

File: D2002-118

Date: FEB 17 2005

In re: MARCIA JEAN BRINKLEY, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

PETITION FOR IMMEDIATE SUSPENSION

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

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

ORDER:

PER CURIAM. On September 1, 2004, the Commission for Lawyer Discipline of the State Bar of Texas held a hearing and the respondent failed to appear at her hearing. The Evidentiary Panel considered all the evidence submitted and found that the respondent in pending immigration matters failed to appear in court on behalf of her clients, without explanation and without making any provisions for her clients' continued representation, thus neglecting her clients and abandoning their cases. On September 7, 2004, the State Bar of Texas suspended the respondent from the practice of law in that state for a period of 5 years, with the suspension beginning on October 1, 2004, and ending on September 30, 2009.

Consequently, on January 27, 2005, 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 February 1, 2005, 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.

The petition is granted, and the respondent is hereby suspended, absent a showing of good cause, from the practice of law before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding. *See* 8 C.F.R. § 1003.103(a).

Accordingly, 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 suspended from practicing before these bodies. The respondent shall maintain records to evidence compliance with this order. Moreover, we direct that the contents of this notice be made available to the public, including at Immigration Courts and appropriate offices of the DHS.

  
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FOR THE BOARD