

Falls Church, Virginia 22041

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File: D2019-0034

Date: APR 18 2019

In re: Patrick C. HYDE, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

PETITION FOR IMMEDIATE SUSPENSION

ON BEHALF OF EOIR: Paul A. Rodrigues  
Disciplinary Counsel

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

ON BEHALF OF RESPONDENT: Pro se

The respondent will be immediately suspended from practice before the Board of Immigration Appeals ("Board"), the Immigration Courts, and the Department of Homeland Security (DHS). Further proceedings concerning the Notice of Intent to Discipline will be stayed.

On January 22, 2019, the presiding disciplinary judge of the Supreme Court of Colorado issued an "Order And Notice of Suspension" after a disciplinary hearing by the Colorado Hearing Board. The judge suspended the respondent from the practice of law in Colorado for 6 months, effective nunc pro tunc to January 18, 2019, based on the respondent's misconduct concerning an immigration matter.

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 and the Immigration Courts on February 22, 2019. The Disciplinary Counsel for the DHS asks that the respondent be similarly suspended from practice before that agency.

While the petition for immediate suspension was pending, the respondent filed an answer to the Notice of Intent to Discipline, and the Disciplinary Counsel for EOIR submitted a "Motion for Summary Adjudication." The respondent asserts that he is under an "administrative order" of suspension that is on appeal to the Colorado Supreme Court (Respondent's Answer at 1-2; Exh.). The respondent also argues that the presiding disciplinary judge of the Supreme Court of Colorado erred in suspending him from the practice of law in Colorado. *Id.* at 3-5.

A petition for immediate suspension will be granted when a practitioner is suspended by the highest court of any state, including where a respondent is placed on interim suspension pending a final resolution of a disciplinary matter. *See* 8 C.F.R. §§ 1003.103(a)(1) and (4). Contrary to the respondent's implied argument, a final decision of the Colorado Hearing Board is considered to be an order of the Colorado Supreme Court, unless it is "stayed, vacated, reversed, or otherwise modified by order of the [Colorado] Supreme Court." Colorado Rules of Civil Procedure 251.19(b)(6).

The respondent has presented no evidence that his suspension has been stayed pending appeal to the Colorado Supreme Court (EOIR Disciplinary Counsel's "Motion for Summary Adjudication" at 3; Exh. 1). Therefore, the respondent will be immediately suspended from practice before the Board, the Immigration Courts, and the DHS.

We will stay the proceedings concerning the Notice of Intent to Discipline. A practitioner is subject to discipline by the Board where he is under a "final order" of discipline by a state. *See* 8 C.F.R. §§ 1003.102(e); 1003.103(b)(2). Proceedings concerning the Notice of Intent to Discipline will be stayed pending the conclusion of the disciplinary proceedings before the Supreme Court of Colorado. The parties shall file supplemental briefs within 30 days of the decision of the Supreme Court of Colorado in respondent's case. The Board generally does not take further action in a case of this nature until receiving notification or a request from one of the parties.

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.

FURTHER ORDER: Proceedings concerning the Notice of Intent to Discipline are stayed.



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FOR THE BOARD