

Falls Church, Virginia 22041

File: D2007-271

Date:

FEB 26 2008

In re: BARRY R. NAGER, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

MOTION

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

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

ORDER:

PER CURIAM. The respondent's unopposed motion for reinstatement to practice will be granted.

On August 30, 2007, the Supreme Court of Florida suspended the respondent from the practice of law for 90 days. Consequently, on September 24, 2007, 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 September 28, 2007, the Department of Homeland Security (the "DHS") asked that the respondent be similarly suspended from practice before that agency. Therefore, on October 16, 2007, the Board suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding. On November 15, 2007, the Board issued a final order suspending the respondent from practice for 90 days, and deemed the suspension to have commenced on October 16, 2007.

The respondent moves that the Board reinstate him to practice. The Office of General Counsel does not oppose the petition for reinstatement, observing that the respondent has presented evidence that he is currently eligible to practice law in Florida.

Given that the respondent's motion is unopposed, the Board finds that the respondent should be and hereby is reinstated to practice before the Board, the Immigration Courts, and the DHS, as of the date of this order. Because the respondent has been reinstated, public notices regarding the respondent's suspension should reflect this reinstatement. If the respondent wishes to represent a party before the DHS or Board, he must file a Notice of Appearance (Form G-28 or Form EOIR-27), including any case in which he was formerly counsel, prior to his suspension.



FOR THE BOARD