

Falls Church, Virginia 22041

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File: D2010-0225

Date:

MAY 19 2016

In re: GARY P. ROYLE, 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 Advisor

The respondent will be suspended from practice before the Board, Immigration Courts, and the Department of Homeland Security (DHS), for six months, effective August 12, 2010.

On May 6, 2010, a judge of the California State Bar Court, Hearing Department – Los Angeles ordered the respondent placed on involuntary inactive enrollment. Consequently, on July 14, 2010, 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 immediate suspension order on August 12, 2010.

On September 25, 2015, the respondent was suspended from the practice of law for two years, stayed, with an actual suspension of six months, and probation for three years, by the Supreme Court of California. The EOIR Disciplinary Counsel thereafter filed a Notice of Intent to Discipline. The respondent filed a timely answer to the allegations contained in the Notice of Intent to Discipline on April 21, 2016. 8 C.F.R. § 1003.105(c)(1). The EOIR Disciplinary Counsel then filed a "Motion For Summary Adjudication".

The respondent in his answer agrees that he is subject to discipline by the Board. The respondent contends that the California suspension resulted from his "severe depression", argues that he had not been previously disciplined, submits that he refunded fees to former clients, and states that he has served the suspension period ordered by the Supreme Court of California. The respondent appears to argue that he should be immediately reinstated to practice by this Board.

As there is no material issue of fact in dispute, we will enter a final order of discipline in this case. See 8 C.F.R. § 1003.106(a). The respondent agrees that he is subject to discipline by the Board, based on the suspension order of the Supreme Court of California. As the respondent is currently under our August 12, 2010, order of suspension, we will deem the respondent's suspension to have commenced on that date. EOIR Disciplinary Counsel's "Motion for Summary Adjudication", at 2. We decline to immediately reinstate the respondent to practice.

Rather, the respondent may seek reinstatement by this Board under the terms of 8 C.F.R. § 1003.107(a).<sup>1</sup> The respondent will be required to show that he is again authorized to practice law in California, and meets the definition of attorney as set forth in 8 C.F.R. § 1001.1(f), before the Board will grant a reinstatement order. EOIR Disciplinary Counsel's "Motion for Summary Adjudication", at 2.

ORDER: The Disciplinary Counsel for EOIR's "Motion for Summary Adjudication" is granted.

FURTHER ORDER: The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS, for six months, effective from August 12, 2010.

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: As discussed above, the respondent may petition this Board for reinstatement to practice before the Board, Immigration Courts, and DHS under 8 C.F.R. § 1003.107(a).

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).

  
FOR THE BOARD

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<sup>1</sup> We note that the effective date of the suspension imposed herein means that the respondent is now eligible to seek reinstatement provided the other requirements of the regulation are satisfied.