

Falls Church, Virginia 22041

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File: D2003-185

Date: JUL - 2 2004

In re: MICHAEL P. KARR, 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 July 28, 2003, the respondent was suspended from the practice of law for two years, stayed, with an actual suspension of 9 months, and later probation, subject to other conditions, by the Supreme Court of California. The respondent stipulated that he had violated the California Rules of Professional Conduct, by forming a partnership with a person who is not a lawyer, and sharing fees with the same individual.

Consequently, on September 8, 2003, the Office of General 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. On September 10, 2003, 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 October 1, 2003, we suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding. We issued a final order of discipline on October 23, 2003, suspending the respondent from practice before the Board, the Immigration Courts, and the DHS for a period of 9 months.

The respondent moves that we reinstate him 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Because the respondent has been reinstated, public notices regarding the respondent's suspension by the Board should be withdrawn.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, he must file a Notice of Appearance (Form EOIR-27), including any case in which he was formerly counsel, prior to his suspension.

  
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FOR THE BOARD