

Falls Church, Virginia 22041

File: D2011-080

Date:

OCT 26 2011

In re: PATRICIA GREENWALD GITTELSON, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

MOTION

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

ON BEHALF OF DHS: Diane H. Kier
Associate Legal Advisor

The respondent's unopposed request for reinstatement to practice will be granted.

On January 12, 2011, the respondent was suspended from the practice of law for two years, stayed, with an actual suspension of six months, and probation for two years, by the Supreme Court of California. Consequently, on March 31, 2011, 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 Department of Homeland Security (the "DHS") then asked that the respondent be similarly suspended from practice before that agency.

Therefore, on April 14, 2011, the Board suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS 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 but 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 constituted an admission of the allegations therein, and the respondent was precluded from requesting a hearing on the matter. 8 C.F.R. § 1003.105(d)(1), (2). On May 17, 2011, we suspended the respondent from practice before the Board, Immigration Courts, and the DHS, for six months, effective April 14, 2011.

The respondent on August 22, 2011, moved that she be reinstated to practice, and presented evidence that she had been reinstated to the practice of law in California. We denied the request on September 14, 2011, noting that, under 8 C.F.R. § 1003.107(a), the respondent was not eligible for reinstatement prior to the completion of the suspension imposed by this Board.

The respondent again moves that the Board reinstate her to practice. The EOIR Disciplinary Counsel does not oppose the petition for reinstatement, observing that the respondent is now eligible to practice law in California, and has completed the period of suspension imposed by the Board as of October 14, 2011. 8 C.F.R. §§ 1001.1(f), 1003.107(a). The DHS also states that it is unopposed to the pending reinstatement motion. The respondent will be reinstated to practice.

ORDER: The respondent is reinstated to practice before the Board, the Immigration Courts, and the DHS, as of the date of this order.

FURTHER ORDER: Because the respondent has been reinstated, public notices regarding the respondent's suspension should reflect this reinstatement.

FURTHER ORDER: If the respondent wishes to represent a party before the DHS or Board, she must file a Notice of Appearance (Form G-28 or Form EOIR-27), including any case in which she was formerly counsel, prior to her suspension.

A handwritten signature in black ink, appearing to read "John S. ...", is written over a solid horizontal line. Below the line, the text "FOR THE BOARD" is printed in a bold, sans-serif font.

FOR THE BOARD