

Falls Church, Virginia 22041

File: D2010-311

Date:  JAN 26 2011

In re: YAN WANG, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

MOTION

ON BEHALF OF EOIR: Scott Anderson, Deputy Disciplinary Counsel

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

ON BEHALF OF RESPONDENT: Richard M. Maltz, Esquire

The "Joint Motion To Approve Settlement Agreement", filed by the respondent and the Disciplinary Counsel for the Executive Office for Immigration Review, will be granted.

On April 2, 2008, the United States Court of Appeals for the Second Circuit referred the respondent for a disciplinary investigation. The Second Circuit's Committee on Admissions and Grievances in July, 2009, issued a report and recommendation, recommending that the respondent be suspended for six months. On July 19, 2010, the Second Circuit found that the respondent's "resignation is in the interests of justice," and accepted the respondent's resignation from the bar of that court while its disciplinary proceedings were pending.

Consequently, on November 30, 2010, the EOIR Disciplinary Counsel 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. The respondent opposed the request for an immediate suspension order. On January 4, 2011, the Board suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding.

An answer to the allegations contained in the Notice of Intent to Discipline was due by January 20, 2011, as extended. Rather, on that date the parties filed the "Joint Motion To Approve Settlement Agreement." 8 C.F.R. § 1003.106(a)(2)(ii)(settlement agreements reached after the issuance of a Notice of Intent to Discipline are subject to final approval by the Board, if the practitioner has not filed an answer).

The Board will approve the "Settlement Agreement" reached by the parties.

By the terms of the "Settlement Agreement", the respondent is to be suspended for six months from practicing before the Board, the Immigration Courts, and the DHS, and the suspension is deemed to have commenced on January 4, 2011, the date of the Board's immediate suspension order.

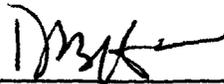
ORDER: The "Joint Motion To Approve Settlement Agreement" is approved.

FURTHER ORDER: In accordance with the "Settlement Agreement" reached by the parties, the Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS, for six months.

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 her.

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). In accordance with the "Settlement Agreement" reached by the parties, as well as the regulations, the respondent must show that she meets the definition of attorney, as set forth in 8 C.F.R. § 1001.1(f), in order to be reinstated.

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