

Falls Church, Virginia 22041

File: D2003-274

Date:

JUL 16 2009

In re: LESTER WALTER CZAPELSKI, ATTORNEY

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 expelled from practice before the Board, Immigration Courts, and Department of Homeland Security (the "DHS").

On August 26, 2003, the Supreme Court of New Jersey temporarily suspended the respondent from the practice of law, until further order of the court. Consequently, on January 28, 2004, the DHS initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the DHS. On February 3, 2004, the Disciplinary Counsel for the Executive Office for Immigration Review asked that the respondent be similarly suspended from practice before EOIR, including the Board and Immigration Courts. Therefore, on February 18, 2004, the Board suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding. On May 19, 2009, the EOIR Disciplinary Counsel filed a Notice of Intent to Discipline. Evidence was presented that the respondent was disbarred by the Supreme Court of New Jersey on November 2, 2006.

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 proposes that the respondent be expelled from practicing before the Board and the Immigration Courts. The DHS asks that the Board extend that discipline 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).

Since the proposed sanction is appropriate, in light of the respondent's disbarment in New Jersey, and because the respondent "was found to have committed misconduct during an immigration proceeding", Notice of Intent to Discipline, at 2, the Board will honor that proposal. As the respondent is currently under our February 18, 2004, order of suspension, we will deem the respondent's expulsion to have commenced on that date.

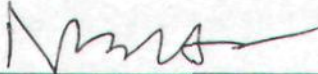
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ORDER: The Board hereby expels the respondent from practice before the Board, the Immigration Courts, and the DHS.

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