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NEWS RELEASE

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EOIR Announces Latest Disciplinary Actions Under Rules of Professional Conduct

Five Practitioners Receive Final Orders; Four Others, Immediate Suspensions

The Executive Office for Immigration Review (EOIR) has taken disciplinary action against nine attorneys after charging them with violations of the Rules of Professional Conduct for Immigration Practitioners provided in Title 8 of the Code of Federal Regulations (8 CFR Parts 3 and 292). The attorneys' rule violations arose out of sanctions imposed by other jurisdictions.

Disciplinary proceedings began in each case with a Petition for Immediate Suspension and Notice of Intent to Discipline filed with the Board of Immigration Appeals (the Board) by EOIR's Office of the General Counsel. The Board then ordered each attorney's immediate suspension from practice before the Immigration Courts, the Board, and the Immigration and Naturalization Service (INS) and required the attorney to respond to the alleged violations.

Final Orders

By order of Deputy Chief Immigration Judge H. Jere Armstrong dated October 2, 2001, **Milton Dan Kramer**, Oakland, CA, was suspended from March 1, 2000, until such time as the Board finds the respondent properly reinstated by the Supreme Court of New York, Appellate Division.

By order of Immigration Judge Thomas M. Ragno dated October 10, 2001, **Alexander C. Vrbanoff**, Chicago, IL, was suspended from March 22, 2001, as stayed by the Supreme Court of Illinois on April 23, 2001, until June 25, 2001, for one year until further order of the Board on application for reinstatement.

The Board issued a Final Order of Discipline against **Reginald Egan Darbonne**, Miami, FL, after he failed to respond as required to the Notice of Intent to Discipline. The Final Order suspends him from practice before the Board, the Immigration Courts, and the Service for 5 years, effective December 1, 2000.

The Board issued a Final Order of Discipline against **Ruben John Garcia, II**, San Antonio, TX, after he failed to respond as required to the Notice of Intent to Discipline. The Final Order suspends him from practice before the Board, the Immigration Courts, and the Service for 5 years, effective June 15, 2001.

The Board issued a Final Order of Discipline against **Angel R. Pena**, River Vale, NJ, after he failed to respond as required to the Notice of Intent to Discipline. The Final Order expels him from practice before the Board, the Immigration Courts, and the Service, effective December 12, 2000.

Immediate Suspensions

The Board ordered immediate suspensions of the following attorneys for the reasons stated:

Michael T. Barrett, Salem, OR, indefinitely suspended from practice by the Supreme Court of the State of Oregon;

Samuel Reyes Escamilla, Denver, CO, suspended from practice by the Supreme Judicial Court of Colorado for 1 year and 1 day, with 9 months and 1 day stayed, followed by a 2-year period of probation;

Hiam David Schmerin, Pico Rivera, CA, suspended by the California State Bar Court, Review Department, following a guilty plea to one count of receiving stolen property in violation of California Penal Code Section 496(a); and,

Chester Lee Wheless, Jr., Dallas, TX, disbarred from practice of law by the State Bar of Texas.

In each of the disciplinary matters cited above, the suspended attorney was directed "to promptly notify, in writing, any clients with cases currently pending before the Board, the Immigration Courts, or the Service" that he or she may no longer represent clients before these tribunals.

The rules of professional conduct, in Title 8, Code of Federal Regulations (8 CFR), include provisions specifying grounds for disciplinary action, requirements for receiving and investigating complaints, and procedures for conducting hearings. The rules also authorize the Board to immediately suspend a practitioner who has been subject to disbarment, suspension, or resignation with an admission of misconduct as imposed by a State or Federal court, pending a summary proceeding and final sanction.

EOIR announces these disciplinary actions to inform the public about practitioners who are not authorized to represent any matter before an immigration tribunal. EOIR also posts a list of suspended and expelled practitioners on its Web site at www.usdoj.gov/eoir.