

Falls Church, Virginia 22041

File: D2016-0063

Date: JUN 07 2016

In re: ALEXANDER MANJANJA CHANTHUNYA, 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 indefinitely suspended from practice before the Board of Immigration Appeals ("Board"), the Immigration Courts, and the Department of Homeland Security ("DHS").

On March 25, 2016, the Court of Appeals of Maryland issued an order indefinitely suspending the respondent from the practice of law in Maryland, with the right to apply for reinstatement after 60 days. The Maryland court's lengthy decision set out the reasons for its suspension order. In this regard, the Maryland court found that the respondent, an immigration lawyer, failed to represent two clients competently, diligently, and with adequate communication.

The Maryland court found clear and convincing evidence that, as to the first complainant, the respondent submitted an application with inaccurate statements, and failed to attach essential documents (Court of Appeals of Maryland's Mar. 25, 2016, dec., at 22). Moreover, the respondent did not prepare the complainant for an interview with the DHS, U.S. Citizenship and Immigration Services ("USCIS"), and "failed to pursue an appeal" of the denial of the application by the USCIS. *Id.* As for the other complainant, the Maryland court found, the respondent did not prepare her for an asylum hearing, advise her as to needed evidence, or submit corroborating evidence. *Id.* at 23. The Maryland court also found that, as to the second complainant, the respondent did not keep her informed about the status of her case. *Id.* at 23-24. The Court of Appeals of Maryland on April 21, 2016, denied the respondent's motion for reconsideration.

On April 7, 2016, the Disciplinary Counsel for the Executive Office of Immigration Review (Disciplinary Counsel for EOIR) filed a Notice of Intent to Discipline and petitioned for the respondent's immediate suspension from practice before the Board and the Immigration Courts. The DHS then asked that the respondent be similarly disciplined and suspended from practice before that agency.

The respondent submitted an "Amended Response to Petition For Immediate Suspension." We view this filing as a timely answer to the allegations contained in the Notice of Intent to Discipline. 8 C.F.R. § 1003.105(c)(1). The respondent did not dispute that he is subject to discipline by the Board, but asked that our discipline order ". . . mirror the order of the Court of Appeals of Maryland which indefinitely suspended me with a right of reinstatement after 60 days."

The Disciplinary Counsel for EOIR thereafter filed a "Motion for Summary Adjudication." The respondent then filed an "Opposition to Summary Adjudication." He now asserts that it would be unjust to enter an order of discipline against him, in that the indefinite suspension ordered by the Court of Appeals of Maryland was a result of inaction concerning appeals by USCIS. He claims that, despite the detailed factual findings of the Court of Appeals of Maryland, USCIS did not "acknowledge and adjudicate" the appeal that he filed on behalf of one complainant. He attaches copies of money orders made out to the DHS.

The respondent has not established that there is a material issue of fact in his case. In particular, the respondent has not made a prima facie showing that there is a material issue of fact regarding the basis of the proceeding (the order of the Court of Appeals of Maryland), and the respondent has not asserted that any of the exceptions to the imposition of disciplinary sanctions exist in his case. *See* 8 C.F.R. §§ 1003.103(b)(2)(i)-(iii). Specifically, he has not established, through clear and convincing evidence, that he was deprived of due process during the disciplinary proceeding in Maryland, that there was an infirmity of proof in the Maryland proceeding, or that the imposition of discipline would result in grave injustice. Accordingly, summary disciplinary proceedings are appropriate. *See* 8 C.F.R. § 1003.106(a)(1); *see also* 8 C.F.R. § 1003.103(b)(2) (stating that "in the case of a summary proceeding based upon a final order of disbarment or suspension . . . a certified copy of a judgment or order of discipline shall establish a rebuttable presumption of the professional misconduct").

We also agree that indefinite suspension is an appropriate sanction in light of the respondent's suspension in Maryland. The respondent may seek reinstatement by this Board under the terms of 8 C.F.R. § 1003.107(a). The respondent must show that he is again authorized to practice law in Maryland, and meets the definition of attorney as set forth in 8 C.F.R. § 1001.1(f), before the Board will grant a reinstatement order.¹ The following orders will therefore be entered.

ORDER: The Disciplinary Counsel for EOIR's "Motion for Summary Adjudication" is granted.

FURTHER ORDER: The respondent is indefinitely suspended from practice before the Immigration Courts, Board of Immigration Appeals, and the DHS, effective 15 days from this date. 8 C.F.R. § 1003.105(d)(2).

¹ To the extent that the respondent seeks an order for reinstatement after 60 days, we decline to grant this request. The respondent may seek reinstatement when he meets the appropriate requirements.

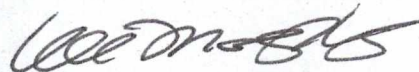
FURTHER ORDER: The respondent is directed to promptly notify, in writing, any clients with cases currently pending before the Board, the Immigration Courts, or the DHS that the respondent has been indefinitely suspended from practicing before these bodies.

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

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

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: As discussed above, the respondent may petition this Board for reinstatement to practice before the Board, Immigration Courts, and DHS under 8 C.F.R. § 1003.107(a).



FOR THE BOARD