

Falls Church, Virginia 22041

File: D2006-218

Date: MAY 23 2007

In re: LARRY E. STEORTS, 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

On April 5, 2007, the Office of General Counsel for the Executive Office for Immigration Review ("OGC") instituted disciplinary proceedings against the respondent.¹ The disciplinary proceedings were based on a January 31, 2007, Board order in the removal case of Hazem Shalaby Zaki Elba, A74 996 342.

In the Board's order concerning Hazem Shalaby Zaki Elba, we found that Steorts "failed to file an immigrant visa petition on his behalf during proceedings before then Immigration Judge and then failed to submit evidence to this Board in connection with the respondent's appeal that such petition had eventually been filed." We found that Hazem Shalaby Zaki Elba had complied with the requirements of *Matter of Lozada*, 19 I&N Dec. 637 (BIA 1988) for making a claim of ineffective assistance of counsel, and reopened the proceedings.

On April 12, 2007, the Department of Homeland Security (the "DHS") asked that any punishment applied to the respondent also apply to practice before the DHS.

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 Board issue a public censure against the respondent. *See* 8 C.F.R. § 1003.101(a)(3). We find that there are grounds for a public censure of the respondent. *See* 8 C.F.R. § 1003.102(k)(finding by Board that respondent has engaged in conduct that constitutes ineffective assistance of counsel is grounds for discipline). Therefore the following order will issue.

¹The OGC did not petition for the respondent's immediate suspension from practice pending final disposition of this proceeding, under 8 C.F.R. § 1003.103(a).

ORDER: Pursuant to 8 C.F.R. §§ 1003.102(k) and 1003.101(a)(3), the respondent is censured for actions taken with respect to the removal case of Hazem Shalaby Zaki Elba, A74 996 342, as described in this order and in the Board's decision of January 31, 2007.



FOR THE BOARD