

Falls Church, Virginia 22041

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File: D2000-124

Date: DEC 7 2001

In re: PAUL IRA FREEDMAN, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

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

ON BEHALF OF SERVICE: Javier Balasquide, Appellate Counsel

ORDER:

PER CURIAM. The respondent was admitted to practice law in the Commonwealth of Massachusetts in 1983 and in the State of New York in 1985.

On or about March 9, 1995, the New York Supreme Court, Appellate Division, First Judicial Department entered an order accepting the respondent's resignation from the New York state bar, noting that forty complaints of professional misconduct had been lodged against the respondent in a period of less than three years.

Then, on or about September 27, 1999, the respondent pled guilty before the United States District Court, Southern District of New York of conspiring to file false asylum applications on behalf of several clients and was thereafter convicted by that court of a Class E felony. Based on this conviction, the Supreme Judicial Court for Suffolk County, Commonwealth of Massachusetts ordered the respondent's immediate temporary suspension from the practice of law in that state on December 27, 1999. The respondent states that he remains suspended from practice in Massachusetts, and has offered his resignation to the state bar.

Consequently, on August 29, 2001, 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 September 4, 2001, the Immigration and Naturalization Service asked that the respondent be similarly suspended from practice before that agency. Therefore, on September 18, 2001, we suspended the respondent from practicing before the Board, the Immigration Courts, and the Service 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 but has failed to do so. *See* 8 C.F.R. § 3.105(c)(1).<sup>1</sup> The respondent's failure to file a response within the time period prescribed in the Notice, as extended, constitutes an

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<sup>1</sup>On October 19, 2001, the respondent was granted an additional period of time to file an Answer to the Notice of Intent to Discipline, until November 9, 2001. However, he failed to file an Answer by that date.

admission of the allegations therein, and the respondent is now precluded from requesting a hearing on the matter. 8 C.F.R. § 3.105(d)(1), (2).

The Notice recommends that the respondent be expelled from practicing before the Board and the Immigration Courts. The Service asks that we extend that discipline to practice before it as well. Because the respondent has failed to file an answer, the regulations direct us to adopt the recommendation contained in the Notice, unless there are considerations that compel us to digress from that recommendation. 8 C.F.R. § 3.105(d)(2). Since the recommendation is appropriate in light of the respondent's underlying misconduct, we will honor that recommendation. Accordingly, we hereby expel from practice before the Board, the Immigration Courts, and the Service. 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. The respondent may seek reinstatement under appropriate circumstances. *See* 8 C.F.R. § 3.107(b).

  
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FOR THE BOARD