

Falls Church, Virginia 22041

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File: D2004-236

Date: March 31, 2005

In re: PAUL ALAN SCHELLY, 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 September 13, 2004, the Supreme Court of California suspended the respondent from the practice of law in that state for a period of 2 years, with an actual suspension of 60 days.

Consequently, on December 17, 2004, 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 December 21, 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 January 11, 2005, 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 February 14, 2005, suspending the respondent from practice before the Board, the Immigration Courts, and the DHS for a period of 60 days, effective January 11, 2005, the date of the immediate suspension order. On March 1, 2005, we denied the respondent's request that he be reinstated to practice, but said we would entertain such a motion at an appropriate time.

The respondent moves again 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Because the respondent has been reinstated, public notices regarding the respondent's suspension by the Board should be withdrawn.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