

Falls Church, Virginia 22041

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File: D2004-080

Date: JUL 20 2004

In re: TIMOTHY P. MASON, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

PETITION FOR IMMEDIATE SUSPENSION

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

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

ORDER:

PER CURIAM. On April 6, 2004, the California State Bar Court, Hearing Department, recommended that the respondent be disbarred and ordered the respondent placed on involuntary inactive enrollment. The State Bar Court judge determined that Mason committed professional "egregious" misconduct in several client matters involving immigration issues, and the misconduct caused "substantial harm." An affidavit of Richard A. Platel, Assistant Chief Trial Counsel of the California State Bar, explains that involuntary inactive enrollment in California is a regulatory determination which renders an attorney ineligible to practice law and has the same practical effect as a suspension.

Consequently, on May 13, 2004, 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 May 19, 2004, 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.

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).

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.

  
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FOR THE BOARD