

Falls Church, Virginia 22041

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File: D2005-057

Date: SEP 16 2005

In re: JOSE M. QUIÑONES, 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

On March 8, 2005, the Office of General Counsel for the Executive Office for Immigration Review ("OGC") instituted disciplinary proceedings against the respondent.<sup>1</sup> The disciplinary proceedings were based on a February 18, 2005, Board order concerning Pedro and Julia Garcia, A79 523 161 and A79 523 948. The Garcias were represented by respondent Quiñones at their removal hearing, and on appeal. The Board's February 18, 2005, decision determined that "[t]he record supports [the Garcias'] contentions that Mr. Quiñones failed to provide basic, agreed-upon services". We found that the questioning of the Garcias by Quiñones was "perfunctory" and "unclear", and the presentation of their cancellation of removal case was "far below the standards expected of competent counsel". We remanded the case to the Immigration Judge for further proceedings.

On March 14, 2005, the Department of Homeland Security (the "DHS," formerly the Immigration and Naturalization Service) asked that any punishment applied to the respondent also apply to practice before the DHS.

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 Board issued a public censure against Quiñones on June 16, 2003, based on actions in another case, in which we found that he engaged in "egregious conduct . . . [that] constituted ineffective assistance". The Notice of Intent to Discipline therefore recommends that the respondent be suspended from practicing before the Board and the Immigration Courts, for a period of 90 days. *See* 8 C.F.R. § 1003.101(a)(2). We find that there are grounds for such discipline. *See* 8 C.F.R. § 1003.102(k)(finding by Board that respondent has engaged in conduct that constitutes ineffective assistance of counsel is grounds for discipline). 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.

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<sup>1</sup>The OGC did not petition for the respondent's immediate suspension from practice pending final disposition of this proceeding, under 8 C.F.R. § 1003.103(a).

8 C.F.R. § 1003.105(d)(2). Since the recommendation is appropriate in light of the respondent's repeated ineffective assistance of counsel to immigration clients, as determined by the Board, 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 90 days. 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. 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).



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FOR THE BOARD