

Falls Church, Virginia 20530

File: D2013-248

Date: NOV 26 2013

In re: LESLIE PAYTON, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

PETITION FOR IMMEDIATE SUSPENSION

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

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

On July 19, 2013, the Supreme Court of the Virgin Islands granted a petition to transfer the respondent to disability inactive status and immediately transferred the respondent to disability inactive status. Consequently, on October 21, 2013, 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 Department of Homeland Security (DHS) then asked that the respondent be similarly suspended from practice before that agency.

The respondent has filed an opposition to the DHS' motion for reciprocal discipline. In his opposition, the respondent states that he was never disciplined by the Supreme Court of the Virgin Islands. He claims that he was diagnosed with cancer in January 2013 and notified the immigration court in Puerto Rico and the Supreme Court of the Virgin Islands of his medical condition. He then met with disciplinary counsel and agreed that his membership status in the Virgin Islands Bar Association would be transferred to disability inactive status. The respondent has submitted a copy of the July 19, 2013, order of the Supreme Court of the Virgin Islands transferring him to disability inactive status and has requested a hearing before the DHS and the Board.

The respondent is correct that he has not been disciplined by the Supreme Court of the Virgin Islands. The petition for immediate suspension therefore is not the result of a completed or pending disciplinary action against him due to unethical acts. Nevertheless, the respondent's transfer to disability inactive status in the Virgin Islands means that he no longer meets the regulatory definition of "attorney" and that he may not represent individuals before the Board, the Immigration Courts or the DHS. See 8 C.F.R. §§ 292.1(a) and 1292.1(a); see also 8 C.F.R. § 1.2 (defining attorney). Accordingly, immediate suspension from practice before the Board, the Immigration Courts and the DHS is appropriate until the respondent returns to active status.

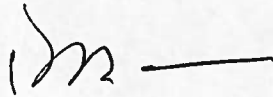
The petition for immediate suspension therefore will be granted.

ORDER: 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 DHS pending final disposition of this proceeding. 8 C.F.R. § 1003.103(a) (2013).

FURTHER ORDER: The respondent is directed to promptly notify, in writing, any clients with cases currently pending before the Board, the Immigration Courts, or the DHS that the respondent has been suspended from practicing before these bodies.

FURTHER ORDER: The respondent shall maintain records to evidence compliance with this order.

FURTHER ORDER: The Board directs that the contents of this notice be made available to the public, including at Immigration Courts and appropriate offices of the DHS.

A handwritten signature in black ink, appearing to be 'Jm', followed by a horizontal line.

FOR THE BOARD