

Falls Church, Virginia 22041

File: D2009-208

Date: ~~_____~~ JAN 18 2010

In re: STEPHEN A. RODRIGUEZ

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

MOTION

ON BEHALF OF EOIR: Scott Anderson, Deputy Disciplinary Counsel

ON BEHALF OF DHS: Eileen M. Connolly, Appellate Counsel

The respondent's request for reinstatement to practice will be granted.

On July 1, 2009, the Review Department of the California State Bar Court, In Bank, suspended the respondent from the practice of law indefinitely. Consequently, on September 2, 2009, 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 (the "DHS") then asked that the respondent be similarly suspended from practice before that agency. Therefore, on September 29, 2009, we suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding. On October 22, 2009, the Board issued a final order, suspending the respondent indefinitely from practice.

The respondent requests that the Board reinstate him to practice. *See* 8 C.F.R. § 1003.107. He presents a December 15, 2009, order of the Review Department of the California State Bar Court, In Bank. This order terminates the court's July 1, 2009, suspension order, because the respondent passed the Multistate Professional Responsibility Examination.

The EOIR Disciplinary Counsel does not oppose the petition for reinstatement, but argues that the respondent's reinstatement should be delayed until February 10, 2010, because he failed to report his California suspension to the EOIR Disciplinary Counsel under 8 C.F.R. § 1003.103(c). The Board instead finds it appropriate to reinstate the respondent to practice immediately.

ORDER: The respondent is reinstated to practice before the Board, the Immigration Courts, and the DHS, as of the date of this order.

FURTHER ORDER: Because the respondent has been reinstated, public notices regarding the respondent's suspension should reflect this reinstatement.

FURTHER ORDER: If the respondent wishes to represent a party before the DHS or Board, he must file a Notice of Appearance (Form G-28 or Form EOIR-27), including any case in which he was formerly counsel, prior to his suspension.



FOR THE BOARD