

Falls Church, Virginia 22041

File: D2019-0223

Date: **SEP 30 2019**

In re: Sharon HEALEY a.k.a. Sharon Arlene Healey a.k.a. Sharon A. Healey, Attorney

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE AND REINSTATEMENT

ON BEHALF OF EOIR: Paul A. Rodrigues, Disciplinary Counsel

ON BEHALF OF DHS: Catherine M. O'Connell, Disciplinary Counsel

The respondent will be suspended from the practice of law before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security (DHS) for 30 days, effective May 26, 2019. Further, as this period of suspension now has passed and the respondent meets the definition of “attorney” set forth in 8 C.F.R. § 1001.1(f), the respondent will be reinstated to practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS.

On April 26, 2019, the Supreme Court of California issued a final order suspending the respondent from the practice of law in California for 1 year with the period of suspension stayed for all but 30 days. The respondent’s 30-day suspension commenced on May 26, 2019, and the respondent was reinstated to the practice of law in California on June 26, 2019.

On July 22, 2019, the Disciplinary Counsel for the Executive Office for Immigration Review (Disciplinary Counsel for EOIR) petitioned for the respondent’s immediate suspension before the Board of Immigration Appeals and the Immigration Courts. The Disciplinary Counsel for EOIR noted that the respondent’s period of suspension had passed and that she no longer was suspended from the practice of law in California. The Disciplinary Counsel for EOIR, however, explained that the respondent never notified him of her suspension as required by 8 C.F.R. § 1003.103(c). The Disciplinary Counsel for EOIR instead learned of the respondent’s suspension from an Immigration Judge and was seeking immediate suspension in light of the California suspension. The Disciplinary Counsel for the DHS asked that the respondent be similarly suspended from practice before that agency.

Because the respondent had been reinstated to the practice of law in California and appeared to meet the definition of “attorney” set forth in 8 C.F.R. § 1001.1(f), and because the respondent had not been given the opportunity to explain her failure to notify the Disciplinary Counsel for EOIR of her suspension in California, we declined to grant the petition for immediate suspension. We instead issued a Notice of Intent to Suspend to give the respondent an opportunity to address the allegations against her and to explain her failure to notify the Disciplinary Counsel for EOIR of her suspension in California.

On August 26, 2019, the respondent filed a motion to file a late response and a declaration responding to the charges against her. In her declaration, the respondent explains that she was not aware of the specific requirement to notify the Disciplinary Counsel for EOIR of her suspension in California, and she states that she believed the Disciplinary Counsel for EOIR would

automatically be notified. She further explains that she did not practice before the Seattle Immigration Court or the Board of Immigration Appeals while she was suspended. Finally, she states that an additional month of suspension imposed now would cause extreme financial hardship and possibly put her out of business.

On September 9, 2019, the Disciplinary Counsel for EOIR filed a response to the respondent's motion and declaration. In the response, the Disciplinary Counsel for EOIR notes that the respondent does not dispute the facts or basis for discipline alleged in the Notice of Intent to Discipline or raise an exception to reciprocal discipline. The Disciplinary Counsel for EOIR therefore asks this Board to issue a final order of discipline imposing a 30-day suspension. Given the circumstances of the respondent's case, however, the Disciplinary Counsel for EOIR asks that the suspension be made effective as of May 26, 2019, and that the respondent be automatically reinstated to practice.

We accept the respondent's declaration addressing the charges against her. Further, as the Disciplinary Counsel for EOIR states, the respondent has not disputed the fact that she was suspended in California or the charge that she is subject to reciprocal discipline on the basis of that suspension. The respondent also has not requested a hearing.

Because the respondent does not dispute the allegations in the Notice of Intent to Discipline, we find it appropriate to issue a final order on the charges made by the Disciplinary Counsel for EOIR. *See* 8 C.F.R. § 1003.106(a) (indicating that, if the respondent's answer to a Notice of Intent to Discipline does not make a prima facie showing that there are any material issues of fact in dispute, the Board shall issue a final order); *Matter of Salomon*, 25 I&N Dec. 559, 560 (BIA 2011).

In addition, the proposed sanction of a 30-day suspension from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS, is appropriate in light of the respondent's 30-day suspension in California. We therefore will honor the proposed discipline and will order the respondent suspended from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS for 30 days.

Nevertheless, we agree with the Disciplinary Counsel for EOIR that the particular circumstances of the respondent's case and the interest of justice warrant an effective date of May 26, 2019. Accordingly, the respondent's period of suspension is now complete. Further, as the respondent has established that she meets the definition of attorney set forth in 8 C.F.R. § 1001.1(f) and the other requirements for reinstatement under 8 C.F.R. § 1003.107(a), we will reinstate her to practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS. *See* 8 C.F.R. § 1003.107(a)(3).

ORDER: The Board hereby suspends the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS for 30 days. The suspension is deemed to have commenced on May 26, 2019, and now is complete.

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

FURTHER ORDER: This reinstatement should be reflected in any public notices maintained and disseminated by EOIR regarding attorney discipline.

FURTHER ORDER: If the respondent wishes to represent a party before the DHS, the Immigration Courts or the Board, she must file a Notice of Appearance (Form G-28, Form EOIR-28 or Form EOIR-27), even in cases in which she was counsel prior to her suspension.


FOR THE BOARD