File: D2005-124 Date: DEC - 2 2005

In re: ERIC LEVINE, 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 July 17, 2003, the Supreme Judicial Court for Suffolk County, Commonwealth of Massachusetts, ordered that the respondent be suspended from the practice of law for 2 years, effective August 16, 2003. In her "Memorandum of Decision", Associate Justice Sosman affirmed the hearing committee's finding that the respondent had violated numerous rules of professional conduct. On April 15, 2004, Justice Sosman found the respondent in contempt of her earlier order, by engaging in the practice of law subsequent to his suspension, and found that the respondent could not be reinstated for another 4 years.

Consequently, on October 6, 2005, 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 October 11, 2005, 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 October 25, 2005, 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 from practicing before the Board and the Immigration Courts, for a period of 4 years. 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 is appropriate in light of the sanctions imposed in Massachusetts, 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 4 years. As the respondent is currently under our October 25, 2005, 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 him. After the suspension period expires, the respondent may petition this Board for reinstatement to practice before the Board, Immigration Courts, and DHS. *See* 8 C.F.R.§ 1003.107(a). In order to be reinstated, the respondent must demonstrate that he meets the definition of an attorney or representative, as set forth in 8 C.F.R. § 1001.1(f) and (j). *Id.* Therefore, the respondent must show that he has been reinstated to practice law in Massachusetts before he may be reinstated by the Board. *See* 8 C.F.R. § 1001.1(f) (stating that term "attorney" does not include any individual under order suspending him from the practice of law).

FOR THE BOARD