

Falls Church, Virginia 22041

File: D2015-0066

Date:

DEC 08 2015

In re: RICHARD MENDEZ, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

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

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

On October 16, 2015, the Disciplinary Counsel for the Executive Office for Immigration Review (EOIR), and the Disciplinary Counsel for the Department of Homeland Security (DHS), jointly filed a Notice of Intent to Discipline concerning attorney Richard Mendez.¹ The respondent will be disbarred from practice before the Board, Immigration Courts, and the DHS.

The Notice of Intent to Discipline brings eight detailed allegations, involving individuals represented by the respondent concerning immigration matters. The government alleges that disciplinary sanctions are warranted under 8 C.F.R. § 1003.102(c), in that the respondent knowingly or with reckless disregard made false statements of material fact or law concerning a material and relevant matter relating to a case, including knowingly or with reckless disregard offering false evidence; 8 C.F.R. § 1003.102(j), in that the respondent engaged in frivolous behavior; 8 C.F.R. § 1003.102(n), in that the respondent engaged in conduct prejudicial to the administration of justice; 8 C.F.R. § 1003.102(o), in that the respondent failed to provide competent representation, and 8 C.F.R. § 1003.102(r), in that the respondent failed to maintain communication with a client.

The respondent was required to file a timely answer to the allegations contained in the Notice of Intent to Discipline but did not do so. *See* 8 C.F.R. § 1003.105 (2013). The respondent's failure to file a response 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. 8 C.F.R. § 1003.105(d) (2013). The Disciplinary Counsel for EOIR filed a "Motion For A Final Order Imposing Discipline" on November 20, 2015, which will be granted.

The Notice of Intent to Discipline proposes that the respondent be disbarred from practice before the Board, Immigration Courts, and DHS. Because the respondent did not file a timely answer, the regulations direct the Board to adopt the proposed sanction contained in the Notice, unless there are considerations that compel us to digress from that proposal. 8 C.F.R. § 1003.105(d)(2)(2013).

¹ The government did not petition for the respondent's immediate suspension from practice pending final disposition of this proceeding, under 8 C.F.R. § 1003.103(a)(2013).

The proposed discipline is appropriate, considering the government's charges, which the respondent does not dispute. Notice of Intent to Discipline, at p. 16 (citing and applying American Bar Association "Standards For Imposing Lawyer Sanctions" in proposing the discipline).

The respondent also was the subject of prior disciplinary action. That is, on January 12, 2012, the respondent was informally admonished pursuant to 8 C.F.R. § 1003.104(c), for violations of 8 C.F.R. §§ 1003.102 (o) and (q). On October 16, 2012, the respondent was informally admonished pursuant to 8 C.F.R. § 1003.104(c), for violations of 8 C.F.R. §§ 1003.102 (n) and (o). *See* Notice of Intent to Discipline, at p. 15; Exhs. 2, 3. These informal admonitions became a matter of public record, as the pending Notice of Intent to Discipline was served and based on unrelated misconduct. 8 C.F.R. § 1003.108(b). On September 5, 2014, the Supreme Court of Iowa ordered the respondent to cease and desist from all legal practice in Iowa indefinitely with no possibility that the order would be lifted for a period of sixty days. *See* Notice of Intent to Discipline, at pp. 15-16; Exh. 4. On November 10, 2014, this Board indefinitely suspended the respondent from the practice of law before the Board, Immigration Courts, and DHS, based on the Iowa discipline. *See* Notice of Intent to Discipline, at p. 16; Exh. 5. The respondent was reinstated to practice by the Board on January 22, 2015. *See* Notice of Intent to Discipline, at p. 16; Exh. 6. On March 27, 2015, the respondent was informally admonished pursuant to 8 C.F.R. § 292.3(d)(3), for violations of 8 C.F.R. §§ 1003.102 (e) and (f). This informal admonition became a matter of public record, as the pending Notice of Intent to Discipline was served and based on unrelated misconduct. 8 C.F.R. § 292.3(h)(2). *See* Notice of Intent to Discipline, at p. 16; Exh. 7.

Accordingly, we disbar the respondent from practice before the Board, the Immigration Courts, and the DHS.

ORDER: The Disciplinary Counsel for EOIR's "Motion For A Final Order Imposing Discipline" is granted.

FURTHER ORDER: The respondent is disbarred from practice before the Immigration Courts, Board of Immigration Appeals, and DHS, effective 15 days from this date. 8 C.F.R. § 1003.105(c).

FURTHER ORDER: The respondent is directed to promptly notify, in writing, any clients with cases currently pending before the Board, the Immigration Courts, or the DHS that the respondent has been disbarred from practicing before these bodies.

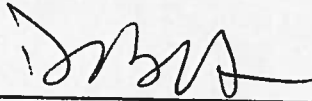
FURTHER ORDER: The respondent shall maintain records to evidence compliance with this order.

FURTHER ORDER: The respondent is instructed to notify the Board of any further disciplinary action against him.

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FURTHER ORDER: The Board directs that the contents of this notice be made available to the public, including at Immigration Courts and appropriate offices of the DHS.

FURTHER ORDER: The respondent may petition this Board for reinstatement to practice before the Board, Immigration Courts, and DHS under 8 C.F.R. § 1003.107 (2013).

A handwritten signature in black ink, appearing to be 'J. M. A.', written above a horizontal line.

FOR THE BOARD