

Falls Church, Virginia 22041

File: D2019-0036

Date: SEP 03 2020

In re: Veronica REYES, 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 6 months, effective April 16, 2019. This suspension was based on her suspension from the practice of law in Colorado. The respondent has filed a motion seeking reinstatement to practice. The respondent's motion will be granted.

On February 12, 2019, the Presiding Disciplinary Judge of the Supreme Court of Colorado issued an Order Approving Conditional Admission of Misconduct and Imposing Sanctions under C.R.C.P. 251.22 in the respondent's disciplinary proceedings in that state. The order suspended the respondent from the practice of law in Colorado for 1 year and 1 day, with 6 months to be served and 6 months and 1 day to be stayed upon the successful completion of a 2-year period of probation. The respondent's suspension was effective March 19, 2019.

On March 26, 2019, the Disciplinary Counsel for the Executive Office for Immigration Review (EOIR) petitioned for the respondent's immediate suspension from practice before the Immigration Courts and the Board of Immigration Appeals. The Disciplinary Counsel for the DHS then asked that the respondent be similarly suspended from practice before that agency. We granted the petition on April 16, 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 6 month suspension from the practice of law in Colorado, our May 13, 2019, final order of discipline suspended the respondent from practice before the Board, the Immigration Courts, and the DHS for a period of 6 months, effective April 16, 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 authorized to practice law in Colorado (Respondent's Petition for Reinstatement, Exh. 2). *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

allege that the respondent entered an appearance in Immigration Court on October 1, 2019, and filed an updated application for adjustment of status for a client in Immigration Court on October 7, 2019.

The respondent admits that she appeared in Immigration Court on October 1, 2019, and that she submitted an adjustment application for a client, although she did not prepare the adjustment application (Respondent's Petition for Reinstatement, Exh. 3). The respondent argues that she mistakenly believed that, because her license to practice law in Colorado had been reinstated, she was able to practice before the Board, the Immigration Courts, and the DHS. She has offered printouts of an email exchange she had with EOIR employees in an attempt to resolve difficulties with the e-registration system as proof of her misunderstanding (Respondent's Petition for Reinstatement, Exh. 1). In addition, she states that, once she spoke with the Disciplinary Counsel for EOIR on October 7, 2019, she understood that she remained suspended from the practice of law before the Board, the Immigration Courts, and the DHS, and that she had to petition for reinstatement. She asserts that she has not practiced before the Board, the Immigration Courts, or the DHS since that date and she asks for leniency in reinstating her to practice.

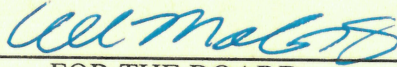
The Disciplinary Counsels for EOIR and the DHS acknowledge and have not disputed the respondent's claim that she has not practiced in immigration proceedings since October 7, 2019, but they maintain that the respondent's suspension order specifically advised her of the need for reinstatement and cited 8 C.F.R. § 1003.107. They further argue that the respondent's conduct in practicing while suspended shows a disregard for the Board's suspension order. Accordingly, they oppose reinstatement at this time.

We agree with the Disciplinary Counsels for EOIR and the DHS that the respondent acted improperly by practicing in Immigration Court while she was suspended and that our suspension order advised the respondent of the need for reinstatement. Nevertheless, the respondent's email exchange with EOIR employees when she was attempting to resolve what she believed was a problem with the eRegistry system provides sufficient support for her claim that she honestly believed that her suspension had ended when she was reinstated in Colorado. Her appearances in early October 2019 accordingly appear to have been inadvertent rather than a deliberate attempt to circumvent our suspension order. The respondent should have read our suspension order more carefully, but she now has been suspended from practice before the Board, the Immigration Courts, and the DHS for over 1 year even though we imposed only a 6 month suspension. The respondent therefore has, in effect, been sanctioned for her acts of practicing while under an order of suspension. Further sanctions do not appear necessary or appropriate in this case. We therefore grant the respondent's motion for reinstatement. *See* 8 C.F.R. § 1003.107(a)(3).

ORDER: The respondent is reinstated to practice before the Board, the Immigration Courts, and the DHS, as of the date of this order.

FURTHER ORDER: This reinstatement should be reflected in any public notices maintained and disseminated by the Executive Office for Immigration Review regarding attorney discipline.

FURTHER ORDER: If the respondent wishes to represent a party before the DHS, the Immigration Courts or the Board, he must file a Notice of Appearance (Form G-28, Form EOIR-26, or Form EOIR-27), even in cases in which he was counsel prior to his suspension.

A handwritten signature in blue ink, appearing to read "Cell Me 688", is written over a horizontal line.

FOR THE BOARD