

Falls Church, Virginia 22041

File: D2010-285

Date:

JAN 8 - 2011

In re: ROBERT EUGENE BENNETT, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF DHS: Rachel A. McCarthy, Disciplinary Counsel

ON BEHALF OF EOIR: Jennifer J. Barnes, Disciplinary Counsel

The respondent will be suspended from practice before the Board, Immigration Courts, and Department of Homeland Security (the "DHS"), for nine months.

On March 16, 2010, the Supreme Court of Illinois suspended the respondent from the practice of law for six months, and until further order of the court.¹ Consequently, on November 1, 2010, the DHS initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the DHS. The Disciplinary Counsel for the Executive Office for Immigration Review (EOIR) has asked that the respondent be similarly suspended from practice before EOIR, including the Board and Immigration Courts. Therefore, on December 2, 2010, we suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS 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. 8 C.F.R. §§ 1003.105(c)(1); 1292.3(e)(3)(ii). 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. § 1292.3(e)(3)(ii).

The Notice of Intent to Discipline proposes that the respondent be suspended from practice before the DHS, for nine months. The Disciplinary Counsel for EOIR asks that we extend that discipline to practice before the Board and Immigration Courts as well. As the respondent failed to file a timely answer, the regulations direct us to adopt the proposed sanction contained in the Notice, unless there are considerations that compel us to digress from that proposal. 8 C.F.R. §§ 1003.105(d)(2); 1292.3(e)(3)(ii).

¹The respondent was also suspended by the Supreme Court of Illinois on May 18, 2009, in which it suspended the respondent from the practice of law for thirty days, effective June 8, 2009.

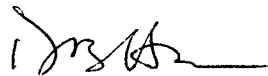
Since the proposed sanction is appropriate, as “. . . the conduct that resulted in respondent’s suspension from the practice of law in Illinois resulted from acts of professional misconduct in his representation of a client in an immigration proceeding, and his failure to report not one, but two, orders of suspension as required by regulation”, Notice of Intent to Discipline, at ¶ 8, we will honor it. Accordingly, we hereby suspend the respondent from practice before the Board, the Immigration Courts, and the DHS, for nine months. As the respondent is currently under our December 2, 2010, order of suspension, we will deem the respondent’s expulsion to have commenced on that date.

ORDER: The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS, for nine months.

FURTHER ORDER: 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.

FURTHER ORDER: The respondent may petition this Board for reinstatement to practice before the Board, Immigration Courts, and DHS under 8 C.F.R. § 1003.107.

FURTHER ORDER: As the Board earlier imposed an immediate suspension order in this case, today’s order of the Board becomes effective immediately. *See* 8 C.F.R. § 1003.105(d)(2)(2010); *Matter of Kronegold*, 25 I&N Dec. 157, 163 (BIA 2010).



FOR THE BOARD