

Falls Church, Virginia 22041

File: D2019-0269

Date: OCT 21 2019

In re: Marie BERNAL, 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 ("Board"), the Immigration Courts, and the Department of Homeland Security ("DHS") for 3 months.

On August 7, 2019, the Presiding Disciplinary Judge of the Supreme Court of Colorado issued an "Order and Notice of Suspension." The judge suspended the respondent from the practice of law in Colorado for 3 months, effective immediately. The judge noted that, on July 3, 2019, he had issued an "Opinion and Decision Imposing Sanctions." This was based on the failure of the respondent to wind down her law practice, including by failing to withdraw from matters pending before the Denver, Colorado, Immigration Court, and her failure to cooperate with disciplinary authorities, after she was administratively suspended from the practice of law in Colorado for not complying with continuing legal education requirements.

On August 28, 2019, the Disciplinary Counsel for the Executive Office for Immigration Review petitioned for the respondent's immediate suspension from practice before the Immigration Courts and the Board. The Disciplinary Counsel for the DHS then asked that the respondent be similarly suspended from practice before that agency. We granted the petition on September 25, 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. *See* 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 and the Immigration Courts for 3 months. 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 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).

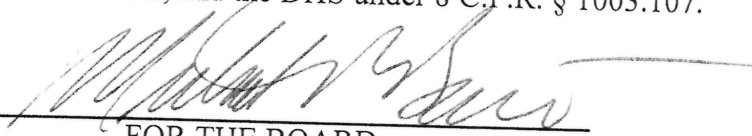
The proposed sanction is appropriate, in light of the discipline imposed against the respondent in Colorado. Further, as the respondent is currently under our September 25, 2019, order of suspension, we will deem her suspension to have commenced on that date.

ORDER: The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS for 3 months. The suspension is deemed to have commenced on September 25, 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 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, the Immigration Courts, and the DHS under 8 C.F.R. § 1003.107.



FOR THE BOARD