



Department of Justice

Executive Office for Immigration Review

Office of the General Counsel

5107 Leesburg Pike, Suite 1903
Falls Church, Virginia 22041

September 21, 2018

Jacqueline Stevens
Northwestern University
Dept. of Political Science
601 University Place
Evanston, IL 60208

Re: FOIA 2015-27249

Dear Prof. Stevens,

This letter is in response to your Freedom of Information Act (FOIA) request to the Executive Office for Immigration Review (EOIR) in which you seek investigatory materials relating to certain complaints against immigration judges (IJs). We apologize for the delay in providing this response; the response was delayed both by the complexity of the request, and the litigation surrounding *AILA v. EOIR*.

Responsive documents are enclosed. Portions of the enclosed documents have been redacted in accordance with 5 U. S.C. § 552(b)(6) to avoid a clearly unwarranted invasion of personal privacy, and/or 5 U. S.C. § 552(b)(5) to protect privileged information. The reason for redaction is clearly marked on each redacted portion. Additionally, each complaint was evaluated for release in conformity with *AILA v. EOIR*, No. 13-840 (D.D.C. filed June 6, 2013). In each case, it was determined that the public interest in release did not outweigh the privacy interest of the immigration judge.

There will be no charge for the enclosed documents.

Please note that the following complaint numbers did not contain any responsive records: 253, 513, 678, 682, and 718. These complaints may have been combined with other complaints, or may have been expunged from the record pursuant to an agreement or order.

In the following cases, documents not created or maintained by EOIR were referred to other agencies for direct response to you:

#789: Report of Investigation (Office of the Inspector General)
#770: Memorandum of 6/4/2013 w/attachment (Office of the Inspector General)
#731: Report of Investigation (Office of the Inspector General)

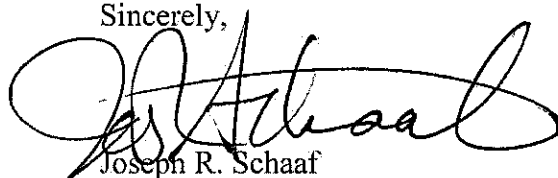
#762: E-mails and documents Oct 2012 (ICE)
E-mail of 2/11/2013 (Office of Professional Responsibility)
Letter of 8/8/2014 (Office of Professional Responsibility)
E-mail of 7/12/2012 (ICE)

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. *See* <http://www.justice.gov/oip/foiapost/2012foiapost9.html>.

You may contact our FOIA Public Liaison at the telephone number 703-605-1297 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in black ink, appearing to read "J. Schaaf", written over a horizontal line.

Joseph R. Schaaf

Chief Counsel for Administrative Law

Enclosure:

EOIR FOIA# 2015-27249

Single Complaint Detail

Complaint Number: 731

Immigration Judge: (b) (6)

Complaint Date: 03/12/13

Current ACIJ
Nadkarni, Deepali

Base City
(b) (6)

Status
CLOSED

Final Action
Complaint concluded -- IJ resignation made
action unnecessary

Final Action Date
01/08/15

A-Number(s)	Complaint Nature(s)	Complaint Source(s)
	Bias Criminal In-court conduct Out-of-court conduct	Anonymous

Complaint Narrative:

IJ solicited attorney to purchase jewelry from (b) (6) and son. Did not recuse (b) (6). Used government time and facilities to solicit. Completed application for a respondent. Used immigration counsel to represent (b) (6) son in a criminal matter. Disparate treatment of attorneys.

Complaint History	
03/14/13	OIG action notifies EOIR investigation initiated
03/18/13	Database entry created
09/12/13	OIG issued report
10/21/13	Proposed discipline in draft
04/30/14	Proposed removal from federal service - Proposed removal from Federal Service
05/06/14	Extension for response granted to June 10
06/16/14	IJ submitted response
07/15/14	Deciding official designated
01/08/15	Complaint concluded -- IJ resignation made action unnecessary - IJ resignation/retirement (b) (6), (b) (5)

Processing, FOIA (EOIR)

From: Wahowiak, Marlene (EOIR)
Sent: Friday, March 21, 2014 10:27 AM
To: Reilly, Katherine - OGC (EOIR); Nadkarni, Deepali (EOIR); Keller, Mary Beth (EOIR)
Subject: RE: (b) (6) ex parte charge

(b) (5)



From: Wahowiak, Marlene (EOIR)
Sent: Friday, March 21, 2014 10:21 AM
To: Reilly, Katherine (EOIR); Nadkarni, Deepali (EOIR); Keller, Mary Beth (EOIR)
Subject: (b) (6), ex parte charge

All,

(b) (5)



MMW

Processing, FOIA (EOIR)

From: Taylor, Lamont (EOIR)
Sent: Thursday, March 20, 2014 10:34 AM
To: Endres, Brett (EOIR); Keller, Mary Beth (EOIR)
Subject: RE: information

Good Morning MaryBeth,

There are no cases where (b) (6) is a representative before Judge (b) (6).

From: Keller, Mary Beth (EOIR)
Sent: Tuesday, March 18, 2014 2:43 PM
To: Endres, Brett (EOIR)
Cc: Reilly, Katherine (EOIR); Nadkarni, Deepali (EOIR)
Subject: information

Brett,

Could you please run us a report of any cases in which attorney (b) (6) Jr is a representative before Judge (b) (6)?

Many thanks.

Mtk

MaryBeth Keller

Assistant Chief Immigration Judge

(b) (6)

(b) (6)

[@usdoj.gov](mailto:(b) (6)@usdoj.gov)

Processing, FOIA (EOIR)

From: Moutinho, Deborah (EOIR)
Sent: Thursday, January 30, 2014 2:48 PM
To: Keller, Mary Beth (EOIR); Wahowiak, Marlene (EOIR); Nadkarni, Deepali (EOIR)
Cc: Reilly, Katherine - OGC (EOIR)
Subject: RE: (b) (6)
Attachments: (b) (6) New.pdf; Old (b) (6).pdf

Good Afternoon

Please see the attached data base reports for IJ (b) (6)

Thank you
Deborah

From: Keller, Mary Beth (EOIR)
Sent: Thursday, January 30, 2014 11:04 AM
To: Wahowiak, Marlene (EOIR); Nadkarni, Deepali (EOIR)
Cc: Reilly, Katherine (EOIR); Moutinho, Deborah (EOIR)
Subject: RE: (b) (6)

(b) (5)



From: Wahowiak, Marlene (EOIR)
Sent: Thursday, January 30, 2014 10:22 AM
To: Keller, Mary Beth (EOIR); Nadkarni, Deepali (EOIR)
Cc: Reilly, Katherine (EOIR)
Subject: (b) (6)

(b) (5)



Please let me know—
MMW



Detail

Complaint Number: 731

Immigration Judge: (b) (6)

Complaint Date: 03/12/13

Current ACIJ: Nadkarni, Deepali Base City: (b) (6) Status: OPEN Final Action: Final Action Date:

A-Number(s)	Complaint Nature(s)	Complaint Source(s)
	Bias Criminal In-court conduct Out-of-court conduct	Anonymous

Complaint Narrative: IJ solicited attorney to purchase (b) (6) from (b) (6) and son. Did not recuse (b) (6). Used government time and facilities to solicit. Completed application for a respondent. Used immigration counsel to represent (b) (6) son in a criminal matter. Disparate treatment of attorneys.

Complaint History	
03/14/13	OIG action notifies EOIR investigation initiated
03/18/13	Database entry created
09/12/13	OIG issued report
10/21/13	Proposed discipline in draft



Detail

Complaint Number: [REDACTED]

Immigration Judge: (b) (6) [REDACTED]

Complaint Date: 10/18/10

Current ACIJ
Dean, Larry R.

Base City
[REDACTED]

Status
CLOSED

Final Action
Complaint dismissed because it cannot be substantiated

Final Action Date
12/23/11

A-Number(s)	Complaint Nature(s)	Complaint Source(s)
	Out-of-court conduct	Other (b) (6) [REDACTED]

Complaint Narrative: IJ spoke with attorney about possible ways of presenting an asylum case. IJ also asked that the atty represent a person before USCIS and then "manipulated" the bar complaint process against the attorney.

Complaint History	
10/20/10	EOIR requested additional information from source
10/27/10	Database entry created
01/06/11	Complaint referred to OPR
05/26/11	OPR initiated an inquiry
06/27/11	Extension granted for response until 7/25/11
12/23/11	Complaint dismissed because it cannot be substantiated
12/23/11	OPR closed its investigation without taking further action



Detail

Complaint Status: Both (Open & Closed)

Current ACIJ: ALL ACIJs

IJ: (b) (6)

Base City: ALL Base Cities

Complaint Open Date From : Jan 30, 2000 To : Jan 30, 2014

Total Number of Complaints: 2

IMMIGRATION JUDGE: (b) (6)

(b) (6)

IJ NAME:	COMP DATE	DATE RECEIVED	TYPE	ACIJ	COMPLAINANT	COMPLAINANT AGENCY	OIG/IOPR	CLOSED
(b) (6)	10/1/2006		ORAL	LARRY R. DEAN	ACIJ Larry Dean	EOIR/OCIJ	N/A	<input checked="" type="checkbox"/>

NATURE OF COMPLAINT

IJ conducted unauthorized investigation of another IJ

MOST RECENT ACTION

COMP HISTORY

LEGACY DATA

Written reprimand issued on October 24, 2006...matter closed

IMMIGRATION JUDGE: (b) (6)

(b) (6)

IJ NAME:	COMP DATE	DATE RECEIVED	TYPE	ACIJ	COMPLAINANT	COMPLAINANT AGENCY	OIG/IOPR	CLOSED
(b) (6)	6/1/2006		ORAL	LARRY R. DEAN	ACIJ Larry Dean	EOIR/OCIJ	N/A	<input checked="" type="checkbox"/>

NATURE OF COMPLAINT

Failure to report to work on time and causing unnecessary delay of cases

MOST RECENT ACTION

COMP HISTORY

LEGACY DATA

Written reprimand sent July 7, 2006 ... IJ asked ACIJ to reconsider and filed a grievance on July 19, 2006 ... DCIJ upheld reprimand on Aug. 24, 2006 ... matter closed

IMMIGRATION JUDGE: (b) (6)

(b) (6)

IJ NAME:	COMP DATE	DATE RECEIVED	TYPE	ACIJ	COMPLAINANT	COMPLAINANT AGENCY	OIG/OPR	CLOSED
(b) (6)	3/16/2006		WRITTEN	LARRY R. DEAN	N/A N/A N/A	(b) Circuit Decision	OPR	<input checked="" type="checkbox"/>

NATURE OF COMPLAINT

IJ decision illogical / fabrication of facts asserted by court in (b) (6)

MOST RECENT ACTION

COMP HISTORY

11/27/2007 OPR concludes no professional misconduct or poor judgment. Notes errors and deficiencies constituting performance problems that are referred back to EOIR for management action.
12/28/2007 Counseling and/or training being considered.
01/31/2008 ACIJ counselled IJ regarding closer attention to detail, which (b) agreed (b) should undertake.

LEGACY DATA

The circuit court criticized Judge (b) for irrational assumptions -- sent to OPR --- Y, OPR on July 18, 2006. OPR initiated investigation on October 13, 2006. Judge given extension for response to November 30, 2006 ... per Feb. 28, 2007 quarterly, OPR reviewing response to determine what further investigative steps warranted. Per May 31, 2007 and Aug. 21, 2007, quarterly, OPR plans to schedule interviews in the near future.

IMMIGRATION JUDGE: (b) (6)

(b) (6)

IJ NAME:	COMP DATE	DATE RECEIVED	TYPE	ACIJ	COMPLAINANT	COMPLAINANT AGENCY	OIG/OPR	CLOSED
(b) (6)	8/5/2005		ORAL	LARRY R. DEAN	ACIJ Larry Dean	EOIR/OCIJ	N/A	<input checked="" type="checkbox"/>

NATURE OF COMPLAINT

Disrespectful of ACIJ/CA

MOST RECENT ACTION

COMP HISTORY

LEGACY DATA

Written reprimand ... matter closed

Processing, FOIA (EOIR)

From: Wahowiak, Marlene (EOIR)
Sent: Tuesday, November 05, 2013 2:49 PM
To: Nadkarni, Deepali (EOIR); Keller, Mary Beth (EOIR); Scheinkman, Rena (EOIR)
Subject: RE: (b) (6)

(b) (5)

From: Nadkarni, Deepali (EOIR)
Sent: Tuesday, November 05, 2013 2:48 PM
To: Wahowiak, Marlene (EOIR); Keller, Mary Beth (EOIR); Scheinkman, Rena (EOIR)
Subject: RE: (b) (6)

(b) (5)

Dee Nadkarni
Assistant Chief Immigration Judge

(b) (6)

From: Wahowiak, Marlene (EOIR)
Sent: Tuesday, November 05, 2013 2:08 PM
To: Nadkarni, Deepali (EOIR); Keller, Mary Beth (EOIR); Scheinkman, Rena (EOIR)
Subject: RE: (b) (6)

(b) (5)

From: Nadkarni, Deepali (EOIR)
Sent: Tuesday, November 05, 2013 1:02 PM
To: Wahowiak, Marlene (EOIR); Keller, Mary Beth (EOIR); Scheinkman, Rena (EOIR)
Subject: RE: (b) (6)

Yes. See attached.

Dee Nadkarni
Assistant Chief Immigration Judge

(b) (6)

From: Wahowiak, Marlene (EOIR)
Sent: Tuesday, November 05, 2013 12:53 PM
To: Nadkarni, Deepali (EOIR); Keller, Mary Beth (EOIR); Scheinkman, Rena (EOIR)
Subject: (b) (6)

(b) (5)

(b) (5)

Just a thought.

Processing, FOIA (EOIR)

From: Nadkarni, Deepali (EOIR)
Sent: Tuesday, November 05, 2013 1:05 PM
To: Keller, Mary Beth (EOIR); Scheinkman, Rena (EOIR); Wahowiak, Marlene (EOIR)
Subject: FW: info request--privileged

Below are the date parameters requested for the report. We can ask OPAT to expand the search if necessary.

Dee Nadkarni
Assistant Chief Immigration Judge

(b) (6)

From: Pasierb, Mark (EOIR)
Sent: Monday, September 16, 2013 5:10 PM
To: Nadkarni, Deepali (EOIR)
Subject: RE: info request--privileged

Dee- there is another issue—if this information is for outside use or potentially could be used outside of internal management, OPAT has to do it. Mark

From: Nadkarni, Deepali (EOIR)
Sent: Monday, September 16, 2013 5:09 PM
To: Pasierb, Mark (EOIR)
Subject: RE: info request--privileged

It's pretty pressing (in the next couple of days), but let me ask Ed. Also, need to add one—btw October 5, 2010 to the present, Attorney (b) (6). Thanks.

Dee Nadkarni
Assistant Chief Immigration Judge

(b) (6)

From: Pasierb, Mark (EOIR)
Sent: Monday, September 16, 2013 5:02 PM
To: Nadkarni, Deepali (EOIR)
Subject: RE: info request--privileged

Dee- OK. Let me see what we can do. Is there a deadline?

From: Nadkarni, Deepali (EOIR)
Sent: Monday, September 16, 2013 4:48 PM
To: Pasierb, Mark (EOIR) ((b) (6) @EOIR.USDOJ.GOV)
Cc: Kelly, Ed (EOIR) ((b) (6) @EOIR.USDOJ.GOV); Scheinkman, Rena (EOIR)
Subject: info request--privileged

Hi Mark. We need some information regarding one of the (b) (6) IJs, (b) (6) (relating to (b) (6) cases at all (b) (6) hearing locations, including (b) (6)). How many times (or cases?) have the attorneys listed below appeared before IJ (b) (6)? If possible, can we get A#, application type; and disposition? Thankyouthankyou!!! d

- Btw January 2007 to present, Attorney (b) (6);
- Btw January 2008 to present, Attorney (b) (6);
- Btw January 2012 to present, Attorney (b) (6);
- Btw January 2008 to present, Attorney (b) (6);

- Btw March 2010 to present, Attorney (b) (6) ;
- Btw January 2007 to present, Attorney (b) (6) .

Thanks!

Dee Nadkarni
Assistant Chief Immigration Judge
(b) (6)

Processing, FOIA (EOIR)

From: Nadkarni, Deepali (EOIR)
Sent: Tuesday, November 05, 2013 1:02 PM
To: Wahowiak, Marlene (EOIR); Keller, Mary Beth (EOIR); Scheinkman, Rena (EOIR)
Subject: RE: (b) (6)
Attachments: FW: info request--privileged

Yes. See attached.

Dee Nadkarni
Assistant Chief Immigration Judge

(b) (6)

From: Wahowiak, Marlene (EOIR)
Sent: Tuesday, November 05, 2013 12:53 PM
To: Nadkarni, Deepali (EOIR); Keller, Mary Beth (EOIR); Scheinkman, Rena (EOIR)
Subject: (b) (6)

(b) (5)



Just a thought.

Processing, FOIA (EOIR)

From: McDowell, Ben (EOIR)
Sent: Wednesday, September 18, 2013 3:42 PM
To: Nadkarni, Deepali (EOIR)
Cc: Endres, Brett (EOIR)
Subject: FW: info request--privileged
Attachments: 13-223.xlsx

Dee

Please find attached the requested information. If you have any questions, let me know.

