

Falls Church, Virginia 22041

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File: D2016-0250

Date: FEB 24 2017

In re: RUBEN DANIEL SANCHEZ, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

MOTION

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

ON BEHALF OF DHS: Cathy Ng, Associate Legal Advisor

This case was last before us on December 15, 2016, when we denied the petition for immediate suspension filed by the Disciplinary Counsel for the Executive Office for Immigration Review ("Disciplinary Counsel for EOIR"). On December 19, 2016, the Disciplinary Counsel for EOIR filed a motion asking us to reconsider our decision. The motion to reconsider will be granted, and the petition for immediate suspension will be granted.

On June 19, 2015, the Supreme Court of California issued an order suspending the respondent from the practice of law in that state for a period of one year. On October 12, 2016, the Disciplinary Counsel for EOIR petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals ("Board") and the Immigration Courts. The Department of Homeland Security ("DHS") then asked that the respondent be similarly suspended from practice before that agency.

Upon review of the petition, we noted that the order from the Supreme Court of California indicated that the respondent was suspended for a year beginning on June 19, 2015, and that the remaining year of suspension was stayed pending completion of probation. Accordingly, we noted that the respondent's period of suspension may already be complete. The Disciplinary Counsel for EOIR did not allege that the respondent was still suspended and did not explain why the case was filed more than a year after the suspension by the Supreme Court of California. Accordingly, without additional information, we denied the petition for immediate suspension.

In the motion to reconsider, the Disciplinary Counsel for EOIR contends that we erred as a matter of law in denying the petition. The Disciplinary Counsel for EOIR, in a footnote, contends that, as "a matter of policy," petitions for immediate suspension are not brought against attorneys who have been readmitted to practice notwithstanding an earlier suspension. Nevertheless, the Disciplinary Counsel for EOIR contends that the Board is obligated to enter an immediate suspension order under the regulations. We disagree with the Disciplinary Counsel for EOIR's interpretation of the regulation. We do not interpret the regulation as requiring an order of immediate suspension when evidence in the record indicates an attorney has been reinstated.

The Disciplinary Counsel for EOIR, for the first time, notes that the petition was filed more than a year after the respondent was suspended in California because the respondent did not report his suspension to her as required by 8 C.F.R. § 1003.103(c). The Disciplinary Counsel for

EOIR also submits information showing that the respondent has not been readmitted to practice in California since his suspension commenced on July 19, 2015.

When filing a petition for immediate suspension where the order of suspension appears, on its face, to have expired, Disciplinary Counsel should include additional information that indicates the underlying order remains operative. This information is essential because we are often entering an order of immediate suspension before respondent has an opportunity to respond. While this information should have been included in the initial filing, we will consider it now.

The Disciplinary Counsel for EOIR has established that the respondent remains suspended in California. Accordingly, we grant the motion to reconsider, we vacate our decision dated December 15, 2016, and we grant the petition for immediate suspension.

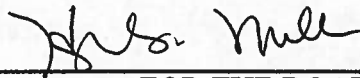
ORDER: The motion to reconsider our December 15, 2016, decision is granted, and that decision is vacated.

FURTHER ORDER: The petition for immediate suspension is granted, and the respondent is suspended 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).

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.



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FOR THE BOARD