

Falls Church, Virginia 22041

File: D2007-240

Date:

~~==~~ **AUG 22 2008**

In re: RICHARD MICHAEL ELINSKI, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

REVISED FINAL ORDER OF DISCIPLINE

ON BEHALF OF DHS: Rachel A. McCarthy, Bar Counsel

ON BEHALF OF GENERAL COUNSEL: Jennifer J. Barnes, Bar Counsel

ORDER:

PER CURIAM. The parties' "Joint Motion To Reopen Proceedings and Motion for Revised Final Order of Discipline" will be granted.

The Department of Homeland Security (the "DHS") alleged that, on January 24, 2003, the respondent was suspended from the practice of law by the Supreme Court of California. Further, on May 19, 2004, the Supreme Court of California accepted the respondent's voluntary resignation. The DHS also alleged that the respondent failed to notify it that he had been suspended from practice in California within 30 days of the Court's order. The DHS also made allegations concerning "Notice of Entry of Appearance As Attorney Or Representative" forms (Forms G-28) submitted to the DHS.

On August 22, 2007, the DHS initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the DHS. On August 24, 2007, the Office of General Counsel for the Executive Office for Immigration Review (EOIR) asked that the respondent be similarly suspended from practice before EOIR, including the Board and Immigration Courts. Therefore, on September 14, 2007, the Board suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding. After the respondent failed to file a timely Answer to the allegations in the Notice of Intent to Discipline, we expelled the respondent from practice before the Board, the Immigration Courts, and the DHS, on October 10, 2007, and the Board denied the respondent's request to reconsider the final order of discipline on May 2, 2008.

The parties filed the "Joint Motion To Reopen Proceedings and Motion for Revised Final Order of Discipline" on August 18, 2008. The motion states that the parties have entered into a Consent Agreement, and move the Board to issue a revised final order of discipline. The DHS amends its request for disciplinary sanctions to recommend that the respondent be suspended indefinitely from practice before the DHS, and the respondent consents to the entry of the final order of discipline. The DHS withdraws its allegations concerning the Forms G-28.

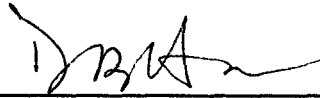
ORDER: The joint motion to reopen is granted.

FURTHER ORDER: The Board's decisions of October 10, 2007, and May 2, 2008, are vacated.

FURTHER ORDER: The respondent is suspended indefinitely from practice before the Board, the Immigration Courts, and the DHS. As the respondent is currently under the Board's September 14, 2007, order of suspension, the respondent's indefinite suspension will be deemed to have commenced on that date.

FURTHER ORDER: The respondent is instructed to maintain compliance with the directives set forth in the Board's September 14, 2007, order. The respondent is also instructed to notify the Board of any further disciplinary action against him. The respondent may seek reinstatement under appropriate circumstances. 8 C.F.R. § 1003.107(b).

FURTHER ORDER: Public notices regarding the respondent's suspension should reflect the Board's decision of this date, based on the parties' consent agreement.

A handwritten signature in black ink, appearing to be 'J. M. A.', written over a horizontal line.

FOR THE BOARD