

Falls Church, Virginia 22041

File: D2017-0071

Date: **AUG 31 2017**

In re: Sydney Marmion WEAVER, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF DHS: Catherine M. O'Connell
Disciplinary Counsel

ON BEHALF OF EOIR: Jennifer J. Barnes
Disciplinary Counsel

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 May 9, 2016, the District 15 Grievance Committee, Evidentiary Panel 15-3, State Bar of Texas issued a Judgment of Partially Probated Suspension. The order suspended the respondent from the practice of law for 12 months, with the respondent actively suspended from the practice of law for 6 months beginning July 1, 2016, and ending December 31, 2016. The Disciplinary Counsel for the Department of Homeland Security (Disciplinary Counsel for the DHS) petitioned for the respondent's immediate suspension from practice before that agency on July 18, 2016. The Disciplinary Counsel for the Executive Office for Immigration Review (Disciplinary Counsel for EOIR) then asked that the respondent be similarly suspended from practice before the Board and the Immigration Courts. We granted the petition on August 8, 2016.

Subsequently, when the respondent failed to respond to the Notice of Intent to Discipline filed by the Disciplinary Counsel for the DHS, we issued a final order of discipline dated September 2, 2016. The order suspended the respondent from practice before the Board, the Immigration Courts, and the DHS for 6 months, effective August 8, 2016. We have not reinstated the respondent to practice before the Board, the Immigration Courts or the DHS, and the above suspension remains in effect.

On October 18, 2016, the Supreme Court of Texas issued an order accepting the respondent's resignation from the practice of law in lieu of discipline. The Disciplinary Counsel for the DHS then, on July 3, 2017, filed a Notice of Intent to Discipline seeking the respondent's disbarment from practice before that agency.

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 (2017). 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 DHS. The Disciplinary Counsel for EOIR asks the Board to extend that discipline to practice before the Board and the Immigration Courts 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 respondent's resignation and disbarment in Texas. *See* 8 C.F.R. § 1003.102(e). Further, the respondent's disbarment will commence immediately upon the issuance of this order.

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

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 her.

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.



FOR THE BOARD