

Falls Church, Virginia 22041

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File: D2021-0093

Date:

AUG 11 2021

In re: Chinyere Alex OGOKE, 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 September 16, 2019, the Supreme Court of Illinois suspended the respondent from the practice of law in that state for 21 months, with the suspension stayed after 9 months by a 12-month period of probation. The suspension was to be effective on October 7, 2019, but the court later changed the effective date to October 21, 2019. On July 7, 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 August 20, 2020. Further, when the respondent did not file an answer to the allegations contained in the Notice of Intent to Discipline, we issued a final order dated September 29, 2020, suspending the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS for 9 months, effective August 20, 2020. The respondent remains suspended pursuant to that order.<sup>1</sup>

On May 17, 2021, the Disciplinary Counsels for EOIR and the DHS filed a second Joint Notice of Intent to Discipline. This Joint Notice of Intent to Discipline charged the respondent with engaging in the unauthorized practice of law and with making false or misleading communications about his qualifications. *See* 8 C.F.R. § 1003.102(f)(1). In support of these charges, the Disciplinary Counsels allege that the respondent has continued to practice before the DHS while suspended. In particular, the Disciplinary Counsels allege that the respondent has appeared with a client for an interview before the United States Citizenship and Immigration Services (USCIS), filed a response to a request for evidence, and filed Notices of Entry of Appearance (Form G-28) in at least 11 cases before USCIS. On 10 of the 11 Notices of Entry of Appearance, the respondent checked the box indicating that he was not subject to any order of any court or administrative agency disbarring, suspending, enjoining, restraining, or otherwise restricting him in the practice of law.

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<sup>1</sup> Our August 20, 2020 and September 29, 2020, orders were issued in disciplinary proceedings bearing the disciplinary number 2020-0142.



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 no further evidence need be adduced. 8 C.F.R. § 1003.105(d)(1). Given this failure to respond, the respondent also is precluded from requesting a hearing in the matter. 8 C.F.R. § 1003.105(d)(2).

The Disciplinary Counsels have moved for the entry of a final order of discipline. In their motion, the Disciplinary Counsels state that they served the respondent with the Notice of Intent to Discipline by email and by certified mail at his address of record with EOIR and the Illinois Attorney Registration and Disciplinary Commission. The Disciplinary Counsels attached proof of certified mail and email service to their motion (Motion for Entry of a Final Order of Discipline, Attachments 1 and 2).

If the respondent has been properly served with the Notice of Intent to Discipline and fails to respond, the regulations state that this Board "shall issue a final order adopting the proposed disciplinary sanctions in the Notice of Intent to Discipline unless to do so would foster a tendency toward inconsistent dispositions for comparable conduct or would otherwise be unwarranted or not in the interests of justice." 8 C.F.R. § 1003.105(d)(2). The Disciplinary Counsels argue that the proposed sanction of disbarment is appropriate given the respondent's ongoing unauthorized practice of law, his misrepresentation of his qualification to practice law, and his disregard for this Board's suspension order. The Disciplinary Counsels cite Standard 8.1(a) (disbarment) of the American Bar Association's Standards for Imposing Lawyer Sanctions in support of their argument. According to this standard, disbarment is appropriate when a lawyer intentionally or knowingly violates the terms of a prior disciplinary order and such violation causes injury or potential injury to a client, the public, the legal system, or the profession.

We agree that disbarment is appropriate in this case. The respondent's continued intentional and knowing disregard for our prior order of suspension and his repeated claim that he is not subject to any order restricting his right to practice law when he, in fact, is suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS are serious violations that undermine the integrity of the legal system. 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 August 20, 2020, order of suspension, we will deem his disbarment to commence immediately.


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

**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