

Falls Church, Virginia 22041

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File: D2018-0209

Date: OCT 07 2020

In re: Sunila D. DUTT, 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

ON BEHALF OF RESPONDENT: Joshua D. Bendor, Esquire

The respondent will be disbarred from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security ("DHS").

On May 1, 2017, the Chief Judge of the United States District Court for the District of New Jersey temporarily suspended the respondent from the practice of law before the court, pending further disciplinary proceedings, or until further order of the court. The temporary suspension was based on the respondent's conviction for a serious crime before the court.

The Disciplinary Counsel for the DHS petitioned for the respondent's immediate suspension from practice before that agency on July 30, 2018. 8 C.F.R. § 1003.103(a). The Disciplinary Counsel for the Executive Office for Immigration Review (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 August 22, 2018, and the respondent remains suspended under our order.

On July 27, 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 the respondent's conviction for a serious crime. In particular, the Disciplinary Counsels alleged that, on May 27, 2020, the respondent pled guilty to and was convicted of conspiracy to commit visa fraud and obstruction of justice in violation of 18 U.S.C. §§ 371, 1519 and 1546(a).

The respondent filed an answer to the Notice of Intent to Discipline on August 25, 2020. In the answer, she admits all of the factual allegations (Respondent's Answer at 2). She, however, contends that the mitigating factors in her case weigh against a sanction of disbarment. She claims that her role in the criminal scheme was limited, she has accepted full responsibility for her wrongdoing, she fully cooperated with the criminal investigation, and she was sentenced only to probation for her offense (Respondent's Answer, Tabs QQ, RR, and TT). She further notes that she experienced a traumatic upbringing in India and has been diagnosed with post-traumatic stress disorder as a result, that she has no prior criminal history, and that she has engaged in numerous good works throughout her life (Respondent's Answer, Tabs A-PP). She therefore requests that she be suspended for a period to run coterminous with the period of criminal probation including any early release from probation. The respondent also requests a hearing.



On August 31, 2020, the Disciplinary Councils for EOIR and the DHS filed a motion for summary adjudication. In the motion, they claim that the respondent has not disputed the material facts of her case or the basis for discipline. They further assert that disbarment is the correct sanction given the respondent's conviction for a serious crime.

We agree with the Disciplinary Councils for EOIR and the DHS that the respondent has not disputed the material facts or the basis for discipline alleged in the Notice of Intent to Discipline. We therefore deny the respondent's request for a hearing. *See* 8 C.F.R. §1003.106(a).

We further agree with the Disciplinary Councils that disbarment is the appropriate sanction in the respondent's case. As the respondent concedes, she has been convicted of a serious crime as defined in 8 C.F.R. § 1003.102(h). Moreover, the offense involved the abuse of the immigration system and the submission of false information to the United States government (Respondent's Answer, Tab RR at 22). While we are sympathetic to the difficulties the respondent has faced throughout her life, and we appreciate that she has taken responsibility for her mistakes and has cooperated with federal investigators, these facts are not sufficient to establish that a lesser sanction is appropriate given the serious nature of the respondent's misconduct. *See, e.g., Matter of Krivonos*, 24 I&N Dec. 292, 293 (BIA 2007) (stating that "immigration-related fraud strikes at the heart of the country's immigration laws and undermines the integrity of the entire system").

We therefore 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 August 22, 2018, order of suspension, we will deem her 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 August 22, 2018.

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 her.

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