

Falls Church, Virginia 22041

File: D2000-031

Date: ~~0007-06-ADM~~
NOV 30 2000

In re: LIYASU M. KANDEKORE, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

PETITION FOR IMMEDIATE SUSPENSION

ON BEHALF OF GENERAL COUNSEL: Jennifer Barnes, Esquire

ON BEHALF OF SERVICE: Barry O'Melinn, Appellate Counsel

ORDER:

PER CURIAM. On April 28, 1995, the respondent was convicted of second degree assault, resisting arrest, and the lesser included offense of driving while ability impaired. On December 19, 1995, the Supreme Court of the State of New York, Appellate Division, First Judicial Department, disbarred the respondent from the practice of law in that state. On March 10, 2000, the Supreme Court of Florida suspended the respondent from the practice of law in that state.

Consequently, on August 18, 2000, the Office of General Counsel for the Executive Office for Immigration Review (OGC) 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 August 24, 2000, the Immigration and Naturalization Service moved to join that petition and asked that the respondent be similarly suspended from practice before that agency. On September 14, 2000, the respondent filed a response to the petition and the Notice of Intent to Discipline, wherein the respondent collaterally attacks his criminal convictions and the propriety of OGC's request for disciplinary action by the Board.

The respondent raises issues that go to the circumstances underlying his convictions and the nature of the disciplinary proceedings conducted by the state bars. We are not prepared, however, to go behind the record at this stage in the proceedings. Pursuant to the regulations, the OGC petitioned for the respondent's immediate suspension and provided a certified copy of the court record of his discipline by the state bars. 65 Fed. Reg. 39,513, 39,527 (June 27, 2000) (to be codified at 8 C.F.R. § 3.103(a)(2)). The regulations direct us, under these circumstances, to immediately suspend the practitioner, even if an appeal of the underlying conviction or discipline is pending. *Id.* We are not persuaded to digress from the express instructions of the regulations.

The petition is therefore granted, and the respondent is hereby suspended from the practice of law before the Board, the Immigration Courts, and the Service pending final disposition of this proceeding. *See id.* at 39,527 (to be codified at 8 C.F.R. § 3.103(a)). Absent a showing of good cause, this suspension shall remain in effect until the imposition of a final administrative decision in the underlying disciplinary proceedings. *Id.*

Accordingly, the respondent is directed to promptly notify, in writing, any clients with cases currently pending before the Board, the Immigration Courts, or the Service 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 Service.


FOR THE BOARD