

Falls Church, Virginia 22041

File: D2020-0128

Date: AUG 31 2020

In re: Julius Michael ENGEL, 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 June 8, 2016, the Supreme Court of California suspended the respondent from the practice of law in California for 2 years, stayed, with an imposed suspension of 6 months, and probation for two years. The Disciplinary Counsel for the Executive Office for Immigration Review (EOIR) filed a Notice of Intent to Discipline on July 19, 2016. Given the respondent's suspension from the practice of law by the Supreme Court of California, our August 30, 2016, order of discipline suspended the respondent from practice before the Board, the Immigration Courts, and the DHS, for 6 months, effective 15 days after our order. On December 21, 2016, we modified the effective date of our suspension to July 8, 2016, the effective date of the Supreme Court of California disciplinary order.¹

On January 17, 2017, the respondent moved for reinstatement to practice before the Board, the Immigration Courts, and the DHS. We denied the motion because the respondent at that time did not meet the regulatory definition of attorney due to continuing restrictions on his ability to practice law in various jurisdictions. *See* 8 C.F.R. § 1001.1(f). The respondent remains suspended from practice before the Board, the Immigration Courts, and the DHS.

On April 1, 2020, the Supreme Court of California disbarred the respondent from the practice of law in California, effective May 1, 2020. On June 1, 2020, the Disciplinary Counsels for EOIR and the DHS filed a joint Notice of Intent to Discipline charging that the respondent is subject to summary discipline due to his disbarment in California. The Notice of Intent to Discipline, however, included the incorrect certified documents. The Disciplinary Counsels for EOIR and the DHS filed an amended Notice of Intent to Discipline with the correct supporting documents on June 25, 2020.

The respondent has filed an answer to the Notice of Intent to Discipline and has requested a hearing. In his answer, the respondent asserts that State Bar of California procured the judgment against him through fraud, that the allegations against him were false, and that the Office of the

¹ We denied a motion to clarify this decision, filed by the EOIR Disciplinary Counsel, on March 3, 2017.

Chief Trial Counsel of the California State Bar engaged in witness tampering, intimidation, and other misconduct.

The Disciplinary Councils for EOIR and the DHS, on the other hand, argue that the respondent is not entitled to a hearing because he has not met his burden of showing that there is a material issue of fact regarding the basis for the discipline or the fairness of the California proceedings. In particular, the Disciplinary Councils note that the respondent has not submitted evidence to support the allegations he makes in his answer. The Disciplinary Councils also state that the opinion and order of the California State Bar Court recommending disbarment indicates that the respondent received a full and fair hearing and that the trial judge had considered all of the respondent's arguments (Amended Notice of Intent to Discipline, Attachment 2).² The Disciplinary Councils for EOIR and the DHS therefore have moved for summary adjudication.

The evidence of the respondent's disbarment in California is sufficient to establish that disciplinary proceedings are appropriate. *See* 8 C.F.R. § 1003.103(b)(2); *see also* 8 C.F.R. § 1003.102(e). When the Disciplinary Counsel for EOIR or the DHS brings proceedings based on a final order of suspension or disbarment, like the one in the respondent's case, the order creates a rebuttable presumption that reciprocal disciplinary sanctions should follow. *See* 8 C.F.R. § 1003.103(b)(2); *see also* *Matter of Kronegold*, 25 I&N Dec. 157, 160 (BIA 2010); *Matter of Truong*, 24 I&N Dec. 52, 54 (BIA 2006); *Matter of Ramos*, 23 I&N Dec. 843, 845 (BIA 2005). The respondent can rebut this presumption only by demonstrating by clear and convincing evidence that the underlying disciplinary proceeding resulted in a deprivation of due process, that there was "an infirmity of proof" establishing the misconduct, or that discipline would result in "grave injustice." 8 C.F.R. § 1003.103(b)(2).

Further, to avoid summary proceedings, the respondent must make a prima facie showing that there is a material issue of fact with respect to the basis for the disciplinary proceedings or with respect to the fairness of the underlying disciplinary proceedings. *See* 8 C.F.R. § 1003.106(a)(1). The respondent has not met this burden. The respondent admits that he has been disbarred in California, and he has not presented evidence to support his allegations regarding the fairness of his California proceedings. We therefore deny his request for a hearing.

In addition, we conclude that the Disciplinary Councils for EOIR and the DHS have sustained the charge against the respondent. The respondent therefore is subject to reciprocal discipline due to his disbarment in California. 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. The proposed sanction is appropriate in light of the respondent's disbarment in California. 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. The respondent's disbarment will commence upon issuance of this order.

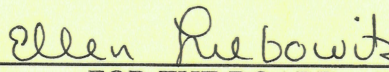
² In discussing the opinion and order of the California State Bar Court, the Disciplinary Councils mistakenly refer to it as an order from the Supreme Court of California.

ORDER: The Board hereby disbars the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS. The disbarment will commence upon issuance of this order.

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 of Immigration Appeals, the Immigration Courts, and the DHS under 8 C.F.R. § 1003.107.



FOR THE BOARD