

Falls Church, Virginia 22041

File: D2000-051

Date: DEC 4 2000

In re: SYLVIA ANITA RYAN, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF GENERAL COUNSEL: Jennifer Barnes, Esquire

ON BEHALF OF SERVICE: Barry O'Melinn, Appellate Counsel

ORDER:

PER CURIAM. On January 29, 1996, the District of Columbia Court of Appeals suspended the respondent for four months from the practice of law, and conditioned her reinstatement on proof of fitness to resume the practice of law. To date the respondent has neither sought nor been granted reinstatement in the District of Columbia. On January 27, 1997, the Supreme Court of the State of New York, Appellate Division, Second Judicial Department, suspended the respondent from the practice of law in that state for one year, and indefinitely thereafter, until further order of that court. To date, no further action has been taken.

Consequently, on September 1, 2000, the Office of General Counsel (OGC) for the Executive Office for Immigration Review (EOIR) initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. On September 7, 2000, the Immigration and Naturalization Service moved to join in the disciplinary action. On September 15, 2000, we suspended the respondent from practicing before the Board, the Immigration Courts, and the Service pending final disposition of this proceeding.

The respondent was required to file a timely answer to the allegations contained in the Notice of Intent to Discipline. *See* 65 Fed. Reg. 39,513, 39,528 (June 27, 2000) (to be codified at 8 C.F.R. § 3.105(c)(1)). Though the respondent was properly served, she has not filed an answer. *See id.* at 35,529 (to be codified at 8 C.F.R. § 3.105(d)(1)). The respondent's failure to do so within the time period prescribed in the Notice of Intent to Discipline constitutes an admission of the allegations therein, and the respondent is now precluded from requesting a hearing on the matter. *Id.* at 35,529 (to be codified at 8 C.F.R. § 3.105(d)(1), (2)).

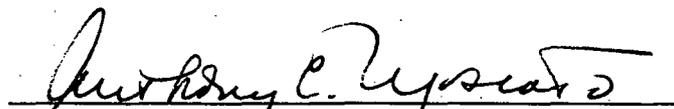
The OGC asks us to suspend the respondent from practicing before the EOIR for a period of one year and to condition the respondent's reinstatement on a demonstration by the respondent that she has complied with the requirements of 8 C.F.R. § 3.107. The Service asks that we extend that discipline to practice before it as well. Because the respondent has failed to file an answer, the

regulations direct us to adopt the recommendation of the OGC, absent considerations that compel us to digress from that recommendation. *Id.* at 35,529 (to be codified at 8 C.F.R. § 3.105(d)(2)). Since the OGC's recommendation is appropriate in light of the state bars' actions, we will honor that recommendation.

Accordingly, we hereby suspend the respondent from practice before the Board, the Immigration Courts, and the Service for a period of one year. As the respondent is currently under our September 15, 2000, order of suspension, we will deem the period of suspension to have commenced on that date. 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 if any further disciplinary action is taken by the state bar.

At the end of the respondent's suspension period, the respondent will be reinstated to practice before the Board, the Immigration Courts, and the Service, provided that she meets the definition of an attorney or representative set forth in 8 C.F.R. § 1.1(f) and (j). *See id.* at 39,530 (to be codified at 8 C.F.R. § 3.107(a)). The respondent is therefore instructed, upon the conclusion of her suspension period, to notify the Board of her standing before the bars of the state of New York and the District of Columbia and her ability to practice law in those jurisdictions. The respondent is also instructed to provide appropriate evidence of her reinstatement and to disclose the terms and conditions, if any, of her reinstatement. Once the respondent demonstrates to our satisfaction that she has been fully reinstated to practice law in those jurisdictions, we shall reinstate her to practice before the Board, the Immigration Courts, and the Services as well.

Finally, given the reciprocal nature of the discipline we impose, we advise the respondent that, should she be reinstated to practice in those jurisdictions during her one year period of suspension, we will entertain a request for her early reinstatement if it complies with the instructions above.

  
FOR THE BOARD