

Falls Church, Virginia 22041

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File: D2010-231

Date:

SEP 27 2010

In re: BRENNA L. STEWART, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF EOIR: Jennifer J. Barnes, Disciplinary Counsel

ON BEHALF OF DHS: Eileen M. Connolly, Deputy Chief

The respondent will be suspended from practice before the Board, Immigration Courts, and Department of Homeland Security (the "DHS"), for six months, nunc pro tunc to April 15, 2010.

On April 15, 2010, the Appellate Division of the Supreme Court of the State of New York, First Judicial Department, suspended the respondent from the practice of law for a period of six months, effective May 17, 2010, and until further order of the court. Consequently, on July 27, 2010, the Disciplinary Counsel for the Executive Office for Immigration Review petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. The DHS then asked that the respondent be similarly suspended from practice before that agency. Therefore, on August 11, 2010, we suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding.

The respondent filed a timely answer to the allegations contained in the Notice of Intent to Discipline. *See* 8 C.F.R. § 1003.105(c)(1).

The respondent does not dispute the allegations in the Notice of Intent to Discipline, and does not seek a hearing. We therefore find it appropriate to issue a final order on the government's charges. 8 C.F.R. § 1003.106(a)(2010); 73 Fed. Reg. 76914, 76925 (December 18, 2008)(in summary disciplinary proceedings, Board may issue a final order when the respondent's answer does not make a prima facie showing that there are any material issues of fact in dispute). As there is no material issue of fact in dispute, and as the Disciplinary Counsel's proposed sanction of six months is appropriate, in light of the respondent's suspension in New York, the Board will honor that proposal.

Further, after consideration of the respondent's answer, as well as the government's filings, the Board will deem the suspension to be imposed nunc pro tunc to April 15, 2010, the date of the respondent's suspension in New York.

ORDER: The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS, for six months, nunc pro tunc to April 15, 2010.

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 her.

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(b).

FURTHER ORDER: As the Board earlier imposed an immediate suspension order in this case, today's order of the Board becomes effective immediately. *See* 8 C.F.R. § 1003.105(d)(2)(2010); *Matter of Kronegold*, 25 I&N Dec. 157, 163 (BIA 2010).



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FOR THE BOARD