

Falls Church, Virginia 22041

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File: D2007-086

Date:

**AUG 02 2007**

In re: CARLO JEAN-JOSEPH, 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, who has been suspended from practice before the Board, Immigration Courts, and the Department of Homeland Security (the "DHS") pending final disposition of this proceeding, 8 C.F.R. § 1003.103(a), has sought reinstatement to practice. The motion is opposed by the Office of General Counsel for the Executive Office for Immigration Review, who initiated these proceedings. The motion will be denied, and the respondent suspended for 120 days.

On February 15, 2007, the respondent was suspended from the practice of law by the Supreme Court of Florida for 60 days. Consequently, on April 6, 2007, the Office of General Counsel petitioned for the respondent's immediate suspension from practice before the Board and the Immigration Courts. On April 12, 2007, the DHS asked that the respondent be similarly suspended from practice before that agency. Therefore, on April 27, 2007, the Board suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding.

The respondent moves that we reinstate him to practice before the Board, the Immigration Courts, and the DHS. *See* 8 C.F.R. § 1003.107. He presents evidence that he was automatically reinstated to the Florida Bar on May 18, 2007.

The Office of General Counsel opposes the reinstatement motion, and contends that the respondent appeared as counsel in at least 5 separate Immigration Court proceedings before the Miami Immigration Court, while he was suspended from practice before the Immigration Courts. The Office of General Counsel argues that the reinstatement motion should be denied and, instead, the respondent should be suspended for 120 days, twice the recommended discipline in the Notice of Intent to Discipline. The respondent does not contest the allegations in the Notice of Intent to Discipline.

Since the recommended discipline is appropriate in light of the respondent's suspension from the practice of law in Florida, and the respondent's practice before the Miami Immigration Court while under the Board's suspension order, the Board denies the reinstatement motion, and honors the government's recommendation. Accordingly, the respondent is suspended from practice before

the Board, the Immigration Courts, and the DHS for a period of 120 days. As the respondent is currently under the Board's April 27, 2007, order of suspension, we will deem the respondent's suspension to have commenced on that date. 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 again petition this Board for reinstatement to practice before the Board, Immigration Courts, and DHS.



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FOR THE BOARD