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## NEWS RELEASE

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

*Two Attorneys Immediately Suspended; Three Receive Final Orders; Three Are Reinstated*

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 of Professional Conduct 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 U.S. Citizenship and Immigration Services, 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attorneys are directed to notify promptly, in writing, their clients with pending immigration cases that they may no longer represent them before the BIA, the immigration courts, or the DHS.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:

- **Juan Antonio Molina:** He was suspended indefinitely from the practice of law by the State Bar Court in Los Angeles. He was immediately suspended by the BIA on April 11, 2006, based on his indefinite suspension in California, pending final disposition of his case.

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- **Kenneth L. Rothery:** He was suspended from the practice of law by the Supreme Court of Texas. He was immediately suspended by the BIA on April 11, 2006, based on his suspension in Texas, pending final disposition of his case.

### **Final Orders of Discipline**

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

- **Stephen J. Alexander:** A final order of April 20, 2006, expels him from practice before immigration tribunals, effective Sept. 16, 2005, based on his conviction in California for subscribing to a false tax return and his suspension from the practice of law in California.
- **Richard F. Garza:** A final order of April 11, 2006, suspends him from practice before immigration tribunals for 5 years, effective March 7, 2006, based on his suspension from the practice of law in Texas for misappropriation of funds.
- **Randhir S. Kang:** A final order of April 11, 2006, suspends him indefinitely from practice before immigration tribunals, effective Jan. 27, 2006, based on his disbarment by the U.S. Court of Appeals for the Ninth Circuit for his “grossly inadequate” representation of clients.

### **Reinstatement**

The BIA reinstated the following attorneys to practice before the immigration tribunals:

- **Charles H. Bowser:** He was reinstated on April 20, 2006, following a felony conviction for executing a document containing false statements, and after being reinstated to the practice of law in the District of Columbia.
- **John J. Hykel:** He was reinstated on April 6, 2006, following a 2-year suspension, effective March 8, 2001, and after being reinstated to the practice of law in Pennsylvania.
- **David J. Rodkin:** He was reinstated on April 14, 2006, following a 6-month suspension for neglect, conflict of interest, and aiding the unauthorized practice of law, and after being reinstated to the practice of law in New York.

### **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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## Attorney Discipline

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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 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).

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.

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*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 <http://www.usdoj.gov/eoir/press/subject.htm>.*