

Falls Church, Virginia 22041

File: D2014-0259

Date: **OCT 20 2015**

In re: EUGENIA YEHUDIT ZACKS-CARNEY, ATTORNEY

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 Counsel

AMENDED ORDER

The respondent will be disbarred from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security (DHS).

On July 1, 2014, the State Bar Court of California issued an order transferring the respondent to involuntary inactive status pending the outcome of her disciplinary proceedings. Consequently, on August 28, 2014, 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 on October 2, 2014.

Subsequently, on July 7, 2015, the Supreme Court of California issued an order disbarring the respondent from the practice of law in that state. On August 31, 2015, the EOIR Disciplinary Counsel filed a Notice of Intent to Discipline seeking the respondent's disbarment from practice before the Board and the Immigration Courts. The DHS then asked that the respondent be disbarred from the practice of law before that agency.

The respondent was required to file a timely answer to the allegations contained in the Notice of Intent to Discipline but has failed to do so. *See* 8 C.F.R. § 1003.105 (2013). The respondent's failure to file a response within the time period prescribed in the Notice constitutes an admission of the allegations therein, and she is now precluded from requesting a hearing on the matter. 8 C.F.R. § 1003.105(2013).

As we noted above, the Notice of Intent to Discipline proposes that the respondent be disbarred from practicing before the Board and the Immigration Courts. The DHS asks that the Board extend that discipline to practice before it as well. Because the respondent has failed to file an answer, the regulations direct the Board to adopt the proposed sanction contained in the Notice, unless there are considerations that compel us to digress from that proposal. 8 C.F.R. § 1003.105 (2013).

Since the proposed sanction is appropriate, in light of the respondent's disbarment in California, the Board will honor that proposal. Further, as the respondent is currently under our

October 2, 2014, order of suspension, the respondent's disbarment will commence on the date of this order.

ORDER: The Board hereby disbars the respondent from practice before the Board, the Immigration Courts, and the DHS.

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 her.

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