

Falls Church, Virginia 22041

File: D2019-0266

Date: OCT 08 2019

In re: David Jay BERNSTEIN, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

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

ON BEHALF OF EOIR: Paul Rodrigues
Disciplinary Counsel

The respondent will be suspended from practice before the Board of Immigration Appeals ("Board"), the Immigration Courts, and the Department of Homeland Security ("DHS") for 1 year.

On July 3, 2019, the Supreme Court of Florida suspended the respondent from the practice of law in Florida for 1 year, effective August 2, 2019. The Disciplinary Counsel for the DHS petitioned for the respondent's immediate suspension from practice before that agency on August 19, 2019. 8 C.F.R. § 1003.103(a). The Disciplinary Counsel for the Executive Office for Immigration Review asked that the respondent be similarly suspended from practice before the Board and the Immigration Courts. We granted the petition on September 12, 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 for 1 year. The Disciplinary Counsel for EOIR asks the Board to extend that discipline to practice before the Board and the Immigration Courts as well. Because the respondent has failed to file an answer, the regulations generally direct the Board to adopt the proposed sanction contained in the Notice of Intent to Discipline. 8 C.F.R. § 1003.105(d)(2).

The proposed sanction is appropriate, in light of the discipline imposed against the respondent in Florida. Further, as the respondent is currently under our September 12, 2019, order of suspension, we will deem his suspension to have commenced on that date.

ORDER: The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS, for 1 year. The suspension is deemed to have commenced on September 12, 2019.

FURTHER ORDER: The respondent must maintain compliance with the directives set forth in our prior order. The respondent must notify the Board 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, the Immigration Courts, and the DHS under 8 C.F.R. § 1003.107.

A handwritten signature in cursive script, appearing to read "George", is written above a horizontal line.

FOR THE BOARD