

Falls Church, Virginia 22041

File: D2012-098

Date:

JUL 25 2012

In re: VIRGINIA R. FLING, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

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

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

The respondent will be suspended from practice before the Board, Immigration Courts, and Department of Homeland Security (the "DHS"), for 90 days.

On May 31, 2012, the District of Columbia Court of Appeals suspended the respondent from the practice of law for 120 days, with the last 30 days of the suspension stayed in favor of unsupervised probation for one year, subject to conditions. Consequently, on June 14, 2012, the DHS initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the DHS. The Disciplinary Counsel for the Executive Office for Immigration Review (EOIR) then asked that the respondent be similarly suspended from practice before EOIR, including the Board and Immigration Courts.

Therefore, on June 27, 2012, we 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. 8 C.F.R. § 1003.105 (2012); 8 C.F.R. § 292.3(e). *See* 77 Fed. Reg. 2011, 2014-15 (Jan. 13, 2012). 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(2012); 8 C.F.R. § 292.3(e). *See* 77 Fed. Reg. 2011, 2014-15 (Jan. 13, 2012).

The Notice of Intent to Discipline proposes that the respondent be suspended from practice before the DHS for 90 days. The Disciplinary Counsel for EOIR asks that we extend that discipline to practice before the Board and Immigration Courts as well.

As the respondent failed to file a timely answer, the regulations direct us 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(2012); 8 C.F.R. § 292.3(e). *See* 77 Fed. Reg. 2011, 2014-15 (Jan. 13, 2012).

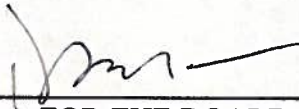
Since the proposed sanction is appropriate, considering the respondent's suspension from the practice of law in the District of Columbia, we will honor it. Accordingly, we hereby suspend the respondent from practice before the Board, the Immigration Courts, and the DHS, for 90 days. As the respondent is currently under our June 27, 2012, 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 90 days.

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 her.

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(2012). *See* 77 Fed. Reg. 2011, 2015 (Jan. 13, 2012).

FURTHER ORDER: As the Board earlier imposed an immediate suspension order in this case, today's order of the Board becomes effective immediately. 8 C.F.R. § 1003.105(d)(2)(2012). *See* 77 Fed. Reg. 2011, 2015 (Jan. 13, 2012).



FOR THE BOARD