

Falls Church, Virginia 22041

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File: D2004-010

Date: - JUN 9 2010

In re: EUGENE PAOLINO, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

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

ON BEHALF OF DHS: Eileen M. Connolly, Deputy Chief

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

On May 8, 2008, a judge of the California State Bar Court, Hearing Department, recommended that the respondent be disbarred, and ordered the respondent placed on involuntary inactive enrollment, effective May 11, 2008.

Consequently, on July 30, 2008, 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 August 19, 2008, the Board suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding.

On February 24, 2010, the respondent was disbarred by the Supreme Court of California. The Review Department of the California State Bar Court had recommended his disbarment on June 5, 2009. After finding the respondent subject to discipline on various counts, and considering that the respondent had practiced law for a number of years without discipline, this decision identified numerous aggravating factors. These included a pattern of misconduct due to aiding and abetting the unauthorized practice of law in 120 cases over a 10-year period, overreaching of vulnerable immigrants, harm to clients and to the administration of justice by allowing a non-attorney who was not entitled to practice to appear in immigration court, indifference and failure to atone for the consequences of misconduct, and lack of candor.

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(c)(1). 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(d)(1), (2).

The Notice proposes that the respondent be expelled 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(d)(2).

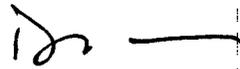
Since the proposed sanction is appropriate, in light of the respondent's disbarment in California, involving "particularly egregious misconduct", Notice of Intent to Discipline, at 3, the Board will honor that proposal. As the respondent is currently under our August 19, 2008, order of suspension, we will deem the respondent's suspension to have commenced on that date.

ORDER: The Board hereby expels 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(b).

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).



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FOR THE BOARD