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NEWS RELEASE

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EOIR Announces Latest Disciplinary Actions Under Rules of Professional Conduct *Two Attorneys Receive Final Orders*

The Executive Office for Immigration Review (EOIR) has taken disciplinary action against two attorneys after charging them with violations of the rules of professional conduct for immigration practitioners. These rules appear in Title 8 of the Code of Federal Regulations (8 CFR Parts 3 and 292). The attorneys' violations arose out of sanctions imposed by other jurisdictions.

Disciplinary proceedings began in each case with a Petition for Immediate Suspension and Notice of Intent to Discipline filed with the Board of Immigration Appeals (BIA) by the Office of the General Counsel of either EOIR or the Department of Homeland Security (DHS). The BIA then ordered each attorney to be suspended immediately from practice before the Immigration Courts, the BIA, and the DHS (since DHS joined EOIR in taking the disciplinary action). The BIA also required these attorneys to respond to the alleged violations.

The BIA issued Final Orders of Discipline against the following attorneys:

- ! **Ernesto Valdes:** He was disbarred from practice by the State Bar of Texas, and was immediately suspended by the BIA on May 29, 2003, pending final disposition of his case. The Final Order of June 30, 2003, suspends him from practice before the immigration tribunals for 5 years, effective May 29, 2003.

- ! **Miguel Gadda:** He is subject to a final order of disbarment by the Supreme Court of California – and has been removed from the roll of attorneys authorized to practice before the United States District Court for the Northern District of California – because he “engaged in a continuous course of conduct which included client abandonment, lack of competence and financial irresponsibility.” He was immediately suspended by the BIA on October 2, 2001, pending final disposition of his case. The Final Order of July 8, 2003, expels him from practice before the immigration tribunals.

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In each of the disciplinary matters cited above, the disciplined attorney was directed to notify promptly, in writing, any clients with cases currently pending before the BIA, the Immigration Courts, or the DHS that he may no longer represent clients before these tribunals.

The Rules of Professional Conduct include provisions specifying grounds for disciplinary action, requirements for receiving and investigating complaints, and procedures for conducting hearings. The Rules also authorize the BIA to suspend immediately a practitioner who has been subject to disbarment, suspension, or resignation with an admission of misconduct as imposed by a state or Federal court, or who has been convicted of a serious crime, pending a summary proceeding and final sanction.

EOIR announces these disciplinary actions to inform the public about practitioners who are not authorized to represent any matter before an immigration tribunal. EOIR also posts a “List of Suspended and Expelled Practitioners” on its Web site at <http://www.usdoj.gov/eoir> (near the bottom of EOIR’s home page).

Additional information about the Attorney Discipline Program can be found at <http://www.usdoj.gov/eoir/press/00/profcond.htm> and <http://www.usdoj.gov/eoir/press/00/profcondfaks.htm> on the EOIR Web site.

EOIR is a component of the Department of Justice which, on behalf of the Attorney General, adjudicates cases involving aliens who are charged with immigration violations. EOIR has more than 220 Immigration Judges located in 52 Immigration Courts nationwide to conduct proceedings and decide cases, the BIA to hear appeals of Immigration Judge decisions, and the Office of the Chief Administrative Hearing Officer to handle employment-related immigration matters.

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