

Falls Church, Virginia 22041

File: D2017-0052

Date: APR 20 2017

In re: MICHELLE MLADEK, 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 December 9, 2016, we indefinitely suspended the respondent from practice before the Immigration Courts, Board, and DHS, in Case No. D2016-0112. This was based on a May 9, 2016, order of the Supreme Court of New Mexico, which indefinitely suspended the respondent, for a minimum of 12 months, from the practice of law in New Mexico. The suspension remains in effect, as the respondent has not been reinstated to practice by the Board.

The respondent was permanently disbarred by the Supreme Court of New Mexico on December 7, 2016. The court approved a “Conditional Agreement Not to Contest and Consent to Discipline.” Consequently, on February 17, 2017, the Disciplinary Counsel for the Executive Office for Immigration Review (“EOIR”) filed a Notice of Intent to Discipline.

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. *See* 8 C.F.R. § 1003.105. The respondent’s failure to file a response within the time period prescribed in the Notice 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.

The Notice 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, unless there are considerations that compel us to digress from that proposal. 8 C.F.R. § 1003.105. The proposed sanction is appropriate in light of the respondent’s disbarment by the Supreme Court of New Mexico. Accordingly, the Board will honor that proposal.

ORDER: The Board hereby disbars the respondent from practice before the Board, the Immigration Courts, and the DHS.

FURTHER ORDER: The respondent is instructed to maintain compliance with the directives set forth in our December 9, 2016, suspension order in Case No. D2016-0112.

FURTHER ORDER: The respondent is instructed to notify the Board of any further disciplinary action against her.

FURTHER ORDER: The Board directs that the contents of this notice be made available to the public, including at Immigration Courts and appropriate offices of the DHS.

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



FOR THE BOARD