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## NEWS RELEASE

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December 16, 2005

### **EOIR Announces Latest Disciplinary Actions Under Rules of Professional Conduct** *Ten 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 13 attorneys and reinstated one attorney after charging them with violations of the Rules of Professional Conduct for immigration practitioners. These 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attorneys are directed to notify promptly, in writing, their clients with pending immigration cases that they may no longer represent them before the BIA, the immigration courts, or the DHS. 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:

- **Rex B. Wingerter:** He pleaded guilty in the United States District Court for the Eastern District of Virginia, Alexandria Division, to misprision of a felony related to his immigration law practice. He was immediately suspended by the BIA on Nov. 14, 2005, based on his conviction in Virginia, pending final disposition of his case.

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- **Alexander Goldman:** He was suspended from the practice of law for 3 years by the

Supreme Court of Illinois for neglect, misrepresentation, and a felony conviction. He was immediately suspended by the BIA on Nov. 22, 2005, based on his 3-year suspension in Illinois, pending final disposition of his case.

- **Gregory S. Wilson:** He was suspended from the practice of law for 9 months by the Supreme Court of Washington State for numerous violations of the state rules of professional conduct, including lack of diligence, lack of competence, and engaging in the unauthorized practice of law. He was immediately suspended by the BIA on Nov. 22, 2005, based on his 9-month suspension in Washington, pending final disposition of his case.
- **Mario Antonio Bautista:** He was issued an interim suspension from the practice of law by the Review Department of the California State Bar Court based on his felony criminal conviction. He was immediately suspended by the BIA on Dec. 2, 2005, based on his felony criminal conviction and interim suspension in California, pending final disposition of his case.
- **Ronald Fanta:** He was disbarred from the practice of law by the New York Supreme Court, Appellate Division, First Judicial Department, in 1998 based on a criminal conviction for making false statements to the former Immigration and Naturalization Service. When this disbarment was brought to the attention of the BIA by DHS, he was immediately suspended by the BIA on Dec. 2, 2005, based on his disbarment in New York, pending final disposition of his case.
- **Claude Henry Kleefeld:** He was suspended from the practice of law for 3 months by the New York Supreme Court, Appellate Division, First Judicial Department, for neglect and failing to refund unearned fees, among other things. He was immediately suspended by the BIA on Dec. 2, 2005, based on his 3-month suspension in New York, pending final disposition of his case.
- **Wayne M. Mitchell:** He was disbarred from the practice of law by the Maryland Court of Appeals for numerous violations of the state's rules of professional conduct, including lack of competence and diligence, and assisting in the unauthorized practice of law. He was immediately suspended by the BIA on Dec. 2, 2005, based on his disbarment in Maryland, pending final disposition of his case.
- **Gaetanella Molinini-Rivera:** She was suspended from the practice of law for 5 years by the New York Supreme Court, Appellate Division, First Judicial Department, for neglect, misappropriation of funds, and engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation. She was immediately suspended by the BIA on Dec. 2, 2005, based on her 5-year suspension in New York, pending final disposition of her case.

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- **Michael Imevbore Ojo:** He was suspended from the practice of law for 12 months by the Evidentiary Panel of the District 4C05 Grievance Committee, State Bar of Texas, for numerous violations of the state's rules of professional conduct, including neglect, failure

to communicate, and failure to cooperate with the state bar investigation. He was immediately suspended by the BIA on Dec. 2, 2005, based on his 12-month suspension in Texas, pending final disposition of his case.

- **Rico C. Reyes:** He was suspended indefinitely from the practice of law by the Supreme Court of Texas for non-payment of dues and occupational taxes. He was immediately suspended by the BIA on Dec. 2, 2005, based on his indefinite suspension in Texas, pending final disposition of his case.

### **Final Orders of Discipline**

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

- **Joel H. Cavadel:** A final order of Nov. 14, 2005, suspends him from practice before immigration tribunals for 9 months, effective Nov. 14, 2005, for making false statements about his qualifications.
- **David J. Rodkin:** A final order of Nov. 22, 2005, suspends him from practice before immigration tribunals for 6 months, effective Nov. 8, 2005, based on his 6-month suspension in New York for, among other things, aiding the unauthorized practice of law.
- **Eric Levine:** A final order of Dec. 2, 2005, suspends him from practice before immigration tribunals for 4 years, effective Oct. 25, 2005, based on his 4-year suspension in Massachusetts for violating numerous rules of professional conduct and engaging in the practice of law subsequent to his suspension.

### **Reinstatement**

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

- **Gayle S. Ghitelman:** She was reinstated on Dec. 2, 2005, after she had completed her 1-year and a day suspension, effective March 9, 2004, imposed on Nov. 4, 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  
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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 federal or state 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).

## Attorney Discipline

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EOIR announces these disciplinary actions to inform the public about practitioners who are not authorized to represent clients in any matter before an immigration tribunal. EOIR also posts a “List of Disciplined Practitioners” on its website at <http://www.usdoj.gov/eoir/profcond/chart.htm>. In an effort to provide more detailed information about individual attorney discipline cases, every new immediate suspension or final order issued beginning June 27, 2005, can be accessed through this list by clicking on the highlighted “date” link. Links to older orders, issued since July 2000, will be included gradually.

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.*

*Information about EOIR immigration proceedings is available on EOIR's website at <http://www.usdoj.gov/eoir/press/subject.htm>.*

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