

Falls Church, Virginia 22041

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File: D2012-168

Date:

In re: JASON C. MCBRIDE, ATTORNEY

SEP 3 2013

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

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

ON BEHALF OF DHS: Diane H. Kier  
Associate Legal Advisor

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

On June 14, 2012, the Supreme Court of Oregon accepted the parties' joint stipulation for interim suspension, and ordered that the respondent be suspended from the practice of law during the pendency of disciplinary proceedings. Consequently, on July 12, 2012, the Disciplinary Counsel for the Executive Office for Immigration Review petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. The DHS then asked that the respondent be similarly suspended from practice before that agency.

Therefore, on July 25, 2012, we suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding. On October 4, 2012, the Supreme Court of Oregon issued an "Order Accepting Resignation From The Practice of Law" concerning the respondent. The order stated that the respondent's name was stricken from the roll of attorneys. The respondent on August 20, 2012, had signed a sworn statement resigning from membership in the Oregon State Bar, while disciplinary proceedings were pending. The EOIR Disciplinary Counsel thereafter filed a Notice of Intent to Discipline.

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. § 1003.105 (2013). 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. § 1003.105 (2013).

The Notice proposes that the respondent be disbarred from practicing before the Board and the Immigration Courts. The DHS asks that the Board extend that discipline to practice before it as well. Because the respondent has failed to file an answer, the regulations direct the Board 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 (2013).

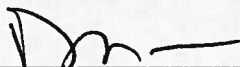
Since the proposed sanction is appropriate, in light of the fact that the respondent signed a sworn statement resigning from membership in the Oregon State Bar, while disciplinary proceedings were pending, and was disbarred from the practice of law in Oregon, and as “[a]n Oregon lawyer who permanently resigns with disciplinary charges pending is never eligible for reinstatement”, Notice of Intent To Discipline, at 3, the Board will honor the proposed sanction. As the respondent is currently under our July 25, 2012, order of suspension, we will deem the respondent’s disbarment to have commenced on that date.

ORDER: The Board hereby disbars the respondent from practice before the Board, the Immigration Courts, and the DHS.

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 (2013).

FURTHER ORDER: As the Board earlier imposed an immediate suspension order in this case, today’s order of the Board becomes effective immediately. 8 C.F.R. § 1003.105(d)(2)(2013).



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FOR THE BOARD