

Falls Church, Virginia 22041

File: D2001-127

Date: NOV 27 2001

In re: SAMUEL REYES ESCAMILLA, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

MOTION

ON BEHALF OF PRACTITIONER: Duane Montaña, Esquire

ON BEHALF OF GENERAL COUNSEL: Jennifer J. Barnes, Esquire
Charles F. Smith, Associate General Counsel

ON BEHALF OF SERVICE: Javier Balasquide, Appellate Counsel

PER CURIAM. On May 30, 2001, the Supreme Court of Colorado suspended the respondent from the practice of law for a period of one year and one day, with nine months and one day stayed, followed by a 2-year period of probation. The suspension became effective on July 16, 2001.

Consequently, on September 21, 2001, the Office of General Counsel for the Executive Office for Immigration Review (OGC) 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 September 28, 2001, the Immigration and Naturalization Service asked that the respondent be similarly suspended from practice before that agency. Therefore, on October 12, 2001, we suspended the respondent from practicing before the Board, the Immigration Courts, and the Service pending final disposition of this proceeding.

The respondent moves to be reinstated to practice before the Board, the Immigration Courts, and the Service. The respondent asserts that he has been reinstated to practice in Colorado, where he was disciplined. An October 16, 2001, order of the Supreme Court of Colorado, reinstating the respondent to practice law immediately, is in the record. The respondent asserts that he did not practice immigration law during his period of suspension in Colorado. The OGC, who initiated these disciplinary proceedings, does not oppose the motion and notes that the respondent appears to meet the definition of attorney as provided in 8 C.F.R. § 1.1(f). The Service has not responded to the motion.

As the respondent requests, we will deem his period of suspension to have commenced on July 16, 2001, the effective date of his suspension by the Supreme Court of Colorado. Therefore, the respondent has been suspended from practice before the Board of Immigration Appeals and the Immigration Courts for a period of three months. We find this sanction warranted in light of the Supreme Court of Colorado's action. Given that the respondent has been reinstated to practice law in Colorado, his motion is unopposed, and there appear to be no adverse factors in his case, we find that the respondent should be and hereby is reinstated to practice before the Board, the Immigration

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Courts, and the Service, as of the date of this order. Because the respondent has been reinstated, public notices regarding the respondent's suspension by the Board should be withdrawn.


FOR THE BOARD