

Falls Church, Virginia 20530

File: D2014-203

Date:

AUG 18 2014

In re: DAVID LEONARD ROSS, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

PETITION FOR IMMEDIATE SUSPENSION

ON BEHALF OF EOIR: Jennifer J. Barnes, Disciplinary Counsel

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

On May 29, 2014, the Supreme Court of Florida issued an order suspending the respondent from the practice of law in the state for 3 years. Consequently, on July 30, 2014, the Disciplinary Counsel for the Executive Office for Immigration Review petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. The Department of Homeland Security (DHS) then asked that the respondent be similarly suspended from practice before that agency.

On August 8, 2014, the respondent filed an opposition to the Petition for Immediate Suspension. In his opposition, the respondent states that the Board may set aside an order of immediate suspension upon good cause shown and when it appears in the interest of justice to do so. The respondent argues that good cause exists in his case because the Florida Supreme Court's suspension order is not final. The respondent asserts that he is challenging the order in federal court and that the order constitutes a gross miscarriage of justice because the court disregarded both case law and the recommendation of the referee when it suspended the respondent from the practice of law for 3 years.

In response to the respondent's arguments, EOIR's Disciplinary Counsel points out that the order of the Florida Supreme Court suspending the respondent from the practice of law has not been set aside and that the respondent remains ineligible to practice law in any state. Accordingly, EOIR's Disciplinary Counsel maintains that the respondent cannot meet the definition of attorney set forth in 8 C.F.R. § 1001.1(f), and that good cause does not exist for the Board to refrain from adjudicating the Petition for Immediate Suspension.

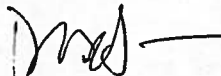
We agree with EOIR's Disciplinary Counsel. The regulations state that, upon the filing of a Petition for Immediate Suspension and supporting documents, the Board "shall forthwith enter an order immediately suspending the practitioner from practice before the Board, the Immigration Courts, and/or DHS, notwithstanding the pendency of an appeal, if any, of the underlying disciplinary proceeding." 8 C.F.R. § 1003.103(a)(4). The regulations do allow the Board to set aside an order of immediate suspension upon a showing of good cause, but the respondent has not established that good cause exists in his case. Accordingly, the Petition for Immediate Suspension will be granted.

ORDER: The petition is granted, and the respondent is hereby suspended, absent a showing of good cause, from the practice of law before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding. 8 C.F.R. § 1003.103(a) (2013).

FURTHER ORDER: The respondent is directed to promptly notify, in writing, any clients with cases currently pending before the Board, the Immigration Courts, or the DHS that the respondent has been suspended from practicing before these bodies.

FURTHER ORDER: The respondent shall maintain records to evidence compliance with this order.

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.

A handwritten signature in black ink, appearing to be 'MD', is written above a horizontal line.

FOR THE BOARD