

Falls Church, Virginia 22041

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File: D2005-130

Date: June 13, 2006

In re: ALAN J. HARRIS, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

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

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

ORDER:

PER CURIAM. On November 22, 2005, the New York Supreme Court, Appellate Division, First Judicial Department, accepted the respondent's resignation from the practice of law with charges pending. The Court noted that the respondent had been suspended from the practice of law on November 16, 1993, for 3 years, based on "dishonest conduct and conduct prejudicial to the administration of justice", and had not sought reinstatement. The respondent admitted that from 1997 - 2004, he worked as an attorney in California, and represented numerous clients before the immigration courts. The respondent admitted that he represented the complainant before the immigration court in Los Angeles in 2002, and falsely represented on a notice of appearance that he was a member in good standing of the New York state bar. The respondent admitted in his affidavit that he did not notify immigration authorities, as required, that he had been suspended from the practice of law in New York.

Consequently, on February 2, 2006, the Office of General 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. On February 7, 2006, the Department of Homeland Security (the "DHS," formerly the Immigration and Naturalization Service) asked that the respondent be similarly suspended from practice before that agency. Therefore, on February 21, 2006, 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 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 recommends that the respondent be suspended indefinitely from practicing before the Board and the Immigration Courts. The DHS asks that we extend that discipline to practice before it as well. Because the respondent has failed to file an answer, the regulations direct us to adopt the recommendation contained in the Notice, unless there are considerations that compel us to digress from that recommendation. 8 C.F.R. § 1003.105(d)(2).

Since the recommendation for indefinite suspension is appropriate where "the underlying misconduct involves a resignation with an admission of misconduct", Notice, at ¶ 9, we will honor that recommendation. Accordingly, we hereby suspend indefinitely the respondent from practice before the Board, the Immigration Courts, and the DHS. As the respondent is currently under our February 21, 2006, order of suspension, we will deem the respondent's indefinite suspension to have commenced on that date. 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. The respondent may seek reinstatement under appropriate circumstances. *See* 8 C.F.R. § 1003.107(b).



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FOR THE BOARD