

Falls Church, Virginia 22041

---

---

File: D2009-197

Date:

OCT 27 2009

In re: J. JACK ARTZ

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF EOIR: Jennifer J. Barnes, Disciplinary Counsel

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

The respondent will be suspended from practice before the Board, Immigration Courts, and Department of Homeland Security (the "DHS"), for 14 months.

On July 31, 2009, the United States Court of Appeals for the Ninth Circuit disbarred the respondent from the practice of law in that court "... [f]or his violations of the court's rules and orders and ethical rules", as set forth in the Ninth Circuit Appellate Commissioner's Report and Recommendation. Consequently, on August 21, 2009, the Disciplinary 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. The DHS then asked that the respondent be similarly suspended from practice before that agency. Therefore, on September 16, 2009, the Board 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 of Intent to Discipline proposed that the respondent be suspended from practicing before the Board and the Immigration Courts for 1 year. The DHS asked that the Board extend any discipline imposed to practice before it as well. Because the respondent has failed to file an answer, the regulations direct the Board to adopt the proposed sanction contained in the Notice, unless there are considerations that compel us to digress from that proposal. 8 C.F.R. § 1003.105(d)(2). On October 2, 2009, the EOIR Disciplinary Counsel filed a "Motion for Default Judgment." The EOIR Disciplinary Counsel argues that the respondent appeared as counsel in at least 2 separate Immigration Court proceedings before the Los Angeles Immigration Court, after he was suspended from practice before the Immigration Courts on September 16, 2009. The EOIR Disciplinary Counsel therefore proposes that the respondent's discipline be increased to suspension for 14 months, due to his violation of the Board's immediate suspension order. The respondent has not responded to the "Motion for Default Judgment."

Since the proposed sanction is appropriate, given the Ninth Circuit's order concerning the respondent, and his practice before the Los Angeles Immigration Court while under the Board's immediate suspension order, the Board will honor the proposed discipline. *See Matter of Jean-Joseph*, 24 I&N Dec. 294, 295 (BIA 2007)(discipline increased based on respondent's failure to comply with the Board's immediate suspension order). Accordingly, the Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS for a period of 14 months. As the respondent is currently under our September 16, 2009, order of suspension, we will deem the respondent's suspension to have commenced on that date.

ORDER: The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS, for 14 months.

FURTHER ORDER: 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.

FURTHER ORDER: The respondent may petition this Board for reinstatement to practice before the Board, Immigration Courts, and DHS under 8 C.F.R. § 1003.107(b).

FURTHER ORDER: As the Board earlier imposed an immediate suspension order in this case, today's order of the Board becomes effective immediately. *See* 73 Fed. Reg. 76914, 76925 (December 18, 2008)(to be codified at 8 C.F.R. § 1003.105(d)(2)).

  
\_\_\_\_\_  
FOR THE BOARD