

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
Immigration Court
Arlington, Virginia

File No. D2007-176

In the Matter of)
)

JAMES HARVEY TIPLER)

Respondent)
)

IN DISCIPLINARY PROCEEDINGS

ON BEHALF OF RESPONDENT:
Fitzgerald Lewis, Esq.
Law Offices of Lewis and Associates, PC
6066 Leesburg Pike, Fourth Floor
Falls Church, VA 22041

ON BEHALF OF DHS:
Rachel A. McCarthy
Bar Counsel
U.S. Citizenship and Immigration Services
Department of Homeland Security
70 Kimball Avenue, Room 103
S. Burlington, VT 05403

ON BEHALF OF GENERAL COUNSEL:
Jennifer J. Barnes
Bar Counsel
Office of the General Counsel
5107 Leesburg Pike, Suite 2600
Falls Church, VA 22041

FINAL ORDER OF DISCIPLINE

These disciplinary proceedings were commenced against James Harvey Tipler by U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security filing a Notice of Intent to Discipline (NID) (Exhibit 1), as later amended (Exhibit 2). The Executive Office for Immigration Review, by its Bar Counsel, joined these disciplinary proceedings.

Respondent filed an answer and request for a hearing. Several pre-hearing conferences were conducted via telephonic conference calls were conducted, specifically in order to permit the parties to explore a consent agreement in order to resolve this proceeding.

The Court acknowledges receipt of the Stipulations and Consent to Entry of Final Order of Discipline ("Consent") executed by Bar Counsel for USCIS, DHS and Respondent and

his counsel. The terms of the Stipulation are incorporated as if fully set forth below and the Court accepts and approves of the terms of the Consent to Entry of Final Order of Discipline and issues the following Final Order of Discipline in this matter:

1. The Court finds that Respondent, an attorney admitted to the practice of law in Florida, Alabama and California, is subject to orders of suspension in all three states in which he has been previously admitted to the practice of law, contrary to 8 C.F.R. §1003.102(e)(1);
2. The Court finds that between January 7, 2005 and August 17, 2007, Respondent submitted "Notice of Entry of Appearance as Attorney or Representative" forms (Forms G-28) to USCIS on which he failed to disclose that he had been suspended from the practice of law in Alabama and Florida. On those Forms G-28, Respondent truthfully disclosed that he was admitted and in good standing in the State of California;
3. Respondent is indefinitely suspended from the practice of law before USCIS, DHS and the EOIR, including the Board of Immigration Appeals and the Immigration Courts, effective September 14, 2007;
4. The Respondent is directed to promptly notify, in writing, any clients with cases currently pending before the BIA, the Immigration Courts, or the DHS that the Respondent has been suspended from practicing before these bodies. The Respondent shall maintain records to evidence compliance with this Order;
5. The Court directs that the contents of this notice be made available to the public, including at Immigration Courts and appropriate offices of the DHS;
6. The Respondent may petition for reinstatement to practice before the BIA, the Immigration Courts, and the DHS under 8 C.F.R. §1003.107(b); and
7. Respondent is advised that the Rules of Professional Conduct for Practitioners state that in order to be reinstated, a practitioner must demonstrate that he meets the definition of an attorney as set forth in 8 C.F.R. §§1.1(f) and 1001.1(f).

SO ORDERED.

MAY 14, 2008
Date

Garry Malphrus
Garry Malphrus
Immigration Judge