

Falls Church, Virginia 22041

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File: D2013-0368

Date: JUN 07 2016

In re: DAVID M. SPIEKER, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

MOTION

ON BEHALF OF EOIR: Jennifer J. Barnes  
Disciplinary Counsel

ON BEHALF OF DHS: Diane H. Kier  
Associate Legal Advisor

The respondent, who has been suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security ("DHS") for 1 year, effective nunc pro tunc to June 13, 2013, has sought reinstatement to practice. The Disciplinary Counsel for the Executive Office for Immigration Review ("EOIR") does not oppose the respondent's motion for reinstatement. The respondent's motion for reinstatement will be granted.

On May 14, 2013, the Supreme Court of California suspended the respondent from the practice of law in California for 2 years but stayed the execution of that suspension and placed the respondent on probation for 2 years with conditions. One condition of the respondent's probation was a 1 year suspension from the practice of law.

On April 1, 2014, 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 Disciplinary Counsel for the DHS then asked that the respondent be similarly suspended from practice before that agency. We granted the petition for immediate suspension on April 23, 2014.

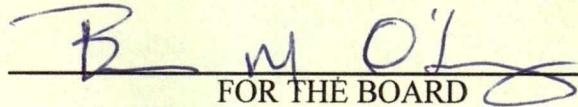
The respondent did not file a timely answer to the Notice of Intent to Discipline and did not dispute the allegations in the Notice. Given the respondent's suspension from the practice of law in California, our May 27, 2014, final order of discipline suspended the respondent from practice before the Board, the Immigration Courts, and the DHS for 1 year, effective nunc pro tunc to June 13, 2013.

The respondent now asks to be reinstated to practice before the Board, the Immigration Courts and the DHS, and presents evidence that he is again authorized to practice law in California. The respondent now meets the definition of attorney as set forth in 8 C.F.R. § 1001.1(f) and has complied with the reinstatement requirements set forth in 8 C.F.R. § 1003.107. Further, the Disciplinary Counsel for EOIR 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 the 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