

Falls Church, Virginia 22041

File: D2003-138

Date: NOV 4 2004

In re: JAVIER LOPERA, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

PETITION FOR IMMEDIATE SUSPENSION

ON BEHALF OF DHS: Rachel A. McCarthy, Ethics Counsel

ON BEHALF OF GENERAL COUNSEL: Jennifer J. Barnes, Bar Counsel

ORDER:

PER CURIAM. On August 28, 2003, the United States District Court for the Southern District of Florida, Miami Division, entered a judgment against the respondent in a criminal case. The respondent was found guilty, in a 19-count indictment, of violating 18 U.S.C. § 371 (conspiracy to commit offenses against the United States); 18 U.S.C. § 1001 (making false statements); and 18 U.S.C. §§ 1324(a)(1)(A)(iii) and (a)(1)(B)(I) (harboring aliens). He was sentenced to imprisonment for 100 months, as to counts 13-19, and 60 months for counts 1-12, to run concurrently, and was fined \$12,500. The crimes are "serious crimes" within the meaning of 8 C.F.R. § 1003.102(h). On May 20, 2004, the respondent was disbarred from the practice of law by the Supreme Court of Florida.

Consequently, on October 7, 2004, the Department of Homeland Security (the "DHS," formerly the Immigration and Naturalization Service), initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the DHS. On October 13, 2004, the Office of General Counsel for the Executive Office for Immigration Review (EOIR) asked that the respondent be similarly suspended from practice before EOIR, including the Board and immigration courts.

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. *See* 8 C.F.R. §§ 1003.103(a), 1292.3(c).

Accordingly, 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. The respondent shall maintain records to evidence compliance with this order. Moreover, we direct that the contents of this notice be made available to the public, including at Immigration Courts and appropriate offices of the DHS.



FOR THE BOARD