

Falls Church, Virginia 22041

---

---

File: D2004-014

Date: DEC - 2 2005

In re: GAYLE S. GHITELMAN, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

MOTION

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

ON BEHALF OF DHS: Eileen M. Connolly, Appellate Counsel

ORDER:

PER CURIAM. On December 11, 2003, the Supreme Judicial Court for Suffolk County, Commonwealth of Massachusetts, ordered that the respondent be temporarily suspended from the practice of law, pending further order of the court. On May 19, 2004, the court suspended her for a year and a day, retroactive to December 11, 2003.

Consequently, on February 20, 2004, 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 February 25, 2004, the Department of Homeland Security (the "DHS," formerly the Immigration and Naturalization Service) asked that the respondent be similarly suspended from practice before that agency. Therefore, on March 9, 2004, we suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding. On November 4, 2004, after reconsidering an earlier order, we suspended the respondent from practice before the Board for a year and a day, and deemed the suspension to have begun on the date of our suspension order, March 9, 2004.

The respondent moves that we reinstate her to practice before the Board, the Immigration Courts, and the DHS. The Office of General Counsel for the Executive Office for Immigration Review, who initiated these disciplinary proceedings, does not oppose the motion and notes that the respondent appears to meet the definition of attorney as provided in 8 C.F.R. § 1001.1(f). Given that the respondent's motion is unopposed, we find that the respondent should be and hereby is reinstated to practice before the Board, the Immigration Courts, and the DHS, as of the date of this order. Because the respondent has been reinstated, public notices regarding the respondent's suspension by the Board should be withdrawn. If the respondent wishes to represent a party before the Board, she must file a Notice of Appearance (Form EOIR-27), including any case in which she was formerly counsel, prior to her suspension.

  
\_\_\_\_\_  
FOR THE BOARD