

Department of Justice

Executive Office for Immigration Review

Friday, June 24, 2011

EOIR Announces Latest Disciplinary Actions Under Rules of Professional Conduct *Two Attorneys Immediately Suspended; Seven Receive Final Orders*

FALLS CHURCH, Va. — The Executive Office for Immigration Review (EOIR) has recently taken disciplinary action against nine attorneys for violations of the Rules of Professional Conduct for immigration attorneys and representatives.

EOIR announces these disciplinary actions to inform the public about attorneys and representatives who are no longer authorized to represent clients before an immigration tribunal. These names will be added to the list of disciplined immigration attorneys and representatives, which is available at <http://www.justice.gov/eoir/profcond/chart.htm>. The list includes links to immediate suspension orders, final orders, and reinstatement orders issued in each disciplinary case.

Disciplinary proceedings begin when the Office of the General Counsel of either EOIR or the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services, files a Petition for Immediate Suspension and/or a Notice of Intent to Discipline with EOIR's Board of Immigration Appeals (BIA). The disciplinary action can result in the public censure, suspension, or expulsion of an attorney or representative before the immigration courts, the BIA, and DHS. Before a suspended or expelled attorney can resume the practice of law before the immigration courts, the BIA, or DHS, the BIA must reinstate that attorney.

EOIR has recently taken the following disciplinary actions:

Immediate Suspensions

The BIA ordered the immediate suspension of the following attorneys:

- **Michael J. Hernandez:**The Supreme Court of Florida suspended Mr. Hernandez from the practice of law for 91 days for contempt of court. The BIA granted the government's petition for immediate suspension on May 24, 2011, based on Mr. Hernandez's 91-day suspension in Florida and pending final disposition of his case.
- **Robbie M. Levin:**The Supreme Court of Georgia suspended Mr. Levin for 24 months for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation when he pled guilty to distributing obscene material and criminal attempt to commit interference with custody. The BIA granted the government's petition for immediate suspension on June 6, 2011, based on Mr. Levin's 24-month suspension in Georgia and pending final disposition of his case.

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Final Orders of Discipline

- **Gabrielle Alexis:**A final order of June 2, 2011, suspends Ms. Alexis from practice before immigration tribunals for five years, effective Oct. 20, 2010, based on her consent to disbarment in Florida.
- **Bradford J. Barneys:**A final order of May 25, 2011, suspends Mr. Barneys from practice before immigration tribunals for five years, effective Feb. 24, 2011, based on his disbarments in Maryland and the District of Columbia.
- **Patrick Dennis Beasley:**A final order of May 25, 2011, expels Mr. Beasley from practice before immigration tribunals, effective April 14, 2011, based on his disbarment in Colorado.
- **Maritza Diaz:**A final order of May 25, 2011, expels Ms. Diaz from practice before immigration tribunals, effective April 14, 2011, based on her conviction in the U.S. District Court, Southern District of New York.
- **Koston Hui Feng, a.k.a., Koston F. Pelly:**A final order of May 25, 2011, suspends Mr. Feng from practice before immigration tribunals for six months, effective April 12, 2011, based on his six-month suspension in New York.
- **Claude Richard Simpson:**A final order of June 1, 2011, suspends Mr. Simpson from practice before immigration tribunals for seven years, effective April 12, 2011, based on his resignation and ultimate disbarment in New York.
- **Jessica Torres Viñals:**A final order of May 25, 2011, indefinitely suspends Ms. Viñals from practice before immigration tribunals, effective May 11, 2011, based on her indefinite suspension in Puerto Rico.

Background

The Rules of Professional Conduct appear in Title 8 of the Code of Federal Regulations (8 C.F.R. §§ 1003 and 1292). They include provisions specifying grounds for disciplinary action, requirements for receiving and investigating complaints, and procedures for conducting hearings. The rules also authorize the BIA to suspend immediately an attorney or representative who has been subject to disbarment, suspension or resignation with an admission of misconduct as imposed by a federal or state court, or who has been convicted of a serious crime, pending a summary proceeding and final sanction. The Rules of Professional Conduct are available at http://www.justice.gov/eoir/vll/fedreg/2000_2001/fr27jn00R.pdf(PDF) and http://www.justice.gov/eoir/vll/fedreg/2008_2009/fr18dec08c.pdf(PDF).

Additional information about the Attorney Discipline Program can be found at <http://www.justice.gov/eoir/press/00/profcond.htm>(PDF) and <http://www.justice.gov/eoir/press/09/AttorneyDisciplineFactSheet.pdf>(PDF).

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The Executive Office for Immigration Review (EOIR) is an agency within the Department of Justice. Under delegated authority from the Attorney General, immigration judges and the Board of Immigration Appeals interpret and adjudicate immigration cases according to United States immigration laws. EOIR's immigration judges conduct administrative court proceedings in immigration courts located throughout the nation. They determine whether foreign-born individuals—whom the Department of Homeland Security charges with violating immigration law—should be ordered removed from the United States or should be granted relief from removal and be permitted to remain in this country. The Board of Immigration Appeals primarily reviews appeals of decisions by immigration judges. EOIR's Office of the Chief Administrative Hearing Officer adjudicates immigration-related employment cases. EOIR is committed to ensuring fairness in all of the cases it adjudicates.

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