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EOIR NEWS

Department of Justice

Executive Office for Immigration Review

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EOIR Announces Latest Disciplinary Actions Under Rules of Professional Conduct

Four Attorneys Immediately Suspended; One Receives a Final Order; Two are Reinstated

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

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:

- **Axel Heydasch:** The Supreme Court of Florida suspended Mr. Heydasch from the practice of law for three years for engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation. The BIA granted the government's petition for immediate suspension on Aug. 29, 2011, based on Mr. Heydasch's three-year suspension in Florida and pending final disposition of his case.

- **Todd James Hilts:** The Supreme Court of California suspended Mr. Hilts from the practice of law for one year for commingling funds and engaging in conduct involving moral turpitude, dishonesty, or corruption. The BIA granted the government's petition for immediate suspension on Aug. 29, 2011, based on Mr. Hilts' one-year suspension in California and pending final disposition of his case.
- **Joseph Angel Silva, Jr.:** The Supreme Court of Texas accepted Mr. Silva's resignation from the practice of law in that state. The BIA granted the government's petition for immediate suspension on Sept. 1, 2011, based on Mr. Silva's resignation in Texas and pending final disposition of his case.
- **Andre Rafael Sobolevsky:** The U.S. Court of Appeals for the 2nd Circuit publicly reprimanded Mr. Sobolevsky and suspended him from the practice of law for no less than two years for conduct involving willful neglect. The BIA granted the government's petition for immediate suspension on Sept. 1, 2011, based on Mr. Sobolevsky's two-year suspension by the 2nd Circuit and pending final disposition of his case.

Final Orders of Discipline

- **Melissa S. Lee:** A final order of Sept. 1, 2011, suspends Ms. Lee from practice before immigration tribunals for two years based on her two-year suspension by the U.S. Court of Appeals for the 9th Circuit.

Reinstatement

- **Errol Ivor Horwitz:** Mr. Horwitz was reinstated to practice before immigration tribunals on Aug. 29, 2011, after completing his 30-day suspension.
- **Frank Patrick Sprouls:** Mr. Sprouls was reinstated to practice before immigration tribunals on Aug. 29, 2011, after completing his 90-day suspension.

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 and
http://www.justice.gov/eoir/vll/fedreg/2008_2009/fr18dec08c.pdf.

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

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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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