

NOT FOR PUBLICATION

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

MATTER OF:

Leonard B. SUKHERMAN, D2022-0008

Respondent

FILED

MAR 17 2022

ON BEHALF OF EOIR: Paul A. Rodrigues, Disciplinary Counsel

ON BEHALF OF DHS: Catherine M. O'Connell, Disciplinary Counsel

IN PRACTITIONER DISCIPLINARY PROCEEDINGS
Notice of Intent to Discipline Before the Board of Immigration Appeals,

Before: Brown, Temporary Appellate Immigration Judge¹, Manuel, Temporary Appellate
Immigration Judge, Liebowitz, Appellate Immigration Judge

Opinion by Manuel, Temporary Appellate Immigration Judge

MANUEL, Temporary Appellate Immigration Judge

The respondent will be disbarred from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security (DHS), effective February 9, 2022.

On June 16, 2021, the Appellate Division of the Supreme Court of New York, Second Judicial Department, granted the respondent's application to resign from the practice of law with disciplinary investigations pending and ordered him disbarred from the practice of law in New York, effective immediately. On January 20, 2022, the Disciplinary Counsel for the Executive Office for Immigration Review 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 February 9, 2022.

On February 18, 2022, the respondent filed a response to the Notice of Intent to Discipline. In his response, the respondent did not make a specific request for a hearing. The respondent also did not dispute the factual allegations contained in the Notice of Intent to Discipline. The respondent instead explained that he did not notify the Disciplinary Counsels for EOIR and the DHS of his disbarment in New York because he did not realize that he had that responsibility, he thought the Disciplinary Counsels would receive notification automatically, and he thought his

¹ Temporary Appellate Immigration Judges sit pursuant to appointment by the Attorney General. See 8 C.F.R. § 1003.1(a)(4).

withdrawal from his immigration cases served as notice. The respondent also stated that he stopped practicing immediately upon his disbarment in New York, and he claimed that an additional disbarment was unnecessary because he already had suffered enough from the original sanction.

The respondent has not established that a hearing is necessary in this case. In particular, the respondent has not made a prima facie showing that there is a material issue of fact in dispute regarding the basis for disciplinary proceedings. *See* 8 C.F.R. §1003.106(a). The respondent has admitted that he has been disbarred in New York, and this fact is sufficient to establish that summary proceedings are appropriate. *See* 8 C.F.R. § 1003.103(b)(2); *see also* 8 C.F.R. § 1003.102(e). We therefore will proceed in summary disciplinary proceedings.

The respondent's primary complaint appears to be that imposing further discipline upon him is unnecessary. The certified copy of the June 16, 2021, order issued by the Appellate Division of the Supreme Court of New York, Second Judicial Department, ordering the respondent disbarred from the practice of law in New York, however, creates a rebuttable presumption that disciplinary sanctions should follow. 8 C.F.R. § 1003.2(b)(2). The respondent has not presented clear and convincing evidence to rebut this presumption. *Id.* While we are sympathetic to the difficulties the respondent has experienced since his disbarment, the respondent's uncorroborated and somewhat vague statements are not sufficient to meet his burden of establishing that a disciplinary sanction is not warranted. *See, e.g., Matter of Kronegold*, 25 I&N Dec. 157, 162 (BIA 2009) (stating that the hardship and difficulties attendant to disbarment do not equate to injustice).

Further, the proposed sanction of disbarment is appropriate in light of the respondent's disbarment in New York. 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. In addition, as the respondent is currently suspended under our February 9, 2022, order, the respondent's disbarment will be effective as of that date.

ORDER: The Board hereby disbars the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS, effective February 9, 2022.

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.