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## NEWS RELEASE

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

*Four Attorneys Immediately Suspended; Three Receive Final Orders; One Is Reinstated*

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in writing, any clients with cases currently pending before the BIA, the immigration courts, or the DHS that they may no longer represent clients before these tribunals.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

- **Marcia Jean Brinkley:** She was suspended from the practice of law by the State Bar of Texas for 5 years for neglecting her clients and abandoning their cases. She was immediately suspended by the BIA on Feb. 17, 2005, pending final disposition of her case.

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- **Kemakolan Comas:** He was immediately suspended by the New York Supreme Court, Appellate Division, First Judicial Department, for his failure to cooperate with the State Bar in its investigation into allegations of professional misconduct. He was immediately suspended by the BIA on Mar. 1, 2005, pending final disposition of his case.
- **Barbara W. M. Tomaszewski:** She was disbarred from the practice of law in the state of Washington. She was immediately suspended by the BIA on Mar. 1, 2005, pending final disposition of her case.
- **Edward P. Gallagher:** He was disbarred from the practice of law by the Court of Appeals of Maryland for professional misconduct. He was immediately suspended by the BIA on Mar. 3, 2005, pending final disposition of his case.

### Final Orders of Discipline

The BIA issued Final Orders of Discipline against 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. The final order of Feb. 22, 2005, expels him from practice before the immigration tribunals, effective Jan. 24, 2005.
- **Rafael A. Velasquez:** He resigned from the State Bar of California with charges pending based on his criminal conviction in Florida for making false statements. Before the BIA could act on DHS's request for immediate suspension, on Feb. 16, 2005, he filed a "Resignation With Disciplinary Charges Pending" — relinquishing all his rights to practice before the immigration tribunals. The final order of Mar. 1, 2005, expels him from practice before the immigration tribunals.
- **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. The final order of Mar. 8, 2005, suspends him from practice before the immigration tribunals for 12 months, effective Jan. 31, 2005.

### Reinstatement

The BIA reinstated the following attorney to practice before the immigration tribunals after she had completed her period of suspension:

- **Julia A. Soininen:** She was reinstated on Mar. 8, 2005, after she had completed her 1-year suspension imposed on Nov. 20, 2001.

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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 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).

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 website.

*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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