

Falls Church, Virginia 22041

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File: D2018-0092

Date: JUN 05 2019

In re: Jacqueline Marie KINSELLA, 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 suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security (DHS) for 3 years.

On February 15, 2018, the Supreme Court of Florida issued an order indefinitely suspending the respondent from the practice of law in that state, effective 30 days from the issuance of the order. The suspension was based on the respondent's September 1, 2016, plea of nolo contendere to petit theft in the Circuit Court of the 18<sup>th</sup> Judicial Circuit for Seminole County, Florida. On April 18, 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. We granted the petition on May 8, 2018.

On December 20, 2018, the Supreme Court of Florida issued a final order suspending the respondent from the practice of law in Florida for 3 years. The order was effective immediately. On April 19, 2019, the Disciplinary Counsel for EOIR filed a Notice of Intent to Discipline charging that the respondent, having been subject to a final order of suspension in Florida, is subject to reciprocal discipline under 8 C.F.R. § 1003.102(e).

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).

The Notice of Intent to Discipline proposes that the respondent be suspended from practicing before the Board of Immigration Appeals and the Immigration Courts for a period of 3 years. The Disciplinary Counsel for the DHS asks us to extend that discipline to practice before that agency as well. 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 suspension in Florida. We therefore will honor the proposed discipline and will order the respondent suspended from practice

before the Board of Immigration Appeals, the Immigration Courts, and the DHS for 3 years. Further, we agree with the Disciplinary Counsel for EOIR that the respondent's suspension should be effective as of December 20, 2018, the effective date of her suspension in Florida. We therefore will deem her suspension to have commenced on December 20, 2018.

ORDER: The Board hereby suspends the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS for a period of 3 years. The suspension is deemed to have commenced on December 20, 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 her.

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 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.



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FOR THE BOARD