

# Update on Ethical and Discipline Issues for Immigration Lawyers



CHARLES HERRING, JR.  
HERRING & PANZER, LLP.

ERICA B. SCHOMMER  
ST. MARY'S UNIVERSITY SCHOOL OF LAW

1

## Texas Disciplinary Rules of Professional Conduct (1990)

2

## Texas Disciplinary Rule Restrictions on Advocacy



- Rule 3.01 – Duty to avoid frivolous positions
- Rule 3.02 – Duty to avoid unreasonably increasing costs, burdens, and delays in litigation
- Rule 3.03 – Duty to avoid false statements of fact or law to a tribunal

3

## Texas Disciplinary Rule Restrictions on Advocacy



- Rule 3.04 – Duty to avoid falsifying evidence or unlawfully concealing evidence
- Rule 3.05 – Duty to avoid improper ex parte communications
- Rule 4.01 – Duty to avoid making a false statement of material fact or law to a third person
- Rule 4.02 – Anti-contact rule
- Rule 8.04(a)(3) – Duty to avoid deceit, dishonesty, fraud, and misrepresentation

4

## Executive Office for Immigration Review Attorney Discipline Program

5

### EOIR Professional Conduct Rules



#### 8 CFR § 292.3

“An adjudicating official or the Board of Immigration Appeals may impose disciplinary sanctions against any practitioner if it finds it to be in the public interest to do so. It will be in the public interest to impose disciplinary sanctions against a practitioner who is authorized to practice before DHS when such person has engaged in *criminal, unethical, or unprofessional conduct, or in frivolous behavior*, as set forth in 8 CFR 1003.102.”

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

## Title search: Update on Ethical and Discipline Issues for Immigration Lawyers

Also available as part of the eCourse

[2019 eConference on Immigration and Nationality Law](#)

First appeared as part of the conference materials for the 43<sup>rd</sup> Annual Conference on Immigration and Nationality Law session "Avoiding Malpractice"