

United States Department of Justice  
Executive Office for Immigration Review  
Immigration Court  
Falls Church, Virginia

In the Matter of: )  
)  
J. THOMAS LOGAN )  
)  
Respondent )  
)

IN DISCIPLINARY PROCEEDINGS  
File No. D2003-223

RECEIVED  
DEPARTMENT OF JUSTICE  
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E. DIR.  
OFFICE OF THE  
GENERAL COUNSEL

ON BEHALF OF THE RESPONDENT:

J. Thomas Logan, Esquire, *pro se*  
115 West California Boulevard, #155  
Pasadena, California 91105

ON BEHALF OF THE EXECUTIVE  
OFFICE FOR IMMIGRATION REVIEW:

Jennifer J. Barnes  
Bar Counsel  
Executive Office for Immigration Review

ON BEHALF OF THE DEPARTMENT OF  
HOMELAND SECURITY:

Eileen M. Connolly  
Appellate Counsel  
Department of Homeland Security

DECISION ON RECOMMENDATION FOR SUSPENSION

Bar Counsel of the Executive Office for Immigration Review (Bar Counsel) has recommended that respondent, J. Thomas Logan, be suspended from practice before the Immigration Courts and the Board of Immigration Appeals for a period of sixty days for repeatedly failing to appear for scheduled hearings in a timely manner without good cause. Appellate Counsel of the Department of Homeland Security has moved that respondent also be suspended for the same period of time from practice before that agency for the same misconduct. For the reasons stated below, respondent will be suspended from practice as recommended.

Procedural History

On May 13, 2004, Bar Counsel filed a Notice of Intent To Discipline, charging that respondent had repeatedly failed to appear for scheduled hearings in a timely manner without good cause. Such misconduct is a specified ground for suspension under 8 C.F.R. § 1003.102(l). Bar Counsel's recommendation cited four specific instances in late 2003 and early 2004 in which the respondent was alleged to have failed to appear at scheduled hearings before the Honorable Jack H. Weil at the El Centro Immigration Court. Bar Counsel cited as an aggravating factor previous failures by respondent to appear at hearings at the El Centro Immigration Court, for

which respondent was admonished on July 22, 2003. As a sanction in this matter, Bar Counsel recommended that respondent be suspended for sixty days under the authority of 8 C.F.R. § 1003.101(a)(2).

On May 19, 2004, the Department of Homeland Security filed its Motion for Reciprocal Discipline, seeking a suspension of respondent from practice before that agency for the same period of time and for the same reasons.

On June 21, 2004, respondent filed an Application for Extension of Time To Respond to Notice of Intent To Discipline.

On July 9, 2004, respondent's motion was granted and he was given a fifteen-day extension of time to respond.

On July 23, 2004, respondent filed a Response to Notice of Intent To Discipline. Respondent did not request a hearing; consequently, under 8 C.F.R. § 1003.105(c)(3), his opportunity for a hearing is deemed waived.

This decision is based on the Notice of Intent To Discipline and Exhibits 1 through 18, attached thereto; the Motion for Reciprocal Discipline; and the Response to Notice of Intent To Discipline.

#### Burden of Proof

Under 8 C.F.R. § 1003.106(a)(1)(iv), Bar Counsel must prove the grounds for the recommended discipline by clear, unequivocal, and convincing evidence.

#### Findings

Based on the evidence in the record, I find that the Notice of Intent To Discipline adequately sets out facts constituting a basis for suspension under 8 C.F.R. § 1003.102(l).

I also find that Bar Counsel has proved those facts by clear, unequivocal and convincing evidence. A determining factor in this finding is that respondent did not deny Bar Counsel's factual allegations in his response.

As to the recommended sanction, I find that a sixty-day suspension for the proven charge is reasonable and should apply to practice before all three immigration agencies. Respondent argued in his response that there were mitigating circumstances that lead to his failure to appear at scheduled hearings in El Centro. But failing to notice a scheduling conflict until the last minute and falling asleep at a diner are not compelling reasons for failing to appear in Immigration Court as scheduled. Moreover, the respondent's suggestion that he suffers from depression and ADD, in the absence of any proof of the existence of those conditions or the

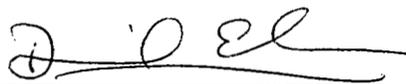
impact that they may have had on his ability to appear in immigration court, is not sufficiently persuasive to excuse his conduct or mitigate the sanction.

I also find unpersuasive respondent's argument that he should not be suspended from practice before the Immigration Courts, the Board of Immigration Appeals and the Department of Homeland Security because the State Bar of California will at some future time likely suspend him from all practice of law for the same misconduct. Such a decision of the State Bar of California, as explained by respondent, would apparently be based on different considerations from the ones here. Those differences include respondent's possible participation in a pilot program to which he has not yet been admitted. That decision would also concern a much broader sanction - suspension from all practice of law. The suspension being considered here is narrowly tailored to correct a specific problem in a particular forum, and is designed to effect an immediate change in respondent's behavior in that forum. If the State Bar of California concludes that respondent's conduct in the immigration courts reflects a broader problem requiring his suspension from all practice of law, that disciplinary authority may well impose a broader suspension. And when that sanction is being considered, respondent may well argue that the suspension already imposed by this decision should serve to reduce the scope or duration of the broader suspension, but all that is something that could transpire, or not, some time in the future. However, it is manifest that it is in the public interest that respondent's conduct before the immigration courts needs to be corrected immediately.

Order

For the foregoing reasons, respondent is suspended from practice before the Immigration Courts, the Board of Immigration Appeals and the Department of Homeland Security for sixty days. The period of suspension is to run from December 1, 2004, through January 29, 2005, inclusive.

11/18/2004  
Date

  
\_\_\_\_\_  
Daniel Echavarren  
Assistant Chief Immigration Judge

CERTIFICATE OF SERVICE

I certify that on this 19<sup>th</sup> day of November, 2004, I sent a copy of the attached Decision on Recommendation for Suspension to the following individuals in the manner indicated:

J. Thomas Logan, Esq.  
115 West California Boulevard, #155  
Pasadena, CA 91105

Certified Mail

J. Thomas Logan, Esq.  
3255 Wilshire Boulevard  
Los Angeles, CA 90010  
(second copy)

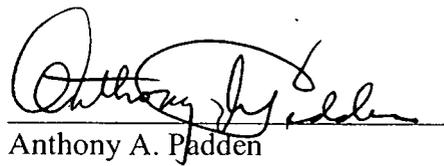
Certified Mail

✓ Jennifer J. Barnes  
Bar Counsel  
Executive Office for Immigration Review

Hand Delivery

Eileen M. Connolly  
Appellate Counsel  
Department of Homeland Security

Hand Delivery



Anthony A. Padden  
Chief Clerk of the Immigration Court  
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