

Falls Church, Virginia 22041

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D2007-022
D2007-098

Date: **JAN 31 2008**

In re: LAUREN MASON, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

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

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

ORDER:

PER CURIAM. The respondent will be suspended from practice before the Board, Immigration Courts, and Department of Homeland Security (the "DHS"), for 120 days, for repeatedly failing to appear for scheduled hearings in a timely manner without good cause, 8 C.F.R. § 1003.102(l), and based on a finding by the Board that he has engaged in conduct that constitutes ineffective assistance of counsel. 8 C.F.R. § 1003.102(k).

On August 17, 2007, the Office of General Counsel for the Executive Office for Immigration Review initiated these disciplinary proceedings against the respondent with an "Amended Notice of Intent to Discipline".¹ On August 20, 2007, the DHS asked that any punishment applied to the respondent also apply to practice before the DHS.

The respondent was required to file a timely answer to the allegations contained in the Notice of Intent to Discipline but has failed to do so. *See* 8 C.F.R. § 1003.105(c)(1). The respondent's failure to file a response within the time period prescribed in the Notice constitutes an admission of the allegations therein, and the respondent is now precluded from requesting a hearing on the matter. 8 C.F.R. § 1003.105(d)(1), (2).

In seeking the requested discipline, the Office of General Counsel presents evidence that, on numerous occasions, the respondent failed to appear for scheduled hearings at the Los Angeles, Phoenix, and Tucson Immigration Courts. *See* Notice, Attachments 1A-13C. The Notice of Intent to Discipline also states that the respondent was the subject of prior disciplinary action. That is, on October 31, 2006, the respondent was informally admonished pursuant to 8 C.F.R. § 1003.104(c), for repeatedly failing to appear for scheduled hearings in a timely manner without good cause, in violation of 8 C.F.R. § 1003.102(l). *See* Notice, Attachment 14.

¹The Office of General Counsel did not petition for the respondent's immediate suspension from practice pending final disposition of this proceeding, under 8 C.F.R. § 1003.103(a).

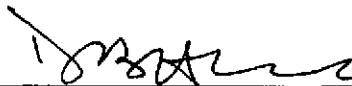
The informal admonition became a matter of public record, as the pending Notice of Intent to Discipline was served and based on unrelated misconduct. 8 C.F.R. § 1003.108(b).

The Board therefore finds that there are grounds for discipline of the respondent under 8 C.F.R. § 1003.102(l)(repeatedly failing to appear for scheduled hearings in a timely manner without good cause is grounds for discipline).

The disciplinary proceedings are also based on a July 17, 2007, Board order in the removal case of Cesar Ramirez Carichuri, A79 517 519; Jonathan Ramirez Balbuena, A79 517 520, and Rocio Ramirez, A79 535 672. *See* Notice, Attachment 16. The Board's order in that case reopened proceedings and reissued its previous decision. The decision considered the assertion that Mason entered an appearance on appeal without permission, as well as an earlier motion to reopen. The Board concluded that the Ramirez family had "met the requirements for making an ineffective assistance of counsel claim" as set forth in Board case law. The Board therefore finds that there are grounds for discipline of Mason under 8 C.F.R. § 1003.102(k)(based on a finding by the Board that he has engaged in conduct that constitutes ineffective assistance of counsel).

The Notice of Intent to Discipline recommends that the respondent be suspended from practicing before the Board and the Immigration Courts, for a period of 120 days. The DHS asks that we extend that discipline to practice before it as well. *See* 8 C.F.R. § 1003.101(a)(3). As the respondent failed to submit an answer, this recommended sanction should be adopted unless "to do so would foster a tendency toward inconsistent dispositions for comparable conduct, or would otherwise be unwarranted or not in the interest of justice." 8 C.F.R. § 1003.105(d)(2). Since the recommendation is appropriate in light of the respondent's repeatedly failing to appear for scheduled hearings in a timely manner without good cause, and based on a finding by the Board that he has engaged in conduct that constitutes ineffective assistance of counsel, and based on the fact that the respondent has previously been the subject of attorney discipline, the Board honors that recommendation. The respondent is suspended from practice before the Board, the Immigration Courts, and the DHS for a period of 120 days.

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 he has been suspended from practicing before these bodies. The respondent is also directed to file notices in all cases pending in the Immigration Courts that he is withdrawing from those cases. The respondent shall maintain records to evidence compliance with this order. 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