

Falls Church, Virginia 22041

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File: D2020-0140

Date: JAN 26 2021

In re: Kimberly O. SUTTON, 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), effective September 30, 2020.

On June 5, 2020, the Supreme Court of Tennessee temporarily suspended the respondent from the practice of law in Tennessee for failure to respond to the Board of Professional Responsibility of the Supreme Court of Tennessee concerning a complaint of misconduct. On June 29, 2020, the Disciplinary Counsel for the Executive Office for Immigration Review (EOIR) and the Disciplinary Counsel for the DHS jointly petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS. We granted the petition on September 30, 2020.

On September 21, 2020, the Supreme Court of Tennessee disbarred the respondent from the practice of law in Tennessee, effective immediately. On November 16, 2020, the Disciplinary Counsel for EOIR and the Disciplinary Counsel for the DHS filed a Joint Notice of Intent to Discipline charging that the respondent is subject to summary discipline due to her disbarment in Tennessee.

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).

The proposed sanction is appropriate in light of the respondent's disbarment in Tennessee. 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 September 30, 2020, order of suspension, and this

order was issued after her disbarment in Tennessee, we will deem her disbarment to have commenced on September 30, 2020.

ORDER: The Board hereby disbars the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS, effective September 30, 2020.

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.

*Ellen Rubowitz*  
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FOR THE BOARD