

Falls Church, Virginia 22041

File: D2007-063

Date:

SEP 26 2007

In re: PHILIP DENNIS ABRAMOWITZ, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF DHS: Rachel A. McCarthy, Bar Counsel

ON BEHALF OF GENERAL COUNSEL: Jennifer J. Barnes, Bar Counsel

ON BEHALF OF RESPONDENT: Pro se

The respondent will be expelled from practice before the Board, the Immigration Courts, and the Department of Homeland Security (the "DHS").

On April 9, 2007, the DHS initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the DHS. See 8 C.F.R. §§ 1003.103(a), 1292.3(c). On April 17, 2007, the Office of General Counsel for the Executive Office for Immigration Review (EOIR) asked that the respondent be similarly suspended from practice before EOIR, including the Board and Immigration Courts.

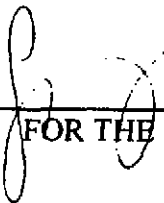
The Board denied the petition for immediate suspension on May 22, 2007, and the case was forwarded to the Office of the Chief Immigration Judge for a hearing. In its May 22, 2007, decision, the Board noted the DHS' allegation that on August 14, 2006, in the United States District Court for the Central District of California, the respondent pled guilty and was convicted of "serious crimes" within the meaning of 8 C.F.R. § 1003.102(h), relating to his immigration law practice. The DHS alleged that the respondent was convicted of one count of conspiracy to commit visa fraud, in violation of 18 U.S.C. § 371, and two counts of making false statements, in violation of 18 U.S.C. §§ 1546(a), 2(b). The Board found that the respondent's offer to plead guilty had yet to be accepted by the district court judge. The Board also considered the DHS' statement that the respondent was subject to an order of "interim suspension after conviction", after an April 20, 2007, ruling of the Review Department of the State Bar Court, In Bank, in California. However, the Board found that a search regarding the respondent in the records of the California State Bar indicated that the respondent was an active member of the Bar and had no public record of discipline.

After the case was assigned to an Immigration Judge, the DHS sought to have the case remanded back to the Board for consideration of an amended petition for immediate suspension. In the amended petition, the DHS presented evidence that on June 22, 2007, the Review Department of the State Bar Court, In Bank, in California, denied the respondent's petition to vacate an order of interim suspension, and the respondent was suspended from the practice of law, as he was convicted of felonies involving moral turpitude, effective July 25, 2007. On July 30, 2007, the Immigration Judge remanded the case to the Board as requested.

The respondent now requests that he be allowed to "voluntarily withdraw from practice before the EOIR and all branches of the Department of Homeland Security". He contends that he has contributed to the country's immigration laws, has taught, and has assisted immigrants.

The respondent thus does not intend to dispute the government's contention that he should not be permitted to practice before it. There is therefore no reason to remand the case back to the Immigration Judge for further consideration of this case. At the same time, there is also no reason to allow the respondent to "voluntarily withdraw from practice." In the face of the respondent's contention that he has "served honorably" as an immigration attorney for 28 years is the June 22, 2007, finding of the Review Department of the State Bar Court, In Bank, in California, that the respondent has been convicted of conspiracy to commit visa fraud, and two counts of making false statements. *See* 8 C.F.R. § 1003.102(h). Rather, the Board finds that the respondent should be expelled from practice. Accordingly, the Board hereby expels the respondent from practice before the Board, the Immigration Courts, and the DHS.

The respondent is directed to promptly notify, in writing, any clients with cases currently pending before the Board, the Immigration Courts, or the DHS that the respondent has been expelled from practicing before these bodies. The respondent shall maintain records to evidence compliance with this order. The respondent is also instructed to notify the Board of any further disciplinary action against him. Moreover, the Board directs that the contents of this notice be made available to the public, including at Immigration Courts and appropriate offices of the DHS. The respondent may seek reinstatement under appropriate circumstances. 8 C.F.R. § 1003.107(b).



FOR THE BOARD