Thanks

Ben

From: Endres, Brett (EOIR)
Sent: Wednesday, September 18, 2013 7:37 AM
To: McDowell, Ben (EOIR)
Subject: FW: info request--privileged

Added to previous request

From: Nadkarni, Deepali (EOIR)
Sent: Tuesday, September 17, 2013 4:29 PM
To: Pasierb, Mark (EOIR); Endres, Brett (EOIR)
Cc: Kelly, Ed (EOIR)
Subject: RE: info request--privileged

Need to add one: btw October 5, 2010 to the present, Attorney (b) (6) . Thanks!

Dee Nadkarni
Assistant Chief Immigration Judge

(b) (6)

From: Pasierb, Mark (EOIR)
Sent: Tuesday, September 17, 2013 3:23 PM
To: Endres, Brett (EOIR)
Cc: Nadkarni, Deepali (EOIR)
Subject: FW: info request--privileged

Brett- Can you provide Judge Nadkarni the request information in the e-mail below?

From: Nadkarni, Deepali (EOIR)
Sent: Monday, September 16, 2013 4:48 PM
To: Pasierb, Mark (EOIR) ((b) (6) @EOIR.USDOJ.GOV)
Cc: Kelly, Ed (EOIR) ((b) (6) @EOIR.USDOJ.GOV); Scheinkman, Rena (EOIR)
Subject: info request--privileged

Hi Mark. We need some information regarding one of the (b) (6) IJs, (b) (6) (relating to (b) (6) cases at all (b) (6) hearing locations, including (b) (6)). How many times (or cases?) have the attorneys listed below appeared before IJ (b) (6)? If possible, can we get A#, application type; and disposition? Thankyouthankyou!!! d

- Btw January 2007 to present, Attorney (b) (6);
- Btw January 2008 to present, Attorney (b) (6);
- Btw January 2012 to present, Attorney (b) (6);
- Btw January 2008 to present, Attorney (b) (6);
- Btw March 2010 to present, Attorney (b) (6);
- Btw January 2007 to present, Attorney (b) (6).

Thanks!

Dee Nadkarni
Assistant Chief Immigration Judge
(b) (6)

Executive Office for Immigration Review
Office of Planning, Analysis, and Technology

OPAT#13-223

Request for information on San Antonio cases for IJ (b) (6) in (b) (6)
Proceedings where certain attorneys were the representative for (b) (6) in (b) (6)

ALIEN_NBR	Court Application	Court App Decision	DECISION_DATE	Decision	COMP_DATE	AttorneyName
(b) (6)						(b) (6)
EOIR42A		GRANT	1/29/2007	Relief Granted	1/29/2007	
EOIR42A		GRANT	1/29/2007	Relief Granted	1/29/2007	
EOIR42A		GRANT	12/14/2007	Relief Granted	12/14/2007	
EOIR42A		GRANT	5/23/2008	Relief Granted	5/23/2008	
EOIR42A		GRANT	5/23/2008	Relief Granted	5/23/2008	
WITHHOLDING-CONVENTION AGAINST TORTURE		OTHER	8/14/2013	Administrative Closing - Other	8/14/2013	
ASYLUM WITHHOLDING		OTHER	8/14/2013	Administrative Closing - Other	8/14/2013	
ASYLUM WITHHOLDING		OTHER	8/14/2013	Administrative Closing - Other	8/14/2013	
WITHHOLDING-CONVENTION AGAINST TORTURE		OTHER	8/14/2013	Administrative Closing - Other	8/14/2013	
EOIR42A		WITHDRAWN	7/3/2008	Voluntary Departure	7/3/2008	
VOLUNTARY DEPARTURE		GRANT	7/3/2008	Voluntary Departure	7/3/2008	
EOIR42A		GRANT	2/4/2009	Relief Granted	2/4/2009	
ASYLUM		ABANDONMENT	12/18/2007	Remove	12/18/2007	
ASYLUM WITHHOLDING		ABANDONMENT	12/18/2007	Remove	12/18/2007	
EOIR42A		DENY	8/30/2013	Remove	8/30/2013	
EOIR42A		DENY	8/30/2013	Remove	8/30/2013	
EOIR42A		DENY	8/30/2013	Remove	8/30/2013	
EOIR42A				Transfer	2/6/2007	
EOIR42A		GRANT	2/6/2008	Relief Granted	2/6/2008	
EOIR42A		GRANT	2/6/2008	Relief Granted	2/6/2008	
EOIR42A		GRANT	2/14/2008	Relief Granted	2/14/2008	
EOIR42A		GRANT	2/14/2008	Relief Granted	2/14/2008	
EOIR42A		OTHER	5/22/2009	Terminated	5/22/2009	
EOIR42A		GRANT	2/12/2007	Relief Granted	2/12/2007	
EOIR42B		FULL GRANT	6/6/2008	Relief Granted	6/6/2008	
				Change of Venue	9/27/2007	
				Remove	4/25/2007	
				Remove	4/25/2007	
ASYLUM		DENY	6/9/2008	Voluntary Departure	6/9/2008	
ASYLUM		DENY	6/9/2008	Voluntary Departure	6/9/2008	
ASYLUM WITHHOLDING		DENY	6/9/2008	Voluntary Departure	6/9/2008	
VOLUNTARY DEPARTURE		GRANT	6/9/2008	Voluntary Departure	6/9/2008	
WITHHOLDING-CONVENTION AGAINST TORTURE		DENY	6/9/2008	Voluntary Departure	6/9/2008	
WITHHOLDING-CONVENTION AGAINST TORTURE		DENY	6/9/2008	Voluntary Departure	6/9/2008	
VOLUNTARY DEPARTURE		GRANT	6/9/2008	Voluntary Departure	6/9/2008	
ASYLUM WITHHOLDING		DENY	6/9/2008	Voluntary Departure	6/9/2008	

ALIEN_NBR	Court Application	Court App Decision	DECISION_DATE	Decision	COMP_DATE	AttorneyName
(b) (6)				Transfer	2/14/2007	(b) (6)
				Remove	12/12/2007	
	VOLUNTARY DEPARTURE	GRANT	1/30/2008	Voluntary Departure	1/30/2008	
	245 - ADJUSTMENT OF STATUS	DENY	6/11/2009	Remove	6/11/2009	
	245 - ADJUSTMENT OF STATUS	DENY	6/11/2009	Remove	6/11/2009	
				Administrative Closing - Other	6/24/2009	
	ASYLUM	DENY	6/18/2008	Remove	6/18/2008	
	ASYLUM WITHHOLDING	DENY	6/18/2008	Remove	6/18/2008	
	WITHHOLDING-CONVENTION AGAINST TORTURE	DENY	6/18/2008	Remove	6/18/2008	
	VOLUNTARY DEPARTURE	GRANT	5/28/2008	Voluntary Departure	5/28/2008	
				Remove	1/10/2007	
	EOIR42B	WITHDRAWN	9/2/2009	Voluntary Departure	9/2/2009	
	EOIR42A	OTHER	5/23/2008	Remove	5/23/2008	
	EOIR42A	OTHER	5/23/2008	Remove	5/23/2008	



U.S. Department of Justice

Executive Office for Immigration Review

Office of the Chief Immigration Judge

5107 Leesburg Pike, Suite 2500
Falls Church, Virginia 20530

April 30, 2014

Immigration Judge (b) (6)
(b) (6)

Re: Notice of Proposed Removal

Dear Judge (b) (6)

This is notice that I propose to remove you from your position of Immigration Judge within the Executive Office for Immigration Review (EOIR), U.S. Department of Justice (DOJ), and from the Federal Service. This proposed removal is based on your inappropriate and unethical conduct in your position as an Immigration Judge. This removal, if taken, will be effective no sooner than 30 days from the date you receive this letter. This proposal is in accordance with 5 C.F.R. Part 752 and Department of Justice Order 1200.1 (Human Resources), Part 3, Chapter 1, and is issued to promote the efficiency of the Federal service.

Part I of this letter provides the background relating to this proposal. Part II enumerates the charges and specifications upon which this proposed removal is based. Part III discusses the factors I considered in proposing the penalty for your misconduct. Part IV outlines the procedures for responding to this notice of proposed removal.

I. Background

On March 14, 2013, the Office of the Inspector General (OIG) received allegations that you had engaged in unauthorized outside employment and bribery, had a conflict of interest, failed to perform your job, and engaged in inappropriate relationships with attorneys. The OIG conducted an investigation of these allegations, which was completed on August 27, 2013. The OIG concluded that you engaged in serious misconduct, including misusing your position and title by requesting personal favors from attorneys who appear before you. The OIG's Report of Investigation (ROI) is attached hereto as Exhibit 1.

II. Charges and Specifications

Charge 1 Misuse of Position: Violation of Standards of Ethical Conduct for Executive Branch Employees (5 C.F.R. § 2635.702)

The Standards of Ethical Conduct for Employees of the Executive Branch (5 C.F.R. § 2635.702) provides: "An employee shall not use his public office for his own private gain, for the endorsement of any product, service, or enterprise, or for the private gain of friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity...." The Standards of Ethical Conduct further state: "An employee shall not use or permit the use of his Government position or title or any authority associated with his public office in a manner that is intended to coerce or induce another person, including a subordinate, to provide any benefit, financial or otherwise, to himself or to friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity." 5 C.F.R. § 2635.702(a).

In determining the Specifications for this Charge, I considered the numerous instances in which the OIG found that you used or referenced your title or official position in a manner to further your own interests or the interests of others, including family members and those with whom you shared a close personal relationship.

Specification 1

In approximately the Spring of 2010, you saw private immigration attorney (b) (6) at a social event, and he complimented you on your jewelry. (b) (6) told the OIG that he appeared before you in immigration court four to five times a year. Approximately two weeks later, you called (b) (6) and offered to send your son (b) (6) to his office with jewelry for him to view. He agreed and eventually bought \$200 worth of jewelry from you. ROI, Synopsis at 4; Ex. 5.

Selling jewelry to an attorney appearing before you constitutes a misuse of your position and thereby violated 5 C.F.R. § 2635.702.

Specification 2

In approximately 2009 or 2010, you visited private immigration attorney (b) (6) at his office and attempted to sell him your jewelry. (b) (6) regularly appeared before you in immigration court. (b) (6) told the OIG that he appeared before you in immigration court approximately three or four times a month. (b) (6) took a bag of jewelry home with him and later returned it saying he did not want to purchase anything. ROI, Synopsis at 3-4; Ex. 11. You subsequently told the OIG that you sold necklaces to (b) (6) wife, but characterized the sale as her having only "reimbursed me the cost of buying the beads." ROI, Ex. 15, Att. 3 at 10.

Your attempt to sell jewelry to an attorney appearing before you and later selling jewelry to his wife constitutes a misuse of your position and thereby violated 5 C.F.R. § 2635.702.

Specification 3

In approximately 2008, you contacted private immigration attorney (b) (6) at his office and asked him if he wanted to look at your jewelry. (b) (6) told the OIG that he appeared before you in immigration court four to five times a year. You sent your son (b) (6) to (b) (6) office with a bag of jewelry. Your son returned the following day to retrieve the bag. (b) (6) gave your son \$150 for a necklace for his wife. ROI Synopsis at 3; Ex. 8.

Selling jewelry to an attorney appearing before you constitutes a misuse of your position and thereby violated 5 C.F.R. § 2635.702.

Specification 4

In approximately 2008, you contacted the office of private immigration attorney (b) (6) and spoke to a member of his staff about showing some jewelry you had for sale. You visited his office on two occasions and sold jewelry. (b) (6) told the OIG that he appeared before you in immigration court monthly. ROI, Synopsis at 4; Ex. 10.

Visiting the office of an attorney who appears before you for purposes of selling jewelry to his staff constitutes a misuse of your position and thereby violated 5 C.F.R. § 2635.702.

Specification 5

Between August 17, 2012 and August 20, 2012, you sent emails from your DOJ account with the subject line "From Judge (b) (6)" to a private immigration attorney and his firm concerning your need to contact the Vermont Service Center. You asked if he had a "secret number where you can actually talk to someone there[.]" You also explained that you were calling the Center to inquire about "a fiancé visa application[.]" See ROI, Ex. 6, Att. 2.

Your use of your title and your official DOJ email account to ask a private attorney for assistance in contacting the Vermont Service Center on a personal immigration matter constitutes a misuse of your position and thereby violated 5 C.F.R. § 2635.702.

Specification 6

On June 26, 2012, you sent emails from your DOJ account to an individual at DHS, signing those emails as "Judge (b) (6)" Each email appeared to be about the same individual, (b) (6) or "Cousin (b) (6)" You asked about information concerning her case. When the DHS contact suggested that she send you her passport and the DHS contact would stamp it for her (thus allowing her to forego a long trip from (b) (6) to (b) (6)), you replied, "You are a blessing!!! Thank you so much!!! Let me tell her!!! Judge (b) (6) [.]". In a later email on August 17, 2012 email, from your DOJ account using the subject line "From Judge (b) (6)" to the same person at DHS, you included a picture of you and "Cousin (b) (6)" in which she appears to be holding her green card. See ROI, Ex. 6, Att. 2.

Your use of your title and your official DOJ email account to contact DHS about a relative's immigration status constitutes a misuse of your position and thereby violated 5 C.F.R. § 2635.702.

Specification 7

On June 21, 2012, you sent an email from your DOJ account with the subject line "Information Please from Judge (b) (6)" to an individual at DHS. Your email concerned "a cousin from (b) (6) [who] has received a notice to appear for [an] interview in (b) (6) regarding her approved I-360 and now application for adjustment." You said the matter needed to be transferred to (b) (6), closer to her home and that she was unable "to get through to anyone to resolve the issue and get the case transferred to (b) (6)." See ROI, Ex. 6, Att. 2.

Your use of your title and your official DOJ email account to assist a relative concerning her interview with DHS constitutes a misuse of your position and thereby violated 5 C.F.R. § 2635.702.

Specification 8

On October 5, 2010, you sent an email from your DOJ account with the subject line "From Judge (b) (6)" to a private immigration attorney asking for assistance for your cousin. You said that your cousin was married to a U.S. citizen but noted that she did not have any "documents." According to your email, the U.S. citizen husband beat your cousin and your cousin needed proof of the husband's citizenship to include with her I-360 application. You asked the private attorney to "get me one of those DPS [State of (b) (6) Department of Public Safety] reports on him . . . maybe it will say where he was born." You then provided the attorney with the husband's personal information, including his Social Security number. The attorney thereafter provided you with the husband's criminal history. See ROI, Ex. 6, Att. 1; Att. 3. You later responded to the attorney that the reports "will help tremendously[.]" The DPS reports did not provide information regarding birthplace, and you asked the attorney to let you know if he later thought of another way to retrieve that information. See ROI, Ex. 6, Att. 3.

Your use of your title and your official DOJ email account to inquire about the legal assistance for your cousin in an immigration matter, and to obtain information relating to your cousin's husband's criminal history, constitutes a misuse of your position and thereby violated 5 C.F.R. § 2635.702.

Specification 9

You sent a letter dated April 14, 2010, to the (b) (6) Department of (b) (6) Services in which you detailed your concerns regarding your (b) (6) (b) (6). In that letter, you referenced your official title several times, as well as your employment with the Department of Justice. You referred to yourself as a "United States Immigration Judge[;] a federal judge[;] a federal immigration judge[;and] a United States Federal Immigration Judge[.]" See ROI, Ex. 6, Att. 4.

Referencing your official title in a letter to a state government agency regarding a private legal matter constitutes a misuse of your position and thereby violated 5 C.F.R. § 2635.702.

Specification 10

On December 11, 2009, you sent an email from your DOJ account with the subject line "Message from Judge (b) (6) from (b) (6)" to a private attorney asking if she could assist the uncle of your son's godmother to obtain an immigration benefit. Specifically, you noted that the uncle needed "legal help in order to file for registry [and he has] been here since the 60's but never filed anything because he was working under an assumed name." You added that because the uncle had been working under "an assumed name" he could not claim Social Security. You also commented that you had asked for this attorney's business card when she previously appeared in (b) (6) (presumably before you in Immigration Court) because you had intended to contact her for assistance. The attorney responded that her office handled registry cases and that she looked forward to "meeting him and potentially helping him with his case." See ROI, Ex. 6, Att. 1.

Your use of your title and your official DOJ email account to inquire about legal assistance on an immigration matter for the relative of your son's godmother constitutes a misuse of your position and thereby violated 5 C.F.R. § 2635.702.

Specification 11

On February 26, 2009, you sent an email from your DOJ account, with the subject line "From Judge (b) (6)" to a Department of Homeland Security (DHS) Field Office Director inquiring about "a friend of mine's nats [sic] application." You explained that whenever your friend inquired about his case, "he's always told he needs to wait." The DHS Field Office Director told you he would look into the case and would send your friend "an update on his application within one week." See ROI, Ex. 6, Att. 1.

Your use of your title and your official DOJ email account to inquire about the status of a friend's pending immigration matter before DHS constitutes a misuse of your position and thereby violated 5 C.F.R. § 2635.702.

Specification 12

On June 19, 2008, you sent an email from your DOJ account with the subject line "From Judge (b) (6)" to a private attorney concerning "(b) (6)" and a (b) (6) (b) (6). You said that you wanted the attorney "(b) (6)" (presumably (b) (6) based upon the email address) to get the "best deal" for (b) (6) and that you would wait for (b) (6) call.¹ (As noted in Specification 4, (b) (6) told the OIG that he appears before you.) See ROI, Ex. 6, Att. 1.

