

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IN PRACTITIONER DISCIPLINARY PROCEEDINGS  
BEFORE THE IMMIGRATION COURT

\_\_\_\_\_  
In the Matter of )  
)  
)

WILLIAM R. GARDNER )

Respondent. )  
\_\_\_\_\_)

Disciplinary Case # D2000-145

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DEPARTMENT OF JUSTICE  
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EXECUTIVE OFFICE FOR  
IMMIGRATION REVIEW

CONSENT ORDER

Respondent, pro se, and the Office of the General Counsel (OGC), Executive Office for Immigration Review (EOIR), by the undersigned Associate General Counsel, hereby submit this consent order pursuant to 8 C.F.R. § 3.106(a)(1)(ii), and seek the Court's approval thereunder.

Basis of Consent Order

1. Respondent hereby declares that the foregoing is freely and voluntarily rendered, that he is not being subjected to coercion or duress, and that he is fully aware of the implications of this consent order.

2. Respondent acknowledges that OGC has met its burden of proof, by clear, convincing, and unequivocal evidence, to the allegations set forth in the Notice of Intent to Discipline, as amended by its supplement to the Notice of Intent to Discipline, to wit: that on September 12, 2000, he was suspended for six (6) months by the United States Court of Appeals for the Ninth Circuit; and that effective January 26, 2001, he was suspended by the Supreme

Exhibit #

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(date)

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Court of California for forty-five (45) days, with two (2) years of probation.

3. Respondent further acknowledges that if this matter were to proceed to a hearing, there would be a substantial likelihood that OGC would prevail on the merits, and that he would be unable to rebut the presumption of under 8 C.F.R. § 3.103(b)(2)(i) - (iii) that reciprocal (i.e., identical) discipline should be imposed.

4. Respondent affirms that he has not engaged in the practice of law in any form, including the practice of immigration law, since at least October 19, 2000, the effective date of his suspension before the Ninth Circuit.

5. To date, Respondent has not been reinstated to practice law in California.

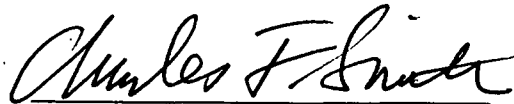
6. Therefore, Respondent consents to a six (6) month suspension before the Immigration Courts, Board of Immigration Appeals, and Immigration and Naturalization Service, effective nunc pro tunc to October 19, 2000. By this consent, Respondent acknowledges that he will not be eligible for reinstatement pursuant to 8 C.F.R. § 3.107(a), unless and until he is readmitted to practice law in California.

By consent, it is ORDERED AND ADJUDGED that Respondent shall be suspended from practice before the Board of Immigration Appeals ("Board"), Immigration Courts, and Immigration and Naturalization Service, for six (6) months, nunc pro tunc to October 19, 2000, and until such further order of the Board on application for reinstatement pursuant to 8 C.F.R. § 3.107(a).

Dated: June 6, 2001



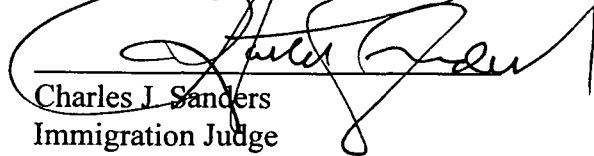
William R. Gardner  
Respondent



Charles F. Smith  
Associate General Counsel  
Executive Office for  
Immigration Review

Date: JUL 25 2001

By the Immigration Court:



Charles J. Sanders  
Immigration Judge