

Falls Church, Virginia 22041

File: D2000-074

Date: FEB 26 2001

In re: **IDA KATHERINE WARREN, ATTORNEY**

**IN PRACTITIONER DISCIPLINARY PROCEEDINGS**

**FINAL ORDER OF DISCIPLINE**

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

**ON BEHALF OF SERVICE:** Javier Balasquide, Appellate Counsel

**ORDER:**

**PER CURIAM.** On April 21, 1999, the Supreme Court of Indiana suspended the respondent from the practice of law in that state for a period of 1 year.

Consequently, on September 29, 2000, 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 and the Immigration Courts. On October 5, 2000, the Immigration and Naturalization Service moved to join that petition and asked that the respondent be similarly suspended from practice before that agency. Therefore, on October 31, 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)). The respondent has expressly declined to file a formal answer to the Notice, opting instead to file a statement for consideration at such time as she seeks reinstatement.

The respondent's decision not to file an answer constitutes an admission of the allegations in the Notice, 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 recommends that the respondent be suspended indefinitely from practicing before the Board and the Immigration Courts. The Service asks that we extend that discipline to practice before it as well. Because the respondent has not filed an answer, the regulations direct us to adopt the recommendation contained in the Notice, unless there are 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)). As there are no such considerations before us, we will honor that recommendation.

Accordingly, we hereby suspend the respondent from practice before the Board, the Immigration Courts, and the Service. As the respondent is currently under our October 31, 2000, order of suspension, we will deem her 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 him.

After one 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 Service, provided that she 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)). Therefore, should the respondent seek reinstatement, she must notify the Board of her bar standing and her ability to practice law in the state of Indiana. We will consider the respondent for reinstatement once she 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 Service, or all three, and that her reinstatement will not be detrimental to the administration of justice. *Id.* (to be codified at 8 C.F.R. § 3.107(b)(1)).

*michael J.W.*

FOR THE BOARD