

Falls Church, Virginia 22041

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File: D2006-209

Date: MAR 30 2007

In re: RICHARD G. LEHR, 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 June 30, 2006, the Michigan Attorney Discipline Board suspended the respondent from the practice of law for 180 days, effective July 22, 2006.

Consequently, on December 12, 2006, the Office of General Counsel for the Executive Office for Immigration Review petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. On December 14, 2006, 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 December 19, 2006, we suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding.


The respondent filed a timely answer to the allegations contained in the Notice of Intent to Discipline on March 5, 2007. *See* 8 C.F.R. § 1003.105(c)(1).

The respondent does not contest the allegations in the Notice of Intent to Discipline. Rather, the answer states that the respondent seeks to have his suspension "run concurrently with the State Order of Suspension." The respondent states that his suspension in Michigan commenced on July 22, 2006, and he will be reinstated in Michigan on April 4, 2007. Further, the respondent states, he has not practiced before the DHS, the Immigration Courts, or Board of Immigration Appeals, since the effective date of his suspension in Michigan. The respondent did not request a hearing on the matter, and he has therefore waived a hearing on the charges. 8 C.F.R. § 1003.105(c)(3). We therefore find it appropriate to issue a final order on the OGC's charges.

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 180 days. The DHS asks that we extend that discipline to practice before it as well. Since the recommendation is appropriate in light of the respondent's suspension from the practice of law in Michigan, we will honor the government's recommendation. Accordingly, we hereby suspend the respondent from practice before the Board, the Immigration Courts, and the DHS for a period of 180 days. Further, after consideration of the respondent's submissions in his answer, we will deem the respondent's suspension to have commenced on July 22, 2006, the date his suspension was effective in Michigan. 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. We direct that the contents of this notice be made available to the public, including at Immigration Courts and appropriate offices of the DHS.

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 Michigan 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).



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FOR THE BOARD