

Falls Church, Virginia 22041

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File: D2002-152

Date: JUN 27 2005

In re: MICHAEL LOUIS LEAVITT, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

MOTION

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

ON BEHALF OF RESPONDENT: Elizabeth Cohen, Esquire

ORDER:

PER CURIAM. On February 19, 2002, the New York Supreme Court, Appellate Division, First Judicial Department suspended the respondent from the practice of law in that state for a period of 18 months.

Consequently, on March 3, 2003, 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 March 7, 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 April 8, 2003, we suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding.

On May 20, 2003, the parties entered into a consent order whereby the respondent accepted an 18-month suspension from practice before the Board, the Immigration Courts, and the DHS, effective *nunc pro tunc* to March 21, 2002. The respondent acknowledged that he would not be eligible for reinstatement unless and until he was readmitted to practice law in New York. The Board approved the settlement on May 29, 2003. *See* 8 C.F.R. § 1003.106(a)(1)(ii).

The respondent moves that we reinstate him to practice before the Board, the Immigration Courts, and the DHS. He presents evidence that he was reinstated to the practice of law in New York on April 12, 2005. 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.<sup>1</sup> Because the respondent has been reinstated, public notices regarding the respondent's suspension by the Board should be withdrawn.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,

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<sup>1</sup>We decline to reinstate the respondent "nunc pro tunc as of April 12, 2005", as requested by the respondent.

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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