the practice of law in Texas for 48 months, with the respondent actively suspended from the practice of law for 12 months beginning May 24, 2018, and ending May 23, 2019. The suspension was based on the respondent's failure to surrender papers and property to which a client was entitled, after termination of the respondent's representation in a child custody matter. Consequently, on July 19, 2018, the Disciplinary Counsel for the Executive Office for Immigration Review ("EOIR") filed a Notice of Intent to Discipline.

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. *See* 8 C.F.R. § 1003.105. The respondent's failure to file a response within the time period prescribed in the Notice 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 proposes that the respondent be suspended from practicing before the Board and the Immigration Courts, for 12 months. 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, absent other circumstances. 8 C.F.R. § 1003.105(d)(2). The proposed sanction is appropriate in light of the respondent's recent suspension in Texas. Accordingly, the Board will honor that proposal.

ORDER: The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS, for 12 months, effective immediately.

FURTHER ORDER: The respondent is instructed to maintain compliance with the directives set forth in our November 20, 2017, suspension order in Case No. D2017-0383.

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

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