

Falls Church, Virginia 22041

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File: D2006-141

Date: October 23, 2006

In re: P. LEE CLAY, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF GENERAL COUNSEL: Jennifer J. Barnes, Esquire

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

ORDER:

PER CURIAM. On August 24, 2005, the West Virginia Supreme Court of Appeals suspended the respondent from the practice of law, for noncompliance with the rules concerning mandatory continuing legal education.

Consequently, on August 31, 2006, 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 1, 2006, the Department of Homeland Security (the "DHS," formerly the Immigration and Naturalization Service) asked that the respondent be similarly suspended from practice before that agency. Therefore, on September 13, 2006, we 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 indefinitely from practicing before the Board and the Immigration Courts. The DHS asks that we extend that discipline to practice before it as well. Because the respondent has failed to file an answer, the regulations direct us 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 for indefinite suspension is appropriate in light of the respondent's suspension from the practice of law in West Virginia, we will honor that recommendation. Accordingly, we hereby suspend indefinitely the respondent from practice before the Board, the Immigration Courts, and the DHS. As the respondent is currently under our September 13, 2006, order of suspension, we will deem the respondent's indefinite 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. The respondent may seek reinstatement under appropriate circumstances. See 8 C.F.R. § 1003.107(b).



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FOR THE BOARD