¹ On July 23, 2008, you sent an email from your DOJ account to (b) (6) (your live-in (b) (6) at the time) in which you advised (b) (6) to turn over records, presumably, based on the context, to the law practice. See ROI, Ex. 6, Att. 1.

Your use of your title and your official DOJ email account to ask for legal assistance in a private matter, on behalf of your friend, from an attorney who appears before you in court, constitutes a misuse of your position and thereby violated 5 C.F.R. § 2635.702.

Charge 2 **Impartiality in Performing Official Duties: Violation of Standards of Ethical Conduct for Executive Branch Employees (5 C.F.R. § 2635.502)**

The Standards of Ethical Conduct for Employees of the Executive Branch (5 C.F.R. § 2635.502) provides that, without proper authorization: “Where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his household, or knows that a person with whom he has a covered relationship is or represents a party to such matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, the employee should not participate in the matter....” That regulation further provides that if a reasonable person with knowledge of the relevant facts would question an employee’s impartiality in a particular matter, the employee should not participate in that matter. 5 C.F.R. § 2635.502(c).

An Immigration Judge has a covered relationship with: (a) a person with whom the Immigration Judge has or seeks a business, contractual, or other financial relationship that involves other than a routine consumer transaction; (b) a person who is a member of the Immigration Judge’s household, or a relative with whom the Immigration Judge has a close relationship; (c) a present or prospective employer of a spouse, parent or child; or (d) an organization which the Immigration Judge now serves, or has served, as an employee or in another capacity, within the past year. 5 C.F.R. § 2635.502(b)(1).

Specification 1

In October 2011, you sent several emails from your official DOJ account concerning your son. Some of these emails were exchanged between you and private immigration attorneys (b) (6) and (b) (6) (both of the same practice). (b) (6) was helping you with your son, who appears to have been in a residential facility. Among other things, (b) (6) was going to retrieve your son’s belongings. He also said in an October 28, 2011 email to you that he intended to “leave [your son] bread and baloney in the canon at (b) [sic] (b) (6) [sic] park[.]” ROI, Ex. 6, Att. 5.

The October 28, 2011 email was part of an email chain in which (b) (6) raised a pending continuance he had before you in the case A(b) (6). You advised him that you had granted the continuance and also told him what to do if a Form I-130 was or was not filed prior to the next Master Calendar.

A reasonable person with knowledge of the relevant facts, as detailed in the preceding paragraphs, would question your impartiality in a matter involving (b) (6). Nonetheless, you presided over a case in which he was the attorney of record, during the time period in which he was helping you with matters concerning your son. Therefore, you violated 5 C.F.R. § 2635.502.

Specification 2

In your affidavit, you described private attorney (b) (6) and his wife as friends of yours. (b) (6) represents respondents in hearings before you. In 2007, you hired (b) (6) to represent your then minor son (b) (6) in a (b) (6) and paid him \$300. Your son also lived with you at the time. You admitted that you did not recuse yourself from any matters in which (b) (6) was counsel nor did you obtain prior approval to continue presiding over those cases.

A reasonable person with knowledge of the relevant facts, as detailed in the preceding paragraph, would question your impartiality in a matter involving (b) (6). Nonetheless, you presided over cases in which he was the attorney of record, during the time period in which you were paying him to represent your minor son. Therefore, you violated 5 C.F.R. § 2635.502.

Specification 3

This Specification deals with your relationship with (b) (6). All of the emails quoted below appear in the OIG ROI, Exhibit 6, Attachment 6.

In February 2009, you exchanged emails with a Judicial Law Clerk (JLC) concerning a decision he was drafting for you in a case in which (b) (6) represented the respondent. At one point, the JLC asked you if (b) (6) was an "unscrupulous attorney." The JLC noted that (b) (6) had filed to withdraw as counsel in the case claiming that his client had posted bond while she was, in fact, still detained. You responded:

(b) (6) is a problem child[.] He is a very calm and personable attorney but his work is very lacking. I allowed him to withdraw because I did not think he would do any better for his client and his client, according to him, had been released. I just thought that the paperwork on the release had not made it through the file so I was surprised to have her show up still detained. You should see the face of this lady. If there is a face of post[-]traumatic stress disorder, it's her face . . . It was at the end, at the closing of the hearing that she said, "please help me[.]" I felt I needed to give her hope so I told her, in the presence of the trial attorney, that I believed her. Sad Sad case.

On May 4, 2010, you sent an email to the JLC stating, "I've had a lot of work. I've been double booking myself on asylums because attorney (b) (6) has gotten so many continuances and I really need to conclude his cases so most of the asylums are his and they will be short decisions."

On June 23, 2010, you exchanged emails with the JLC in which he asked whether you considered reporting (b) (6) to EOIR's Bar Counsel. He said, "In many of (b) (6) cases, he does absolutely nothing." You responded:

I know and I have talked to him about it personally. I really don't want to do it because I know his wife and his daughter who just graduated from (b) (6) and will be taking the bar soon and joining his practice. She is super

intelligent and hopefully will help with the cases. I guess because I know his family, I will not do it but, you are right he just does not do good work. Let's let it be please.

On March 10, 2011, you sent an email on your official DOJ account to another Immigration Judge in which you described a social gathering you hosted. (b) (6) and his wife were there, along with guests from EOIR and DHS. You described (b) (6) and his wife as "personal friends." You also added, "Of course, I don't let that interfere with my decision making but they are good friends."

You did not act impartially in dealing with allegations of possible legal malpractice by your personal friend, (b) (6). You further violated your duty to act impartially when you discouraged a JLC from further discussion about (b) (6) legal malfeasance by stating, "Let's let it be, please."

Charge 3 **Inappropriate Conduct:**
Conduct Unbecoming an Immigration Judge

Specification 1

You asked immigration attorney (b) (6) to loan you \$1000 in 2012. You subsequently borrowed the money from (b) (6) wife. You said you needed the money because you were late on your mortgage payment. The OIG interviewed (b) (6) defense attorney, who said that as of June 20, 2013, you had yet to repay the loan. On July 19, 2013, you were interviewed by the OIG. On July 24, 2013, you mailed a cashier's check in the amount of \$1000 to (b) (6). See ROI Synopsis at 7; see also, ROI, Ex-12; Ex-15, Att. 3 at 11.

I find that that by soliciting and obtaining a loan (which you only repaid after the OIG interview) from someone who has or seeks official action or business with the Agency (b) (6) or has interests that may be substantially affected by your performance of your official duties (b) (6) or his wife) was inappropriate.

Specification 2

On several occasions you borrowed money from Immigration Court Interpreter (b) (6) (b) (6). You admitted to borrowing \$100-\$200 from (b) (6) on three to four occasions. See ROI Synopsis at 7; see also, ROI, Ex-15, Att. 3 at 11. I find that borrowing money from (b) (6), who works with the immigration court in a position that supports immigration judges, was inappropriate.

Specification 3

In November 2009, you sent an email from your official DOJ account to an officer with (b) (6) County concerning your son. You referenced your son as being an adult, and discussed his (b) (6). You also said, "I desperately need help for (b) (6) from the (b) (6) (b) (6). I have tried everything else." ROI, Ex-6, Att. 5.

Your use of your official DOJ email account to communicate about a (b) (6), including referencing (b) (6), was inappropriate.

Specification 4

On March 13, 2008, you sent an email from your DOJ account to your son's principal in which you disputed (b) (6)

(b) (6)

(b) (6)

you also challenged the legality of the search itself. ROI, Ex-6, Att. 5.

I find that using your official DOJ email account to communicate and argue about a (b) (6) i.e. (b) (6) was inappropriate.

III. Penalty

In determining an appropriate penalty for your misconduct, I considered the applicable factors enumerated in *Douglas v. Veterans Administration*, 5 M.S.P.R. 280 (1981). A mitigating factor in your favor is your many years of service as an Immigration Judge, commencing in 1995.

Nevertheless, having read the OIG ROI, I found the widespread scope and serial pattern of your misconduct astonishing. Immigration Judges occupy a position of public trust and stand in the shoes of the Attorney General. Notwithstanding the weighty responsibility and trust given you, you have chosen to engage in a serial misuse of your office to further your own personal affairs and those close to you. For example, not only did you use your official DOJ email account to inquire about private criminal, civil, and immigration matters involving you, your family, and your friends, but you also specifically and purposefully used your title when doing so. On one occasion, while using your title and DOJ email account, you sought assistance for the uncle of your son's godmother going so far as to note that the uncle had been in the United States illegally since the 1960s and had been living under an assumed name all the while. Even on the rare occasion that you advised someone you were acting in your personal capacity, you did so in such a disingenuous manner that no reasonable person could conclude other than the following simple fact: you wanted the recipient of your message to know that you were a judge.

I also find extremely disturbing the intertwining personal relationships between you and private practitioners and DHS attorneys appearing before you. Through your position, you contacted these individuals to, among other things, sell jewelry for your personal business; find representation for your sons in (b) (6); assist you in tending to a troubled son; address legal matters involving your live-in (b) (6); gain information about a pending immigration matter involving your family; and ask a private attorney to search state criminal indices for records in an *immigration* matter involving your *undocumented* cousin. I further note that your personal relationship with one immigration attorney led you to quash an inquiry from a JLC that the attorney be reported to EOIR Bar Counsel for alleged malpractice, an observation you

conceded was accurate.² Despite your refusal to report the attorney, he was ultimately suspended by the (b) (6) Bar and EOIR's Bar Counsel for two months for engaging in conduct lacking competence and diligence and for conduct involving dishonesty, fraud, deceit, or misrepresentation.

I am further disturbed by your willingness to press a court interpreter and a private practitioner who appears before you to secure hundreds of dollars in interest-free loans. Indeed, you did not repay the immigration lawyer's wife the \$1000 you borrowed from her until *after* your OIG interview. Beyond the impropriety of your conduct, your decision to approach a court interpreter and a private practitioner for loans causes me great concern that your financial situation has left you and your official position vulnerable to outside influence.

I also note that these numerous violations committed implicate some of the most basic rules found in the Standards of Conduct for Employees of the Executive Branch. These standards should be well-known to you as they form part of the required annual Professionalism Training for Department Attorneys all immigrations judges must take. Indeed, the ROI contained several of the certifications you submitted showing that you met this annual requirement. See ROI at Ex. 2, Att. 1. Moreover, you admitted in your OIG affidavit that you "received Professionalism and Ethics training on an annual basis and [that you were] aware of the policy regarding recusal and conflict of interest." See ROI at Ex. 15, Att. 3 at 6.

Finally, I considered whether a lesser sanction would be appropriate, and, in my judgment, it would not. This is particularly so because the overwhelming evidence in the OIG ROI shows a level of misconduct involving matters that I consider extremely serious. Indeed, your misconduct has caused me to lose all confidence in your ability to perform your duties in a fair, impartial matter. The repeated instances of misconduct, that demonstrate a complete disregard for the ethics principles to which you are bound as a Federal employee and Immigration Judge, have eviscerated my trust in your judgment. Therefore, having weighed all of the relevant factors, I believe that your removal is necessary and promotes the efficiency of the Federal service.

V. Procedure

Within 20 calendar days from the date that you receive this letter, you may submit your response to Associate Deputy Attorney General David Margolis orally and/or in writing. If you wish to make an oral reply, please contact Marlene Wahowiak, Associate General Counsel, Employee and Labor Relations Unit, Office of the General Counsel, at (703) 305-0322, to make the arrangements. Your response, if any, should be addressed to Mr. Margolis, sent c/o Ms. Wahowiak, at the following address: Executive Office for Immigration Review, Office of the General Counsel, 5107 Leesburg Pike, Suite 2600, Falls Church, VA, 20530, or electronically at (b) (6) @usdoj.gov. Consideration will be given to extending the time for your reply, if you submit a written request to Mr. Margolis, c/o Ms. Wahowiak, within 10 calendar days after receipt of this letter stating the reasons for your request. No final decision on this proposal will be made until after your reply, if any, is received and considered, and no final

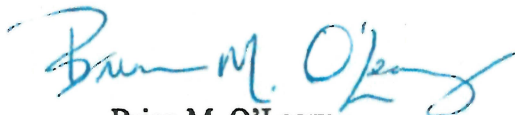
² "I guess because I know his family, I will not do it but, you are right he just does not do good work. Let's let it be please." See Charge 2, Specification 3 (emphasis added).

administrative action will be taken until at least 30 days after you receive this proposal. Your present duty and pay status are not affected by this letter.

In responding to this proposal, you have the right to be represented by an attorney or other representative of your choice. Should you choose to designate someone to be your representative, you must make the designation in writing to Mr. Margolis, c/o Ms. Wahowiak. You and/or your representative, if a current Department of Justice employee, will be allowed a reasonable amount of official time to review the material relied upon in support of this proposed action and to prepare and present a response.

Please note that all documentary evidence relied on in proposing this action is enclosed herein. If you have any questions regarding the rules or procedures governing this action, you may contact Alita Bonhomme, Paralegal Specialist, at (b) (6)

Sincerely,



Brian M. O'Leary
Chief Immigration Judge

Attachments

cc: Associate Deputy Attorney General David Margolis

Please acknowledge receipt of this letter:

(b) (6)

Immigration Judge (b) (6)

4/30/14

Date

Processing, FOIA (EOIR)

From: Wahowiak, Marlene (EOIR)
Sent: Thursday, March 27, 2014 1:36 PM
To: Keller, Mary Beth (EOIR); O'Leary, Brian (EOIR)
Cc: Nadkarni, Deepali (EOIR); Reilly, Katherine - OGC (EOIR)
Subject: RE: Additional fact/sentence added to IJ (b) (6) letter

Jenni came back with a negative, no record of reporting the attorney by IJ (b) (6).

From: Keller, Mary Beth (EOIR)
Sent: Thursday, March 27, 2014 1:22 PM
To: Wahowiak, Marlene (EOIR); O'Leary, Brian (EOIR)
Cc: Nadkarni, Deepali (EOIR); Reilly, Katherine (EOIR)
Subject: RE: Additional fact/sentence added to IJ (b) (6) letter

And, good idea~
Tx.

MaryBeth Keller
Assistant Chief Immigration Judge

From: Wahowiak, Marlene (EOIR)
Sent: Thursday, March 27, 2014 10:11 AM
To: O'Leary, Brian (EOIR)
Cc: Keller, Mary Beth (EOIR); Nadkarni, Deepali (EOIR); Reilly, Katherine (EOIR)
Subject: RE: Additional fact/sentence added to IJ (b) (6) letter

P.S. I am double checking with Jenni to make sure that the IJ did not report the attorney to her.

From: Wahowiak, Marlene (EOIR)
Sent: Thursday, March 27, 2014 9:52 AM
To: O'Leary, Brian (EOIR)
Cc: Keller, Mary Beth (EOIR); Nadkarni, Deepali (EOIR); Reilly, Katherine (EOIR)
Subject: Additional fact/sentence added to IJ (b) (6) letter

All:

Based upon the latest newsletter from Jenni Barnes' shop, the attorney that the JLC wanted to report for malpractice (which IJ (b) (6) in turn quashed), was suspended for two months by the (b) Bar and EOIR Bar Counsel. This is something that Margolis would likely want to know. It also corroborates the seriousness of her conduct in that regard. So, I've added the following to the letter (underlined):

(b) (5)



Is everyone ok with this add on (the wording is lifted out the newsletter)...

MMW

Processing, FOIA (EOIR)

From: O'Leary, Brian (EOIR)
Sent: Thursday, March 27, 2014 1:13 PM
To: Keller, Mary Beth (EOIR); Wahowiak, Marlene (EOIR)
Cc: Nadkarni, Deepali (EOIR); Reilly, Katherine - OGC (EOIR)
Subject: Re: Additional fact/sentence added to IJ (b) (6) letter

OK here as well. Thanks.

From: Keller, Mary Beth (EOIR)
Sent: Thursday, March 27, 2014 10:11 AM
To: Wahowiak, Marlene (EOIR); O'Leary, Brian (EOIR)
Cc: Nadkarni, Deepali (EOIR); Reilly, Katherine (EOIR)
Subject: RE: Additional fact/sentence added to IJ (b) (6) letter

I am,
And thanks.
Mtk

MaryBeth Keller
Assistant Chief Immigration Judge

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Subject: Additional fact/sentence added to IJ (b) (6) letter

All:

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To: O'Leary, Brian (EOIR); Keller, Mary Beth (EOIR); Reilly, Katherine - OGC (EOIR); Nadkarni, Deepali (EOIR)
Subject: U (b) (6)'s Retirement Eligibility

See below.

From: Goins, Pamela (EOIR)
Sent: Thursday, March 27, 2014 10:20 AM
To: Wahowiak, Marlene (EOIR)
Cc: Hill, Bridgette (EOIR)
Subject: RE: OCIJ/ELR matter

Marlene,

(b) (6)



Thank you

Pamela L. Goins
Supervisory, Human Resources Specialist (Retirement)
Department of Justice
Executive Office for Immigration Review (EOIR)
Office of Administration, Human Resources
5107 Leesburg Pike, Suite 2300
Washington, DC 20530
Phone: (b) (6)
Fax: (703) 305-1456

Processing, FOIA (EOIR)

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Cc: Keller, Mary Beth (EOIR); Nadkarni, Deepali (EOIR); Reilly, Katherine - OGC (EOIR)
Subject: RE: Additional fact/sentence added to IJ (b) (6) letter

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Subject: Additional fact/sentence added to IJ (b) (6) letter

All:

Based upon the latest newsletter from Jenni Barnes' shop, the attorney that the JLC wanted to report for malpractice (which IJ (b) (6) in turn quashed), was suspended for two months by the (b) Bar and EOIR Bar Counsel. This is something that Margolis would likely want to know. It also corroborates the seriousness of her conduct in that regard. So, I've added the following to the letter (underlined):

(b) (5)



Is everyone ok with this add on (the wording is lifted out the newsletter)....

