

Falls Church, Virginia 22041

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File: D2016-0251

Date: DEC 22 2016

In re: NEIL HOWARD RUBIN, 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 disbarred from practice before the Board of Immigration Appeals ("Board"), the Immigration Courts, and the Department of Homeland Security ("DHS").

On August 18, 2016, the Supreme Court of Florida granted an uncontested petition for disciplinary revocation concerning the respondent. According to the order, disciplinary revocation is "tantamount to disbarment" in Florida. The Disciplinary Counsel for the Executive Office for Immigration Review ("EOIR") petitioned for the respondent's immediate suspension from practice before the Board and the Immigration Courts on October 20, 2016. The DHS then asked that the respondent be similarly suspended from practice before that agency. We granted the petition on December 12, 2016.

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. 8 C.F.R. § 1003.105. The respondent's failure to file a response within the time period prescribed in the Notice of Intent to Discipline constitutes an admission of the allegations therein, and the respondent is now precluded from requesting a hearing on the matter. 8 C.F.R. § 1003.105(d)(1).

The Notice of Intent to Discipline proposes that the respondent be disbarred from practicing before the Board and the Immigration Courts. The DHS asks the Board to extend that discipline to practice before that agency 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 of Intent to Discipline, unless there are considerations that compel us to digress from that proposal. 8 C.F.R. § 1003.105(d)(2). The proposed sanction is appropriate, in light of the fact that on August 18, 2016, the Supreme Court of Florida granted an uncontested petition for disciplinary revocation concerning the respondent. Further, as the respondent is currently under our December 12, 2016, order of suspension, we will deem his disbarment to have commenced on that date.

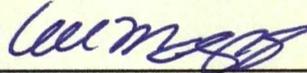
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ORDER: The Board hereby disbars the respondent from practice before the Board, the Immigration Courts, and the DHS. The disbarment is deemed to have commenced on December 12, 2016.

FURTHER ORDER: The respondent must maintain compliance with the directives set forth in our prior order. The respondent must notify the Board of any further disciplinary action against him.

FURTHER ORDER: The contents of the order shall be made available to the public, including at the Immigration Courts and appropriate offices of the DHS.

FURTHER ORDER: The respondent may petition this Board for reinstatement to practice before the Board, the Immigration Courts, and the DHS under 8 C.F.R. § 1003.107.



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FOR THE BOARD