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NEWS RELEASE

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EOIR Announces Latest Disciplinary Actions Under Rules of Professional Conduct *Five Attorneys Immediately Suspended; One Receives Final Order*

FALLS CHURCH, VA – The Executive Office for Immigration Review (EOIR) has taken disciplinary action against six attorneys after charging them with violations of the Rules of Professional Conduct for immigration practitioners. The Rules appear in Title 8 of the Code of Federal Regulations (8 CFR Parts 3 and 292). In each of the first five disciplinary matters cited below, the attorneys' violations arose out of sanctions imposed by other jurisdictions.

Disciplinary proceedings began in each case with a 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 required each attorney to respond to the alleged violations. In the first five cases below, a Petition for Immediate Suspension also was filed, and the BIA ordered the attorney to be suspended immediately from practice before the Immigration Courts, the BIA, and the DHS. (DHS joined EOIR in taking the disciplinary action.)

Immediate Suspension

The BIA ordered the immediate suspension of the following attorneys:

- ! **Catherine M. Shelton:** She was suspended from the practice of law for 3 months and ordered to pay restitution to 21 former clients by the District Court, 162nd Judicial District, Dallas County, Texas, for several violations of the Texas Rules of Disciplinary Conduct. She was immediately suspended by the BIA on January 21, 2004, pending final disposition of her case.
- ! **Clyde E. Lindsay:** He was suspended from the practice of law for 1 year by the Supreme Judicial Court for Suffolk County, Commonwealth of Massachusetts. He was immediately suspended by the BIA on February 11, 2004, pending final disposition of his case.
- ! **Lester Walter Czapelski:** He was temporarily suspended from the practice of law by the Supreme Court of New Jersey, until further order of the court. He was immediately suspended by the BIA on February 18, 2004, pending final disposition of his case.

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- ! **Marcia Lynne Czapelski:** She was temporarily suspended from the practice of law by the Supreme Court of New Jersey, until further order of the court. She was immediately suspended by the BIA on February 18, 2004, pending final disposition of her case.

- ! **Todd Norman Ostergard:** He was suspended from the practice of law for 90 days by the Supreme Court of Florida for criminal acts that reflect adversely on his honesty, trustworthiness, or fitness as a lawyer. He was immediately suspended by the BIA on February 18, 2004, pending final disposition of his case.

Final Order of Discipline

The BIA issued a Final Order of Discipline against the following attorney:

- ! **Michael Ozulumba:** He provided ineffective assistance of counsel by failing to appear with his client at a scheduled hearing, instructing him not to appear, and encouraging him to submit a false affidavit. The final order of February 18, 2004, imposes a public censure for these actions.

Summary

In the first five 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 or she 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 immediately suspend 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. They are available on the EOIR Web site at http://www.usdoj.gov/eoir/vll/fedreg/2000_2001/fr27jn00R.pdf.

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 charges of 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.