

Falls Church, Virginia 22041

File: D2004-006

Date: APR 23 2004

In re: WALTER T. JOHNSON, JR., ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF GENERAL COUNSEL: Jennifer J. Barnes, Esquire

ON BEHALF OF DHS: Eileen M. Connolly, Appellate Counsel

ORDER:

PER CURIAM. On February 13, 2004, the North Carolina State Bar suspended the respondent from the practice of law in that state for a period of 3 years, effective 30 days from service of the written order upon him, with the entire suspension period stayed for a period of 5 years upon proof of compliance with certain conditions. The North Carolina State Bar found that the respondent had neglected client matters, failed to communicate with clients, retained clearly excessive fees, failed to participate in good faith in the fee dispute resolution process, failed to file prompt responses to inquiries of a disciplinary authority, and handled a legal matter which he knew of should have know that he was not competent to handle.

Consequently, on February 24, 2004, the Office of General Counsel for the Executive Office for Immigration Review initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. On March 2, 2004, the Department of Homeland Security (the "DHS," formerly the Immigration and Naturalization Service) asked that the respondent be similarly suspended from practice before that agency. Therefore, on March 19, 2004, we suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding.

The respondent was required to file a timely answer to the allegations contained in the Notice of Intent to Discipline. *See* 8 C.F.R. § 3.105(c)(1). On April 5, 2004, the Board received a timely response from the respondent, in which he admitted all of the allegations. The respondent did not request a hearing on the matter, and such is thus deemed waived. 8 C.F.R. § 3.105(c)(3).

The Notice recommends that the respondent be suspended from practicing before the Board and the Immigration Courts, for the period imposed by the North Carolina State Bar. The DHS asks that we extend that discipline to practice before it as well. Since the recommendation is appropriate in light of the sanctions imposed by the North Carolina State Bar, we will honor that recommendation.

Accordingly, we hereby suspend the respondent from practice before the Board, the Immigration Courts, and the DHS for so long as his suspension from practice in North Carolina shall last. As the respondent is currently under our March 19, 2004, order of suspension, we will deem the respondent's suspension to have commenced on that date. The respondent is instructed to maintain compliance with the directives set forth in our prior order. The respondent is also instructed to notify the Board of any further disciplinary action against him.

After ½ the term of suspension, from the effective date of the respondent's suspension, the respondent may be reinstated to practice before the Board, the Immigration Courts, and the DHS, provided that the respondent meets the definition of an attorney or representative set forth in 8 C.F.R. § 1.1(f) and (j). 8 C.F.R. § 3.107(b). Therefore, should the respondent seek reinstatement, the respondent must notify the Board of his bar standing and his ability to practice law in North Carolina. We will consider the respondent for reinstatement once the respondent demonstrates by clear, unequivocal, and convincing evidence that he possesses the moral and professional qualifications required to appear before the Board, the Immigration Courts, the DHS, or all three, and that the respondent's reinstatement will not be detrimental to the administration of justice. 8 C.F.R. § 3.107(b)(1).

Finally, given the reciprocal nature of the discipline we impose, we advise the respondent that, should he be reinstated to practice in North Carolina prior to completion of his period of suspension, we may entertain a request for reinstatement before Board, the Immigration Courts, and the DHS if that request complies with the instructions set forth above.



FOR THE BOARD