

Falls Church, Virginia 22041

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File: D2000-093

Date: JAN 17 2001

In re: DEBORAH J. KARTJE, ESQUIRE

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF GENERAL COUNSEL: Jennifer J. Barnes, Esquire

ON BEHALF OF SERVICE: Javier Balasquide, Appellate Counsel

ORDER:

PER CURIAM. On October 2, 1998, the Supreme Court of Illinois granted the respondent's motion to strike her name from the roll of attorneys licensed to practice law in Illinois. Consequently, on October 13, 2000, the Office of General Counsel for the Executive Office for Immigration Review initiated disciplinary proceedings against the respondent and petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. On October 25, 2000, the Immigration and Naturalization Service moved to join that petition and asked that the respondent be similarly suspended from practice before that agency. The evidence before us reflected that the respondent resigned from the Illinois bar with an admission of misconduct. Therefore, on December 4, 2000, we suspended the respondent from practicing before the Board, the Immigration Courts, and the Service pending final disposition of this proceeding.

The respondent was required to file a timely answer to the allegations contained in the Notice of Intent to Discipline. *See* 65 Fed. Reg. 39,513, 39,528 (June 27, 2000) (to be codified at 8 C.F.R. § 3.105(c)(1)). Though the respondent was properly served, the respondent has not filed an answer. *See id.* at 35,529 (to be codified at 8 C.F.R. § 3.105(d)(1)). The respondent's failure to do so within the time period prescribed in the Notice constitutes an admission of the allegations therein, and the respondent is now precluded from requesting a hearing on the matter. *Id.* at 35,529 (to be codified at 8 C.F.R. § 3.105(d)(1), (2)).

The Notice recommends that the respondent be expelled from practicing before the EOIR. The Service asks that we extend that discipline to practice before it as well. Because the respondent has failed to file an answer, the regulations direct us to adopt the recommendation contained in the Notice, unless there are considerations that compel us to digress from that recommendation. *Id.* at 35,529 (to be codified at 8 C.F.R. § 3.105(d)(2)). Since the recommendation is appropriate in light of the Supreme Court of Illinois's disciplinary action, and in light of the underlying disciplinary violations, we will honor that recommendation.

Accordingly, we hereby expel the respondent from practice before the Board, the Immigration Courts, and the Service. As the respondent is currently under our December 4, 2000, order of suspension, we will deem the expulsion to have commenced on that date. The respondent is instructed to maintain compliance with the directives set forth in our prior order. The respondent is also instructed to notify the Board of any further disciplinary action against her.

After one year from the effective date of the expulsion, the respondent may be reinstated to practice before the Board, the Immigration Courts, and the Service, provided that she meets the definition of an attorney or representative set forth in 8 C.F.R. § 1.1(f) and (j). *See id.* at 39,530 (to be codified at 8 C.F.R. § 3.107(a)). The respondent is therefore to notify the Board of her standing before the Supreme Court of Illinois and her ability to practice law there. We will consider the respondent for reinstatement once she demonstrates by clear, unequivocal, and convincing evidence that he possesses the moral and professional qualifications required to appear before the Board, the Immigration Courts, or the Service, or all three, and that her reinstatement will not be detrimental to the administration of justice. *Id.* (to be codified at 8 C.F.R. § 3.107(b)(1)).

Finally, given the reciprocal nature of the discipline we impose, we advise the respondent that, should she be reinstated to practice in Illinois, we will entertain a request for reinstatement before EOIR and the Service if that request complies with the instructions set forth above.



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FOR THE BOARD