

Falls Church, Virginia 22041

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File: D2018-0293

Date: MAY 07 2019

In re: Sean HANOVER, Attorney

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF EOIR: Paul A. Rodrigues, 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, the Immigration Courts, and the Department of Homeland Security (DHS).

On October 26, 2018, the Virginia State Bar Disciplinary Board issued a "Rule to Show Cause and Order of Summary Suspension and Hearing" immediately suspending the respondent from the practice of law in Virginia due to his conviction for child pornography distribution in Maryland. On November 9, 2018, the Disciplinary Counsel for the Executive Office for Immigration Review (EOIR) petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. The Disciplinary Counsel for the DHS then asked that the respondent be similarly suspended from practice before that agency.

The respondent opposed the petition for immediate suspension and asked that his proceedings be continued without suspension until June 2019 when he was scheduled for a hearing before the Disciplinary Board of the Virginia State Bar. In support of his request, he explained the circumstances surrounding his conviction in Maryland and he argued that the charge did not affect his ability to represent clients.

The Disciplinary Counsel for EOIR opposed the respondent's request for a continuance on the ground that the respondent remained suspended in Virginia while his proceedings were pending. In support of this argument, the Disciplinary Counsel for EOIR submitted a copy of the November 16, 2018, order of the Disciplinary Board of the Virginia State Bar scheduling a hearing for the respondent on June 20, 2019. The order did not rescind the immediate suspension imposed by the Disciplinary Board's October 26, 2018, order (EOIR Response, Attachment 1; Respondent's Opposition, Ex. 3).

We therefore concluded that the respondent remained suspended from the practice of law in Virginia while his disciplinary proceedings were pending, and we granted the petition for immediate suspension on December 10, 2018. *See* 8 C.F.R. § 1003.103(a)(4) (indicating that the Board "shall" enter an immediate suspension order upon the filing of a petition supported by a court order establishing that an attorney has been placed on interim suspension pending final resolution of an underlying disciplinary matter).

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 also has not

filed a response to our request for supplemental briefing regarding the Notice of Intent to Discipline. The respondent's failure to file a response to the Notice of Intent to Discipline within the time period prescribed in that document 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 of Intent to Discipline proposes that the respondent be indefinitely suspended from practicing before the Board of Immigration Appeals and the Immigration Courts. The Disciplinary Counsel for EOIR, however, has filed a supplemental brief asking us to impose disbarment rather than indefinite suspension because the respondent is now disbarred in both Virginia and Maryland. In support of these assertions, the Disciplinary Counsel for EOIR has submitted a February 12, 2019, order of the Virginia State Bar Disciplinary Board accepting the respondent's consent to revocation of his license to practice law in Virginia (EOIR Supplemental Brief, Ex. 3). In addition, the Disciplinary Counsel for EOIR has submitted the respondent's affidavit declaring consent to revocation in which he states that he consented to disbarment in Maryland, effective January 1, 2019, and documents from Maryland evidencing the respondent's disbarment in that state (EOIR Supplemental Brief, Ex. 1-3).

The respondent has not submitted a supplemental brief or responded to the Disciplinary Counsel for EOIR's request for disbarment.

Given the respondent's recent disbarment in Virginia and Maryland, the sanction of disbarment is more appropriate than the original request for indefinite suspension. We therefore will honor the request for disbarment made in the Disciplinary Counsel for EOIR's supplemental brief, and we will order the respondent disbarred from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS. *See* 8 C.F.R. § 1003.105(d)(2) (stating that, when respondent has failed to respond to disciplinary charges, the Board shall issue a final order adopting the sanction proposed in the Notice of Intent to Discipline unless there are considerations that compel us to digress from that proposal). As the respondent is currently under our December 10, 2018, order of suspension, we will deem his disbarment to have commenced on that date.

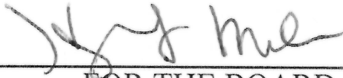
**ORDER:** The Board hereby disbars the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS. The disbarment is deemed to have commenced on December 10, 2018.

**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.

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FURTHER ORDER: The respondent may petition this Board for reinstatement to practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS under 8 C.F.R. § 1003.107.

A handwritten signature in black ink, appearing to read "J. J. Me", is written above a horizontal line.

FOR THE BOARD