

Falls Church, Virginia 22041

File: D2007-031

Date:

AUG 15 2007

In re: BENSON LEE, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

MOTION

ON BEHALF OF GENERAL COUNSEL: Jennifer J. Barnes, Bar Counsel

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

ORDER:


PER CURIAM. On December 12, 2006, the respondent was suspended from the practice of law by the Supreme Court of Nevada for 3 months, effective December 27, 2006.

Consequently, on February 13, 2007, 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 February 21, 2007, the Department of Homeland Security (the "DHS") asked that the respondent be similarly suspended from practice before that agency. Therefore, on March 21, 2007, the Board suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding.

The record was forwarded to the Office of the Chief Immigration Judge under 8 C.F.R. § 1003.106. *See Matter of Truong*, 24 I&N Dec.52, 53-54 (BIA 2006). On July 18, 2007, the parties entered into a consent order whereby the respondent accepted a 3-month suspension from practice before the Board, the Immigration Courts, and the DHS, effective February 1, 2007. The parties agreed that the Office of General Counsel had met its burden of proof as to the allegations in the Notice of Intent to Discipline, and further the respondent acknowledged that if the matter were to proceed to a hearing, there would be a substantial likelihood that the government would prevail on the merits. The parties further agreed that the respondent had been reinstated to practice law in Nevada, as of March 12, 2007, and could immediately file a motion for reinstatement that would be unopposed by the Office of General Counsel as long as it could verify that the respondent is readmitted to practice law in Nevada.

The respondent moves that the Board reinstate him to practice before the Board, the Immigration Courts, and the DHS. The Office of General Counsel does not oppose the petition for reinstatement, observing that the respondent has presented evidence that he is currently eligible to practice law in Nevada.

Given that the respondent's motion is unopposed, the Board finds 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 should reflect this reinstatement. If the respondent wishes to represent a party before the DHS or Board, he must file a Notice of Appearance (Form G-28 or Form EOIR-27), including any case in which he was formerly counsel, prior to his suspension.



FOR THE BOARD