

Falls Church, Virginia 22041

File: D2002-009

Date: DEC - 4 2003

In re: JOSEPH LOPEZ-WILSON, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

MOTION

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

ON BEHALF OF DHS: Javier Balasquide, Appellate Counsel

ORDER:

PER CURIAM. On September 28, 2001, the respondent was suspended from the practice of law for two years, by the Nebraska Supreme Court.

Consequently, on March 25, 2002, 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 April 3, 2002, 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 17, 2002, we suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding. On May 29, 2002, we issued a final order, suspending the respondent from practice before these bodies, for a period of 2 years. We noted that the respondent could seek earlier reinstatement under appropriate circumstances. *See* 8 C.F.R. § 3.107(b).

The respondent moves that we reinstate him to practice before the Board, the Immigration Courts, and the DHS. The respondent asserts that he has been reinstated to practice in Nebraska, where he was disciplined. An October 29, 2003, order from the Supreme Court of Nebraska states that the respondent has been reinstated to practice law. The Office of General Counsel 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 has been reinstated to practice law in Nebraska, and his 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Because the respondent has been reinstated, public notices regarding the respondent's suspension by the Board should be withdrawn.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