

NOT FOR PUBLICATION

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

MATTER OF:

Paul Andrew MURPHY, D2022-0169

Respondent

FILED

DEC 05 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 from a Decision of the Board of Immigration Appeals

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

Opinion by Temporary Appellate Immigration Judge Brown

BROWN, Temporary Appellate Immigration Judge

The respondent will be indefinitely suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security ("DHS"), effective September 20, 2022.

On September 16, 2022, the Virginia State Bar Disciplinary Board ordered that the respondent's license to practice law in Virginia be suspended indefinitely due to impairment. Further, on September 20, 2022, the Virginia State Bar Disciplinary Board dismissed without prejudice disciplinary proceedings that were pending against the respondent at the time of his impairment suspension. On September 29, 2022, the Disciplinary Counsel for the Executive Office for Immigration Review and the Disciplinary Counsel 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 November 17, 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).

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

The Joint Notice of Intent to Discipline proposes that the respondent be suspended indefinitely from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS. 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 Virginia. We therefore will honor the proposed discipline and will order the respondent suspended indefinitely from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS. Further, as the respondent notified the Disciplinary Counsels for EOIR and DHS of his suspension in compliance with 8 C.F.R. § 1003.103(c), his suspension will be effective as of September 20, 2022, the date his disciplinary proceedings in Virginia concluded.

ORDER: The Board hereby indefinitely suspends the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS, effective September 20, 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 DHS.

FURTHER ORDER: The respondent may petition this Board for reinstatement to practice before the Board, the Immigration Courts, and DHS under 8 C.F.R. § 1003.107.