

Falls Church, Virginia 22041

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File: D2015-0068

Date: NOV 24 2015

In re: DAVID GRUEN, Attorney

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

MOTION

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, who has been suspended from practice before the Board, the Immigration Courts, and Department of Homeland Security (DHS), effective until he is reinstated to practice law in New Jersey, has for the second time sought reinstatement to practice. The Disciplinary Counsel for the Executive Office of Immigration Review (EOIR) does not oppose the respondent's motion for reinstatement. The respondent's motion for reinstatement will be granted.

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 EOIR 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. Our June 30, 2015, final order of discipline suspended the respondent from practice before the Board, the Immigration Courts, and the DHS, effective until he was reinstated to practice law in New Jersey.


On October 20, 2015, we denied a motion for reinstatement filed by the respondent. At that time, the respondent did not meet the definition of attorney set forth in 8 C.F.R. § 1001.1(f), because although he had been reinstated to practice law by the Supreme Court of New Jersey, he remained suspended by the United States District Court for the District of New Jersey.

The respondent again asks to be reinstated to practice before the Board, the Immigration Courts and the DHS, and presents evidence that he has been reinstated to practice law in the United States District Court for the District of New Jersey. As the respondent now meets the definition of attorney as set forth in 8 C.F.R. § 1001.1(f) and has fully served his suspension as imposed by the Board, the respondent has complied with the reinstatement requirements set forth in 8 C.F.R. § 1003.107(a). The EOIR Disciplinary Counsel does not oppose his reinstatement. We therefore grant the respondent's motion for reinstatement.

ORDER: The respondent is reinstated to practice before the Board, the Immigration Courts, and the DHS, as of the date of this order.

FURTHER ORDER: Because the respondent has been reinstated, public notices regarding the respondent's suspension should reflect this reinstatement.

FURTHER ORDER: If the respondent wishes to represent a party before the DHS, the Immigration Courts or Board, he must file a Notice of Appearance (Form G-28, Form EOIR-28 or Form EOIR-27), even in cases in which he was counsel prior to his suspension.



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FOR THE BOARD