

Falls Church, Virginia 22041

File: D2004-106

Date: DEC 20 2004

In re: THOMAS CHRISTOPHER JONES, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE (AMENDED)¹

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

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

ORDER:

PER CURIAM. On May 19, 2004, the Supreme Court of Illinois suspended the respondent from the practice of law for 30 months, effective June 7, 2004. The respondent entered into a consent order admitting that he failed to act with reasonable diligence and promptness in immigration matters.

Consequently, on August 13, 2004, the Department of Homeland Security (the "DHS," formerly the Immigration and Naturalization Service), initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the DHS. On September 1, 2004, 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. Therefore, on October 6, 2004, we suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding.

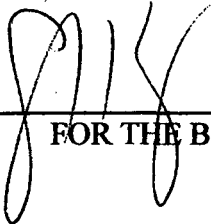
The respondent was required to file a timely answer to the allegations contained in the Notice of Intent to Discipline but has failed to do so. *See* 8 C.F.R. §§ 1003.105(c)(1); 1292.3(e)(3)(ii). The respondent's failure to file a response within the time period prescribed in the Notice constitutes an admission of the allegations therein, and the respondent is now precluded from requesting a hearing on the matter. 8 C.F.R. § 1292.3(e)(3)(ii).

The Notice recommends that the respondent be suspended from practicing before the DHS for a period of 30 months. The Office of General Counsel of EOIR asks that we extend that discipline to practice before the Board and immigration courts as well. Because the respondent failed to file a timely 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.

¹The Board issued an order on November 30, 2004, in which it stated that the respondent was suspended for 30 days. This sanction was in response to the DHS' request in the Notice of Intent to Discipline that the respondent be suspended for that period. The DHS has filed a motion seeking for the Board to amend the suspension period to be consistent with the suspension period ordered by the Supreme Court of Illinois, and states that its previous request was incorrect. The DHS' motion is granted, and the Board's final order is hereby amended.

8 C.F.R. §§ 1003.105(d)(2); 1292.3(e)(3)(ii). Since the recommendation is appropriate in light of the respondent's suspension in Illinois, we will honor it. Accordingly, we hereby suspend the respondent from practice before the Board, the Immigration Courts, and the DHS for a period of 30 months. As the respondent is currently under our October 6, 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 the suspension period expires, the respondent may petition this Board for reinstatement to practice before the Board, Immigration Courts, and DHS. *See* 8 C.F.R. § 1003.107(a). In order to be reinstated, the respondent must demonstrate that he meets the definition of an attorney or representative, as set forth in 8 C.F.R. §§ 1001.1(f) and (j). *Id.* Therefore, the respondent must show that he has been reinstated to practice law in Illinois before he may be reinstated by the Board. *See* 8 C.F.R. § 1001.1(f) (stating that term "attorney" does not include any individual under order suspending him from the practice of law).



FOR THE BOARD