

Falls Church, Virginia 22041

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File: D2005-250

Date: NOV 14 2005

In re: REX B. WINGERTER, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

PETITION FOR IMMEDIATE SUSPENSION

ON BEHALF OF DHS: Rachel A. McCarthy, Ethics Counsel

ON BEHALF OF GENERAL COUNSEL: Jennifer J. Barnes, Bar Counsel

**ORDER:**

PER CURIAM. On August 26, 2005, the respondent pled guilty in the United States District Court for the Eastern District of Virginia, Alexandria Division, to misprision of a felony, in violation of federal law. The crime is a "serious crime" within the meaning of 8 C.F.R. § 1003.102(h). The crime was related to the respondent's immigration law practice.

Consequently, on October 19, 2005, the Department of Homeland Security (the "DHS," formerly the Immigration and Naturalization Service), initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the DHS. On October 28, 2005, the Office of General Counsel for the Executive Office for Immigration Review (EOIR) asked that the respondent be similarly suspended from practice before EOIR, including the Board and immigration courts.

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. See 8 C.F.R. §§ 1003.103(a), 1292.3(c).

Accordingly, 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. The respondent shall maintain records to evidence compliance with this order. Moreover, we direct that the contents of this notice be made available to the public, including at Immigration Courts and appropriate offices of the DHS.

  
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FOR THE BOARD