

Falls Church, Virginia 22041

File: D2005-046

Date: May 2, 2005

In re: LINDA IRENE PEREZ, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

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

ON BEHALF OF DHS: Eileen M. Connolly, Appellate Counsel

ORDER:

PER CURIAM. Complaints against the respondent were brought to the State Bar of Texas by two individuals, one involving a contract dispute case and the other involving the defense of two defendants charged with the transport of illegal aliens. The State Bar of Texas found that the respondent had violated several provisions of the Texas Disciplinary Rules of Professional Conduct. On November 5, 2004, the Evidentiary Panel for the State Bar District No. 10B-3, State Bar of Texas, suspended the respondent from the practice of law in that state for a period of 5 years, with active suspension from November 15, 2004 to November 14, 2006, and probated suspension effective November 15, 2006, to end November 14, 2009.

Consequently, on March 8, 2005, 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. On March 14, 2005, the Department of Homeland Security (the "DHS," formerly the Immigration and Naturalization Service) asked that the respondent be similarly suspended from practice before the Immigration Courts and the DHS. Therefore, on March 28, 2005,¹ we suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding.

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(c)(1). 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(d)(1), (2).

The Notice recommends that the respondent be suspended from practicing before the Board and the Immigration Courts, for a period of 2 years. The DHS asks that we extend that discipline to practice before it as well. Because the respondent has failed to file an answer, the regulations direct

¹ The order was amended on April 14, 2005, to correct typographical errors.

us to adopt the recommendation contained in the Notice, unless there are considerations that compel us to digress from that recommendation. 8 C.F.R. § 1003.105(d)(2). Since the recommendation is appropriate in light of the sanctions imposed by the State Bar of Texas, we will honor that recommendation.

Accordingly, we hereby suspend the respondent from practice before the Board, the Immigration Courts, and the DHS for a period of 2 years. As the respondent is currently under our March 28, 2005,² order of suspension, we will deem the respondent's suspension to have commenced on that date. 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 her.

After 1 year from the effective date of the respondent's suspension, the respondent may be reinstated to practice before the Board, the Immigration Courts, and the DHS, provided that the respondent meets the definition of an attorney or representative set forth in 8 C.F.R. § 1001.1(f) and (j). 8 C.F.R. § 1003.107(b). Therefore, should the respondent seek reinstatement, the respondent must notify the Board of her bar standing and her ability to practice law in Texas. We will consider the respondent for reinstatement once the respondent demonstrates by clear, unequivocal, and convincing evidence that she possesses the moral and professional qualifications required to appear before the Board, the Immigration Courts, the DHS, or all three, and that the respondent's reinstatement will not be detrimental to the administration of justice. 8 C.F.R. § 1003.107(b)(1).

Finally, given the reciprocal nature of the discipline we impose, we advise the respondent that, should she be reinstated to practice in Texas prior to completion of her period of suspension, we may entertain a request for reinstatement before Board, the Immigration Courts, and the DHS if that request complies with the instructions set forth above.



FOR THE BOARD

² As amended April 14, 2005.