

# Update on Ethical and Discipline Issues for Immigration Lawyers



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## Texas Disciplinary Rules of Professional Conduct (1990)

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## 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

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## 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

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## Executive Office for Immigration Review Attorney Discipline Program

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### 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.”

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Also available as part of the eCourse

[First Friday Ethics \(May 2021\)](#)

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2021 First Friday Ethics (May 2021) session

"Avoiding Malpractice (REPLAY)"