

Falls Church, Virginia 22041

File: D2011-001

Date: FEB 13 2013

In re: JAMES OKORO OKORAFOR, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

MOTION

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

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

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

On October 21, 2010, the District 4 Grievance Committee, Evidentiary Panel 4F for the State Bar of Texas, actively suspended the respondent from the practice of law for a period of two years beginning December 1, 2010, and ending November 30, 2012. Consequently, on August 31, 2011, the Department of Homeland Security (the "DHS") initiated disciplinary proceedings against the respondent and petitioned for his immediate suspension from practice before the DHS.

The Disciplinary Counsel for the Executive Office for Immigration Review (EOIR) then asked that the respondent be similarly suspended from practice before EOIR, including the Board and Immigration Courts. Therefore, on September 15, 2011, we suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding. We issued a final order of discipline on December 6, 2011.

On June 6, 2012, we reopened the proceedings, based on a motion filed by the DHS. The DHS presented evidence that on April 23, 2012, the Board of Disciplinary Appeals appointed by the Supreme Court of Texas issued a "Judgment Partially Affirming and Partially Reversing Evidentiary Judgment and Rendering Sanction." The two-year active suspension was reversed, and instead the respondent was suspended from December 1, 2010, until April 23, 2012. The order further stated that the respondent had to comply with mandatory requirements concerning dues, taxes, fees, and MCLE to have his license returned.

Given the Texas Board of Disciplinary Appeals' order, and the DHS' unopposed motion, we amended our December 6, 2011, final order in this case, and suspended the respondent from practice before the Board, the Immigration Courts, and the DHS, until April 23, 2012. We further directed that the respondent could petition this Board for reinstatement to practice before the Board, Immigration Courts, and DHS under 8 C.F.R. § 1003.107(2012). *See* 77 Fed. Reg. 2011, 2015 (Jan. 13, 2012).

The respondent moves that the Board reinstate him to practice. As the period of suspension imposed on the respondent has expired, the pertinent regulation is 8 C.F.R. § 1003.107(a), which states that

Upon notice to the Board, a practitioner who has been suspended will be reinstated to practice before the Board and the Immigration Courts or the DHS, or before all three authorities, once the period of suspension has expired, provided that he or she meets the definition of attorney or representative as set forth in § 1001.1(f) and (j), respectively, of this chapter.

See 77 Fed. Reg. 2011, 2015 (Jan. 13, 2012).¹

The DHS agrees that the respondent meets the regulatory definition of attorney (DHS Opp. at ¶ 14). The respondent has completed the period of suspension. 8 C.F.R. §§ 1001.1(f), 1003.107(a)(2012). *See* 77 Fed. Reg. 2011, 2015 (Jan. 13, 2012). Given the regulatory language, which provides that a practitioner will be reinstated upon expiration of the suspension period, so long as he meets the regulatory definition of attorney, the Board will reinstate the respondent.

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

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

¹The DHS opposition cites 8 C.F.R. § 1003.107(b) (2012) as controlling, which requires that a respondent make additional showings concerning moral and professional qualifications. This regulatory subsection is applicable if the suspension period has not expired.