

Falls Church, Virginia 22041

File: D2008-256

Date:

≡ DEC 3 2008

In re: GUY D. RUTHERFORD, 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

The respondent will be suspended from practice before the Board, Immigration Courts, and Department of Homeland Security (the "DHS"), for 6 months.

On July 10, 2008, the Supreme Court of Ohio issued an order suspending the respondent from the practice of law for 6 months, effective immediately. Consequently, on October 14, 2008, 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. The DHS then asked that the respondent be similarly suspended from practice before that agency. Therefore, on October 21, 2008, the Board 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). 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).

The Notice recommends that the respondent be suspended from practicing before the Board and the Immigration Courts for 6 months. The DHS asks that the Board extend that discipline to practice before it as well. Because the respondent has failed to file an answer, the regulations direct the Board to adopt the recommendation contained in the Notice, unless there are considerations that compel us to digress from that recommendation. 8 C.F.R. § 1003.105(d)(2).

Since the recommendation is appropriate, given the respondent's suspension in Ohio, the Board will honor that recommendation. Accordingly, the Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS for a period of 6 months.

The Office of General Counsel recommends that the suspension period run concurrently with the suspension in Ohio, based on the respondent having notified the Cleveland Immigration Court of his suspension. The respondent's suspension will therefore be deemed to have commenced on July 10, 2008. 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. 8 C.F.R. § 1003.107(b).

ORDER: The respondent is suspended from practice before the Board, Immigration Courts, and DHS, for 6 months.

A handwritten signature in black ink, appearing to read "J. M. A.", is written above a horizontal line.

FOR THE BOARD