

Falls Church, Virginia 22041

File: D2019-0315

Date: AUG 31 2020

In re: Michael-Hyun W. LEE, 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).

The Appellate Division of the Supreme Court of New York, Second Judicial Department, immediately suspended the respondent from the practice of law in New York on August 21, 2019, pending its further order.¹ The Disciplinary Counsel for the DHS petitioned for the respondent's immediate suspension from practice before that agency on September 30, 2019. 8 C.F.R. § 1003.103(a). 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 October 17, 2019.

On March 11, 2020, the Appellate Division of the Supreme Court of New York, Second Judicial Department, issued a final order disbarring the respondent from the practice of law in New York. On June 29, 2020, the Disciplinary Counsels for EOIR and the DHS filed a Joint Notice of Intent to Discipline charging that the respondent is subject to reciprocal discipline under 8 C.F.R. § 1003.102(e) due to his disbarment in New York.

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 disbarred from practicing before the Board of Immigration Appeals, the Immigration Courts, and the DHS. 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 On August 26, 2019, the court issued an amended order correcting the respondent's attorney registration number.

The proposed sanction is appropriate in light of the respondent's disbarment in New York. 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. Further, as the respondent is currently suspended under our October 17, 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, effective October 17, 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.



FOR THE BOARD