

Falls Church, Virginia 22041

File: D2010-054

Date:

JUN 15 2010

In re: RICHARD D. GARCIA, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

MOTION

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

ON BEHALF OF DHS: Eileen M. Connolly, Deputy Chief

The respondent's request for reinstatement to practice will be granted.

On February 3, 2010, the respondent was suspended from the practice of law for 6 months, stayed, with an actual suspension of 30 days, and probation for 2 years, by the Supreme Court of Colorado, effective April 30, 2010. In a February 1, 2010, stipulation, the respondent admitted that this Board had reopened an immigration case where the parties were represented by Garcia, based on Garcia's deficient performance. The respondent admitted that he had engaged in conduct constituting grounds for the imposition of discipline.

Consequently, on March 23, 2010, 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, and submitted a Notice of Intent to Discipline. The DHS filed a "Motion for Reciprocal Discipline", in which it requested that any discipline that restricted the authority of the respondent to practice before the Board or Immigration Courts also apply to the respondent's authority to practice before the DHS.

On April 21, 2010, the Board issued a final order in the respondent's case. The Board suspended the respondent from practice before the Board, the Immigration Courts, and the DHS, for 30 days, effective April 30, 2010.¹

The respondent moves that the Board reinstate him to practice. The EOIR Disciplinary Counsel does not oppose the petition for reinstatement, observing that the respondent has presented evidence that he has been reinstated to the practice of law in Colorado, and the respondent has completed his period of suspension. 8 C.F.R. § 1001.1(f). The respondent will be reinstated to practice.

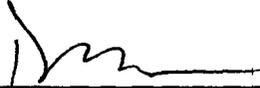
¹ The Disciplinary Counsel's April 1, 2010, "Motion To Withdraw Petition For Immediate Suspension And For Summary Adjudication", seeking to withdraw its petition for the respondent's immediate suspension from practice, was granted.

D2010-054

ORDER: The respondent is reinstated to practice before the Board, the Immigration Courts, and the DHS, as of the date of this order.²

FURTHER ORDER: Because the respondent has been reinstated, public notices regarding the respondent's suspension should reflect this reinstatement.

FURTHER ORDER: If the respondent wishes to represent a party before the DHS or Board, he must file a Notice of Appearance (Form G-28 or Form EOIR-27), including any case in which he was formerly counsel, prior to his suspension.



FOR THE BOARD

² The Board declines to reinstate the respondent "nunc pro tunc to June 2, 2010", simply because he was reinstated to practice law in Colorado as of that date.