

Falls Church, Virginia 22041

File: D2003-139

Date: AUG 19 2003

In re: FRANK DENNY WINSTON, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

PETITION FOR IMMEDIATE SUSPENSION

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

ON BEHALF OF GENERAL COUNSEL: Jennifer J. Barnes, Esquire

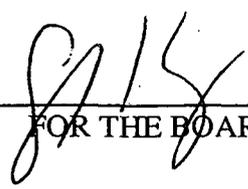
ORDER:

PER CURIAM. On January 6, 2003, the respondent was suspended from the practice of law for 2 years, stayed, with an actual suspension of 5 months, by the Supreme Court of California. On March 21, 2003, the Review Department of the California State Bar Court temporarily stayed the respondent's actual suspension until April 20, 2003. Winston stipulated that he had violated the California Rules of Professional Conduct as to an immigration client by "intentionally, recklessly, and repeatedly failing to perform legal services with competence." Winston, moreover, misrepresented the status of that client's case, failed to respond to other clients, and violated other Rules of Professional Conduct.

Consequently, on August 4, 2003, 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 August 13, 2003, 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. § 1292.3(c)(2).

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.



FOR THE BOARD