

Falls Church, Virginia 22041

File: D2012-301

Date: FEB 09 2016

In re: STEPHEN C. WOODRUFF, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF EOIR: Jennifer J. Barnes
Disciplinary Counsel

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

The respondent will be disbarred from practice before the Board of Immigration Appeals, the Immigration Courts, and Department of Homeland Security (DHS).

On February 1, 2013, the Supreme Court of the Commonwealth of the Northern Mariana Islands issued an order temporarily suspending the respondent from the practice of law in the Northern Mariana Islands. Consequently, on February 28, 2013, the Disciplinary Counsel for the Executive Office of Immigration Review 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 suspended from practice before that agency. We granted the petition for immediate suspension on March 20, 2013.

On June 7, 2013, the Superior Court of the Commonwealth of the Northern Mariana Islands issued an order disbarring the respondent from the practice of law in the Northern Mariana Islands. The EOIR Disciplinary Counsel thereafter filed a Notice of Intent to Discipline.

The respondent submitted an answer to the Notice of Intent to Discipline on August 19, 2013, in which he claimed that the disbarment order was not final and requested a hearing. The respondent attached an August 8, 2013, order of the United States District Court for the Northern Mariana Islands. The order stayed proceedings concerning reciprocal discipline and noted that the respondent has the right to appeal the disbarment order of the Superior Court of the Commonwealth of the Northern Mariana Islands to the Supreme Court of the Commonwealth of the Northern Mariana Islands. The August 8, 2013, order further observed that the respondent had given notice that he would appeal the disbarment order and had requested a stay. The respondent also submitted a May 21, 2013, order of the United States Court of Appeals for the Ninth Circuit, stating that reciprocal disciplinary proceedings before the Ninth Circuit were stayed pending the outcome of the disciplinary proceedings in the Northern Mariana Islands.

On August 23, 2013, the EOIR Disciplinary Counsel filed a Motion To Hold Disciplinary Proceedings In Abeyance. The EOIR Disciplinary Counsel argued that proceedings should be stayed until the Supreme Court of the Commonwealth of the Northern Mariana Islands ruled on respondent's appeal. We granted the motion on September 6, 2013, and stayed the disciplinary proceedings against the respondent.

On January 14, 2016, the EOIR Disciplinary Counsel filed a Motion to Lift Stay and Issue a Final Order. In the motion, the EOIR Disciplinary Counsel states that, on December 9, 2015, the Supreme Court of the Commonwealth of the Northern Mariana Islands issued a final order disbarring the respondent from the practice of law in that commonwealth. Accordingly, the EOIR Disciplinary Counsel notes that the respondent now is subject to a final order of discipline. Given this fact, we grant the EOIR Disciplinary Counsel's motion to lift the stay in the respondent's disciplinary proceedings.

The EOIR Disciplinary Counsel further states that the respondent's answer to the Notice of Intent to Discipline does not make a prima facie showing that any material issues of fact are in dispute with regard to the basis for discipline or with one or more of the exceptions to reciprocal discipline. The EOIR Disciplinary Counsel therefore asks this Board to issue a final order of discipline in the respondent's proceeding.

Where a respondent is subject to summary disciplinary proceedings based on being disbarred from the practice of law, the regulations provide that the attorney "must make a prima facie showing to the Board in his or her answer that there is a material issue of fact in dispute with regard to the basis for summary disciplinary proceedings, or with one or more of the exceptions set forth in 8 C.F.R. § 1003.103(b)(2)(i) through (iii)." See 8 C.F.R. § 1003.106(a) (2013). If no such showing is made, the Board is to retain jurisdiction over the case, and issue a final order. *Id.*; *Matter of Salomon*, 25 I&N Dec. 559, 560 (BIA 2011).

We agree with the EOIR Disciplinary Counsel that the respondent has not made a prima facie showing in his answer to the Notice of Intent to Discipline that there is a material issue of fact in dispute in these proceedings. The allegations he made regarding the underlying disciplinary proceedings were addressed and dismissed by the Supreme Court of the Commonwealth of the Northern Mariana Islands in its final order of discipline. Accordingly, he has not established, through clear and convincing evidence, that he was deprived of due process during the disciplinary proceeding in that commonwealth, that there was an infirmity of proof in those proceeding, or that the imposition of discipline would result in grave injustice. We therefore will retain jurisdiction over his proceedings and deny his request for a hearing.

Further, we find that the proposed sanction of disbarment is appropriate in light of his disbarment in the Commonwealth of the Northern Mariana Islands. We therefore will honor that proposal. As the respondent is currently under our March 20, 2013, order of suspension, we will deem the respondent's disbarment to have commenced on that date.

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

FURTHER ORDER: The respondent is instructed to maintain compliance with the directives set forth in our prior order. The respondent is also instructed to notify the Board of any further disciplinary action against him.

FURTHER ORDER: The respondent may petition this Board for reinstatement to practice before the Board, Immigration Courts, and DHS under 8 C.F.R. § 1003.107.

FURTHER ORDER: As the Board earlier imposed an immediate suspension order in this case, today's order of the Board becomes effective immediately. 8 C.F.R. § 1003.105(d)(2)(2013).



FOR THE BOARD