

Falls Church, Virginia 22041

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File: D2019-0111

Date: JUN 10 2019

In re: Cyrus A. BISCHOFF, 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 March 2, 2017, the Supreme Court of Florida issued an order suspending the respondent from the practice of law in that state for 1 year, effective April 1, 2017. On June 29, 2017, 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 August 2, 2017.

The Disciplinary Counsel for EOIR also filed a Notice of Intent to Discipline charging that the respondent was subject to reciprocal discipline under 8 C.F.R. § 1003.102(e) due to his suspension in Florida. The respondent did not file a timely answer to the allegations contained in the Notice and did not dispute the allegations. Given the respondent's suspension from the practice of law in Florida, our August 28, 2017, final order of discipline suspended the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS for 1 year, effective August 2, 2017, the date of our immediate suspension order. The respondent has not been reinstated and remains suspended under our August 28, 2017, order.

On March 7, 2019, the Supreme Court of Florida issued an order granting the uncontested petition for disciplinary revocation from the practice of law in Florida. Disciplinary revocation is the same as disbarment. *See* Fl. St. Bar Rule 3-7.12. Because the respondent was already suspended from the practice of law in Florida, the disciplinary revocation was effective immediately (Notice of Intent to Discipline, Attachment 1).

On April 16, 2019, the Disciplinary Counsel for EOIR filed a second Notice of Intent to Discipline. In this Notice, the Disciplinary Counsel for EOIR charged that the respondent is subject to reciprocal discipline under 8 C.F.R. § 1003.102(e) due to his disciplinary revocation in Florida.

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 disbarred from practicing before the Board of Immigration Appeals and the Immigration Courts. The Disciplinary Counsel for 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, 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 disciplinary revocation in Florida. Further, as the respondent is currently under our August 2, 2017, order of suspension, his disbarment will be effective immediately.

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

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 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