

Falls Church, Virginia 22041

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File: D2020-0219

Date: JAN 22 2021

In re: William Franklin BURTON, 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

The respondent will be disbarred from practice before the Board of Immigration Appeals, the Immigration Courts, and the Department of Homeland Security (DHS), effective immediately.

On June 4, 2018, the Virginia State Bar Disciplinary Board (Disciplinary Board) issued an order immediately suspending the respondent from the practice of law in Virginia until the Disciplinary Board determined that the respondent had fully complied with a subpoena duces tecum served on March 30, 2018 (Petition for Immediate Suspension, Attachment 1). On June 15, 2018, the Acting Disciplinary Counsel for the Executive Office for Immigration Review (EOIR) petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. The Disciplinary Counsel for the DHS then asked that the respondent be similarly suspended from practice before that agency. We granted the petition on July 9, 2018.

On May 20, 2020, the Disciplinary Board issued an Agreed Disposition Memorandum Order suspending the respondent from the practice of law in Virginia for 1 year and 1 day. On June 4, 2020, the Disciplinary Counsels for EOIR and the DHS filed a Joint Notice of Intent to Discipline charging that the respondent was subject to summary discipline due to his suspension in Virginia.

The respondent did not file a timely answer to the Notice of Intent to Discipline and did not dispute the allegations in the Notice. Given the respondent's suspension from the practice of law in Virginia, our August 17, 2020, final order of discipline suspended the respondent from practice before the Board, the Immigration Courts, and the DHS for a period of 1 year and 1 day, effective August 17, 2020. The respondent remains suspended under this order.

On October 13, 2020, the Court of Appeals of Maryland disbarred the respondent from the practice of law in Maryland. On November 30, 2020, the Disciplinary Counsels for EOIR and the DHS filed a Joint Notice of Intent to Discipline charging that the respondent is subject to summary discipline due to his disbarment in Maryland.

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. The respondent's failure to file a response within the time period prescribed in the Notice of Intent to Discipline 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).

The Notice of Intent to Discipline proposes that the respondent be disbarred from practicing before the Board of Immigration Appeals, the Immigration Courts, and the DHS. Because the respondent has failed to file an answer, the regulations direct us to adopt the proposed sanction contained in the Notice of Intent to Discipline, unless there are considerations that compel us to digress from that proposal. 8 C.F.R. § 1003.105(d)(2).

The proposed sanction is appropriate in light of the respondent's disbarment in Maryland. We therefore will honor the proposed discipline and will order the respondent disbarred from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS. Further, as the respondent is currently suspended under our August 17, 2020, order, his disbarment will be effective immediately.

ORDER: The Board hereby disbars the respondent from practice before the Board of Immigration Appeals, the Immigration Courts, and the DHS, effective immediately upon issuance of this order.

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.



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FOR THE BOARD