

Falls Church, Virginia 22041

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File: D2002-152

Date: MAY 28 2003

In re: MICHAEL LOUIS LEAVITT, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF GENERAL COUNSEL: Jennifer J. Barnes, Esquire

ON BEHALF OF SERVICE: Theresa A. Repede, Appellate Counsel

ON BEHALF OF RESPONDENT: Elizabeth Cohen, Esq.

ORDER:

PER CURIAM. On February 19, 2002, the New York Supreme Court, Appellate Division, First Judicial Department suspended the respondent from the practice of law in that state for a period of 18 months.

Consequently, on March 3, 2003, the Office of General Counsel for the Executive Office for Immigration Review initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. On March 7, 2003, the Immigration and Naturalization Service ("the Service", now part of the Department of Homeland Security, (DHS)) asked that the respondent be similarly suspended from practice before that agency. Therefore, on April 8, 2003, we suspended the respondent from practicing before the Board, the Immigration Courts, and the Service pending final disposition of this proceeding.

On May 20, 2003, the parties entered into a consent order whereby the respondent accepted an 18-month suspension from practice before the Board, the Immigration Courts, and the Service, effective *nunc pro tunc* to March 21, 2002. The respondent acknowledged that he would not be eligible for reinstatement unless and until he was readmitted to practice law in New York. The Board gives its approval to the settlement. See 8 C.F.R. § 1003.106(a)(1)(ii). The Board further concurs with the parties that there is no need for a hearing in this matter.

  
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FOR THE BOARD