

Falls Church, Virginia 22041

File: D2006-106

Date: January 25, 2007

In re: KEITH JORDAN, 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

The respondent will be publicly censured for repeatedly failing to appear for scheduled hearings in a timely manner without good cause. 8 C.F.R. § 1003.102(l).

On December 4, 2006, the Office of General Counsel for the Executive Office for Immigration Review initiated disciplinary proceedings against the respondent.¹ On December 6, 2006, the Department of Homeland Security (the "DHS," formerly the Immigration and Naturalization Service) asked that any punishment applied to the respondent also apply to practice before the DHS.

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 Board issue a public censure against the respondent. *See* 8 C.F.R. § 1003.101(a)(3). As the respondent failed to submit an answer, this recommended sanction should be adopted unless "to do so would foster a tendency toward inconsistent dispositions for comparable conduct, or would otherwise be unwarranted or not in the interest of justice." 8 C.F.R. § 1003.105(d)(2).

In seeking a public censure, the Office of General Counsel presents evidence that, on numerous occasions, the respondent failed to appear for scheduled hearings at the San Francisco Immigration Court. *See* Notice, Attachments 1-3. The Notice of Intent to Discipline also states that the respondent was the subject of prior disciplinary action. That is, on July 13, 2004, the respondent was informally admonished pursuant to 8 C.F.R. § 1003.104(c), for repeatedly failing to appear for scheduled hearings in a timely manner without good cause, in violation of 8 C.F.R. § 1003.102(l). *See* Notice, Attachment 4. The informal admonition became a matter of public record, as the pending Notice of Intent to Discipline was served and based on unrelated misconduct. 8 C.F.R. § 1003.108(b).

¹The OGC did not petition for the respondent's immediate suspension from practice pending final disposition of this proceeding, under 8 C.F.R. § 1003.103(a).

We find that there are grounds for a public censure of the respondent. *See* 8 C.F.R. § 1003.102(l)(repeatedly failing to appear for scheduled hearings in a timely manner without good cause is grounds for discipline).

ORDER: Pursuant to 8 C.F.R. §§ 1003.102(l) and 1003.101(a)(3), the respondent is censured for repeatedly failing to appear for scheduled hearings in a timely manner without good cause.



FOR THE BOARD