

Falls Church, Virginia 22041

File: D2000-047

Date: DEC 4 2000

In re: PAIGE ELIZABETH SAMSKY, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

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

ON BEHALF OF SERVICE: Barry O'Melinn, Appellate Counsel

ORDER:

PER CURIAM. On October 18, 1999, the Supreme Court of the State of Georgia disbarred the respondent from the practice of law in that state.

Consequently, on September 1, 2000, the Office of General Counsel (OGC) for the Executive Office for Immigration Review (EOIR) 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 September 7, 2000, the Immigration and Naturalization Service moved to join that petition and asked that the respondent be similarly suspended from practice before that agency. On September 15, 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 of Intent to Discipline 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 OGC asks us to suspend the respondent from practicing before the EOIR for a period of three years. 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 of the OGC, 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 OGC's recommendation is appropriate in light of the state court's disciplinary action, we will honor that recommendation.

Accordingly, we hereby suspend the respondent from practice before the Board, the Immigration Courts, and the Service for a period of three years. As the respondent is currently under our September 15, 2000, order of suspension, we will deem the period of suspension 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 if any further disciplinary action is taken against her.

At the end of the respondent's suspension period, the respondent will 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 instructed, upon the conclusion of her suspension period, to notify the Board of her standing before the Georgia bar and her ability to practice law in that state. The respondent is also instructed to provide appropriate evidence of her reinstatement and to disclose the terms and conditions, if any, of her reinstatement. Once the respondent demonstrates to our satisfaction that she has been fully reinstated to practice law in that state, we shall reinstate her to practice before the EOIR and the Service as well.

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


FOR THE BOARD