

Falls Church, Virginia 22041

File: D2016-0166

Date: APR 20 2017

In re: PATRICK C. HYDE, 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

ON BEHALF OF RESPONDENT: Pro se

The respondent will be suspended from practice before the Board of Immigration Appeals (“Board”), the Immigration Courts, and the Department of Homeland Security (“DHS”) for 3 months.

On February 27, 2017, the Supreme Court of Colorado suspended the respondent from the practice of law in Colorado for 1 year and 1 day, with 3 months to be served and the remainder to be stayed upon the successful completion of a 2-year period of probation. The effective date of the suspension is March 27, 2017. 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 March 6, 2017. The DHS then asked that the respondent be similarly suspended from practice before that agency. We granted the petition on March 27, 2017.

The Notice of Intent to Discipline was served on the respondent on March 6, 2017. The Notice plainly stated that “[t]he Rules provide that Respondent shall file **with the Board** a written answer to the Notice of Intent to Discipline within 30 days of the date stated on the Proof of Service attached to this notice.” Notice of Intent to Discipline, at 2 (emphasis in original); 8 C.F.R. § 1003.105(c)(1). An answer was therefore due on April 5, 2017. However, the respondent did not file an answer until April 6, 2017. The respondent did not seek an extension of time for filing the answer, or provide any explanation as to why the answer was filed late.

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 suspended for 3 months 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 a timely 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 respondent's untimely answer asserts that the Colorado disciplinary proceedings were conducted without due process. The respondent specifically does not seek reconsideration of our immediate suspension order, and presents no argument why a final order of discipline should not issue, but "merely makes this statement for the record" (Respondent's Answer at 1). As argued by the Disciplinary Counsel for EOIR, the respondent does not contend that his disagreement with the underlying Colorado disciplinary proceedings should have any impact on our final order of discipline (Disciplinary Counsel for EOIR "Motion for Summary Adjudication" at 1).

The proposed sanction is appropriate, in light of the respondent's discipline in Colorado. We will deem the respondent's suspension to have commenced on March 27, 2017, the date of the Board's immediate suspension order, and the effective date of the Colorado discipline.

ORDER: The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS, for 3 months. The suspension is deemed to have commenced on March 27, 2017.

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(a).



FOR THE BOARD