

Falls Church, Virginia 22041

File: D2018-0223

Date: OCT 04 2018

In re: Guy Darius RUTHERFORD, Attorney

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

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

ON BEHALF OF EOIR: Paul Rodrigues, Acting Disciplinary Counsel

The respondent will be disbarred from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security (DHS).

On October 31, 2016, the Supreme Court of Ohio issued a final order indefinitely suspending the respondent from the practice of law in that state. The Disciplinary Counsel for the DHS petitioned for the respondent's immediate suspension from practice before that agency, and the Disciplinary Counsel for the Executive Office for Immigration Review (Disciplinary Counsel for EOIR) then asked that the respondent be similarly suspended from practice before the Board of Immigration Appeals and the Immigration Courts. We granted the petition on March 1, 2018. *See* 8 C.F.R. §§ 1003.103(a)(1), (2), and (4) (2017) (discussing grounds for immediate suspension).

The Disciplinary Counsel for DHS also filed a Notice of Intent to Discipline asking that the respondent be indefinitely suspended from practice before that agency. The Disciplinary Counsel for EOIR moved to join the request for reciprocal discipline, and the respondent failed to respond. On April 11, 2018, we issued a final order indefinitely suspending the respondent from practice before the Board of Immigration Appeals, the Immigration Courts and the DHS.¹ The respondent remains indefinitely suspended pursuant to this order.

On July 11, 2018, the Supreme Court of Ohio issued a final order disbarring the respondent from the practice of law in that state. On August 16, 2018, the Disciplinary Counsel for DHS filed a Notice of Intent to Discipline charging that respondent is subject to reciprocal discipline under 8 C.F.R. § 1003.102(e) in light of his disbarment in Ohio. The Acting Disciplinary Counsel for EOIR moved to join the request for reciprocal 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. 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).

¹ Our March 1, 2018, immediate suspension order and our April 11, 2018, final order of discipline against the respondent were issued under disciplinary case number D2018-0045.

The Notice of Intent to Discipline proposes that the respondent be disbarred from practicing before the DHS. The Acting Disciplinary Counsel for EOIR asks that this discipline be extended to practice before the Board of Immigration Appeals and the Immigration Courts. Because the respondent has failed to file an answer, the regulations direct us to adopt the proposed sanction contained in the 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 Ohio. We therefore will honor the proposed discipline and will order the respondent disbarred from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS. Further, as the respondent remains indefinitely suspended pursuant to our April 11, 2018, final order of discipline, his disbarment will commence immediately upon issuance of this order.

ORDER: The Board hereby disbars the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS. The disbarment will commence immediately upon issuance of this order.

FURTHER ORDER: The respondent must maintain compliance with the directives set forth in our prior order. The respondent must notify the Board of Immigration Appeals 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 the Board of Immigration Appeals for reinstatement to practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS under 8 C.F.R. § 1003.107.



FOR THE BOARD