

NOT FOR PUBLICATION

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

MATTER OF:

David Kaufman, D2022-0195

Respondent

FILED
MAR 01 2023

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 Motion from a Decision of the Board of Immigration Appeals

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

Opinion by Noferi, Temporary Appellate Immigration Judge

NOFERI, Temporary Appellate Immigration Judge

In a decision dated January 5, 2023, we suspended the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security ("DHS") for 90 days, effective December 9, 2022. The respondent now has filed a motion for reinstatement, which will be granted.

The respondent has presented evidence showing that he has been reinstated to the practice of law in California. He further maintains that he complied with our order of suspension, that he meets the definition of attorney contained in 8 C.F.R. § 1001.1(f), and that he is entitled to reinstatement at this time. *See* 8 C.F.R. § 1003.107(a)(1) (discussing requirements for reinstatement).

The Disciplinary Counsels for EOIR and DHS do not dispute that the respondent meets the definition of attorney at 8 C.F.R. § 1001.1(f). The Disciplinary Counsels, however, oppose the respondent's motion for reinstatement on the ground that he has not complied with his period of suspension. *See* 8 C.F.R. § 1003.107(a)(3) (indicating that, if a practitioner failed to comply with the terms of his or her suspension, the Board shall deny the motion for reinstatement). The Disciplinary Counsels describe one instance in which the respondent submitted a Notice of Entry

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

of Appearance even though he was suspended at the time the form was filed. The Disciplinary Counsels have submitted evidence to support this allegation (Government's Opp., Attachment 1).

On February 8, 2023, the respondent submitted a reply to the Disciplinary Counsels' opposition to his motion for reinstatement. In particular, he contends the Notice of Entry of Appearance (Form G-28) bearing his name was due to an inadvertent error caused by the software used to complete the form, and was actually signed and submitted by his law office partner and brother, Alan M. Kaufman (Respondent's Reply at 1-2). The respondent has supported this contention with signed statements from himself and his brother attesting to the same, as well as the Form I-131 and its attached Form G-28 to show they were signed by his brother (*Id.*, Attachments 1-3). The Disciplinary Counsels have not responded to the respondent's response. Based on the record before us, we conclude the respondent complied with the terms of his suspension. We therefore will grant the respondent's motion for reinstatement. *See* 8 C.F.R. § 1003.107(a)(3).

ORDER: The respondent is reinstated to practice before EOIR and DHS, as of the date of this order.

FURTHER ORDER: This reinstatement should be reflected in any public notices maintained and disseminated by EOIR regarding attorney discipline.

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