

Falls Church, Virginia 22041

File: D2019-0174

Date: **AUG 05 2019**

In re: Alison G. TOOMEY, Attorney

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF EOIR: Paul A. Rodriguez, 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) until she can demonstrate by clear and convincing evidence that she meets the definition of "attorney" set forth in 8 C.F.R. §§ 1.2 and 1001.1(f).

On October 9, 2018, the Supreme Judicial Court for Suffolk County, Massachusetts issued an order suspending the respondent from the practice of law in Massachusetts for 3 months retroactive to September 30, 2018. On June 17, 2019, the Disciplinary Counsel for the DHS petitioned for the respondent's immediate suspension from practice before that agency.¹ 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 June 26, 2019.

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 DHS and that the suspension continue until the respondent demonstrates by clear and convincing evidence that she meets the definition of "attorney" set forth in 8 C.F.R. § 1.2. *See also* 8 C.F.R. § 1001.1(f) (defining "attorney"). The Disciplinary Counsel for EOIR asks us to extend that discipline to practice before the Board of Immigration Appeals and the Immigration Courts 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).

¹ The Disciplinary Counsel for the DHS stated that she was not made aware of the suspension until May 14, 2019, and that the respondent remains suspended from the practice of law in Massachusetts.

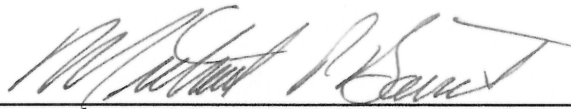
The proposed sanction is appropriate in light of the respondent's continuing suspension in Massachusetts. We therefore will honor the proposed discipline and will order the respondent suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS until she can demonstrate by clear and convincing evidence that she meets the definition of "attorney" set forth in 8 C.F.R. §§ 1.2 and 1001.1(f). Further, as the respondent is currently under our June 26, 2019, order of suspension, we will deem her suspension to have commenced on that date.

ORDER: The Board hereby suspends the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS until she is able to demonstrate, by clear and convincing evidence, that she meets the definition of "attorney" set forth in 8 C.F.R. §§ 1.2 and 1001.1(f). The suspension is deemed to have commenced on June 26, 2019.

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.

A handwritten signature in dark ink, appearing to read "M. [unclear] [unclear]", is written over a horizontal line.

FOR THE BOARD