

Falls Church, Virginia 22041

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File: D2018-0220

Date: OCT 01 2018

In re: Michael Lucien JACOB, 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 September 14, 2016, we suspended the respondent from practice before the Immigration Courts, Board, and DHS, in Case No. D2016-0165, for 6 months. This was based on the respondent's suspension from the practice of law by the United States Court of Appeals for the Ninth Circuit. The suspension before the Immigration Courts, Board, and DHS remains in effect, as the respondent has not been reinstated to practice by the Board.

On June 27, 2018, the Disciplinary Board of the Washington State Bar Association issued a notice stating that the respondent had filed an affidavit resigning from membership in the Washington State Bar Association, in lieu of discipline. The permanent resignation was effective that date. The complaint filed by the Washington State Bar Association Disciplinary Counsel alleged misconduct concerning immigration clients.

On August 9, 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 disbarred from practicing before the Board and the Immigration Courts. *See* 8 C.F.R. § 1003.102(e) (attorney who resigns while disciplinary proceedings pending subject to discipline). 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, given that the respondent resigned from membership in the Washington State Bar Association, in lieu of discipline. Accordingly, the Board will honor that proposal.

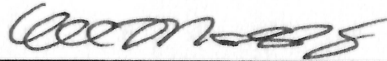
ORDER: The Board hereby disbars the respondent from practice before the Board, the Immigration Courts, and the DHS, effective immediately.

FURTHER ORDER: The respondent is instructed to maintain compliance with the directives set forth in our September 14, 2016, suspension order in Case No. D2016-0165.

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.



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FOR THE BOARD