

Falls Church, Virginia 22041

File: D2001-088

Date: OCT 29 2001

In re: CHRIS H. ASHER, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF GENERAL COUNSEL: Jennifer J. Barnes, Esquire

ON BEHALF OF SERVICE: Javier Balasquide, Appellate Counsel

ORDER:

PER CURIAM. On March 5, 2001, the Court of Appeals of Maryland disbarred the respondent from the practice of law in that state.¹ On May 24, 2001, the District of Columbia Court of Appeals disbarred the respondent from practicing law in that jurisdiction as well.

Consequently, on July 12, 2001, 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 July 23, 2001, the Immigration and Naturalization Service asked that the respondent be similarly suspended from practice before that agency. Therefore, on July 30, 2001, we suspended the respondent from practicing before the Board, the Immigration Courts, and the Service pending final disposition of this proceeding.

The respondent was required to file a timely answer to the allegations contained in the Notice of Intent to Discipline but has failed to do so. See 8 C.F.R. § 3.105(c)(1). The respondent's failure to file a response within the time period prescribed in the Notice constitutes an admission of the allegations therein, and the respondent is now precluded from requesting a hearing on the matter. 8 C.F.R. § 3.105(d)(1), (2).

The Notice recommends that the respondent be suspended from practicing before the Board and the Immigration Courts, for a period of five years. The Service asks that we extend that discipline to practice before it as well. Because the respondent has failed to file an answer, the regulations direct us to adopt the recommendation contained in the Notice, unless there are considerations that compel us to digress from that recommendation. 8 C.F.R. § 3.105(d)(2). Since the recommendation is appropriate in light of the sanctions imposed by the Court of Appeals of Maryland, and the District of Columbia Court of Appeals, we will honor that recommendation. Accordingly, we hereby suspend the respondent from practice before the Board, the Immigration Courts, and the Service for a period of five years. As the respondent is currently under our July 30, 2001, order of

¹ The respondent is not a member of the Maryland bar, but of the District of Columbia bar. Nonetheless, under Rule 8.5(b) of the Maryland Rules of Professional Conduct, the Maryland bar may discipline an attorney who practices law within that state.

suspension, we will deem the respondent's suspension to have commenced on that date. The respondent is instructed to maintain compliance with the directives set forth in our prior order. The respondent is also instructed to notify the Board of any further disciplinary action against him.

After the five-year suspension period expires, the respondent may petition this Board for reinstatement to practice before the Board, Immigration Courts, and Service. *See* 8 C.F.R. § 3.107(a). In order to be reinstated, the respondent must demonstrate that he meets the definition of an attorney or representative, as set forth in 8 C.F.R. § 1.1(f) and (j). *Id.* Therefore, the respondent must show that he has been reinstated to the District of Columbia bar before he may be reinstated by the Board. *See* 8 C.F.R. § 1.1(f) (stating that term "attorney" does not include any individual under order suspending him from the practice of law). The respondent may seek earlier reinstatement under appropriate circumstances. *See* 8 C.F.R. § 3.107(b).



FOR THE BOARD