

U.S. Department of Justice
Executive Office for Immigration Review

Falls Church, Virginia 20530

Decision of the Board of Immigration Appeals

File: D2015-0068

In re: DAVID GRUEN, Attorney

Date:

JUN 30 2015

IN PRACTITIONER DISCIPLINARY PROCEEDINGS
FINAL ORDER OF DISCIPLINE

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

ON BEHALF OF DHS: Jeannette V. Dever, Associate Legal Advisor

ON BEHALF OF RESPONDENT: Richard M. Maltz, Esquire

The respondent will be suspended from practice before the Board, Immigration Courts, and the Department of Homeland Security (the "DHS"), effective until he is reinstated to practice law in New Jersey.

On July 3, 2014, the Supreme Court of New Jersey suspended the respondent from the practice of law in New Jersey for one year, effective August 1, 2014. Consequently, on April 16, 2015, 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. We granted the petition for immediate suspension on May 7, 2015.

The respondent filed a timely answer to the allegations contained in the Notice of Intent to Discipline. 8 C.F.R. § 1003.105(c)(1). The respondent acknowledges that he is subject to discipline by the Board. He argues only that his suspension should end when he is reinstated to the practice of law in New Jersey. As there is no material issue of fact in dispute, the Board will enter a final order of discipline in this case. After consideration of the respondent's answer and submissions, as well as the EOIR Disciplinary Counsel's "Motion for Summary Adjudication", the Board will hold that the suspension period should run until the respondent is reinstated to the practice of law in New Jersey.

The suspension period imposed by the Supreme Court of New Jersey on July 3, 2014, was "based on discipline imposed in New York". That is, and according to evidence submitted by the respondent, on September 9, 2008, the Appellate Division of the Supreme Court of the State of New York, Second Judicial Department, publicly censured the respondent. The New York court issued this order based on acts of professional misconduct by the respondent, that took place between 2001-2004. Mitigating factors were considered by the New York court, including the fact that the respondent had no prior disciplinary history. The professional misconduct did not involve immigration clients.

The EOIR Disciplinary Counsel argues that the respondent's request to have the discipline run until he is reinstated to practice law in New Jersey is not warranted, where the respondent did not comply with 8 C.F.R. § 1003.103(c) (EOIR Disciplinary Counsel's "Motion For Summary Adjudication", at p. 2). This regulation provides that a practitioner has a duty to notify the EOIR Disciplinary Counsel, within 30 days, when he has been suspended from the practice of law. The respondent's Answer acknowledges, while providing an explanation, that he did not notify the EOIR Disciplinary Counsel of his New Jersey suspension.

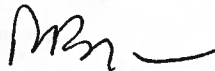
Given the respondent's submissions and considering the totality of circumstances presented, the Board finds, despite the filing of the EOIR Disciplinary Counsel, that the respondent's suspension period should run until he is reinstated to practice law in New Jersey.

ORDER: The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS, effective until he is reinstated to practice law in New Jersey.

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).



FOR THE BOARD