

Falls Church, Virginia 22041

File: D2011-078

Date:

In re: CLAUDE RICHARD SIMPSON, ATTORNEY

JUN 1 2011

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF EOIR: Scott Anderson, Deputy Disciplinary Counsel

ON BEHALF OF DHS: Eileen M. Connolly
Chief, Immigration Court Practice Section - East

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

On August 25, 2009, the Supreme Court of New York, Appellate Division, Second Judicial Department, disbarred the respondent, after accepting his resignation while a disciplinary investigation was pending. On September 10, 2009, the United States District Court for the Eastern District of New York struck the respondent's name from the Roll of Attorneys in that court.

Consequently, on March 31, 2011, 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 April 12, 2011, the Board suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS 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 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 suspended from practicing before the Board and the Immigration Courts for seven years. 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).

The proposed sanction is appropriate in light of the respondent's resignation from the bar in New York while disciplinary charges were pending, 8 C.F.R. § 1003.102(e)(1); Notice of Intent to Discipline at 2, and his removal from the Roll of Attorneys in the United States District Court for the Eastern District of New York. The Notice of Intent to Discipline notes, at 2, that attorneys disbarred in New York may not petition for reinstatement until at least seven years after being disbarred. The Notice of Intent to Discipline also presents evidence that the respondent "... in at least two cases before the Immigration Court, submitted [appearance forms] after his disbarment was effective in which he affirmatively stated, under penalty of perjury, that he was a member in good standing of the highest court of the State of New York, and that he was not subject to any order of any court disbaring, suspending, enjoining, restraining, or otherwise restricting him in the practice of law"). See 8 C.F.R. § 1002.103(c)(disbarred practitioner must notify EOIR of discipline); Notice of Intent to Discipline at 2, Exhs. A-B.

As the respondent is currently under our April 12, 2011, order of suspension, we will deem the respondent's suspension to have commenced on that date.

ORDER: The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS, for seven years.

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.

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).



FOR THE BOARD