

Falls Church, Virginia 22041

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File: D2005-043

Date: May 2, 2005

In re: RICHARD P. ZIPSER, 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. The hearing panel of the Attorney Discipline Board of the State of Michigan found that the respondent failed to comply with court orders, failed to timely and diligently prosecute a client's matter, and failed to file an answer to a request for investigation. On February 11, 2005, the Attorney Discipline Board, State of Michigan, suspended the respondent from the practice of law in that state for a period of 180 days, effective February 4, 2005.<sup>1</sup>

Consequently, on March 3, 2005, the Office of General Counsel for the Executive Office for Immigration Review 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. Therefore, on March 16, 2005, 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 from practicing before the Board and the Immigration Courts, for a period of 180 days. 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 is appropriate in light of the sanctions imposed by the Attorney Discipline Board of the State of Michigan, we will honor that recommendation.

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<sup>1</sup> The Attorney Discipline Board gave the respondent credit for the 35 days he was suspended during the pendency of the case in Michigan.

Accordingly, we hereby suspend the respondent from practice before the Board, the Immigration Courts, and the DHS for a period of 180 days. As the respondent is currently under our March 16, 2005, 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.

Upon the completion of the respondent's period of suspension, the respondent may be reinstated to practice before the Board, the Immigration Courts, and the DHS, provided that the respondent meets the definition of an attorney or representative set forth in 8 C.F.R. § 1001.1(f) and (j). *See* 8 C.F.R. § 1003.107(a). Accordingly, the respondent is instructed to notify the Board of his bar standing and his ability to practice law in Michigan at the conclusion of his period of suspension.

Finally, given the reciprocal nature of the discipline we impose, we advise the respondent that, should he be reinstated to practice in Michigan prior to completion of his period of suspension, we may entertain a request for reinstatement before Board, the Immigration Courts, and the DHS if that request complies with the instructions set forth above.

  
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FOR THE BOARD