

Falls Church, Virginia 20530

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File: D2014-288

Date: DEC 01 2014

In re: WELLS TED WAKEFIELD, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF DHS: Caitlin Shay, Acting Disciplinary Counsel

ON BEHALF OF EOIR: Jennifer J. Barnes, Disciplinary Counsel

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

On March 10, 2014, the District 9 Grievance Committee, Evidentiary Panel 9-1 of the State Bar of Texas issued a Judgment of Partially Probated Suspension actively suspending the respondent from the practice of law in Texas for 3 years. Consequently, on October 23, 2014, the DHS initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the DHS. The Disciplinary Counsel for the Executive Office for Immigration Review (EOIR) then asked that the respondent be similarly suspended from practice before EOIR, including the Board and Immigration Courts.

We granted the petition for immediate suspension on November 3, 2014. The respondent was required to file a timely answer to the allegations contained in the Notice of Intent to Discipline. 8 C.F.R. § 1003.105 (2013); 8 C.F.R. § 292.3(e). His 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(2013); 8 C.F.R. § 292.3(e).

The Notice of Intent to Discipline proposes that the respondent be suspended from practice for three years before the DHS, and the Disciplinary Counsel for EOIR asks that we extend that discipline to practice before the Board and Immigration Courts as well. As the respondent did not file a timely answer, the regulations direct us to adopt the proposed sanction contained in the Notice of Intent to Discipline, unless there are considerations that compel us to digress from that proposal. 8 C.F.R. § 1003.105(2013); 8 C.F.R. § 292.3(e).

Because the proposed sanction is appropriate, in light of the fact that on March 10, 2014, the District 9 Grievance Committee, Evidentiary Panel 9-1 of the State Bar of Texas issued a Judgment of Partially Probated Suspension actively suspending the respondent from the practice of law in Texas for 3 years, the Board will honor that proposal. As the respondent is currently under our November 3, 2014, 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 three 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 (2013).

FURTHER ORDER: As the Board earlier imposed an immediate suspension order in this case, today's order of the Board becomes effective immediately. 8 C.F.R. § 1003.105(d)(2) (2013).

  
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FOR THE BOARD