

Falls Church, Virginia 22041

---

File: D2019-0350

Date: DEC 09 2019

In re: Benjamin P. BRATTER, Attorney

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF EOIR: Paul A. Rodrigues  
Disciplinary Counsel

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

ON BEHALF OF RESPONDENT: Pro se

The respondent will be suspended from practice before the Board of Immigration Appeals ("Board"), Immigration Courts, and the Department of Homeland Security ("DHS") for 1 year, effective October 28, 2019.

On September 26, 2019, the Appellate Division of the Supreme Court of New York, First Judicial Department, suspended the respondent from the practice of law in New York for 1 year, effective October 28, 2019. The basis for the suspension involved misconduct concerning immigration clients. The Disciplinary Counsel for the Executive Office for Immigration Review ("EOIR") and the Disciplinary Counsel for the DHS jointly petitioned for the respondent's immediate suspension from practice before the Board, the Immigration Courts, and the DHS, on November 4, 2019. We granted the petition on November 14, 2019.

The respondent filed a timely answer to the allegations contained in the Notice of Intent to Discipline on November 18, 2019. 8 C.F.R. § 1003.105(c)(1). The respondent acknowledges that he is subject to discipline by the Board. He argues only that should be able to seek reinstatement to practice "at the appropriate time."

The Notice of Intent to Discipline proposes that the respondent be suspended from practicing before the Board, Immigration Courts, and the DHS for 1 year. There are no material issues of fact in dispute, and the proposed sanction of 1 year is appropriate, in light of the respondent's suspension in New York. The Board therefore will honor that proposal. Further, after consideration of the Notice of Intent to Discipline, at 1-2, and the observation that the respondent timely notified the Disciplinary Counsel for EOIR of the New York suspension, we will deem the suspension to be effective as of October 28, 2019, the effective date of the New York suspension.

ORDER: The Board hereby suspends the respondent from practice before the Board, the Immigration Courts, and the DHS for 1 year, effective October 28, 2019.

FURTHER ORDER: The respondent must maintain compliance with the directives set forth in our prior order. The respondent must notify the Board of any further disciplinary action against him.

FURTHER ORDER: The contents of the order shall be made available to the public, including at the Immigration Courts and appropriate offices of the DHS.

FURTHER ORDER: The respondent may petition this Board for reinstatement to practice before the Board, the Immigration Courts, and the DHS under 8 C.F.R. § 1003.107.

  
\_\_\_\_\_  
FOR THE BOARD