

Falls Church, Virginia 22041

File: D2000-034

Date: JUL 24 2003

In re: JAMES ROBERT VALINOTI, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

PETITION FOR IMMEDIATE SUSPENSION

ON BEHALF OF GENERAL COUNSEL: Jennifer J. Barnes, Esquire

ON BEHALF OF DHS: Eileen M. Connolly, Appellate Counsel

ORDER:

PER CURIAM. On June 5, 2003, the respondent was suspended from the practice of law for five years, stayed, with an actual suspension of three years, by the Supreme Court of California. The Review Department of the State Bar Court had recommended this discipline in a decision dated December 31, 2002. *In Re Valinoti*, 2002 WL 31907316, 4 Cal. State Bar Ct. Rptr. 498 (Dec. 31, 2002). The Review Department found the respondent culpable of misconduct in nine client matters, all of whom had immigration cases in the Los Angeles immigration court. In an extremely lengthy opinion, the Review Department cited numerous infractions committed by Valinoti, infractions that were "habitual, reckless and intentional failures to competently perform legal services". The Review Department considered that Valinoti had an excessive case load and inadequate support staff, failed to notify clients as to his many changes of address, failed to maintain adequate client records, failed to properly protect client records, failed to properly prepare pleadings and properly appear at immigration court hearings, and aided and abetted nonattorney providers to represent aliens, in violation of law, among other failings.

Consequently, on July 9, 2003, the Office of General 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. On July 16, 2003, the Department of Homeland Security (the "DHS," formerly the Immigration and Naturalization Service) asked that the respondent be similarly suspended from practice before that agency.

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. *See* 8 C.F.R. § 1003.103(a).¹

Accordingly, 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

¹Regulations relating to the Executive Office for Immigration Review, found in title 8 of the Code of Federal Regulations, were reorganized on February 28, 2003, due to the Homeland Security Act of 2002. *See* 68 FR 9824 (February 28, 2003). There was no substantive changes made to the regulations. *Id.* at 9825. Until February 28, 2003, 8 C.F.R. § 1003.103(a) was found at 8 C.F.R. § 3.103(a).

suspended from practicing before these bodies. The respondent shall maintain records to evidence compliance with this order. Moreover, we direct that the contents of this notice be made available to the public, including at Immigration Courts and appropriate offices of the DHS.



FOR THE BOARD