

Falls Church, Virginia 22041

**AUG 28 2009**

File: D2009-020

Date:

In re: ROBERTO E. DE LA GARZA a.k.a. Eddie De La Garza, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF DHS: Rachel A. McCarthy, Bar 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 3 years.

On October 17, 2008, Evidentiary Panel 10A-2 of the District 10A Grievance Committee, State Bar of Texas, suspended the respondent from the practice of law for 3 years, with an active suspension of 1 year, beginning November 1, 2008. Consequently, on July 10, 2009, 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 July 28, 2009, 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. *See* 8 C.F.R. §§ 1003.105(c)(1); 1292.3(e)(3)(ii). The respondent submitted a timely answer on July 30, 2009. The respondent admits each allegation in the Notice of Intent to Discipline, waives a hearing, and agrees that the proposed sanction is appropriate. We therefore find it appropriate to issue a final order on the government's charges.

The Notice proposes that the respondent be suspended from practice before the DHS for 3 years.<sup>1</sup> The Disciplinary Counsel for the Executive Office for Immigration Review asks that we extend that discipline to practice before the Board and Immigration Courts as well. We find that the government's proposal is appropriate, and we will honor it. As the respondent is currently under our July 28, 2009, order of suspension, we will deem the respondent's suspension to have commenced on that date.

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<sup>1</sup>The Notice also states that, at ¶ 7, that "[i]n the event that Respondent successfully completes the one year term of active suspension imposed in the State of Texas, and is permitted to return to practice under the terms of the probation as set forth in the Agreed Judgment of Partially Probated Suspension, he may petition for reinstatement to practice subject to the requirements set forth in 8 C.F.R. § 1003.107."

ORDER: The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS, for 3 years.

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 him.

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(b).

FURTHER ORDER: As the Board earlier imposed an immediate suspension order in this case, today's order of the Board becomes effective immediately. *See* 73 Fed. Reg. 76914, 76925 (December 18, 2008)(to be codified at 8 C.F.R. § 1003.105(d)(2)).

A handwritten signature in black ink, appearing to be "D. B. S.", written over a horizontal line.

FOR THE BOARD