

Falls Church, Virginia 22041

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File: D2002-143

Date:

JAN 30 2003

In re: JAMES C. DRAGON, ATTORNEY

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IN PRACTITIONER DISCIPLINARY PROCEEDINGS

PETITION FOR IMMEDIATE SUSPENSION

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

ON BEHALF OF SERVICE: Theresa A. Repede, Appellate Counsel

ORDER:

PER CURIAM. On August 23, 2002, the Supreme Judicial Court for Suffolk County, Commonwealth of Massachusetts, ordered that the respondent be disbarred from the practice of law.

Consequently, on November 12, 2002, 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 January 9, 2003, the Immigration and Naturalization Service asked that the respondent be similarly suspended from practice before that agency.

The respondent has made recent filings with the Board, including (1) "Respondent's Opposition to Petitioner's Petition for Immediate Suspension"; (2) "Respondent's Motion to Terminate Disciplinary Proceedings" and (3) "Conditional Answer to Bar Counsel's Notice of Intent to Discipline." The respondent contends that the disbarment order against him is on direct appeal to the full Massachusetts Supreme Judicial Court, therefore is not "final", and cannot be used against him. However, although Dragon appealed the judge's recommendation that he be disbarred, the judge declined to stay the disbarment pending appeal. *See* Government's Opposition, Attachment 3. As the Office of General Counsel argues, the regulations provide that an attorney who has been suspended on an interim basis may be immediately suspended from practice before the Board and Immigration Courts. 8 C.F.R. § 3.103(a)(1). Moreover, the regulations direct that the Board should immediately suspend a practitioner who has been disbarred, regardless of an appeal of the discipline. 8 C.F.R. § 3.103(a)(2). We therefore decline to accept the respondent's arguments.

The petition is granted, and the respondent is hereby suspended, absent a showing of good cause, from the practice of law before the Board, the Immigration Courts, and the Service pending final disposition of this proceeding. *See* 8 C.F.R. § 3.103(a).

Accordingly, the respondent is directed to promptly notify, in writing, any clients with cases currently pending before the Board, the Immigration Courts, or the Service that the respondent has been suspended from practicing before these bodies. The respondent shall maintain records to evidence compliance with this order. Moreover, we direct that the contents of this notice be made available to the public, including at Immigration Courts and appropriate offices of the Service.



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FOR THE BOARD