

Falls Church, Virginia 20530

File: D2013-368

Date:

MAY 27 2014

In re: DAVID M. SPIEKER, 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

REISSUED DECISION¹

The respondent will be suspended from practice before the Board, the Immigration Courts, and the Department of Homeland Security (the "DHS") for 1 year, effective nunc pro tunc to June 13, 2013.

On May 14, 2013, the Supreme Court of California suspended the respondent from the practice of law in California for 2 years but stayed the execution of that suspension and placed the respondent on probation for 2 years with conditions. One condition of the respondent's probation was a 1 year suspension from the practice of law. Consequently, on April 1, 2014, the Disciplinary Counsel for the Executive Office of Immigration Review (EOIR) petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. The Disciplinary Counsel for the Department of Homeland Security (DHS) then asked that the respondent be similarly suspended from practice before the DHS. The Board granted the petition for immediate suspension on April 23, 2014.

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 (2013). 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 (2013).

The Notice proposes that the respondent be suspended from practicing before the Board and the Immigration Courts for 1 year, effective nunc pro tunc to June 13, 2013, due to the respondent's compliance with the self-reporting requirement of the regulations. Because the respondent has failed to file an answer, the regulations direct the Board to adopt the proposed

¹ The caption of our original order suspending the respondent from practice before the Board, the Immigration Courts, and the Department of Homeland Security for 1 year, effective nunc pro tunc to June 13, 2013, incorrectly stated that the order was a petition for immediate suspension rather than a final order of discipline. Accordingly, we are reissuing our order with a corrected caption. This order supersedes and replaces our prior order.

sanction contained in the Notice, unless there are considerations that compel us to digress from that proposal. 8 C.F.R. § 1003.105 (2013).

The proposed sanction is appropriate in light of the respondent's suspension from the practice of law by the Supreme Court of California. Accordingly, the Board will honor that proposal, and we will deem the respondent's suspension to have commenced on June 13, 2013.

ORDER: The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS for 1 year, effective nunc pro tunc to June 13, 2013.

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 (2013).

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) (2013).

A handwritten signature in black ink, appearing to be 'J. B. K.', written over a horizontal line.

FOR THE BOARD