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## NEWS RELEASE

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### **EOIR Announces Latest Disciplinary Actions Under Rules of Professional Conduct** *Two Attorneys Immediately Suspended; Four Receive Final Orders*

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. These rules appear in Title 8 of the Code of Federal Regulations (8 CFR Parts 1003 and 1292). In most cases, the disciplinary action is initiated as a result of sanctions imposed by other jurisdictions or a criminal conviction.

Although the disciplinary process may vary according to the specific circumstances of each case, generally it includes the following steps:

Disciplinary proceedings begin 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 requires the attorney to respond to the alleged violations. In some cases, a Petition for Immediate Suspension also is filed and the BIA orders the attorney to be suspended immediately from practice before the immigration courts, the BIA, and the DHS. (DHS joins EOIR in taking the disciplinary action.) Disciplined attorneys are directed to notify promptly, in writing, their clients with pending immigration cases that they may no longer represent them before the BIA, the immigration courts, or the DHS. Disciplined attorneys must petition and be reinstated by the BIA before they can resume the practice of law before the BIA, the immigration courts, and the DHS.

#### **Immediate Suspension**

The BIA ordered the immediate suspension of the following attorneys:

- **Maximiliano S. Garcia:** He was disbarred from the practice of law by the Supreme Courts of Arizona and California for engaging in conduct in violation of his duties and obligations as a lawyer. He was immediately suspended by the BIA on Oct. 7, 2005, based on his disbarments in Arizona and California, pending final disposition of his case.

(more)

## Attorney Discipline

### Page 2

- **Eric Levine:** He was suspended from the practice of law for 4 years by the Supreme Judicial Court for Suffolk County, Commonwealth of Massachusetts, for violating numerous rules of professional conduct and for engaging in the practice of law subsequent to his suspension. He was immediately suspended by the BIA on Oct. 25, 2005, based on his 4-year suspension in Massachusetts, pending final disposition of his case.

## Final Orders of Discipline

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

- **Allen C. Marra:** The final order of Sept. 6, 2005, indefinitely suspends him from practice before immigration tribunals, effective July 18, 2005, based on his 3-month suspension in New Jersey.
- **Jesus C. Sandoval:** The final order of Sept. 23, 2005, expels him from practice before immigration tribunals, effective March 28, 2005, based on his indefinite suspension in New Mexico for violating the state bar rules of professional conduct.
- **William P. Vela:** The final order of Oct. 7, 2005, suspends him from practice before immigration tribunals for 1 year, effective Sept. 1, 2005, based on his 1-year suspension in North Dakota for violations of the state bar rules of professional conduct, including failure to communicate, lack of candor toward the tribunal, and lack of diligence.
- **Drew S. Diehl:** The final order of Oct. 25, 2005, suspends the respondent from practice before immigration tribunals for 2 years, effective August 12, 2005, based on his 2-year suspension, with 18 months stayed, in Ohio.

## Background

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 federal or state court, or who has been convicted of a serious crime, pending a summary proceeding and final sanction. They are available on the EOIR website at [http://www.usdoj.gov/eoir/vll/fedreg/2000\\_2001/fr27jn00R.pdf](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 clients in any matter before an immigration tribunal. EOIR also posts a “List of Disciplined Practitioners” on its website at <http://www.usdoj.gov/eoir/profcond/chart.htm>. In an effort to provide more detailed information about individual attorney discipline cases, every new immediate suspension or final order issued beginning June 27, 2005, can be accessed through this list by clicking on the highlighted “date” link. Links to older orders, issued since July 2000, will be included gradually.

(more)

## Attorney Discipline

### Page 3

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 website.

*EOIR is responsible for adjudicating immigration cases. Specifically, under delegated authority from the Attorney General, EOIR interprets and administers federal immigration laws by conducting immigration court proceedings, appellate reviews, and administrative hearings. EOIR consists of three components: the Office of the Chief Immigration Judge, which is responsible for managing the numerous immigration courts located throughout the United States where immigration judges adjudicate individual cases; the Board of Immigration Appeals, which primarily conducts appellate reviews of immigration judge decisions; and the Office of the Chief Administrative Hearing Officer, which adjudicates immigration-related employment cases. EOIR is committed to providing fair, expeditious, and uniform application of the nation's immigration laws in all cases.*

*Information about EOIR immigration proceedings is available on EOIR's website at <http://www.usdoj.gov/eoir/press/subject.htm>.*

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