

Falls Church, Virginia 22041

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File: D2001-102

Date: OCT 29 2001

In re: H. DAVID SCHMERIN, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

PETITION FOR IMMEDIATE SUSPENSION

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

ON BEHALF OF SERVICE: Javier Balasquide, Appellate Counsel

AMENDED ORDER:<sup>1</sup>

PER CURIAM. On or about February 2, 2001, the respondent entered a guilty plea to one count of receiving stolen property, in violation of California Penal Code § 496(a), in the Superior Court of Los Angeles County, California. The crime is a "serious crime" within the meaning of 8 C.F.R. § 3.102(h). On April 2, 2001, the Review Department, State Bar Court of California, issued an order suspending the respondent on an interim basis from the practice of law.

Consequently, on September 21, 2001, 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. On September 28, 2001, the Immigration and Naturalization Service asked that the respondent be similarly suspended from practice before that agency.

The petition is granted, on the basis of the evidence of the theft conviction and of the order of suspension from the State Bar Court of California, 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 Service pending final disposition of this proceeding. *See* 8 C.F.R. § 3.103(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 Service 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 Service.

  
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FOR THE BOARD

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<sup>1</sup>This order supersedes our order of October 12, 2001.