

Falls Church, Virginia 22041

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File: D2019-0366

Date: JAN 22 2020

In re: Jude AMBE, 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 October 21, 2019, the Court of Appeals of Maryland issued an order disbarring the respondent from the practice of law in Maryland, effective immediately. On November 14, 2019, the Disciplinary Counsel for the Executive Office for Immigration Review (EOIR) and the Disciplinary Counsel for the DHS jointly petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS. We granted the petition on November 26, 2019.

On December 9, 2019, the respondent filed what he titled an "Urgent Request for Reinstatement." On December 16, 2019, he filed an answer to the Notice of Intent to Discipline. In both documents, the respondent argued that he should not be disbarred from practice before the Board of Immigration Appeals, the Immigration Courts, or the DHS on the basis of his disbarment in Maryland because he is not licensed in Maryland. He maintains that he is licensed to practice in New York and that New York has not taken any action against him. He also challenges the factual findings made during his disciplinary proceedings in Maryland, and he requests a hearing on the current charges against him. Finally, he contends that good cause exists for vacating the immediate suspension entered against him.

The Disciplinary Counsel for EOIR and the Disciplinary Counsel for the DHS oppose the respondent's requests for reinstatement to practice and maintain that there is no good cause for setting aside the immediate suspension. The Disciplinary Counsels further argue that the respondent has not made a prima facie showing that any material issue of fact is in dispute or that any other exception to the imposition of reciprocal discipline exists in his case. The Disciplinary Counsels therefore request that we deny the respondent's requests and issue a final order of disbarment.

The respondent has not presented an adequate reason for setting aside our November 26, 2019, immediate suspension order. *See* 8 C.F.R. § 1003.103(a)(4) (stating that, "[u]pon good cause shown" the Board may set aside an immediate suspension order "when it appears in the interest of justice to do so"); *see also* 8 C.F.R. § 1003.103(a)(1) (indicating that disbarment in any state provides a basis for immediate suspension).

The respondent also has not met his burden of establishing that summary discipline is inappropriate in his case. *See* 8 C.F.R. § 1003.106(a)(1). The respondent contests some of the factual and legal conclusions reached by the Court of Appeals of Maryland in his disciplinary proceedings before that court, but he has not made a prima facie showing that the Maryland proceedings were so lacking in notice or opportunity to be heard that he was deprived of due process. *See* 8 C.F.R. § 1003.106(a)(1); 8 C.F.R. § 1003.103(b)(2)(i). The respondent also has not made a prima facie showing that there was such an infirmity of proof in the Maryland proceedings that an adjudicating official could not accept as final the Maryland court's conclusion on the subject or that the imposition of discipline would result in grave injustice. *See* 8 C.F.R. § 1003.103(b)(2)(ii) and (iii). We therefore deny the respondent's request for a hearing.

Further, we conclude that the respondent is subject to reciprocal discipline. The respondent's argument that he should not be disciplined on the basis of his disbarment in Maryland because he is licensed in New York lacks merit. An attorney who is subject to a final order of disbarment in any state is subject to discipline. *See* 8 C.F.R. § 1003.102(e). The Disciplinary Councils for EOIR and the DHS have established that the respondent has been disbarred in Maryland due to misconduct in an immigration matter. *See* 8 C.F.R. § 1003.102(e); 8 C.F.R. § 1003.103(b)(2). The respondent therefore is subject to reciprocal discipline, and the proposed sanction of disbarment is appropriate in light of the respondent's disbarment in Maryland. We therefore will honor the proposed discipline and will order the respondent disbarred from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS. As the respondent is currently under our November 26, 2019, order of suspension, we will deem his disbarment to have commenced on that date.

ORDER: The Board hereby disbars the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS. The disbarment is deemed to have commenced on November 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 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