

Falls Church, Virginia 22041

File: D2010-279

Date: JUN 26 2012

In re: BART A. CHAVEZ, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

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

ON BEHALF OF DHS: Diane H. Kier
Associate Legal Advisor

The respondent will be disbarred from practice before the Board, Immigration Courts, and Department of Homeland Security (the "DHS").

On January 27, 2011, the Supreme Court of Nebraska placed the respondent on disability inactive status until further order of the court. Consequently, on April 8, 2011, the Disciplinary Counsel for the Executive Office for Immigration Review petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. The DHS then asked that the respondent be similarly suspended from practice before that agency.

Therefore, on April 26, 2011, the Board suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding. On February 22, 2012, the respondent submitted a "Voluntary Surrender" of his license to practice law, while disciplinary proceedings were pending, to the Supreme Court of Nebraska. The court issued a judgment of disbarment on April 6, 2012.

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 (2012); 77 Fed. Reg. 2011, 2014-15 (Jan. 13, 2012). The respondent's failure to file a response within the time period prescribed in the Notice 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(2012); 77 Fed. Reg. 2011, 2014-15 (Jan. 13, 2012).

The Notice proposes that the respondent be disbarred from practicing before the Board and the Immigration Courts. The DHS asks that the Board extend that discipline to practice before it as well. Because the respondent has failed to file an answer, the regulations direct the Board to adopt the proposed sanction contained in the Notice, unless there are considerations that compel us to digress from that proposal. 8 C.F.R. § 1003.105(2012); 77 Fed. Reg. 2011, 2014-15 (Jan. 13, 2012).

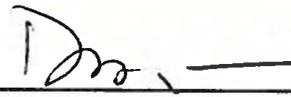
The proposed sanction is appropriate, in light of the fact that the respondent surrendered his law license while disciplinary proceedings were pending, and was disbarred from the practice of law in Nebraska, and on May 4, 2009, in previous disciplinary proceedings initiated by the EOIR Disciplinary Counsel, received a public censure from an Adjudicating Official, for engaging in contumelious or otherwise obnoxious conduct. Notice of Intent to Discipline, at 2. Therefore, we will honor the proposed sanction. As the respondent is currently under our April 26, 2011, order of suspension, we will deem the respondent's disbarment to have commenced on that date.

ORDER: The Board hereby disbars the respondent from practice before the Board, the Immigration Courts, and the DHS.

FURTHER ORDER: The respondent is instructed to maintain compliance with the directives set forth in our prior order. The respondent is also instructed to notify the Board of any further disciplinary action against him.

FURTHER ORDER: The respondent may petition this Board for reinstatement to practice before the Board, Immigration Courts, and DHS under 8 C.F.R. § 1003.107(2012). *See* 77 Fed. Reg. 2011, 2015 (Jan. 13, 2012).

FURTHER ORDER: As the Board earlier imposed an immediate suspension order in this case, today's order of the Board becomes effective immediately. 8 C.F.R. § 1003.105(d)(2)(2012). *See* 77 Fed. Reg. 2011, 2015 (Jan. 13, 2012).



FOR THE BOARD