

Falls Church, Virginia 22041

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File: D2008-245

Date:

APR 19 2012

In re: DAVID AGATSTEIN, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

PETITION FOR IMMEDIATE SUSPENSION

ON BEHALF OF EOIR: Jennifer J. Barnes, Disciplinary Counsel

ON BEHALF OF DHS: Diane H. Kier  
Associate Legal Advisor

On March 30, 2012, in the United States District Court for the District of Maryland, the court entered a judgment in which the respondent pled guilty to a "serious crime" within the meaning of 8 C.F.R. § 1003.102(h). That is, the respondent pled guilty to the felony of conspiracy to commit an offense, in violation of 18 U.S.C. § 371. Consequently, on April 11, 2012, the Disciplinary 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. The Department of Homeland Security (the "DHS") then asked that the respondent be similarly suspended from practice before that agency. The petition will be granted.

**ORDER:** The petition is granted, and the respondent is hereby suspended, absent a showing of good cause, from the practice of law before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding. 8 C.F.R. § 1003.103(a)(2012). *See* 77 Fed. Reg. 2011, 2014 (Jan. 13, 2012).

**FURTHER ORDER:** The respondent is directed to promptly notify, in writing, any clients with cases currently pending before the Board, the Immigration Courts, or the DHS that the respondent has been suspended from practicing before these bodies.

**FURTHER ORDER:** The respondent shall maintain records to evidence compliance with this order.

**FURTHER ORDER:** The Board directs that the contents of this notice be made available to the public, including at Immigration Courts and appropriate offices of the DHS.



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FOR THE BOARD