

Falls Church, Virginia 22041

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File: D2000-013

Date: DEC 4 2000

In re: ANTONIO REYES-VIDAL, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF GENERAL COUNSEL: Jennifer Barnes, Esquire

ON BEHALF OF SERVICE: Barry O'Melinn, Appellate Counsel

ORDER:

PER CURIAM. On February 4, 1999, the Commission for Lawyer Discipline in the District Court of Bexar County, Texas, 45th Judicial District, suspended the respondent from the practice of law in that state for a period of 84 months, consisting of 24 months of active suspension from the practice of law and 60 months of probation. The suspension contains certain terms and conditions that the respondent must satisfy.

Consequently, on July 27, 2000, the Office of General Counsel for the Executive Office for Immigration Review initiated disciplinary proceedings against the respondent by issuing and properly serving a Notice of Intent to Discipline. On August 1, 2000, the Immigration and Naturalization Service moved to join in the disciplinary action. On August 10, 2000, we suspended the respondent from practicing before the Board, the Immigration Courts, and the Service 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. *See* 65 Fed. Reg. 39,513, 39,528 (June 27, 2000) (to be codified at 8 C.F.R. § 3.105(c)(1)). Though the respondent was properly served, he has not filed an answer. *See id.* at 35,529 (to be codified at 8 C.F.R. § 3.105(d)(1)). The respondent's failure to do so within the time period prescribed in the Notice of Intent to Discipline constitutes an admission of the allegations therein, and the respondent is now precluded from requesting a hearing on the matter. *Id.* at 35,529 (to be codified at 8 C.F.R. § 3.105(d)(1), (2)).

The Notice of Intent to Discipline recommends that reciprocal discipline be imposed on the respondent, consisting of an 84 month suspension, with 60 months probated in accordance with the Texas judgment. The Notice also recommends that the respondent's reinstatement be conditioned on his compliance with 8 C.F.R. § 3.107 and his ability to meet the definition of attorney or representative set forth in 8 C.F.R. § 1.1(f). The Service asks that we extend that discipline to practice before it as well.

Because the respondent has failed to file an answer, the regulations direct us to adopt the recommendation in the Notice, absent considerations that compel us to digress from that recommendation. *Id.* at 35,529 (to be codified at 8 C.F.R. § 3.105(d)(2)). Since the Notice's recommendation is appropriate in light of the state bar action, we will honor the request to impose discipline reciprocal to that imposed by the state bar.

The practical effect of the state bar's order is to suspend the respondent from the practice of law for a period of 84 months, with an opportunity for the respondent to be conditionally reinstated after a period of 24 months.

Accordingly, we hereby suspend the respondent from practice before the Board, the Immigration Courts, and the Service for a period of 84 months. As the respondent is currently under our August 10, 2000, order of suspension, we will deem the period of 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 if any further disciplinary action is taken by the state bar.

At the end of his suspension period, the respondent will be reinstated to practice before the Board, the Immigration Courts, and the Service, provided that he meets the definition of an attorney or representative set forth in 8 C.F.R. § 1.1(f) and (j). *See id.* at 39,530 (to be codified at 8 C.F.R. § 3.107(a)). The respondent is therefore instructed, upon the conclusion of his suspension period, to notify the Board of his standing before the state bar and his ability to practice law in the state of Texas. Once the respondent demonstrates to our satisfaction that he has been fully reinstated to practice law in that state, we shall reinstate him as well.

If, after 24 months or at any time during his period of suspension, the respondent is reinstated by the state bar, we will entertain a request for his reinstatement. Such a request must include appropriate evidence of reinstatement and disclose the terms and conditions, if any, of that reinstatement. If the respondent has been fully reinstated by the state bar, the respondent may seek full reinstatement before us as well. If the respondent is conditionally reinstated, the respondent may be reinstated but will still be required to notify us at the end of his 84 month suspension period of his standing before the state bar and his ability to practice law in the state of Texas.

  
FOR THE BOARD