MMW

Processing, FOIA (EOIR)

From: Wahowiak, Marlene (EOIR)
Sent: Thursday, July 31, 2014 8:50 AM
To: Keller, Mary Beth (EOIR); Reilly, Katherine - OGC (EOIR)
Cc: Nadkarni, Deepali (EOIR)
Subject: RE (b) (6)

I need to get the adverse action chart together. Our intern is going to get it started for me. So no oral response has been scheduled that I know of.

From: Keller, Mary Beth (EOIR)
Sent: Thursday, July 31, 2014 8:23 AM
To: Reilly, Katherine - OGC (EOIR)
Cc: Nadkarni, Deepali (EOIR); Wahowiak, Marlene (EOIR)
Subject: (b) (6)

Good morning all,
Just wondering the latest status on this -- is there an oral response scheduled? Thanks.
Mtk

MaryBeth Keller

Assistant Chief Immigration Judge

(b) (6)

[\[REDACTED\]@usdoj.gov](mailto:[REDACTED]@usdoj.gov)

Processing, FOIA (EOIR)

From: Rosenblum, Jeff (EOIR)
Sent: Friday, July 18, 2014 9:57 AM
To: Keller, Mary Beth (EOIR)
Subject: FW: (b) (6)

FYI

From: Reilly, Katherine - OGC (EOIR)
Sent: Friday, July 18, 2014 9:54 AM
To: Rosenblum, Jeff (EOIR)
Cc: O'Leary, Brian (EOIR)
Subject: Re: (b) (6)

Jim and I are scheduled to speak on Monday morning.

Thanks!

Katherine

Sent from my iPad

On Jul 18, 2014, at 9:53 AM, "Rosenblum, Jeff (EOIR)" <(b) (6)@EOIR.USDOJ.GOV> wrote:

Brian – MaryBeth mentioned that she told you about this – but FYI. I don't know Jim Dinan at all – Katherine can keep you posted once she's talked to him. Thanks.

Jeff

From: Rosenblum, Jeff (EOIR)
Sent: Tuesday, July 15, 2014 12:07 PM
To: Margolis, David (ODAG)
Cc: Dinan, James (ODAG); 'Reilly, Katherine (EOIR) (b) (6)@EOIR.USDOJ.GOV'
Subject: RE: (b) (6)

Thanks for letting us know. Jim – Katherine Reilly, EOIR's Chief Counsel for Employee/Labor Relations (b) (6), will be in touch about this case. You can reach out to either of us if you have any questions. Thanks.

Jeff

Jeff Rosenblum
General Counsel
Executive Office for Immigration Review
U.S. Department of Justice
(b) (6)

From: Margolis, David (ODAG)
Sent: Tuesday, July 15, 2014 12:03 PM
To: Rosenblum, Jeff (EOIR)
Cc: Dinan, James (ODAG)
Subject: (b) (6)

Jeff: Jim Dinan will serve as the Deciding Official in this case pursuant to a delegation from the DAG

Processing, FOIA (EOIR)

From: Slavin, Denise (EOIR)
Sent: Monday, June 16, 2014 5:00 PM
To: Slavin, Denise (EOIR)
Subject: Attachment to (b) (6) Response
Attachments: (b) (6) .pdf

Processing, FOIA (EOIR)

From: Eliza Klein (b) (6) @gmail.com>
Sent: Monday, June 16, 2014 10:37 PM
To: denise slavin; Slavin, Denise (EOIR); Klein, Eliza (EOIR)
Subject: scanned documents
Attachments: scan1.tif; scan2.tif; scan3.tif; scan4.tif; scan5.tif; scan6.tif; scan7.tif

(b) (6)

(b) (6)

May 13, 2014

(b) (6) letter of support

Hon. David Margolis
Associate Deputy Attorney General
c/o Ms. Marlene Wahowiak
Executive Office for Immigration Review
Office of the General Counsel
5107 Leesburg Pike, Suite 2600
Falls Church, Virginia 20530

Dear Associate Deputy Attorney General Margolis:

My name is (b) (6). I am 65 years old, a citizen of the United States, a Catholic Priest, member of the Society of Jesus (Jesuits), and an attorney admitted to practice in (b) (6). Since 2001 I have lived and worked outside of the United States for (b) (6).

(b) (6)

I am writing in support of Immigration Judge (b) (6). I have known (b) (6) for over 20 years. We met initially when (b) (6) was in private practice in (b) (6) and I was managing Attorney of (b) (6), a small not for profit organization which provided free representation for persons seeking asylum in the U.S. After (b) (6) became an Immigration Judge I appeared before (b) (6) on many occasions. What struck me as I watched (b) (6) perform (b) (6) functions as an I.J. was (b) (6) unflinching courtesy to the respondents who appeared before (b) (6). I observed (b) (6) conduct many general dockets at the (b) (6) detention center and I felt that the United States was being very well served by this I.J. who showed respect to the men and women who appeared before (b) (6). It was certainly appreciated by the detainees.

During my time in (b) (6) I came to know (b) (6) well. I presided over (b) (6) father's funeral Mass and baptized (b) (6) children. Since leaving the country we have maintained occasional contact, emails at Christmas and Easter, as well as requests for prayers on (b) (6) part as (b) (6) was having problems with (b) (6) youngest son.

(b) (6) has emailed a copy of Chief Immigration Judge O'Leary's (b) (6) as well as the investigation report from the office of the Inspector General. I have reviewed these documents and have doubts that such a serious sanction is warranted in the case. I also am of the opinion that insufficient weight was accorded to (b) (6) statement to the Inspector General's investigators. The contacts mentioned in the O'Leary notice never resulted in (b) (6) failing to fulfill (b) (6) responsibility to render just decisions in each case (b) (6) heard. Moreover during the period covered in the specification (b) (6) was under great stress in connection with (b) (6) son and an abusive relationship (b) (6) was involved in at the time. These factors suggest to me that

(b) (6)

there ample reason to take less drastic action than removal. As an Immigration Judge (b) represents the best of the United States in the manner in which deals with those before which displays respect for their basic human dignity.

Thank you for your consideration of my thoughts.

Sincerely,

(b) (6)

(b) (6)



NATIONAL ASSOCIATION OF IMMIGRATION JUDGES

c/o Krome Immigration Court
18201 SW 12th Street
Miami, Florida 33194

Denise Noonan Slavin, Executive Vice President

June 17, 2014

Associate Deputy Attorney General David Margolis
c/o Marlene Wahowiak, Associate General Counsel
Employee and Labor Relations Unit
Office of the General Counsel
Executive Office for Immigration Review
5107 Leesburg Pike, Suite 2600
Falls Church, VA 20530

Re: Proposed Removal of Immigration Judge (b) (6)

Dear Mr. Margolis:

On behalf of Judge (b) (6), the National Association of Immigration Judges (NAIJ) respectfully requests that you reconsider the proposed removal of and impose alternate discipline. In the notice of proposed removal, the agency has failed to properly consider mitigating factors in accordance with *Douglas v. Veterans Administration*, 5 M.S.P.B. 313 (MSPB 1981). Additionally, while neither Judge (b) (6) nor NAIJ dispute that (b) engaged in misconduct and exhibited errors in judgment, (b) has not actually exhibited a lack of impartiality in the conduct of proceedings and has not intentionally misused (b) title or (b) position as a judge for personal gain. (b) has not received any prior counseling or discipline involving these matters.

Judge (b) (6) has been an immigration judge since (b) (6) has been subject to one reprimand for a late arrival, in 2007 was determined not to have engaged in any professional misconduct or exercise of poor judgment by OPR after a judicial criticism (although OPR also determined that particular decision was replete with errors and lacked attention to detail), and in 2011 was the subject of a complaint which was dismissed by OPR. Although (b) career as an immigration judge is not unblemished (b) has been an extremely hard-working, intelligent, fair-minded and kind judge who has contributed significantly to the operations of the immigration courts where (b) has presided. Removal from (b) position without fairly considering mitigating factors and alternate discipline does not promote the efficiency of the agency.

The *Douglas*¹ mitigating factors we ask that you consider are the following:

- (1) “the nature and seriousness of the offense, and its relation to the employee’s duties, position, and responsibilities, including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated.”

There are three charges raised – misuse of position, lack of impartiality in performing official duties, and inappropriate conduct. The specifics involve use of agency email and job title for personal business, sale of jewelry to attorneys appearing before (b) (6), failing to recuse (b) (6) in cases where (b) (6) had an out-of-court relationship with the attorney, and borrowing from court staff and the wife of an attorney appearing before (b) (6). The use of agency email involved requests for assistance from attorneys for family members or friends, and in an emergency situation with (b) (6) son’s school. These offenses occurred over an approximate four year period, 2008 to 2012, during which time Judge (b) (5) (b) (5). The conduct in question loosely overlaps Judge (b) (6) assignment to the (b) (6) Detention facility cases, which involve female detainees usually seeking withholding of removal (b) (6). Judge (b) (6) (b) (6).

Some of the conduct Judge (b) (6) engaged in was not egregious – the use of agency emails for personal business is acceptable, within limits. The misuse of a title, or an attempt to use the email address itself for some non-work related purpose may not be acceptable, but there is no indication that Judge (b) (6) actually intended to misuse (b) (6) title or obtain any benefit for anyone through the use of the agency email. Standing alone, these allegations would not warrant such severe discipline. When you consider the content of most of these emails, it is clear that Judge (b) (6) was either under stress and responding to an emergency situation involving (b) (6) troubled son, or was seeking help for a friend or relative. This is unacceptable, but it is not malicious and was not “for gain.”

With respect to the sale of jewelry (2008 to 2010), Judge (b) (6) erred in discussing such matters in or out of court and erred by visiting attorneys’ offices or having (b) (6) son do so. However, these attorneys themselves frequently commented on (b) (6) jewelry (in court) and occasionally asked (b) (6) if (b) (6) could make jewelry for their relatives. In most instances, (b) (6) was friendly with the attorneys. In no case did any attorney ever feel pressured to buy jewelry from (b) (6), nor did (b) (6) ever indicate any favoritism or lack thereof based on the attorneys’ decision whether to obtain the (b) (6).

The NAIJ and Judge (b) (6) do dispute the claim that (b) (6) failed to act impartially when (b) (6) did not refer Attorney Guerrero for discipline. The failure to report him was because (b) (6) (as were other Judges) was too busy, the EOIR attorney discipline program is similarly too busy and has not been seen by Judges as being particularly effective, and Attorney (b) (5) is only one of several less than ideal attorneys who practice before the court. Attorney (b) (5) displayed

¹ *Douglas v. Veterans Administration*, 5 M.S.P.B. 313 (MSPB 1981).

similar behavior with the other Judges in the (b) (6) court, and seven of those Judges also failed to refer him for discipline.

Judge (b) (6) has never been less than impartial in (b) handling of cases, in (b) courtroom demeanor, or in (b) decisions. Both (b) and NAIJ share in the agency's concern over the appearances created through (b) misconduct, but there was no actual partiality ever exhibited. This is important because, in essence, the actual misconduct did not relate to the manner in which Judge (b) (6) performed (b) duties.

Neither Judge (b) (6) nor NAIJ dispute that there has been inappropriate conduct. We only argue that the inappropriate conduct is not so serious as to warrant removal from (b) position.

- (2) "the employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position."

Judge (b) (6) job requires an adherence to ethical conduct and professional behavior. Some of the misconduct falls below this standard, but most of it arose under circumstances not involving (b) position or (b) duties. NAIJ agrees that (b) erred in requesting a loan from a fellow EOIR employee, but that employee is (b) personal friend. (b) erred in requesting a loan from an attorney appearing before (b), and in accepting a loan from that attorney's wife – but again, these were close personal friends of (b) and even gifts under such circumstances may be acceptable. Judge (b) (6) erred in discussing the jewelry (b) was interested in selling while in court, but these discussions occurred after hearings had been completed or outside court. (b) never offered or withheld any benefit based on anyone's decision whether to purchase (b) jewelry.

The numerous requests that Judge (b) (6) made for assistance to (b) family and friends from attorneys who appeared in front of (b) were not appropriate but again did not involve a deliberate misuse of (b) position. The most troubling incident is the October 5, 2010 request for assistance for (b) cousin, who apparently was a victim of domestic violence. This is clearly misconduct for which there is no excuse. There is, however, a mitigating factor which is that (b) (6)

- (3) "the employee's past disciplinary record."

(b) (6)

(b) (6)

- (4) “the employee’s past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability.”

Judge (b) (6) was appointed to the bench in (b) (6). (b) (6) has been a productive and fair Immigration Judge throughout these (b) (6) years of employment. (b) (6) performance reviews have always been satisfactory, (b) (6) has maintained a heavier than usual caseload with a low number of appeals and very few remands. (b) (6) has taken steps to become board certified in immigration law and has volunteered for extra duties – including preparing the aggravated felony outline for fifteen years. (b) (6) has been commended by (b) (6) ACIJ for (b) (6) willingness to accept additional cases and was for four years, beginning in April of 2008, assigned to an extremely difficult docket involving (b) (6) detainees – despite the fact that the docket was initially supposed to be assigned on a rotating six month basis. (b) (6) has gotten along well with (b) (6) colleagues except one judge, who was (b) (6) subject to frequent discipline for issues regarding (b) (6) temperament and has since departed. This is the judge who filed the complaint with OIG in 2012.

- (5) “the effect of the employee’s offense upon the employee’s ability to perform at a satisfactory level and its effect upon the supervisor’s confidence in the employee’s ability to perform assigned duties.”

Although Chief Judge O’Leary states he has no confidence in Judge (b) (6) ability to perform (b) (6) duties in a fair, impartial manner, (b) (6) has in fact done so (b) (6) remained on the bench for eight months after the conclusion of the OIG investigation, and despite the fact that (b) (6) conduct might have potentially created an appearance of partiality it apparently did not do so. Not only has (b) (6) continued to conduct (b) (6) hearings fairly, not one attorney or respondent or any member of the public has ever indicated that (b) (6) has been less than impartial and fair in conducting (b) (6) proceedings, completing cases and issuing decisions.

- (6) “ consistency of the penalty with those imposed upon other employees for the same or similar offenses”

In other cases involving errors of judgment, the agency has imposed lesser discipline, including suspensions, re-training and guidance. We believe that the removal of Judge (b) (6) from (b) (6) position is inconsistent with the agency’s prior disciplinary practices.

Indeed, the Judge who filed a complaint against Judge (b) (6) with the OIG was subject to numerous disciplinary actions – with progressively harsher penalties - before he left the agency.² The main difference between (b) situation and Judge (b) (6) was that (b) actions provoked complaints, whereas no one other than the other Judge (who had an axe to grind because Judge (b) (6) had filed a complaint against (b) filed a complaint against Judge (b) (6) . It would be unfair to discipline Judge (b) (6) without giving (b) a chance to correct (b) behavior when (b) was given so many opportunities, only because (b) behavior was less notorious.

Other cases involving similar misconduct of which the NAIJ is aware include:

-In 2002 a Judge (Judge A) was given a ten day suspension for accepting a friends and family discount from a contract employee who worked with her/him in court (misuse of position);

- In 2006 a Judge (Judge B) was given written counseling for failing to recuse (b) (6) from cases with an attorney who represented her/him in a divorce proceeding (lack of impartiality);

- In 2013 a Judge (Judge C) was given a thirty day suspension for conduct *that included* participating in legal proceedings without permission from the agency, ex parte communications, inappropriate conduct in court, and failure to recuse her/himself in proceedings in which she/he had not maintained impartiality.

While in the first two examples above, the NAIJ acknowledges that these were singular instead of repetitive infractions (although the failure to recuse matter is a situation that continues over a period of time that the attorney is appearing before the court), the third incident is very similar in that it involved conduct that occurred for almost a one-year period. As in Judge (b) (6) case, there were mitigating [REDACTED].

(7) “the notoriety of the offense or its impact upon the reputation of the agency”

Judge (b) (6) misconduct had no “notoriety.” Most of Judge (b) (6) colleagues were unaware of any of these offenses. In fact, the Assistant Chief Immigration Judge whose office was in (b) (6) apparently was unaware of the problems. The matter was only brought to light when a colleague upset with Judge (b) (6) for reporting his misconduct complained to the agency, and (b) complaint was found to have over-stated the alleged misconduct.

The offense has had no impact on the agency’s reputation. In fact, a private practitioner has written in support of Judge (b) (6) , noting “I observed (b) conduct [during] many general dockets at the (b) (6) detention center and I felt that the United States was very well served by

² Between 2003 and 2013 (b) received additional training, a warning, a reprimand, a letter of admonishment, and 4 suspensions ranging from one to 14 days for conduct involving such things as incivility and intemperance on and off the bench.

