

Falls Church, Virginia 22041

File: D2016-0161

Date:

In re: JOHN ELLIOTT REARDON, SR., ATTORNEY

OCT 04 2016

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 suspended from practice before the Board of Immigration Appeals ("Board"), the Immigration Courts, and the Department of Homeland Security ("DHS"), for 2 years.

On June 12, 2015, the United States Court of Appeals for the Tenth Circuit suspended the respondent from the practice of law before the Tenth Circuit for two years, effective June 15, 2015. This discipline was based on the respondent's failure to zealously represent clients, and failure to follow court rules. On July 11, 2016, the Supreme Court of Colorado suspended the respondent from the practice of law in Colorado for two years, effective nunc pro tunc to June 12, 2015. 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 on July 20, 2016. The DHS then asked that the respondent be similarly suspended from practice before that agency. We granted the petition on August 26, 2016.

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 of Intent to Discipline proposes that the respondent be suspended from practicing before the Board and the Immigration Courts for 2 years. 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 suspension by the Tenth Circuit, and by the Supreme Court of Colorado. We will deem the respondent's suspension to have commenced on June 15, 2015, the effective date of the Tenth Circuit's suspension.

ORDER: The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS for 2 years. The suspension is deemed to have commenced on June 15, 2015, the effective date of the Tenth Circuit's suspension.

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 him.

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.

A handwritten signature in black ink, appearing to read "Alex Miller", is written above a horizontal line.

FOR THE BOARD