

Falls Church, Virginia 22041

File: D2003-273

Date: MAY 19 2006

In re: TODD NORMAN OSTERGARD, 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 October 16, 2003, the respondent was suspended from the practice of law for 90 days by the Supreme Court of Florida. The Court approved the respondent's unconditional guilty plea and consent judgment for violation of Rule 4-8.4(b) of the Rules of Professional Conduct, for committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects; to wit, driving under the influence and possession of cocaine.

On January 28, 2004, 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 2, 2004, 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 February 18, 2004, we suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding. On March 19, 2004, we issued a final order, suspending the respondent from practice for 90 days. We noted that the respondent could seek reinstatement under appropriate circumstances.

The respondent moves that we reinstate him to practice before the Board, the Immigration Courts, and the DHS. He states that he is currently a member in good standing of the Florida Bar, and presents evidence that this is the case. The Office of General Counsel has filed a notice of non-opposition to the petition for reinstatement. 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Because the respondent has been reinstated, public notices regarding the respondent's suspension by the Board should be withdrawn.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 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