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## NEWS RELEASE

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January 24, 2005

### **EOIR Announces Latest Disciplinary Actions Under Rules of Professional Conduct**

#### ***Four Attorneys Immediately Suspended; Four Receive Final Orders***

FALLS CHURCH, VA – The Executive Office for Immigration Review (EOIR) has taken disciplinary action against eight 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in writing, any clients with cases currently pending before the BIA, the Immigration Courts, or the DHS that they may no longer represent clients before these tribunals. Disciplined attorneys must petition and be reinstated by the BIA before they can resume the practice of law before the BIA, the Immigration Courts, and the DHS.

#### **Immediate Suspension**

The BIA ordered the immediate suspension of the following attorneys:

- **Jeanette Elizabeth Smith:** She was suspended from the practice of law for 1 year by the Supreme Court of Florida. She was immediately suspended by the BIA on December 20, 2004, pending final disposition of her case.

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## Attorney Discipline

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- **Alfred L. Hansen:** He was suspended from the practice of law for 2 years by the Supreme Court of Louisiana for violating numerous rules of professional conduct relating to an immigration matter. He was immediately suspended by the BIA on January 10, 2005, pending final disposition of his case.
- **Eric Tarankow:** He was suspended from the practice of law for 2 years by the Supreme Court of California for violating numerous provisions of the California Rules of Professional Conduct and the California Business and Professions Code. He was immediately suspended by the BIA on January 10, 2005, pending final disposition of his case.
- **Paul Alan Schelly:** He was suspended from the practice of law for 60 days by the Supreme Court of California. He was immediately suspended by the BIA on January 11, 2005, pending final disposition of his case.

### Final Orders of Discipline

The BIA issued Final Orders of Discipline against 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. The final order of November 30, 2004 – which suspended him from practice before the immigration tribunals for 30 days – was amended to be consistent with the suspension period ordered by the Supreme Court of Illinois. The amended final order of December 20, 2004, suspends him from practice before the immigration tribunals for 30 months, effective October 6, 2004.
- **Alfred G. Santos:** He was suspended from the practice of law for 1 year by the District Court of Harris County, Texas, 29<sup>th</sup> Judicial District, for professional misconduct. He was immediately suspended by the BIA on November 4, 2004, pending final disposition of his case. The final order of December 7, 2004 – which suspended him from practice before the immigration tribunals for 1 year – was amended to account for his continuing representation that he was a licensed attorney after his suspension became effective. The amended final order of January 11, 2005, suspends him from practice before the immigration tribunals for 14 months, effective November 4, 2004.
- **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. The final order of January 13, 2005, suspends him from practice before the immigration tribunals for 6 months, effective October 6, 2004.
- **Joseph A. Morris:** He engaged in conduct amounting to ineffective assistance of counsel with respect to an immigration case. The final order of January 13, 2005, imposes a public censure for these actions. He is an attorney licensed in Illinois.

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**Background**

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](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 responsible for adjudicating immigration cases. Specifically, under delegated authority from the Attorney General, EOIR interprets and administers Federal immigration laws by conducting Immigration Court proceedings, appellate reviews, and administrative hearings. EOIR consists of three components: the Office of the Chief Immigration Judge, which is responsible for managing the numerous Immigration Courts located throughout the United States where Immigration Judges adjudicate individual cases; the Board of Immigration Appeals, which primarily conducts appellate reviews of Immigration Judge decisions; and the Office of the Chief Administrative Hearing Officer, which adjudicates immigration-related employment cases. EOIR is committed to providing fair, expeditious, and uniform application of the Nation's immigration laws in all cases.

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