

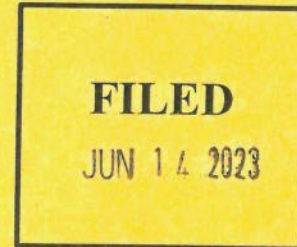
NOT FOR PUBLICATION

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

MATTER OF:

Amy CROSSIN, D2023-0033

Respondent



ON BEHALF OF RESPONDENT: Pro se

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

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

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

Before: Malphrus, Chief Appellate Immigration, Liebowitz, Appellate Immigration Judge,
Noferi, Temporary Appellate Immigration Judge¹

Opinion by Liebowitz, Appellate Immigration Judge

LIEBOWITZ, Appellate Immigration Judge

The respondent will be indefinitely suspended, but for no less than 30 days, from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security (“DHS”), effective 15 days from the issuance of this order.

On April 6, 2023, the Disciplinary Counsel for the Executive Office of Immigration Review (“EOIR”) and the Disciplinary Counsel for DHS filed a Joint Notice of Intent to Discipline. This Joint Notice of Intent to Discipline charged the respondent with failing to withdraw representation, repeated failure to appear for scheduled hearings in violation of 8 C.F.R. § 1003.102(l), failing to provide competent representation in violation of 8 C.F.R. § 1003.102(o), failing to act with reasonable diligence in violation of 8 C.F.R. § 1003.102(q), and engaging in conduct prejudicial to the administration of justice in violation of 8 C.F.R. § 1003.102(n).

In support of these charges, the Disciplinary Counsels allege that on or about October 5, 2022, the respondent closed her immigration law practice, but did not withdraw representation from her pending cases before the Immigration Courts and the Board, and continued to receive service of process in her pending cases (Notice of Intent to Discipline, para. 9, 14, 17, 21, 25, 28, 29). The Disciplinary Counsels accordingly contend that the respondent has failed to move to withdraw representation as required under 8 C.F.R. §§ 1003.17(a)(3), 1003.38(g)(iii) (Notice of Intent to

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

Discipline, para. 29). The respondent, nevertheless, remains the attorney of record in 24 cases pending before the Immigration Courts and the Board (Notice of Intent to Discipline, para. 2; Exhs. JJ, KK).

The Disciplinary Councils additionally charge that the respondent has repeatedly failed to appear for scheduled hearings without good cause (Notice of Intent to Discipline, para. 9, 14, 17, 21, 25, 28, 30). The Disciplinary Councils also contend that the respondent failed to provide competent representation to and act with reasonable diligence and promptness representing six clients (Notice of Intent to Discipline, para. 3-28, 31-42). Finally, the Disciplinary Councils contend that the respondent engaged in conduct that is prejudicial to the administration of justice or undermines the integrity of the adjudicative process (Notice of Intent to Discipline, para. 2-28, 43).

The respondent was required to file a timely answer to the allegations contained in the 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 period prescribed in the Notice of Intent to Discipline constitutes an admission of the allegations therein, and no further evidence need be adduced. 8 C.F.R. § 1003.105(d)(1). Also, given this failure to respond, the respondent is precluded from requesting a hearing in the matter. 8 C.F.R. § 1003.105(d)(2).

The Disciplinary Councils have moved for the entry of a final order of discipline. In their motion, the Disciplinary Councils state that they served the respondent with the Notice of Intent to Discipline by certified mail at her address of record with EOIR and the Supreme Court of Ohio, and by email using the email address of record with EOIR (Motion for Entry of Final Order at 1). The Disciplinary Councils have attached proof of a certified mailing to their motion (Motion for Entry of a Final Order, Attachments 1 and 2).

If the respondent has been properly served with the Notice of Intent to Discipline and fails to respond, the regulations state that this Board "shall issue a final order adopting the proposed disciplinary sanctions in the Notice of Intent to Discipline unless to do so would foster a tendency toward inconsistent dispositions for comparable conduct or would otherwise be unwarranted or not in the interests of justice." 8 C.F.R. § 1003.105(d)(2). The Disciplinary Councils argue that the proposed sanction of indefinite suspension of no less than 30 days is appropriate because the respondent has engaged in conduct that violates a duty owed as a professional and causes injury or potential injury to a client, the public or the legal system.

In particular, the Disciplinary Councils contend that, by failing to withdraw as the attorney of record in numerous cases pending before the Immigration Courts, the respondent has harmed her clients and the Immigration Courts. The Disciplinary Councils maintain that, when this misconduct is weighed with the aggravating factors of a pattern of misconduct, multiple offenses, and vulnerable victims, and the mitigating factors, of no prior disciplinary record and personal or emotional problems, the proper sanction is indefinite suspension of no less than 30 days (Motion for Entry of Final Order at 2-3).

We agree that indefinite suspension of no less than 30 days is appropriate in this case. Standard 7.2 of the American Bar Association's Standards for Imposing Lawyer Sanctions, 2d Ed. (ABA Standards) states that suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system. ABA Standards at 375. There is nothing in the record to indicate that the respondent's actions were not knowing. Further, the respondent has not set forth sufficient mitigating factors to overcome the aggravating factors, including the large number of clients potentially affected by her conduct and the vulnerability of these clients.

Based on the foregoing, we will honor the proposed discipline and will order the respondent indefinitely suspended for no less than 30 days from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS. Because the respondent currently is not subject to an order of suspension before EOIR or DHS, the order of suspension will become effective 15 days from the issuance of this order. 8 C.F.R. § 1003.105(d)(2).

ORDER: The Board hereby indefinitely suspends the respondent for no less than 30 days from practice before the Board of Immigration Appeals, the Immigration Courts, and DHS, effective 15 days from the issuance of this order.

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 respondent must notify the Board of any further disciplinary action against her.

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.