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## NEWS RELEASE

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### **EOIR Announces Latest Disciplinary Actions Under Rules of Professional Conduct** *Two Attorneys Immediately Suspended; Six Receive Final Orders; Two Are Reinstated*

FALLS CHURCH, VA – The Executive Office for Immigration Review (EOIR) has taken disciplinary action against eight attorneys after charging them with violations of the Rules of Professional Conduct for immigration practitioners, and has reinstated two attorneys. The Rules appear in Title 8 of the Code of Federal Regulations (8 CFR Parts 1003 and 1292). In most cases, the disciplinary action is initiated as a result of sanctions imposed by other jurisdictions or a criminal conviction.

Although the disciplinary process may vary according to the specific circumstances of each case, generally it includes the following steps:

Disciplinary proceedings begin with a Notice of Intent to Discipline filed with the Board of Immigration Appeals (BIA) by the Office of the General Counsel of either EOIR or the Department of Homeland Security (DHS). The BIA requires the attorney to respond to the alleged violations. In some cases, a Petition for Immediate Suspension also is filed and the BIA orders the attorney to be suspended immediately from practice before the Immigration Courts, the BIA, and the DHS. (DHS joins EOIR in taking the disciplinary action.) Disciplined attorneys are directed to notify promptly, in writing, any clients with cases currently pending before the BIA, the Immigration Courts, or the DHS that they may no longer represent clients before these tribunals.

#### **Immediate Suspension**

The BIA ordered the immediate suspension of the following attorneys:

- **Mahmoud Alsafty:** He was disbarred from the practice of law by the Court of Appeals of Maryland for practicing law without a Maryland license, and then reciprocally disciplined by the New York Supreme Court, Appellate Division, Third Judicial Department. He was immediately suspended by the BIA on May 7, 2004, pending final disposition of his case.
- **Mark L. Weber:** He was disbarred from the practice of law by the Supreme Court of California for engaging in acts of moral turpitude, dishonesty, or corruption. He was immediately suspended by the BIA on July 9, 2004, pending final disposition of his case.

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#### Final Orders of Discipline

The BIA issued a Final Order of Discipline against the following attorneys:

- **Rufino J. Villarreal:** He was disbarred from the practice of law by the Supreme Court of Nebraska for numerous violations of the state Code of Professional Responsibility. He was immediately suspended by the BIA on April 10, 2003, pending final disposition of his case. The final order of April 14, 2004, suspends him from practice before the immigration tribunals for 5 years, effective April 10, 2003.
- **Walter T. Johnson, Jr.:** He was suspended from the practice of law for 3 years by the North Carolina State Bar for neglecting client matters, failing to communicate with clients, retaining clearly excessive fees, failing to participate in good faith in the fee dispute resolution process, failing to file prompt responses to inquiries of a disciplinary authority, and handling a legal matter which he knew or should have known that he was not competent to handle. He was immediately suspended by the BIA on March 19, 2004, pending final disposition of his case. The final order of April 23, 2004, suspends him from practice before the immigration tribunals for the duration of his suspension in North Carolina.
- **Mohamed Alamgir:** He pleaded guilty in the United States District Court for the District of Columbia to 164 counts of immigration fraud and money laundering, in violation of Federal law. He was immediately suspended by the BIA on June 9, 2004. The final order of July 9, 2004, expels him from practice before the immigration tribunals.
- **Earl S. David:** He was suspended from the practice of law for 15 months by the New York Supreme Court, Appellate Division, First Judicial Department. The final order of July 9, 2004, suspends him from practice before the immigration tribunals for 15 months.
- **Barbara W. Kamali:** She provided ineffective assistance of counsel by failing to submit a brief on appeal, as promised, with respect to a removal case. The final order of July 9, 2004, imposes a public censure for her misconduct.
- **Vicenta E. Montoya:** She provided ineffective assistance of counsel with respect to a removal case. The final order of July 9, 2004, imposes a public censure for her misconduct.

#### Reinstatement

The BIA reinstated the following attorneys to practice before the immigration tribunals after they had completed their period of suspension:

- **Michael P. Karr:** On October 23, 2003, the BIA suspended Mr. Karr from practice before the immigration tribunals for 9 months based on his stipulation that he had violated the California

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Rules of Professional Conduct by forming a partnership with a person who was not a lawyer and sharing fees with the same individual. The BIA reinstated Mr. Karr on July 2, 2004, after he was reinstated to practice law in California.

- **Imevbore Michael Ojo:** On January 8, 2004, the BIA suspended Mr. Ojo from practice before the immigration tribunals for 30 days. While administratively suspended from the practice of law in Texas, he filed numerous notices of appearance with EOIR, in which he misrepresented his status as a member in good standing of the Texas bar. The BIA reinstated Mr. Ojo on July 7, 2004, after he completed his suspension.

### Summary

The Rules of Professional Conduct include provisions specifying grounds for disciplinary action, requirements for receiving and investigating complaints, and procedures for conducting hearings. The Rules also authorize the BIA to immediately suspend a practitioner who has been subject to disbarment, suspension, or resignation with an admission of misconduct as imposed by a state or Federal court, or who has been convicted of a serious crime, pending a summary proceeding and final sanction. They are available on the EOIR Web site at [http://www.usdoj.gov/eoir/vll/fedreg/2000\\_2001/fr27jn00R.pdf](http://www.usdoj.gov/eoir/vll/fedreg/2000_2001/fr27jn00R.pdf).

EOIR announces these disciplinary actions to inform the public about practitioners who are not authorized to represent any matter before an immigration tribunal. EOIR also posts a “List of Suspended and Expelled Practitioners” on its Web site at <http://www.usdoj.gov/eoir> (near the bottom of EOIR’s home page).

Additional information about the Attorney Discipline Program can be found at <http://www.usdoj.gov/eoir/press/00/profcond.htm> and <http://www.usdoj.gov/eoir/press/00/profcondfaks.htm> on the EOIR Web site.

EOIR is a component of the Department of Justice which, on behalf of the Attorney General, adjudicates cases involving charges of immigration violations. EOIR has more than 200 Immigration Judges located in 53 Immigration Courts nationwide to conduct proceedings and decide cases, the BIA to hear appeals of Immigration Judge decisions, and the Office of the Chief Administrative Hearing Officer to handle employment-related immigration matters.

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