(b) (6) [Redacted]

(b) (6) [Redacted]

(b) (6) [Redacted]

(b) (6) [Redacted]

(b) (6) [Redacted]

Additionally, Judge (b) (6) faced unusual tensions within the office caused by (b) difficulty in relating to a colleague, Judge (b) . Because of these tensions and Judge (b) (6) volatile temper, (b) was hyper vigilant at work and frequently afraid for (b) own safety. There was malice in Judge (b) (6) complaint filed with OIG, which was filed in retaliation for complaints (b) had made against (b)

Judge (b) (6) (b) (6) [Redacted]
[Redacted] (b) (6) [Redacted]
[Redacted]
[Redacted]

(b) (6) [Redacted]

(11)“the adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.”

NAIJ believes that a suspension with re-training or a “last chance agreement” would suffice to deter future such conduct. Clearly the conduct is of significant concern, but Judge (b) (6) has not been given a chance (as has been given to others) to show that (b) (6) can improve. As stated, the conduct in question has not been exhibited since 2012 and Judge (b) (6) has expressed remorse and made significant efforts to improve (b) (6) life and lessen the stressors which have led to (b) (6) impaired judgment.

Thank you for this opportunity to comment on behalf of Judge (b) (6) in this matter. We understand that Judge (b) (6) has requested an opportunity for an oral presentation, at which time Judge Eliza Klein would represent (b) (6). Please feel free to contact Judge Klein directly at (b) (6) to make these arrangements.

Sincerely,

Denise Noonan Slavin, Executive Vice President
NAIJ

cc: Hon (b) (6)
Hon. Eliza C. Klein

June 16, 2014

Associate Deputy Attorney General David Margolis
c/o Marlene Wahowiak, Associate General Counsel
Employee and Labor Relations Unit
Office of the General Counsel
Executive Office for Immigration Review
5107 Leesburg Pike, Suite 2600
Falls Church, VA 20530

Honorable Deputy Attorney General Mr. Margolis:

Statement of Immigration Judge (b) (6) in Response to Proposed Termination

In opening, I would most like to state that I am deeply ashamed and chagrined to find myself facing a proposed termination, after (b) (6) years of government service as an immigration judge. I always have taken the responsibilities of my position very seriously, have worked diligently and have striven to be fair and kind to the parties appearing in front of me. I have not been the subject of any significant discipline in the past. I acknowledge that I have made serious errors of judgment in certain of my dealings with attorneys and court personnel, and that on occasion I have used office email for personal communication.

In my defense, I state first that I have never intentionally misused my position as an immigration judge for any personal gain or to assist anyone else. My misuse of my title in certain emails was unintentional. I never sought to pressure anyone to purchase jewelry from me or to loan me money. My intention was never to use my position to influence anyone but I do acknowledge that my conduct may have caused discomfort and confusion to some of the attorneys appearing in front of me. If this caused anyone to doubt my impartiality, I most sincerely regret that.

However, however my actual impartiality has never in fact been challenged. During my tenure as an immigration judge I have contributed positively to the work of the court, completing a large number of cases and rarely being appealed. I have authored and maintained for the past fifteen years (with the assistance of our JLC and AA) the Aggravated Felony Case Summary posted on the EOIR Virtual Law Library. I have been assigned several times to serve as mentor judge for new IJ appointees. I was the Pro Bono Liaison Judge from 2010-2012 and have served at various times as the court's liaison judge. I have received many inquiries and compliments from other Immigration Judges in the nation as I believe I was the (b) (6)

(b) (6)

I have allowed my friendships with certain lawyers to carry over into the workplace. In many instances, this has been a natural outcome of the intimate and casual work environment in the (b) (6) where I learned to practice immigration law and where I initially sat as an immigration judge. The relaxed social interaction between the bar and the bench also exists, but to a lesser extent, in (b) (6). Prior to this action, I had never been personally counselled or disciplined about this. In fact, prior to this (b) (6)

As to the particular allegations raised in the notice of termination, I do not deny the actual events listed. From 2004 to 2012 (b) (6) since 2012 I have made (b) (6) (b) (6) I have not engaged in the conduct which forms the basis of the proposed termination during the past two years, and I am committed to not engaging in such conduct in the future.

1. Background

Law License and Certificate of Specialization

I have been an attorney licensed to practice law in the State of (b) (6) (State Bar No (b) (6) I am an attorney in good standing with the (b) (6) State Bar. In addition, in 2010, I received a Certificate of Special Competence in Immigration and Nationality Law issued by the (b) (6) Board of Legal Specialization after passing a full day exam on Immigration and Nationality Law.

Prior Work History

I have been an attorney licensed in (b) (6) I initially worked as an attorney with the (b) (6) where I handled family, civil and immigration cases. From 1981 to 1984, I worked for the (b) (6) where I was the first attorney hired to handle influx of asylum claims. From 1984 until 1995 I was in private practice in (b) (6), focusing my practice on criminal (federal and state), family, and immigration law. From (b) (6) I also was an Associate Municipal Court Judge in (b) (6) In this capacity, I was the (b) (6) and presided from 9:00 p.m. to 6:00 a.m. two days a week. (b) (6) (b) (6)

Contributions to EOIR

I was appointed as a U.S. Immigration Judge on (b) (6) I was assigned to (b) (6) from (b) (6) and transferred to (b) (6) (b) (6)

I have authored the (b) (6) years. It has grown from a single page to 97 pages. It is updated every six months and posted on the EOIR/Virtual Law Library. It is accessed by Immigration Judges and the general public via the internet. Throughout the years, my colleagues, fellow Immigration Judges have complemented me on the creation and posting of the (b) (6) as it is a useful tool on the bench. Credit is given to Attorney Advisors who have assisted me throughout the years in the research involved.

I have served as a rotating Liaison Judge and the Pro Bono Liaison Judge (two years 2010-2012), and Mentor Judge for various new Immigration Judges throughout the years.

I have been authorized to participate in several speaking engagements throughout the (b) (6) years, including speaking to The University of (b) (6) Immigration Clinic students and (b) (6) (b) (6) (non-profit organization) training on Asylum Law and Immigration Court Procedure in 2011.

I was assigned to the (b) (6) detained docket at the (b) (6) Detention Facility from April 2008 to April 2012. This was initially supposed to be a six-month rotating assignment but I was not released until 2012. This docket involved a large number of cases involving (b) (6) and was a very difficult docket to handle. I handled two morning master calendar hearings per week where at least (b) (6) were on the docket each master calendar. I handled individual hearings for the detained (b) (6) at least three times per week. The (b) (6)

(b) (6)
(b) (6) Due to the difficulty I have experienced in handling this docket, I began to issue only written decisions at the conclusion of individual hearings. The issues involving (b) (6)

(b) (6)
(b) (6) The written decisions caused me hours of additional work and I frequently stayed late to get the decisions out quickly. I always wanted my written decisions to be well written and apply the law to the facts correctly.

Recognitions

(b) (6) - Article, (b) (6) Times newspaper, title (b) (6) indicating appointment by (b) (6)

(b) (6) - Certificate of Appreciation from the (b) (6)
(b) (6)

(b) (6) – Plaque from the (b) (6) “In recognition of elevated professional qualities as well as her disposition towards justice and the respect of human rights for all immigrants in the U.S.”

(b) (6) – Plaque awarded by the (b) (6) non-profit organization in (b) (6)

(b) (6)

(b) (6) – Plaque awarded by the (b) (6)

(b) (6)

(b) (6) – Plaque awarded by the U.S. Immigration and Naturalization Service (b) (6)

(b) (6)

(b) (6) – Plaque awarded by the private bar of (b) (6) “In appreciation of your keen sense of justice, your admirable ability to combine mercy with justice, your exemplary judicial demeanor and temperament, and your tireless work ethic, on the occasion of your much regretted transfer from (b) (6)

2. Relations with the Bar and Bench

Prior to becoming an Immigration Judge, I was an attorney in private practice for about (b) (6) years handling mostly immigration and nationality matters until (b) (6). Before that, I was an Immigration Attorney working for the (b) (6) for about three years. Since I started practicing immigration law in (b) (6) I became very well acquainted with the Immigration Judges, INS trial attorneys, and fellow private practitioners. In (b) (6) we frequently all went out to lunch together, including various court staff. I became very close personal friends with many of the attorneys, some of the INS attorneys and two of the Immigration Judges (b) (6) and (b) (6). I attended numerous functions at their homes and on at least one occasion vacationed with Judge (b) (6). Despite these friendships, I continued to represent respondents whose cases were before them. Although I was their friend, I never doubted their impartiality as Judges when I presented my cases.

When I was appointed to the immigration bench in (b) (6) everyone knew of my close relationships with various members of the bench and bar – we all knew each other and frequently associated on a personal level. I did not recuse myself from any cases other than those involving the two lawyers who had taken over my prior practice and were renting office space from me. As did Judges (b) (6) and (b) (6), and Judge (b) (6) before them, I kept my personal friendships with the attorneys distinct from the courtroom and was able to hear all cases impartially and fairly.

I transferred to the Immigration Court in (b) (6). Again, because of

my past experience and due to my past membership in the American Immigration Lawyers Association, (b) (6) Chapter, attorneys whom I knew that practiced in (b) (6) (b) (6) and other cities, appeared before me. Some of the attorneys that appeared before me, I have known already for more than thirty years. Some of the attorneys were my personal friends. I had also known many of the DHS attorneys for many years and at least one was a close personal friend. Never did any attorney, either private or government, question my impartiality.

Attorney (b) (6)

I have been acquainted and friendly with (b) (6) due to his marriage with (b) (6) (b) (6) with whom I worked at the (b) (6) Immigration Court. She is employed as an EOIR (b) (6) (b) (6) frequently attended office social functions with (b) (6) and we attended various functions at each other's homes as well as those of other EOIR employees prior to my departure from (b) (6) (b) (6) began practicing law in (b) (6) (b) (6) but I did not see him again until August of 2008. He appeared a few times before me in the (b) (6) Immigration Court (in person only on August 26, 2008 and December 7, 2009). We had occasional email correspondence and I admit I may have used my office email for this purpose.

In 2009 I referred a friend of mine to (b) (6) and gave her the names of two other attorneys as well; my friend subsequently hired (b) (6) to represent her. Their attorney-client relationship subsequently deteriorated and my friend filed a complaint with the bar. (b) (6) then filed a complaint against me with EOIR. The Office of Professional Responsibility investigated this complaint and, on December 23, 2011, found no basis for it, holding that I had not engaged in any professional misconduct and/or violated the law or applicable standards of ethics and professionalism for Immigration Judges. As a result of this conflict between my friend and (b) (6) (b) (6) our friendship has ended. I last heard one of (b) (6) cases on December 7, 2009. I granted the case and DHS did not appeal.

Attorney (b) (6)

(b) (6) has been my friend since about 1980. I do not recall him appearing before me when I was an Immigration Judge in (b) (6) Soon after I arrived in (b) (6) in (b) (6) and I re-established our friendship. (b) (6) has appeared before me representing individual Respondents in removal proceedings on several occasions since August of 2002. I have not recused myself from any of the cases before me involving attorneys (b) (6) and/or his associate (b) (6) because I have always been impartial and have not given any preferential treatment.

(b) (6)

(b) (6)

(b) (6)

In the midst of the emergency, my thinking was not clear when I reached out to (b) (6). Also, coming from an Immigration Court where everyone including Judges, private bar, and government attorneys had socialized frequently, I did not think of the possible appearances in asking for his assistance. I realize now that this was not proper, even though I treated him no differently as result in his appearances before me.

I did not recuse myself from any of the cases before me involving (b) (6) or his associate, (b) (6), because I have always been impartial and have not given any preferential treatment to them or any attorney appearing before me.

Attorney (b) (6)

I met attorney (b) (6) in 2002 upon arrival at the Immigration Court in (b) (6). He is not my personal friend. He practices immigration, criminal and civil law. He appears frequently before all the Judges in (b) (6) and (b) (6). Attorney (b) (6)

(b) (6)

I did not recuse myself from any of the cases before me involving (b) (6) because I have

always been impartial and have not given any preferential treatment. In the midst of the personal and family struggles I was going through at the time, and with the background I had from a previous Immigration Court where everyone socialized, it just did not occur to me that his appearance before me would appear problematic. I understand otherwise now.

I have had a friendship with (b) (6) and have visited his office. We have discussed the jewelry I made and I left some pieces in his office. I did not intentionally misuse my position as an immigration judge for purposes of selling him jewelry; I do acknowledge that visiting him in his office for this purpose was improper.

Attorney (b) (6)

I met attorney (b) (6) when I arrived in (b) (6). He frequently appears before the (b) (6) Immigration Judges. I believe that my friendship with him and his wife began about 2005. We have discussed my jewelry making, and I showed them pieces. (b) (6) wife did buy some items at cost.

In 2007 my son (b) (6) (b) (6) I asked (b) (6) to represent my son, (b) (6) and paid him \$300 for his services.

I did not fail to report (b) (6) because of our personal relationship or his representation of my son. Judges (b) (6) have not reported (b) (6) for disciplinary action even though he represents Respondents in similar fashion before them as he did before me. Judge (b) (6) did report (b) (6) for disciplinary action but withdrew the complaint. (b) (6) was later suspended from the practice of law by the state of (b) (6) and, as a consequence of his suspension by the (b) (6) State Bar, the BIA also suspended him. The court in (b) (6) is extremely busy and we deal with many attorneys who do not provide ideal representation to their clients. Due to the crushing caseload most of us just try to get through the cases. If we reported for discipline each of the attorneys who fall below standards of ordinary practice, it would be difficult for us to get through the cases.

Although (b) (6) is my friend, I have never recused myself from any of the cases he had before me because I have always been impartial and have not given any preferential treatment. Again, I realize now that when he represented my son, in 2007, I should have at least sought ethical guidance about this.

On March 10, 2011, I did send an e-mail to Judge (b) (6) who is assigned to the (b) (6) Detention Facility. The e-mail does indicate that (b) (6) and his wife are personal friends. I do note, in that e-mail, that our friendship does not interfere with my decisions as an Immigration Judge. Judge (b) (6) could not attend the get together held at my house on March 5, 2011 because he was in (b) (6) visiting his wife. Most of the Immigration Judges in (b) (6) Immigration Court, have occasional social events in their

respective homes. Immigration Judges and their spouses, Immigration Court staff (including (b) (6) Interpreters), and some attorneys from the private bar and/or DHS attorneys have, in the past, been invited. The people in attendance on March 5, 2011, in my home, included Judge (b) (6) and his wife; Judge (b) (6) and his wife; Judge (b) (6) and his wife; Judge (b) (6) and her son; Judge (b) (6) and his wife; (b) (6) Interpreters (b) (6), her spouse, and her son; (b) (6) Interpreter (b) (6), his girlfriend and the girlfriend's daughter; (b) (6) Interpreter (b) (6) her husband, and son; DHS attorney (b) (7)(C) and her husband; private attorney (b) (6) and his wife; and a few others. The pictures that I sent via office e-mail to Judge (b) (6) included that of Judge (b) (6) private attorney (b) (6) and me; Judge (b) (6), DHS Attorney (b) (7)(C) (friend of 30 years); and myself; and Judge (b) (6) and his wife (b) (6) Judge (b) (6) and his wife, as well as me. The final picture includes (b) (6) Interpreter (b) (6) a friend, her husband, and I.

Attorney (b) (6)

I met attorney (b) (6) after I arrived in (b) (6). He is a member of the law firm (b) (6). I have known (b) (6) for over thirty years. (b) (6) is married to (b) (6) daughter and is now a member of the (b) (6) law firm. He is an excellent attorney and is Board Certified in Immigration and Nationality Law. He frequently appears before all the (b) (6) Judges. (b) (6) (b) (6) We have brief conversations when we meet in the building. When I was preparing for the specialization exam, in 2010, I communicated with (b) (6) and (b) (6) regarding various immigration and nationality law matters which did not involve any cases the law firm had pending before me. I also communicated with other Board Certified attorneys. I do not consider attorney (b) (6) to be my friend. I did not recuse myself from any of the cases before me involving attorney (b) (6) because I have always been impartial and have not given any preferential treatment.

I requested that (b) (6) provide assistance to my cousin and sent this request from my office email. I cannot justify this or the use of my work email on October 10, 2010 except that, in retrospect, I believe my judgment was impaired based on the (b) (6) I was experiencing at the time.

Attorney (b) (6)

I do not recall when I met attorney (b) (6) but I was introduced to him as the nephew of former Immigration Judge (b) (6), who was my mentor in (b) (6) (b) (6) was at some point hired by the (b) (6) (b) (6) (b) (6) and I frequently stop and exchange pleasantries. I attended his wedding to (b) (6), also an attorney with the same firm. (b) (6) (b) (6) and I have a friendly relationship but I am not friends with him or his wife. He asked me, outside Court, if I could make a necklace for his wife to give to her on her birthday. I did

make the necklace as requested.

I have not recused myself from any of the cases before me involving attorney (b) (6) because I have always been impartial and have not given any preferential treatment.

Ethics Guidance

In 2013, during the OIG investigation, I requested guidance from my ACIJ (Deepali Nadkarni) as to whether I should recuse myself from (b) (6) and (b) (6) cases. On July 26, 2013, the EOIR ethics office opined that I had no such obligation based on the facts at that time.

