

Falls Church, Virginia 22041

File: D2003-228

Date: OCT 22 2004

In re: JAMES S. PHILLIPS, JR., ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

PETITION FOR IMMEDIATE SUSPENSION

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

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

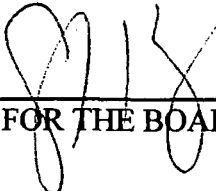
ORDER:

PER CURIAM. On August 31, 2004, the Supreme Court of Kansas disbarred the respondent from the practice of law. The respondent voluntarily surrendered his license while review was pending before the court on a final hearing report by the Kansas Board For Discipline Of Attorneys. The final hearing report considered allegations of misconduct, in that the respondent failed to competently represent clients in immigration matters, among other things.

Consequently, on September 22, 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 October 6, 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.

The petition is granted, and the respondent is hereby suspended, absent a showing of good cause, from the practice of law before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding. See 8 C.F.R. §§ 1003.103(a), 1292.3(c).

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



FOR THE BOARD