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## NEWS RELEASE

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

#### ***Three Attorneys Immediately Suspended; Two Receive Final Orders***

FALLS CHURCH, Va. – The Executive Office for Immigration Review (EOIR) has taken disciplinary action against five 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in writing, any clients with cases currently pending before the BIA, the immigration courts, or the DHS that they may no longer represent clients before these tribunals.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:

- **Marsden S. Coates:** He was disbarred from the practice of law by the Court of Appeals of Maryland for neglect and failure to communicate with a client in an immigration case. He was immediately suspended by the BIA on Jan. 24, 2005, pending final disposition of his case.

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- **Cheryl Ann Handy:** She was suspended from the practice of law for 1 year by the Supreme Court of Illinois for multiple violations, including neglect, conversion of client funds, failure to communicate with clients, and misrepresentation in immigration cases. She was immediately suspended by the BIA on Jan. 24, 2005, pending final disposition of her case.
- **Brandon Marinoff:** He was suspended from the practice of law for 1 year by the Supreme Court of Colorado for professional misconduct, including neglect and incompetence. He was immediately suspended by the BIA on Jan. 31, 2005, pending final disposition of his case.

### **Final Orders of Discipline**

An Adjudicating Official issued a Final Order of Discipline against the following attorney:

- **Michael C. Hyde:** He was suspended from the practice of law for 30 days by the State of Michigan Attorney Discipline Board for failing to complete the services for which he was retained, failing to keep his clients informed about the status of their immigration cases, failing to tell his clients that he was moving to Florida, failing to return unearned fees, and abandoning his clients. He was immediately suspended by the BIA on Sept. 9, 2004, pending final disposition of his case. The final order of Jan. 25, 2005, issued by Immigration Judge Kenneth S. Hurewitz, suspends him from practice before the immigration tribunals for 30 days, effective Sept. 9, 2004.

The BIA issued a Final Order of Discipline against the following attorney:

- **Jeanette Elizabeth Smith:** She was suspended from the practice of law for 1 year by the Supreme Court of Florida for negligently handling two immigration cases, engaging in improper trust accounting practices, and demonstrating a lack of financial responsibility. She was immediately suspended by the BIA on Dec. 20, 2004, pending final disposition of her case. The final order of Jan. 27, 2005, suspends her from practice before the immigration tribunals for 1 year, effective Dec. 20, 2004.

### **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 suspend immediately 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 website at [http://www.usdoj.gov/eoir/vll/fedreg/2000\\_2001/fr27jn00R.pdf](http://www.usdoj.gov/eoir/vll/fedreg/2000_2001/fr27jn00R.pdf).

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## Attorney Discipline

### Page 3

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 website 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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