3. Personal Circumstances

(b) (6)



(b) (6)



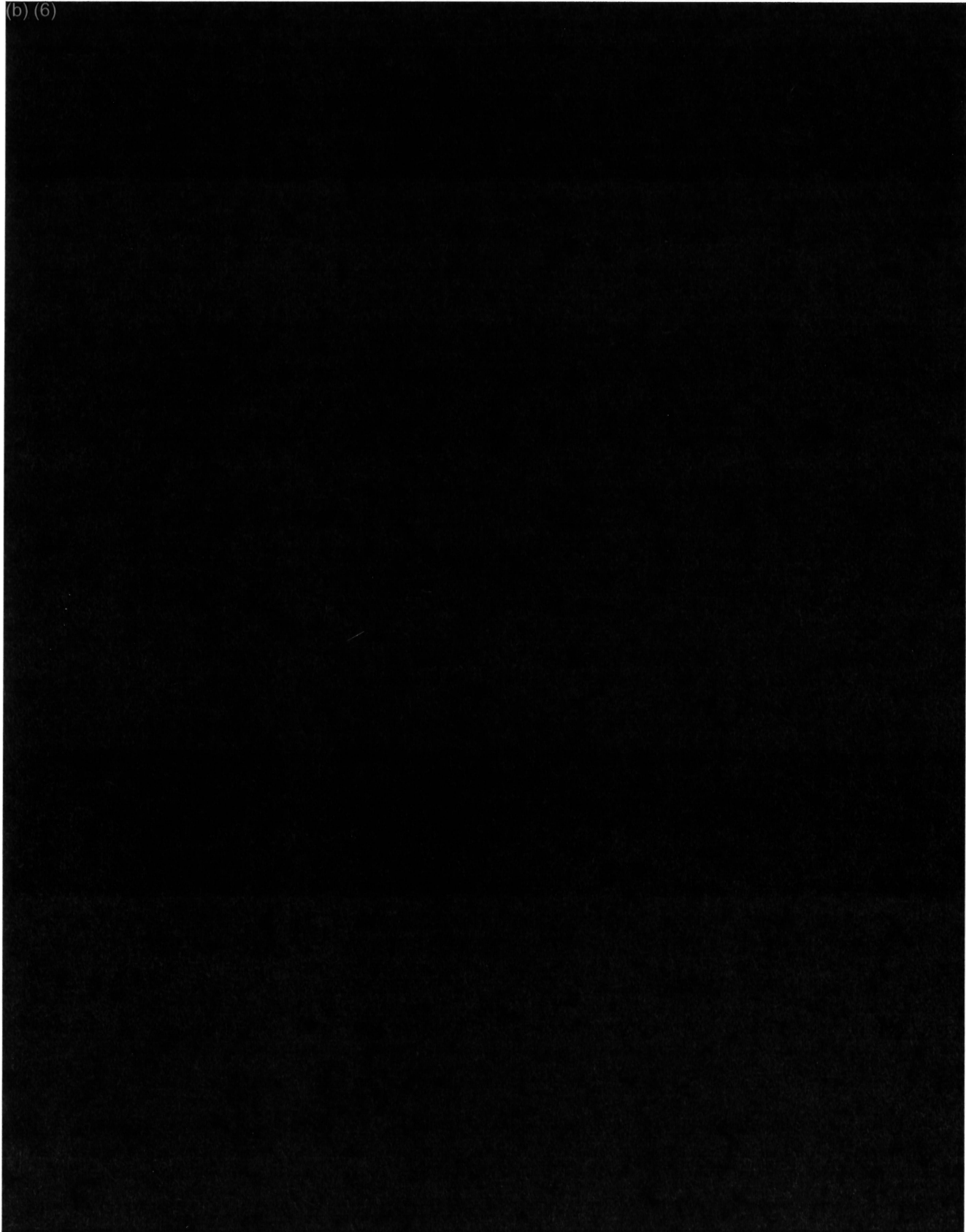
(b) (6)



(b) (6)



(b) (6)



(b) (6)



(b) (6)

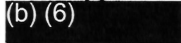



(b) (6)



4. Conclusion

Statement

I am grateful that I have been given the opportunity to be an Immigration Judge with the United States Department of Justice since (b) (6) . Since I became an Immigration Judge I have worked diligently to insure that my decisions are just and fair, based on the law and the facts. Professionally, I have always excelled during my life-time. I have completed a comparatively large number of cases, with very few appeals. I have attempted to improve conditions in the court and assist my colleagues by developing the (b) (6) .

I fully understand the concerns that the Department of Justice and Chief Judge O'Leary have regarding my conduct and actions. I admit that I acted inappropriately due to the different stressors in my life, and that my behavior was not appropriate for that of an Immigration Judge representing the Department of Justice. I have already (since 2012) taken great strides to improve

(b) (6) I will continue to

(b) (6) I am thankful and grateful to the Department of Justice and to the Office of the Chief Immigration Judge for having given me the opportunity to dispense justice by the authority granted to me by the Attorney General of the United States. I assure you that my future conduct will not include similar misconduct.

If any further documentation would be helpful (e.g., (b) (6) my past or current (b) (6), I am willing and able to provide them upon request.

I hereby request the opportunity for my union representatives, Judge Denise Slavin and/or Judge Eliza Klein, to make an oral response/presentation to you on my behalf at your earliest convenience.

Respectfully,

(b) (6)

Immigration Judge

SUPPLEMENTAL DOCUMENTATION

1. Letter from (b) (6) and (b) (6) LPC
2. (b) (6) Reports
3. Ethics Opinion
4. (b) (6) Detention Center Assignment
5. (b) (6)
6. (b) (6)
7. Judge (b) (6)

(b) (6) (EOIR)

From: (b) (6) (EOIR)
Sent: Tuesday, April 29, 2008 4:17 PM
To: Dean, Larry R. (EOIR); (b) (6) (EOIR)
Subject: volunteer

Judge Dean, (b) (6):

Just to confirm that I have offered to exchange Monday morning (b) (6) dockets for Judge (b) (6) docket from now until the end of December when the docket can be rotated among all the other Judges. I will be the first one to share the rotation.

Thanks

Judge (b) (6)

Judge (b) (6)
 Weekly Agenda - (b) (6) Immigration Court
 Effective Date: December 20, 2010

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
8:00	AA	AA	AA	AA	AA
8:30	(b) (6) MD (b) (6)	II	(b) (6) MR 10	(b) (6) MD (b) (6)	II
9:00	(b) (6) MDR 10		(b) (6) MM 15	(b) (6) MDR 10	
9:30	BD 8			BD 8	
10:00	CFR 2			CFR 2	
10:30					
11:00					
11:30					
12:00					
12:30	LUNCH	LUNCH	LUNCH	LUNCH	LUNCH
1:00	II	II	II	II	AA
1:30					
2:00					
2:30					
3:00					
3:30- 4:30					

LEGEND:

- | | | | |
|---------|--------------------------------------------------------------------|-------------|--------------------------------------|
| AA | Administrative Time | BD | Bond Hearing for any detained docket |
| CFR | Credible/Reasonable Fear Review Proceeding for any detained docket | MD | Master Detained Calendar |
| II | Individual Merit Calendar | MM | Master Non-Detained Calendar |
| MDR | Master Detained Reset | (b) (6) | (b) (6) Detained Docket |
| MR | Master Non-Detained Reset | (b) (6) UCF | (b) (6) Unaccompanied (b) (6) |
| (b) (6) | (b) (6) Detained Docket | (b) (6) = | (b) (6) Detained Docket |
| (b) (6) | JUVENILE | (b) (6) = | (b) (6) Detained Docket |

Approved _____
 LARRY R. DEAN
 ACIJ

APPROVED: _____
 MICHAEL McGOINGS
 Deputy Chief Immigration Judge

Judge (b) (6)
 Weekly Agenda (b) (6) Immigration Court
 Effective Date: Decemeber 20, 2010

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
7:30	AA	AA	AA	AA	AA
8:00	AA	AA	AA	AA	AA
8:30	(b) (6) MDR 10	II	(b) (6) MDR10	(b) (6) MR 10	II
9:00	(b) (6) MD 10		(b) (6) MD 10	(b) (6) MM 15	
9:30	BD 8		BD 8		
10:00	CFR 2		CFR 2		
10:30					
11:00					
11:30					
12:00	Lunch	Lunch	Lunch	Lunch	Lunch
12:30					
1:00	II	II	II	II	AA
1:30					
2:00					
2:30					
3:00					
3:30- 5:00					

LEGEND:

- | | |
|-------------------------------------------------------------------------------|------------------------------------------------|
| AA Administrative Time | BD Bond Hearing for any detained docket |
| CFR Credible/Reasonable Fear Review Proceeding for any detained docket | MD Master Detained Calendar |
| II Individual Merit Calendar | MM Master Non-Detained Calendar |
| MDR Master Detained Reset | (b) (6) detained docket |
| MR Master Non-Detained Reset Calendar | (b) (6) detained docket |
| (b) (6) detained docket | (b) (6) "J" JUVENILE |
| (b) (6) detained docket | |

Approved _____
LARRY R. DEAN
 ACIJ

APPROVED: _____
MICHAEL McGOINGS
 Deputy Chief Immigration Judge

Judge (b) (6)
 Weekly Agenda (b) (6) Immigration Court
 Effective Date: December 20, 2010

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
8:00	AA	AA	AA	AA	AA
8:30	II	(b) (6) MR 10	(b) (6) MD 10	(b) (6) MD10	II
9:00		(b) (6) MM 15	(b) (6) MDR 10	(b) (6) MDR 10	
9:30			BD 8	BD 8	
10:00			CFR 2	CFR 2	
10:30					
11:00					
11:30					
12:00					
12:30	LUNCH	LUNCH	LUNCH	LUNCH	LUNCH
1:00	II	II	(b) (6) MD "J"	II	AA
1:30			(b) (6) MDR "J"		
2:00					
2:30					
3:00					
3:30-4:30					

LEGEND:

AA	Administrative Time	BD	Bond Hearing for any detained docket
CFR	Credible/Reasonable Fear Review Proceeding for any detained docket	MD	Master Detained Calendar
II	Individual Merit Calendar	MM	Master Non-Detained Calendar
MDR	Master Detained Reset	(b) (6)	detained docket
MR	Master Non-Detained Reset Calendar	(b) (6)	detained docket
(b) (6)	detained docket	(b) (6) J"	JUVENILE
(b) (6)	detained docket		

Approved _____
 LARRY R. DEAN
 ACIJ

APPROVED: _____
 MICHAEL McGOINGS
 Deputy Chief Immigration Judge

Judge (b) (6)
 Weekly Agenda - (b) (6) Immigration Court
 Effective Date: December 20, 2010

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
7:30	AA	AA	AA	AA	AA
8:00	AA	AA	AA	AA	AA
8:30	(b) (6) MDR 10	(b) (6) MDR 10	(b) (6) MDR10	(b) (6) MDR 10	II
9:00	(b) (6) MD 15	(b) (6) MD 15	(b) (6) MD 15	(b) (6) MD 15	
9:30	BD 8	BD 8	BD 8	BD 8	
10:00	CFR 2	CFR 2	CFR 2	CFR 2	
10:30					
11:00					
11:30					
12:00	Lunch	Lunch	Lunch	Lunch	Lunch
12:30					
1:00	(b) (6) MDR 10	II	II	II	AA
1:30	(b) (6) MD 15				
2:00	BD 8				
2:30	CFR 2				
3:00					
3:30- 5:00					

LEGEND:

- | | | | |
|---------|--------------------------------------------------------------------|-----------|--------------------------------------|
| AA | Administrative Time | BD | Bond Hearing for any detained docket |
| CFR | Credible/Reasonable Fear Review Proceeding for any detained docket | MD | Master Detained Calendar |
| II | Individual Merit Calendar | MM | Master Non-Detained Calendar |
| MDR | Master Detained Reset | (b) (6) | detained docket |
| MR | Master Non-Detained Reset Calendar | (D) (O) | detained docket |
| (b) (6) | detained docket | (b) (6) J | JUVENILE |
| (D) (O) | detained docket | | |

Approved _____
 LARRY R. DEAN
 ACIJ

APPROVED: _____
 MICHAEL McGOINGS
 Deputy Chief Immigration Judge

Judge (b) (6)
 Weekly Agenda - (b) (6) Immigration Court
 Effective Date: December 20, 2010

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
7:30	AA	AA	AA	AA	AA
8:00	AA	AA	AA	AA	AA
8:30	(b) (6) MDR 10	(b) (6) MDR 10	(b) (6) MDR10	(b) (6) MDR10	II
9:00	(b) (6) MD 15	(b) (6) MD 15	(b) (6) MD 15	(b) (6) MD 15	
9:30	BD 8	BD 8	BD 8	BD 8	
10:00	CFR 2	CFR 2	CFR 2	CFR 2	
10:30					
11:00					
11:30					
12:00	Lunch	Lunch	Lunch	Lunch	Lunch
12:30					
1:00	(b) (6) MDR 10	II	II	II	AA
1:30	(b) (6) MD 15				
2:00	BD 8				
2:30	CFR 2				
3:00					
3:30- 5:00					

LEGEND:

- | | | | |
|---------|--------------------------------------------|---------|--------------------------------------|
| AA | Administrative Time | BD | Bond Hearing for any detained docket |
| CFR | Credible/Reasonable Fear Review Proceeding | MD | Master Detained Calendar |
| II | Individual Merit Calendar | MM | Master Non-Detained Calendar |
| MDR | Master Detained Reset | (b) (6) | detained docket |
| MR | Master Non-Detained Reset Calendar | (b) (6) | detained docket |
| (b) (6) | detained docket | (b) (6) | detained docket |
| (b) (6) | detained docket | (b) (6) | JUVENILE |

Approved _____
 LARRY R. DEAN
 ACIJ

APPROVED: _____
 MICHAEL McGOINGS
 Deputy Chief Immigration Judge

Judge (b) (6)
 Weekly Agenda - (b) (6) Immigration Court
 Effective Date: December 20, 2010

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
8:00	AA	AA	AA	AA	AA
8:30	(b) (6) MR 10	(b) (6) MDR 10	II	(b) (6) MDR 10	II
9:00	(b) (6) MM 15	(b) (6) MD 10		(b) (6) MD 10	
9:30		BD 8		BD 8	
10:00		CFR 2		CFR 2	
10:30					
11:00					
11:30					
12:00					
12:30	LUNCH	LUNCH	LUNCH	LUNCH	LUNCH
1:00	II	II	II	II	AA
1:30					
2:00					
2:30					
3:00					
3:30- 4:30					

LEGEND:

- | | | | |
|---------|--------------------------------------------------------------------|------------|--------------------------------------|
| AA | Administrative Time | BD | Bond Hearing for any detained docket |
| CFR | Credible/Reasonable Fear Review Proceeding for any detained docket | MD | Master Detained Calendar |
| II | Individual Merit Calendar | MM | Master Non-Detained Calendar |
| MDR | Master Detained Reset | (b) (6) | detained docket |
| MR | Master Non-Detained Reset Calendar | (b) (6) | detained docket |
| (b) (6) | detained docket | (b) (6) J" | JUVENILE |
| (b) (6) | detained docket | | |

Approved _____
 LARRY R. DEAN
 ACIJ

APPROVED: _____
 MICHAEL McGOINGS
 Deputy Chief Immigration Judge

Judge (b) (6)
 Weekly Agenda - (b) (6) Immigration Court
 Effective Date: December 20, 2010

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
8:00	AA	AA	AA	AA	AA
8:30	(b) (6) MR 10	II	II	II	(b) (6) MDR 10
9:00	(b) (6) MM 15				(b) (6) MD 20
9:30					BD 8
10:00					CFR 2
10:30					
11:00					
11:30					
12:00					
12:30	LUNCH	LUNCH	LUNCH	LUNCH	LUNCH
1:00	(b) (6) MDR 10	II	II	II	AA
1:30	(b) (6) MD 10				
2:00	BD 8				
2:30	CFR 2				
3:00					
3:30- 4:30					

LEGEND:

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>AA Administrative Time</p> <p>CFR Credible/Reasonable Fear Review Proceeding for any detained docket</p> <p>II Individual Merit Calendar</p> <p>MDR Master Detained Reset</p> <p>MR Master Non-Detained Reset Calendar</p> <p>(b) (6) detained docket</p> <p>(b) (6) detained docket</p> | <p>BD Bond Hearing for any detained docket</p> <p>MD Master Detained Calendar</p> <p>MM Master Non-Detained Calendar</p> <p>(b) (6) detained docket</p> <p>(b) (6) detained docket</p> <p>(b) (6) JUVENILE</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Approved _____
 LARRY R. DEAN
 ACIJ

APPROVED: _____
 MICHAEL McGOINGS
 Deputy Chief Immigration Judge

Judge (b) (6)
 Weekly Agenda (b) (6) Immigration Court
 Effective Date: December 20, 2010

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
8:00	AA	AA	AA	AA	AA
8:30	(b) (6) MD 10	(b) MR 10	II	(b) MD 20	II
9:00	(b) MDR 10	(b) MM 15		(b) MDR 10	
9:30	BD 8			BD 8	
10:00	CFR 2			CFR 2	
10:30					
11:00					
11:30					
12:00					
12:30	LUNCH	LUNCH	LUNCH	LUNCH	LUNCH
1:00	II	II	II	II	AA
1:30					
2:00					
2:30					
3:00					
3:30-4:30					

LEGEND:

- | | | | |
|---------|--------------------------------------------------------------------|-----------|--------------------------------------|
| AA | Administrative Time | BD | Bond Hearing for any detained docket |
| CFR | Credible/Reasonable Fear Review Proceeding for any detained docket | MD | Master Detained Calendar |
| II | Individual Merit Calendar | MM | Master Non-Detained Calendar |
| MDR | Master Detained Reset | (b) (6) | detained docket |
| MR | Master Non-Detained Reset Calendar | (b) (6) | detained docket |
| (b) (6) | detained docket | (b) (6) J | JUVENILE |
| (b) (6) | detained docket | | |

Approved _____
 LARRY R. DEAN
 ACIJ

APPROVED: _____
 MICHAEL McGOINGS
 Deputy Chief Immigration Judge

Memo to: Michael J. Creppy
Chief Immigration Judge

Through: Larry Dean
Assistant Chief Immigration Judge

From: (b) (6)
Immigration Judge

Re: Judge (b) (6)

Date: January 24, 2006

I previously forwarded to you tapes of two occasions in which Judge (b) (6) indicated that "a (b) (6) Judge" was making baseless accusations against (b) (6). In my opinion, the tapes reveal not only that (b) (6) was very angry at me but, also, establish the type of irrational behavior that Judge (b) (6) has exhibited in the (b) (6) Immigration Court.

