



**U.S. Department of Justice**

Executive Office for Immigration Review

*Board of Immigration Appeals*

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Office of the Clerk  
5107 Leesburg Pike, Suite 2000  
Falls Church, Virginia 22041

**Daniela Koiman**  
23679 Calabasas Road, Suite 1017  
Calabasas, CA 91302

**Re: Daniela Koiman**  
**D2019-0268**

**Date: February 13, 2020**

Enclosed is a copy of the Board's decision and order in the above-referenced case.

*Donna Carr*

Donna Carr  
Chief Clerk

/HT  
Enclosure

Panel Members:

**ELLEN LIEBOWITZ**  
**MICHAEL CREPPY**  
**DANIEL MORRIS**

CC: Paul A. Rodrigues  
Disciplinary Counsel  
OGC/Executive Office for Immigration Review  
5107 Leesburg Pike, Suite 2600  
Falls Church, VA 22041

CC: Catherine M. O'Connell  
Disciplinary Counsel  
USCIS/Department of Homeland Security  
11411 East Jefferson Ave.  
Detroit, MI 48214

Falls Church, Virginia 22041

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File: D2019-0268

Date:

FEB 13 2020

In re: Daniela KOIMAN, Attorney

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

MOTION

ON BEHALF OF EOIR: Paul A. Rodrigues, Disciplinary Counsel

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

The respondent has been suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security (DHS) for 60 days, effective September 11, 2019. On December 23, 2019, she filed a motion seeking reinstatement to practice. The Disciplinary Counsel for the Executive Office of Immigration Review (EOIR) and the Disciplinary Counsel for the DHS oppose the respondent's motion for reinstatement. The respondent's motion for reinstatement will be denied.

On July 11, 2019, the Supreme Court of California issued an order suspending the respondent from the practice of law in California for 1 year. The order stayed the execution of the 1-year suspension and placed the respondent on probation for 2 years with the first 60 days of the probation period being an actual suspension from the practice of law, effective August 10, 2019.

On August 19, 2019, the Disciplinary Counsel for the DHS petitioned for the respondent's immediate suspension from practice before that agency. The 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 September 11, 2019.

The respondent did not file a timely answer to the Notice of Intent to Discipline and did not dispute the allegations in the Notice. Given the respondent's 60-day suspension from the practice of law in California, our October 7, 2019, final order of discipline suspended the respondent from practice before the Board, the Immigration Courts, and the DHS for a period of 60 days, effective September 11, 2019, the date of our immediate suspension order.

The respondent now asks to be reinstated to practice before the Board, the Immigration Courts and the DHS, and presents evidence that she is again authorized to practice law in California. *See* 8 C.F.R. § 1003.107(a)(1). The Disciplinary Counsels for EOIR and the DHS agree that the respondent now meets the definition of attorney as set forth in 8 C.F.R. § 1001.1(f).

The Disciplinary Counsels for EOIR and the DHS nevertheless oppose the respondent's reinstatement because she did not comply with the terms of her suspension. *See* 8 C.F.R. § 1003.107(a)(2). In support of their assertions, the Disciplinary Counsels for EOIR and the DHS have submitted evidence showing that the respondent engaged in the practice of law before the DHS or the Immigration Courts at least 7 times in violation of our suspension order (Joint Opp. to Respondent's Mot, Attachments 1-7). In light of this evidence, the Disciplinary Counsels for EOIR and the DHS ask the Board to deny the respondent's motion for reinstatement and to order the respondent suspended for at least another 60 days.

The respondent, in her Response to Joint Opposition, states that her failure to read the suspension order correctly did not stem from blatant disregard of the order but from "misplaced relief at the thought that the whole ordeal was over" (Respondent's Response at 2). She also notes that her suspension, which was supposed to be for 60 days, has now extended for more than 5 months and she notes that if we were to add 60 days to her original suspension, that suspension also would be complete.

The evidence submitted by the Disciplinary Counsels for EOIR and the DHS establishes that the respondent has not complied with the Board's suspension order. The respondent does not dispute these allegations. She instead appears to contend that her lack of compliance was due to oversight or mistake rather than blatant defiance of the order. The respondent, however, has not explained why she continued to enter appearances in Immigration Court and with the DHS after an Immigration Judge had advised her that she was suspended (Joint Opp., Attachments 2, 3, 5 and 7). The respondent therefore has not met her burden of establishing that she is entitled to reinstatement to practice before the Board, the Immigration Courts or the DHS. *See* 8 C.F.R. § 1003.107(a)(3) (stating that, if a practitioner failed to comply with the terms of the suspension, the Board "shall deny" reinstatement and indicate the circumstances under which the practitioner may apply for reinstatement). Further, we agree with the Disciplinary Counsels for EOIR and the DHS that the respondent should remain suspended for an additional 60 days, effective as of the date of this order. *Id.*

ORDER: The respondent's motion for reinstatement is denied.

FURTHER ORDER: The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS for 60 days, effective as of the date of this order.

FURTHER ORDER: The respondent must maintain compliance with the directives set forth in our prior orders in his proceedings. The respondent must notify the Board of any further disciplinary action against her.

FURTHER ORDER: The contents of this order shall be made available to the public, including at the Immigration Courts and appropriate offices of the DHS.

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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.

Ellen Riebowitz  
FOR THE BOARD