

Falls Church, Virginia 20530

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File: D2014-168

Date: **JAN 22 2015**

In re: RICHARD CLAY MENDEZ, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

MOTION

ON BEHALF OF EOIR: Jennifer J. Barnes, Disciplinary Counsel

ON BEHALF OF RESPONDENT: Robert G. Berke, Esquire

The respondent, who is suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security (the "DHS"), has filed a motion for reinstatement to practice. His motion for reinstatement to practice will be granted.

On September 5, 2014, the Supreme Court of Iowa ordered the respondent to cease and desist from all legal practice in the state with no possibility that the order will be lifted for a period of 60 days. Consequently, on September 17, 2014, the Disciplinary Counsel for the Executive Office for Immigration Review (EOIR) petitioned for the respondent's immediate suspension from practice before the Board and the Immigration Courts. The DHS then asked that the respondent be similarly suspended from practice before that agency. We granted the Petition for Immediate Suspension on October 7, 2014, and we issued a final order of discipline on November 10, 2014.

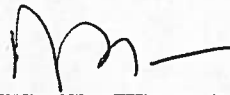
The respondent now asks that he be reinstated to practice before the Board, the Immigration Courts, and the DHS. *See* 8 C.F.R. § 1003.107. In support of his request, he has submitted a copy of the December 15, 2014, order of the Supreme Court of Iowa lifting the cease and desist order entered against him. He also has submitted printouts showing that he is an attorney in good standing in both Iowa and California.

The EOIR Disciplinary Counsel does not oppose the respondent's motion because the cease and desist order against him has been lifted and the respondent meets the definition of attorney at 8 C.F.R. § 1001.1(f). The respondent will be reinstated to practice.

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

**FURTHER ORDER:** Because the respondent has been reinstated, public notices regarding the respondent's suspension should reflect this reinstatement.

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

A handwritten signature in black ink, consisting of stylized initials followed by a horizontal line.

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FOR THE BOARD