I am forwarding for your review two additional tapes. I had occasion to hear these two cases on January 18, 2005 when I had to handle Judge (b) (6) detained docket. The two individuals Respondents wanted to be ordered removed from the U.S. and I was able to hear their cases and issue the order of removal. In (b) (6), on January 4, 2006, when Judge (b) (6) asks the individual if Spanish is the language that he best speaks and understands and the individual answers, "I'd rather speak Spanish", he is chastised for not answering the question "yes or no". Judge (b) (6) then talks about the charging document and asks the Respondent if he received a copy "from the government", and the Respondent answers "In El Salvador...", Judge (b) (6) asks him, "Do they have DHS in El Salvador?" The Respondent tells Judge (b) (6) then that he is a "campesino" (farmer) and "does not get out much" but Judge (b) (6) continues to propound question after question: "You think you are home in El Salvador?"; "Are you not sitting in the US?"; "What country are you sitting in?"; "I'm talking to you about the U.S."; "What country do you think I'm talking about?". When the Respondent finally answers, "U.S.", Judge (b) (6) answers "Good". The subject then turns to whether or not received a copy of the Notice to Appear but when the Respondent indicates that immigration kept it, Judge (b) (6) goes into a long discussion about where the Respondent believes it was kept and why the Respondent allowed the officers to keep his property. When the Respondent again states that the officers did not give him a copy he is questioned again and again about whether the copy is in the facility where he is housed. Finally, Judge (b) (6) tells him "you don't want to listen/cooperate. I do not want to work further with you." and resets the case for one more week.

On December 14, 2006, on (b) (6), Judge (b) (6) refused to hear this Respondent's explanation about whether she had found an attorney to represent her. Next, (b) (6) accused her of trying to have a conversation with the bailiff in the courtroom. When the Respondent states, "I don't understand....With whom am I talking to?", Judge (b) (6) "Officer (b) (6)....He does not have the answers for you." When Judge (b) (6) proceeds and asks if she is a citizen or national of

Guatemala and she answers, "I am from Guatemala" (b) states, "If you don't want to do your hearing today....you can sit around for several weeks" . Judge (b) (6) then goes off the record but comes back on the record to question the Respondent again by stating "One more time, are you a citizen or national of the U.S.?"

I believe I have an obligation to bring the two matters to your attention.

I am forwarding to you a copy of an order signed by Judge (b) (6) on A (b) (6) wherein Judge (b) (6) berates a government attorney, (b)(7)(C) and orders her to refrain from ever speaking to **any member of the staff** for the (b) (6) Immigration Court regarding a case assigned to Judge (b) (6) This order was signed on September 28, 2005. I have been advised that the government attorneys have filed affidavits with OPLA indicating that, on that day, Judge (b) (6) went up to their office on the fourth floor and stated that (b) was going to get them. Deputy District Counsel (b)(7)(C) has forwarded the affidavits of attorney's (b)(7)(C) and (b)(7)(C) to OPLA. They were present on the day that Judge (b) (6) communicated this threat. I looked for the file yesterday to send you supplemental documents but the file cannot be found.

In addition, an affidavit from government counsels (b)(7)(C) and (b)(7)(C) have been sent to OPLA also, verifying the occasion that Judge (b) (6) ordered them to leave the courtroom at a time when they were representing the government in a removal hearing(s). I have spoken to government attorneys (b)(7)(C) and (b)(7)(C) who have all given me the information that I am giving you.

I continue to be fearful of Judge (b) (6) In my personal opinion, he is quick to anger and lash out against individual pro se Respondents, private attorneys, government attorneys, and myself, an Immigration Judge.

Last week and this week, Judge (b) (6) has been out sick. I have been advised by (b) (6) that (b) (6) We have all worked in peace and harmony and without fear of any retaliation from (b) (6) during (b) absence.

I beg you to do something to bring and end to the fear I have for Judge (b) (6)

(b) (6) (EOIR)

From: (b) (6) (EOIR)
Sent: Thursday, September 03, 2009 9:22 AM
To: Dean, Larry R. (EOIR)
Cc: (b) (6) (EOIR)
Subject: FYI - Judge (b) (6)

Judge Dean: For your information, Judge (b) (6) is **very angry** at me and I think it has to do with me getting Judge (b) (6) old office. Today, when I parked outside, I noticed that Judge (b) (6) was not yet in so I came into my office and decided to hang some pictures on my office wall. They were only six nails that I had to put on the wall. When I was on my fifth nail, I noticed that Judge (b) (6) came into through the employee entrance door so I decided to go ahead and hammer the last nail. As I did that, (b) (6) came to the corridor outside my office and stated in a loud voice, "Isn't there some other time you can do this?" . I responded, "This is the last nail". Then (b) (6) responded, "No, you will not do that" and (b) (6) left in an angry huff.

Also, on Monday, I had printed 40 interpreter sheets and when I went to retrieve them at the printer, I had to see the first page that was printed in order to get my documents since the printer is shared by all those in my area. I saw that the first document was an e-mail pertaining to Judge (b) (6) so I did not want to retrieve that document and I went on to the next page and it was another e-mail pertaining to Judge (b) (6) so I did not want to retrieve that one either. I was wondering when I was going to get to the beginning of the 40 sheets I had printed so I went on to the 3rd sheet and saw it was another Judge (b) (6) e-mail. All of a sudden I heard Judge (b) (6) say to me, "Interesting reading?" to which I responded that I was retrieving my copies and had to make sure that I got what was only mine.

I appreciate your attention to this matter.

Judge (b) (6)

Judge (b) (6) no record of hearing

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT

(b) (6)

IN THE MATTER OF)

(b) (6))

RESPONDENT)

IN REMOVAL PROCEEDINGS)

A (b) (6)

ORDER OF THE COURT

On the 6th day of January, 2014, came to be heard Respondent's Motion to Reopen. The Respondent was ordered removed in absentia on September 20, 2005 at 1:00 p.m. Respondent's case has been assigned to this Court. DHS has filed an objection.

Immigration Judges may proceed with an in absentia hearing provided if the Immigration Judge is satisfied that the Respondent was provided notice of the time and place of the proceeding on the record or at a prior hearing by written notice. No written notice is required if the alien fails to provide an address as required under 8 C.F.R. §1003.27. In all removal proceedings, a complete record shall be kept of all testimony and evidence produced at the proceeding. See Section 240(b)(4)(C) of the Immigration and Nationality Act ("the Act"). The regulations require that hearings be recorded verbatim, except for certain off-the-record statements. See 8 C.F.R. §1240.9; Matter of Garcia-Reyes, 19 I&N Dec. 830 (BIA 1988). In all in absentia hearings, the DHS must be present to establish by clear, unequivocal, and convincing evidence that the alien is removable. See 8 C.F.R. §1003.26 (c)(1). The record must establish that the DHS offered the I-213 Record of Deportable/Inadmissible Alien and/or any other evidence to sustain the charge of removability. See *id.*

Pursuant to 8 C.F.R. § 1003.23(b)(1), an Immigration Judge has the discretionary power to exercise *sua sponte* authority to reopen any case in which he or she has made a decision in the interest of justice. After considering the entirety of circumstances presented, the Court will use its discretion to grant *sua sponte* reopening in this case as it finds there is a "truly exceptional situation" where the interests of justice would be served. See 8 C.F.R. § 1003.23(b)(1); Matter of G-D-, 22 I&N Dec. 1132 (BIA 1999); Matter of J-J-, 21 I&N Dec. 976 (BIA 1997).

After reviewing the record file, the Court notes that there was no hearing in Respondent's case on September 20, 2005. See Section 240(b)(4)(C) of the Act; 8 C.F.R. §1240.9. There is no recording (cassette recording) that has been located on Respondent's case or on his mother's case, to whom he was released (A (b) (6)). As such, there is no record

of the Court ever going on the bench and having the DHS government attorney present to request a hearing in Respondent's absence. See 8 C.F.R. §1003.26 (c)(1). There being no recording; no formal hearing; no evidence of the manner in which the I-213 Record of Deportable/Inadmissible Alien appears in the Court file; no Motion from DHS counsel for a hearing in Respondent's absence; and absolutely no recording of Respondent's case being called for a hearing, this Court has no alternative but to reopen Respondent's proceedings *sua sponte* in the interest of justice. See 8 C.F.R. § 1003.23(b)(1); Alarcon-Chavez v. Ashcroft, 403 F.3d 343 (5th Cir. 2005); Villegas v. INS, 745 F.2d 950, 951 (5th Cir. 1984) (inadequate record before the court to determine whether statutory procedures were followed).

Further, the Court notes that the Respondent was a juvenile, age 12, at the time of his hearing. Respondent, as a minor, did not understand the nature and purpose of the removal hearing or of the consequences for any failure to appear.

The following is the ORDER of the Court:

ORDER: IT IS HEREBY ORDERED THAT THE INSTANT REMOVAL PROCEEDINGS ARE HEREBY ORDERED REOPENED *SUA PONTE*.

The Court is disposed to changing venue upon request of DHS or Respondent.

Date _____

Original signed 1/6/14

(b) (6)

United States Immigration Judge

Processing, FOIA (EOIR)

From: McGoings, Michael (EOIR)
Sent: Wednesday, January 07, 2015 1:21 PM
To: Keller, Mary Beth (EOIR)
Subject: FW:(b) (6)

FYI

From: O'Leary, Brian (EOIR)
Sent: Wednesday, January 07, 2015 1:01 PM
To: Reilly, Katherine - OGC (EOIR)
Cc: McGoings, Michael (EOIR)
Subject: Re: (b) (6)

Thanks, Katherine. I have emailed with DCIJ McGoings and he is prepared to sign off

On Jan 7, 2015, at 12:58 PM, Reilly, Katherine - OGC (EOIR) <(b) (6)> @EOIR.USDOJ.GOV> wrote:

Hi Judges,

(b) (6), (b) (5)



Thanks,

Katherine

Katherine H. Reilly
Chief Counsel, Employee and Labor Relations Unit
(b) (6)

Processing, FOIA (EOIR)

From: Dufresne, Jill (EOIR)
Sent: Tuesday, December 30, 2014 9:34 AM
To: (b) (6)
Subject: RE: Good Morning from Judge (b) (6)

Good morning, Judge (b) (6)

To the best of my knowledge, there is no date set for the 2015 IJ Conference.

Take care,

Jill Dufresne

From: (b) (6) . [mailto:(b) (6)@gmail.com]
Sent: Monday, December 29, 2014 9:56 AM
To: Dufresne, Jill (EOIR)
Subject: Good Morning from Judge (b) (6)

Good Morning Judge Dufresne:

An important question has come up in my discussions with Labor Relations. You may have the answer for it. When is the IJ conference to be held in 2015?

Thank you for your continued answers in the absence of ACIJ Nadkarni.

Sincerely,

(b) (6)

--
(b) (6)

**Disclaimer Notice: It has become necessary for me to add this notice to my personal e-mails. This e-mail is being sent to you in my personal capacity from my personal e-mail. The information and/or views expressed in this e-mail are solely the express personal opinion of the writer and not those of any governmental agency and shall not be construed as any communication and/or endorsement of any official nature. Further, the information herein shall not be construed as any type of legal advice; judicial opinion; and/or the opinion of any governmental office with whom the writer may be employed.*

Processing, FOIA (EOIR)

From: Dufresne, Jill (EOIR)
Sent: Tuesday, December 30, 2014 9:29 AM
To: Keller, Mary Beth (EOIR); Reilly, Katherine - OGC (EOIR)
Cc: Nadkarni, Deepali (EOIR)
Subject: RE: Good Morning from Judge (b) (6)

Per my conversation with Jack at the holiday party – no one knows... Thanks!

From: Keller, Mary Beth (EOIR)
Sent: Tuesday, December 30, 2014 9:26 AM
To: Reilly, Katherine - OGC (EOIR); Dufresne, Jill (EOIR)
Cc: Nadkarni, Deepali (EOIR)
Subject: Re: Good Morning from Judge (b) (6)

I also think that no one knows yet. Just in case (b) (6) thinks we can find out - I doubt it.

From: Reilly, Katherine - OGC (EOIR)
Sent: Tuesday, December 30, 2014 09:24 AM
To: Dufresne, Jill (EOIR); Keller, Mary Beth (EOIR)
Cc: Nadkarni, Deepali (EOIR)
Subject: RE: Good Morning from Judge (b) (6)

Sure, you can let (b) (6) know that you do not know. Thanks!

From: Dufresne, Jill (EOIR)
Sent: Tuesday, December 30, 2014 8:22 AM
To: Reilly, Katherine - OGC (EOIR); Keller, Mary Beth (EOIR)
Cc: Nadkarni, Deepali (EOIR)
Subject: FW: Good Morning from Judge (b) (6)

Good morning,

I don't know the answer....

If you have no objections, I will let (b) (6) know that.

Thanks!

Jill.

From: (b) (6) . [mailto:(b) (6)@gmail.com]
Sent: Monday, December 29, 2014 9:56 AM
To: Dufresne, Jill (EOIR)
Subject: Good Morning from Judge (b) (6)

Good Morning Judge Dufresne:

An important question has come up in my discussions with Labor Relations. You may have the answer for it. When is the IJ conference to be held in 2015?

Thank you for your continued answers in the absence of ACIJ Nadkarni.

Sincerely,

(b) (6)

--
(b) (6)

**Disclaimer Notice: It has become necessary for me to add this notice to my personal e-mails. This e-mail is being sent to you in my personal capacity from my personal e-mail. The information and/or views expressed in this e-mail are solely the express personal opinion of the writer and not those of any governmental agency and shall not be construed as any communication and/or endorsement of any official nature. Further, the information herein shall not be construed as any type of legal advice; judicial opinion; and/or the opinion of any governmental office with whom the writer may be employed.*

Processing, FOIA (EOIR)

From: Reilly, Katherine - OGC (EOIR)
Sent: Thursday, December 18, 2014 10:43 AM
To: Keller, Mary Beth (EOIR); Nadkarni, Deepali (EOIR)
Subject: RE: draft of (b) (5)

I am free except for 12-2!

From: Keller, Mary Beth (EOIR)
Sent: Thursday, December 18, 2014 8:50 AM
To: Reilly, Katherine - OGC (EOIR); Nadkarni, Deepali (EOIR)
Subject: RE: draft of (b) (5)

I am actually on the premises today – happy to discuss whenever.

MaryBeth Keller

From: Reilly, Katherine - OGC (EOIR)
Sent: Wednesday, December 17, 2014 4:23 PM
To: Nadkarni, Deepali (EOIR)
Cc: Keller, Mary Beth (EOIR)
Subject: RE: draft of (b) (5)

Thanks, no problem, I understand.

Yes, I am in tomorrow! We should discuss...

From: Nadkarni, Deepali (EOIR)
Sent: Wednesday, December 17, 2014 4:21 PM
To: Reilly, Katherine - OGC (EOIR)
Cc: Keller, Mary Beth (EOIR)
Subject: RE: draft of (b) (5)

No. (b) is no longer an adjudicator.

Are you in the office tomorrow to discuss (b) ? Thanks.

Dee Nadkarni
Assistant Chief Immigration Judge
(b) (6)

From: Reilly, Katherine - OGC (EOIR)
Sent: Wednesday, December 17, 2014 4:11 PM
To: Nadkarni, Deepali (EOIR)
Subject: FW: draft of (b) (5)

Totally your call....

From: Klein, Eliza (EOIR)
Sent: Wednesday, December 17, 2014 4:06 PM

To: Reilly, Katherine - OGC (EOIR)

Subject: RE: draft of (b) (5)

(b) (6)

Thank you....

From: Reilly, Katherine - OGC (EOIR)

Sent: Wednesday, December 17, 2014 8:34 AM

To: Klein, Eliza (EOIR)

Subject: RE: draft of (b) (5)

Sure.

From: Klein, Eliza (EOIR)

Sent: Wednesday, December 17, 2014 9:33 AM

To: Reilly, Katherine - OGC (EOIR)

Subject: FW: draft of (b) (5)

Hi Katherine – can we add in this language to section 3d?

(b) (5), (b) (6)

I have not yet heard back from Judge (b) (6) but will call (b) (6) again today.

