

NOT FOR PUBLICATION

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

MATTER OF:

Kenny Norman GIFFARD, D2022-0184

Respondent

FILED

NOV 07 2022

ON BEHALF OF RESPONDENT: Pro se

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

ON BEHALF OF DHS: Toinette M. Mitchell, Disciplinary Counsel

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

On Petition for Immediate Suspension before the Board of Immigration Appeals

Before: Liebowitz, Appellate Immigration Judge; Brown, Temporary Appellate Immigration Judge¹; Noferi, Temporary Immigration Judge

Opinion by Appellate Immigration Judge Liebowitz

LIEBOWITZ, Appellate Immigration Judge

On July 15, 2022, the Supreme Court of California issued an order suspending the respondent from the practice of law in California for a period of one year, with the execution of that period stayed. The order also placed the respondent on probation for a period of one year subject to certain conditions, including the suspension from the practice of law for the first 60 days of probation, effective August 14, 2022. On October 27, 2022, the Disciplinary Counsel for the Executive Office for Immigration Review ("EOIR") and the Disciplinary Counsel for the Department of Homeland Security ("DHS") jointly petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS. Disciplinary Counsels indicate that although the respondent has since been reinstated by the California Bar on October 21, 2022, immediate suspension of the respondent is appropriate because he did not notify EOIR or DHS of his suspension as required by 8 C.F.R. §§292.3(c)(4), 1003.103(c). The respondent has not filed a response to Disciplinary Counsels' petition. The petition will be granted.² See 8 C.F.R. §§ 1003.103(a)(1) and (4) (discussing grounds for immediate suspension).

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

² Upon good cause shown, the Board of Immigration Appeals may set aside the order of immediate suspension when it appears in the interest of justice to do so. 8 C.F.R. § 1003.103(a)(4).

ORDER: The petition is granted, and the respondent is hereby suspended from the practice of law before the Board of Immigration Appeals, the Immigration Courts, and DHS, pending final disposition of this proceeding. 8 C.F.R. § 1003.103(a)(4).

FURTHER ORDER: The respondent shall promptly notify, in writing, any clients with cases currently pending before the Board of Immigration Appeals, the Immigration Courts, or DHS that the respondent has been suspended from practicing before these bodies.

FURTHER ORDER: The respondent shall maintain records to evidence compliance with this order.

FURTHER ORDER: The contents of this notice shall be made available to the public, including at Immigration Courts and appropriate offices of the DHS.