

Falls Church, Virginia 22041

File: D2003-271

Date: MAR - 4 2004

In re: CATHERINE M. SHELTON, 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 December 16, 2003, the respondent was suspended from the practice of law for 39 months, with an actual suspension of 3 months, and 36 months of probation, subject to other conditions, by the District Court, 162nd Judicial District, Dallas County, Texas. The respondent was also ordered to pay restitution of \$34,835 to 21 former clients. The Court found that the respondent had violated the Texas Rules of Disciplinary Conduct, by accepting or continuing employment beyond the lawyer's competence, failing to make reasonable efforts to ensure that conduct by a nonlawyer employed by her was compatible with lawyer's professional obligations, and making false or misleading communications about her qualifications or services.

On January 2, 2004, 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 January 8, 2004, 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 January 21, 2004, 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. § 3.105(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. § 3.105(d)(1), (2).

The Notice recommends that the respondent be suspended from practicing before the Board and the Immigration Courts, for a period of 3 months. 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. § 3.105(d)(2). Since the recommendation is appropriate in light of the sanctions imposed by the District Court in Dallas County, Texas, we will honor that recommendation.

Accordingly, we hereby suspend the respondent from practice before the Board, the Immigration Courts, and the DHS for a period of 90 days. As the respondent is currently under our January 21, 2004, order of suspension, we will deem the respondent's 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 her.

Upon the completion of the respondent's period of suspension, the respondent may be reinstated to practice before the Board, the Immigration Courts, and the DHS, provided that the respondent meets the definition of an attorney or representative set forth in 8 C.F.R. § 1.1(f) and (j). *See* 8 C.F.R. § 3.107(a). Accordingly, the respondent is instructed to notify the Board of her bar standing and her ability to practice law in Texas at the conclusion of her period of suspension.

Finally, given the reciprocal nature of the discipline we impose, we advise the respondent that, should she be reinstated to practice in Texas prior to completion of his period of suspension, we may entertain a request for reinstatement before Board, the Immigration Courts, and the DHS if that request complies with the instructions set forth above.



FOR THE BOARD