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NEWS RELEASE

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EOIR Announces Latest Disciplinary Actions Under Rules of Professional Conduct *Three Attorneys Immediately Suspended; Three Receive Final Orders; One Is Reinstated*

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, and has reinstated one attorney. The Rules appear in Title 8 of the Code of Federal Regulations (8 CFR Parts 1003 and 1292). The attorneys' violations arose either out of sanctions imposed by other jurisdictions or a criminal conviction.

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. 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:

- ! **Gayle S. Ghitelman:** She was temporarily suspended from the practice of law by the Supreme Judicial Court for Suffolk County, Commonwealth of Massachusetts, pending further order of the court. She was immediately suspended by the BIA on March 9, 2004, pending final disposition of her case.

- ! **Walter T. Johnson, Jr.:** He was suspended from the practice of law for 3 years by the North Carolina State Bar for neglecting client matters, failing to communicate with clients, retaining clearly excessive fees, failing to participate in good faith in the fee dispute resolution process, failing to file prompt responses to inquiries of a disciplinary authority, and handling a legal matter which he knew or should have known that he was not competent to handle. He was immediately suspended by the BIA on March 19, 2004, pending final disposition of his case.

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- ! **Mac Truong:** He was suspended from the practice of law by the New York Supreme Court, Appellate Division, First Judicial Department, until further order of the court. He was immediately suspended by the BIA on March 19, 2004, pending final disposition of his case.

Final Orders of Discipline

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

- ! **Catherine E. 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. The final order of March 4, 2004, suspends her from practice before the immigration tribunals for 90 days, effective January 21, 2004.
- ! **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. The final order of March 19, 2004, suspends him from practice before the immigration tribunals for 1 year, effective February 11, 2004.
- ! **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. The final order of March 19, 2004, suspends him from practice before the immigration tribunals for 90 days, effective February 18, 2004.

Reinstatement

The BIA reinstated the following attorney to practice before the immigration tribunals after he had completed his period of suspension:

- ! **John Kirby Vawter:** On October 9, 2003, the BIA suspended Mr. Vawter for six months based on his misdemeanor conviction in the United States District Court for the Southern District of California for obstruction of a court order. The District Court sentenced him to one year probation and 100 hours of community service. The length of the suspension was based on the following mitigating factors: Mr. Vawter was not sentenced to an active jail term; he self-reported his conviction to EOIR as required by regulation; and he had no prior disciplinary history with EOIR. The BIA reinstated Mr. Vawter on March 19, 2004.

Summary

In 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 or she may no longer represent clients before these tribunals.

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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.

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