Thanks -Eliza

Processing, FOIA (EOIR)

From: Nadkarni, Deepali (EOIR)
Sent: Wednesday, December 17, 2014 4:21 PM
To: Reilly, Katherine - OGC (EOIR)
Cc: Keller, Mary Beth (EOIR)
Subject: RE: draft of (b) (5)

No. (b) is no longer an adjudicator.

Are you in the office tomorrow to discuss (b) ? Thanks.

Dee Nadkarni
Assistant Chief Immigration Judge
(b) (6)

From: Reilly, Katherine - OGC (EOIR)
Sent: Wednesday, December 17, 2014 4:11 PM
To: Nadkarni, Deepali (EOIR)
Subject: FW: draft of (b) (5)

Totally your call....

From: Klein, Eliza (EOIR)
Sent: Wednesday, December 17, 2014 4:06 PM
To: Reilly, Katherine - OGC (EOIR)
Subject: RE: draft of (b) (5)

(b) (6), (b) (5)

[Redacted]

Thank you....

From: Reilly, Katherine - OGC (EOIR)
Sent: Wednesday, December 17, 2014 8:34 AM
To: Klein, Eliza (EOIR)
Subject: RE: draft of (b) (5)

Sure.

From: Klein, Eliza (EOIR)
Sent: Wednesday, December 17, 2014 9:33 AM

To: Reilly, Katherine - OGC (EOIR)

Subject: FW: draft of (b) (5)

Hi Katherine – can we add in this language to section 3d?

(b) (5), (b) (6)

I have not yet heard back from Judge (b) (6) but will call (b) (6) again today.

Thanks -Eliza

Processing, FOIA (EOIR)

From: Reilly, Katherine - OGC (EOIR)
Sent: Tuesday, November 25, 2014 2:03 PM
To: Keller, Mary Beth (EOIR); King, Jean (EOIR)
Subject: RE: (b) (6) Draft (b) (5)

(b) (5)

From: Keller, Mary Beth (EOIR)
Sent: Tuesday, November 25, 2014 1:29 PM
To: Reilly, Katherine - OGC (EOIR); King, Jean (EOIR)
Subject: RE: (b) (6) Draft (b) (5)

(b) (5)

MaryBeth Keller

From: Reilly, Katherine - OGC (EOIR)
Sent: Tuesday, November 25, 2014 11:01 AM
To: King, Jean (EOIR); Keller, Mary Beth (EOIR)
Subject: (b) (6) Draft (b) (5)

Hi Jean and MaryBeth,

(b) (5)

Thanks!

Katherine

Katherine H. Reilly
Chief Counsel, Employee and Labor Relations Unit
(b) (6)

Processing, FOIA (EOIR)

From: King, Jean (EOIR)
Sent: Tuesday, November 25, 2014 11:20 AM
To: Reilly, Katherine - OGC (EOIR)
Cc: Keller, Mary Beth (EOIR)
Subject: Re: (b) (6) Draft (b) (5)

Looks good from my end, Katherine.

On Nov 25, 2014, at 11:01 AM, Reilly, Katherine - OGC (EOIR) (b) (6) <[REDACTED]@EOIR.USDOJ.GOV> wrote:

Hi Jean and MaryBeth,

(b) (5) [REDACTED]

Thanks!

Katherine

Katherine H. Reilly
Chief Counsel, Employee and Labor Relations Unit
(b) (6) [REDACTED]

<(b) (6) (b) (5) [REDACTED] Draft 11-25-14.docx>

Processing, FOIA (EOIR)

From: Reilly, Katherine - OGC (EOIR)
Sent: Tuesday, November 25, 2014 11:01 AM
To: King, Jean (EOIR); Keller, Mary Beth (EOIR)
Subject: (b) (6) (b) (5)
Attachments: (b) (6) (b) (5) Draft 11-25-14.docx

Hi Jean and MaryBeth,

(b) (5)

Thanks!

Katherine

Katherine H. Reilly
Chief Counsel, Employee and Labor Relations Unit
(b) (6)

(b) (5)



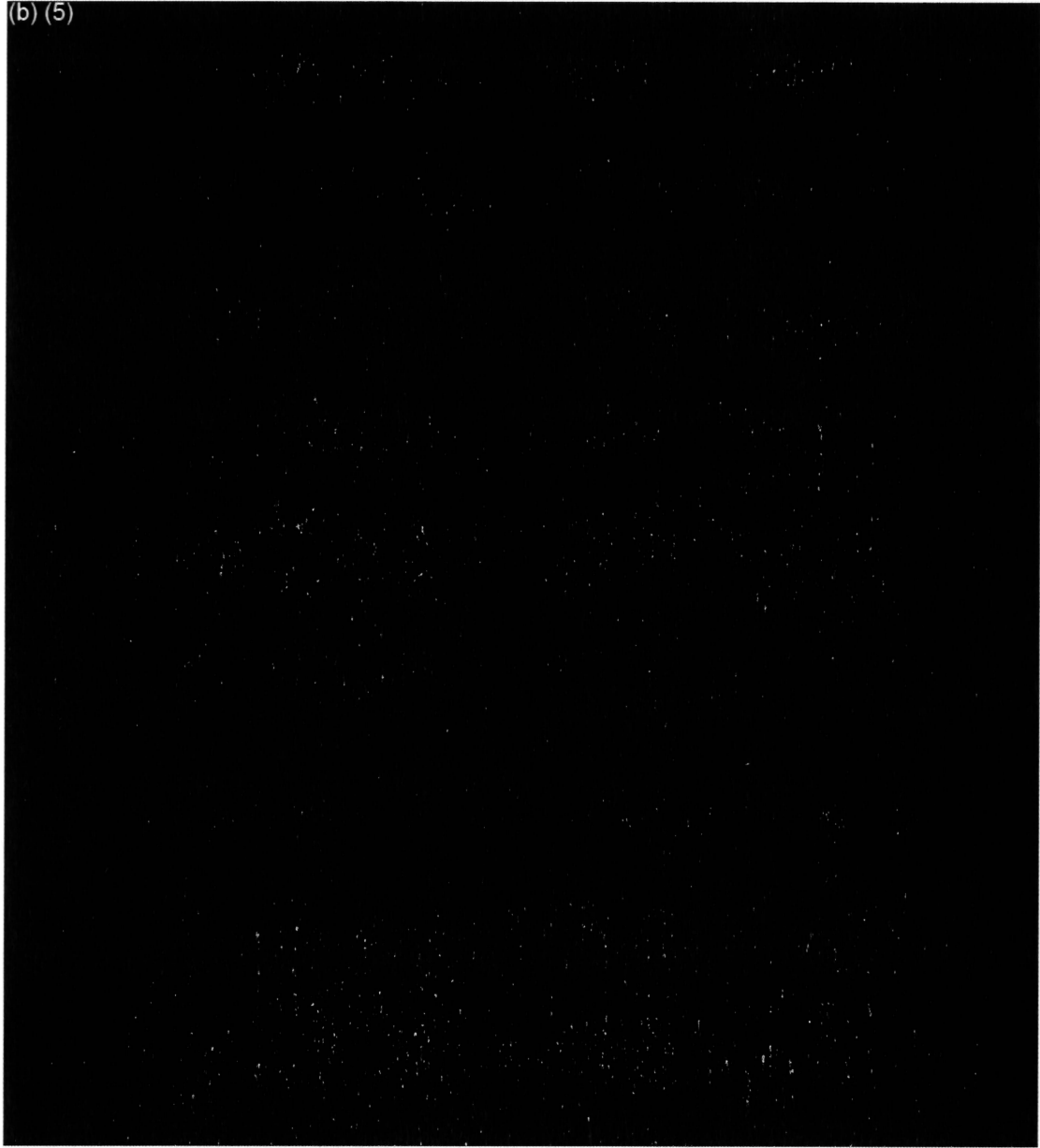
(b) (5)



(b) (5)



(b) (5)



Processing, FOIA (EOIR)

From: Nadkarni, Deepali (EOIR)
Sent: Wednesday, November 12, 2014 10:49 AM
To: Dufresne, Jill (EOIR); Keller, Mary Beth (EOIR)
Subject: RE: Judge (b) (6)


Just approved it.

Dee Nadkarni
Assistant Chief Immigration Judge
(b) (6)

From: Dufresne, Jill (EOIR)
Sent: Monday, November 10, 2014 4:51 PM
To: Nadkarni, Deepali (EOIR); Keller, Mary Beth (EOIR)
Subject: Judge (b) (6)

Hello,

(b) (5), (b) (6)



Jill.

Processing, FOIA (EOIR)

From: Reilly, Katherine - OGC (EOIR)
Sent: Wednesday, November 12, 2014 9:39 AM
To: Keller, Mary Beth (EOIR); Dufresne, Jill (EOIR); Nadkarni, Deepali (EOIR)
Subject: RE: Judge (b) (6)

(b) (5)

Thanks!

From: Keller, Mary Beth (EOIR)
Sent: Wednesday, November 12, 2014 7:57 AM
To: Dufresne, Jill (EOIR); Nadkarni, Deepali (EOIR)
Cc: Reilly, Katherine - OGC (EOIR)
Subject: RE: Judge (b) (6)

Good morning all,

I think that this can be handled today by Dee, don't think there are any issues with it, but copying in Katherine just in case. I know that we have been in (b) (5) discussions with Judge (b) (6) attorney.

Mtk

MaryBeth Keller

From: Dufresne, Jill (EOIR)
Sent: Monday, November 10, 2014 4:51 PM
To: Nadkarni, Deepali (EOIR); Keller, Mary Beth (EOIR)
Subject: Judge (b) (6)

Hello,

(b) (5), (b) (6)

Jill.

EOIR Adverse Actions¹ Proposed Against IJs Since 2010

Date of Proposal	Charges	Aggravating / Mitigating Factors	Proposed Penalty	Final Penalty
January 2010	(1) Violations of Computer Use Policy; (2) Misuse of Official Time; (3) Lack of Candor; (4) Destruction of Evidence.	OIG investigation found that the IJ used government computer to download and attempt to download thousands of adult pornographic images and related conduct.	Removal.	Resignation prior to the issuance of the proposed removal.
April 2011	(1) Insubordination for failure to record hearings. (2) Failure to follow supervisory instructions in violating a leave restriction.	<u>Aggravating</u> : Seriousness of misconduct; prior discipline of a reprimand and suspensions of one day, four days and eight days. <u>Mitigating</u> : Explanation for violation of leave restriction; length of time it took to process disciplinary action (IJ claimed that in the interim (b) had addressed (b) earlier failure to record hearings); letters of support; and service as an IJ since (b).	30-day suspension.	10 day suspension. (ODAG originally mitigated the suspension to 15 days, the IJ appealed to the MSPB and a settlement agreement was later reached, in which the suspension was reduced to 10 days.)
March 2012	Unacceptable performance after conclusion of PIP.	None.	Removal.	Settlement reached prior proposing removal. IJ was converted to a temporary position and separated from the Agency at its conclusion.

¹ Adverse action is defined as a suspension of more than 14 days, demotion in pay or grade, removal, or furlough without pay for 30 days or less.

Date of Proposal	Charges	Aggravating / Mitigating Factors	Proposed Penalty	Final Penalty
August 2012	<p>(1) Inappropriate Conduct: improper involvement in a state court proceeding concerning parties in a pending proceeding before the IJ.</p> <p>(2) Inappropriate conduct: Bias.</p>	<p><u>Aggravating:</u> Two prior short suspensions and letter of reprimand.</p> <p><u>Mitigating:</u> Length of service as an IJ beginning in (b) (6).</p>	30-day suspension.	30-day suspension. Settlement was entered into to allow the IJ to return to the bench as quickly as possible.
November 2012	<p>Failure to follow supervisory instructions.</p>	<p><u>Aggravating:</u> Three suspensions and letter of reprimand for similar misconduct.</p> <p><u>Mitigating:</u> Conceded misconduct and accepted responsibility; asked for mentoring; (b) (6); service as an IJ since (b) (6).</p>	30-day suspension.	25-day suspension. Upheld by MSPB.
November 2013	<p>Inappropriate Conduct with 10 specifications of abusive behavior in court towards parties and counsel.</p>	<p><u>Aggravating:</u> Four prior conduct-related suspensions totaling 22 days; a reprimand for judicial intemperance; oral counselings; five letters of warning, counseling, or admonishment; required training; a period of reassignment to the BIA.</p> <p><u>Mitigating:</u> Service as an IJ since (b) (6).</p>	Removal.	Settlement. IJ converted to a temporary appointment and separated from the Agency shortly thereafter. IJ was eligible for retirement.
November 2013	<p>Inappropriate Conduct with 9 specifications of abusive behavior in court towards parties and counsel.</p>	<p><u>Aggravating:</u> History of prior discipline including two letters of reprimand; six-day suspension; 14-day suspension. Agency also attempted temporary assignment to the BIA and additional training for the IJ.</p> <p><u>Mitigating:</u> Service as an IJ since (b) (6).</p>	Removal.	Settlement. IJ converted to a temporary appointment as a BIA attorney for a six-month term, renewable at management's discretion.

Date of Proposal	Charges	Aggravating / Mitigating Factors	Proposed Penalty	Final Penalty
April 2014	(1) Misuse of Position (12 specifications); (2) Lack of impartiality in performing official duties (3) Inappropriate conduct (4 specifications).	<u>Aggravating:</u> Seriousness and pervasiveness of misconduct. <u>Mitigating:</u> Service as an IJ since (b) .	Removal.	Pending.
July 2014	Unacceptable performance after conclusion of PIP.	None.	Removal.	Retirement.

Processing, FOIA (EOIR)

From: Nadkarni, Deepali (EOIR)
Sent: Monday, January 12, 2015 1:48 PM
To: Moutinho, Deborah (EOIR); Keller, Mary Beth (EOIR)
Cc: Washington, Davita (EOIR)
Subject: RE: Final Signed (b) (6) (b) (5)
Attachments: (b) intake OIG Sept 2013.doc

See attached.

Dee Nadkarni
Assistant Chief Immigration Judge
(b) (6)

From: Moutinho, Deborah (EOIR)
Sent: Monday, January 12, 2015 1:23 PM
To: Keller, Mary Beth (EOIR)
Cc: Nadkarni, Deepali (EOIR)
Subject: RE: Final Signed (b) (6) (b) (5)

How is this to be listed in the database?

Thank you
Deborah

From: Keller, Mary Beth (EOIR)
Sent: Friday, January 09, 2015 12:04 PM
To: Moutinho, Deborah (EOIR)
Cc: Nadkarni, Deepali (EOIR)
Subject: FW: Final Signed (b) (6) (b) (5)

MaryBeth Keller

From: Reilly, Katherine - OGC (EOIR)
Sent: Thursday, January 08, 2015 2:31 PM
To: McGoings, Michael (EOIR); O'Leary, Brian (EOIR); Nadkarni, Deepali (EOIR)
Cc: Keller, Mary Beth (EOIR); King, Jean (EOIR)
Subject: Final Signed (b) (6) (b) (5)

All, please see attached. As always, please do not further disseminate this (b) (6) (b) (5) unless the individual receiving it has a need to know the information in the (b) (5)

Thanks to all of you for your assistance!

Katherine

Katherine H. Reilly

Chief Counsel, Employee and Labor Relations Unit

(b) (6)

Immigration Judge Complaint Intake Form

HQ Use Only: complaint #: _____ source: first / subsequent

Date Received at OCIJ: September 12, 2013

complaint source information	
complaint source type	
<input type="checkbox"/> anonymous <input type="checkbox"/> BIA <input type="checkbox"/> ___ Circuit <input type="checkbox"/> EOIR <input type="checkbox"/> DHS <input type="checkbox"/> Main Justice <input type="checkbox"/> respondent's attorney <input type="checkbox"/> respondent <input type="checkbox"/> OIL <input type="checkbox"/> OPR <input checked="" type="checkbox"/> OIG <input type="checkbox"/> media <input type="checkbox"/> third party (e.g., relative, uninterested attorney, courtroom observer, etc.) <input type="checkbox"/> other: _____	
complaint receipt method	
<input type="checkbox"/> letter <input type="checkbox"/> IJC memo (BIA) <input type="checkbox"/> email <input type="checkbox"/> phone (incl. voicemail) <input type="checkbox"/> in-person <input type="checkbox"/> fax <input type="checkbox"/> unknown <input checked="" type="checkbox"/> other: __Report of Investigation_____	
date of complaint source	complaint source contact information
(i.e., date on letter, date of appellate body's decision) August 27, 2013	name: USDOJ Office of Inspector General _____ address: _____ _____ _____ email: _____ phone: _____ fax: _____
additional complaint source details	
(i.e., DHS component, media outlet, third party details, A-number)	

complaint details		
IJ name	base city	ACIJ
(b) (6)	[REDACTED]	ACIJ Dee Nadkarni
relevant A-number(s)	date of incident	
Various cases	Several incidents	
allegations		
Misuse of Position; Violation of Ethics Standards regarding impartiality; and Conduct Unbecoming an Immigration Judge.		
nature of complaint		
<input checked="" type="checkbox"/> in-court conduct <input checked="" type="checkbox"/> out-of-court conduct <input type="checkbox"/> due process <input checked="" type="checkbox"/> bias <input type="checkbox"/> legal <input type="checkbox"/> criminal <input type="checkbox"/> incapacity <input type="checkbox"/> other: _____		

