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NEWS RELEASE

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November 15, 2004

EOIR Announces Latest Disciplinary Actions Under Rules of Professional Conduct *Seven Attorneys Immediately Suspended; Three Receive Final Orders*

FALLS CHURCH, VA – The Executive Office for Immigration Review (EOIR) has taken disciplinary action against 10 attorneys after charging them with violations of the Rules of Professional Conduct for immigration practitioners. The Rules appear in Title 8 of the Code of Federal Regulations (8 CFR Parts 1003 and 1292). In most cases, the disciplinary action is initiated as a result of sanctions imposed by other jurisdictions or a criminal conviction.

Although the disciplinary process may vary according to the specific circumstances of each case, generally it includes the following steps:

Disciplinary proceedings begin with a Notice of Intent to Discipline filed with the Board of Immigration Appeals (BIA) by the Office of the General Counsel of either EOIR or the Department of Homeland Security (DHS). The BIA requires the attorney to respond to the alleged violations. In some cases, a Petition for Immediate Suspension also is filed and the BIA orders the attorney to be suspended immediately from practice before the Immigration Courts, the BIA, and the DHS. (DHS joins EOIR in taking the disciplinary action.) Disciplined attorneys are directed to notify promptly, in writing, any clients with cases currently pending before the BIA, the Immigration Courts, or the DHS that they may no longer represent clients before these tribunals.

Immediate Suspension

The BIA ordered the immediate suspension of the following attorneys:

- ! **Thomas Christopher Jones:** He was suspended from the practice of law for 30 months by the Supreme Court of Illinois for failing to act with reasonable diligence and promptness in immigration matters. He was immediately suspended by the BIA on October 6, 2004, pending final disposition of his case.
- ! **Timothy L. McCandless:** He was suspended from the practice of law for 6 months by the Supreme Court of California for failure to perform legal services with competence and for neglect. He was immediately suspended by the BIA on October 6, 2004, pending final disposition of his case.

(more)

Attorney Discipline

Page 2

- ! **James S. Phillips, Jr.:** He was disbarred from the practice of law by the Supreme Court of Kansas for failure to competently represent clients in immigration matters and for engaging in conduct involving dishonesty, fraud, deceit, and misrepresentation. He was immediately suspended by the BIA on October 22, 2004, pending final disposition of his case.
- ! **Antonio Cortez:** He was suspended from the practice of law for 1 year by the Evidentiary Panel for the State Bar District 17A, the State Bar of Texas, for misappropriation of funds. He was immediately suspended by the BIA on November 4, 2004, pending final disposition of his case.
- ! **Javier Lopera:** He was disbarred from the practice of law by the Supreme Court of Florida based on a criminal conviction for conspiracy to commit offenses against the United States, making false statements, and harboring aliens. He was immediately suspended by the BIA on November 4, 2004, pending final disposition of his case.
- ! **Sheri Paige:** She was suspended from the practice of law for 1 year by the Superior Court, Judicial District of Stamford/Norwalk, Connecticut, for allegations of misconduct involving dishonesty, fraud, deceit, and misrepresentation. She was immediately suspended by the BIA on November 4, 2004, pending final disposition of her case.
- ! **Alfred G. Santos:** He was suspended from the practice of law for 1 year by the District Court of Harris County, Texas, 29th Judicial District, for professional misconduct. He was immediately suspended by the BIA on November 4, 2004, pending final disposition of his case.

Final Orders of Discipline

The BIA issued Final Orders of Discipline against the following attorneys:

- ! **Gayle S. Ghitelman:** She was suspended from the practice of law for 1 year and 1 day by the Supreme Judicial Court for Suffolk County, Commonwealth of Massachusetts, for engaging in conduct involving dishonesty, fraud, deceit, and misrepresentation. She was immediately suspended by the BIA on March 9, 2004, pending final disposition of her case. The final order of October 15, 2004, suspends her from practice before the immigration tribunals for 1 year and 1 day, effective March 9, 2004.
- ! **Mark L. Weber:** He was disbarred from the practice of law by the Supreme Court of California for engaging in acts of moral turpitude, dishonesty, or corruption. He was immediately suspended by the BIA on July 9, 2004, pending final disposition of his case. The final order of October 15, 2004, suspends him from practice before the immigration tribunals for 5 years, effective July 9, 2004.
- ! **Hoang N. Tran:** He was disbarred from the practice of law by a default judgment of disbarment entered against him in Texas for neglect and misappropriation of funds. He was immediately suspended by the BIA on October 22, 2004, pending final disposition of his case. The final order of November 4, 2004, suspends him from practice before the immigration tribunals for 5 years, effective October 22, 2004.

(more)

Background

Attorney Discipline

Page 3

The Rules of Professional Conduct include provisions specifying grounds for disciplinary action, requirements for receiving and investigating complaints, and procedures for conducting hearings. The Rules also authorize the BIA to immediately suspend a practitioner who has been subject to disbarment, suspension, or resignation with an admission of misconduct as imposed by a state or Federal court, or who has been convicted of a serious crime, pending a summary proceeding and final sanction. They are available on the EOIR Web site at http://www.usdoj.gov/eoir/vll/fedreg/2000_2001/fr27jn00R.pdf.

EOIR announces these disciplinary actions to inform the public about practitioners who are not authorized to represent any matter before an immigration tribunal. EOIR also posts a “List of Suspended and Expelled Practitioners” on its Web site at <http://www.usdoj.gov/eoir> (near the bottom of EOIR’s home page).

Additional information about the Attorney Discipline Program can be found at <http://www.usdoj.gov/eoir/press/00/profcond.htm> and <http://www.usdoj.gov/eoir/press/00/profcondfaks.htm> on the EOIR Web site.

EOIR is a component of the Department of Justice which, on behalf of the Attorney General, adjudicates cases involving charges of immigration violations. EOIR has more than 200 Immigration Judges located in 53 Immigration Courts nationwide to conduct proceedings and decide cases, the BIA to hear appeals of Immigration Judge decisions, and the Office of the Chief Administrative Hearing Officer to handle employment-related immigration matters.

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