

NOT FOR PUBLICATION

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

MATTER OF:

Sharon A. HEALEY, D2022-0135

Respondent

FILED

NOV 15 2022

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

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

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

Before: Malphrus, Deputy Chief Appellate Immigration Judge, Brown, Temporary Appellate Immigration Judge¹, Creppy, Appellate Immigration Judge

Opinion by Malphrus, Deputy Chief Appellate Immigration Judge

MALPHRUS, Deputy Chief Appellate Immigration Judge

The respondent will be suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security ("DHS"), effective August 29, 2022, and will be reinstated to practice immediately upon issuance of this order.

On June 27, 2022, the State Bar Court of California Review Department indefinitely suspended the respondent from the practice of law in California, effective July 18, 2022, pending proof of passage of the Multistate Professional Responsibility Examination. On August 4, 2022, the Disciplinary Counsel for the Executive Office for Immigration Review ("EOIR") and the Disciplinary Counsel for DHS jointly petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS. We granted the petition on August 29, 2022.

The respondent was required to file a timely answer to the allegations contained in the Joint 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 prescribed in the Joint 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 Joint Notice of Intent to Discipline proposes that the respondent be indefinitely suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS.

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

Because the respondent has failed to file an answer, the regulations direct us to adopt the proposed sanction contained in the Joint 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 suspension in California. We therefore will honor the proposed discipline and will order the respondent suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS. Further, as the respondent is currently suspended under our August 29, 2022, order of suspension, her suspension will be effective as of that date.

We, however, note that, on September 26, 2022, while this proceeding was pending, the respondent filed a motion for reinstatement to practice. In her motion, she claims that she has passed the Multistate Professional Responsibility Examination and that she has been reinstated to the practice of law in California. She has included evidence of her reinstatement in California with her motion.

The Disciplinary Counsels for EOIR and DHS do not dispute that the respondent now meets the definition of attorney at 8 C.F.R. § 1001.1(f). The Disciplinary Counsels further do not oppose the respondent's motion for reinstatement and ask that we simultaneously issue a final order of discipline and a grant of reinstatement. We therefore will grant the respondent's motion for reinstatement, effective immediately upon issuance of this order. *See* 8 C.F.R. § 1003.107(a)(3).

ORDER: The Board hereby suspends the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS, effective August 29, 2022.

FURTHER ORDER: ORDER: The respondent is reinstated to practice before the Board of Immigration Appeals, the Immigration Courts, and DHS, as of the date of this order.

FURTHER ORDER: This reinstatement should be reflected in any public notices maintained and disseminated by the Executive Office for Immigration Review regarding attorney discipline.

FURTHER ORDER: If the respondent wishes to represent a party before DHS, the Immigration Courts, or the Board, she must file a Notice of Appearance (Form G-28, Form EOIR-26, or Form EOIR-27) even in cases in which she was counsel prior to her suspension.