



Detail

Complaint Number: 723

Immigration Judge: (b)(6)

Complaint Received Date: 02/14/13

Current ACIJ
Sukkar, Elisa M.

Base City
(b) (6)

Status
CLOSED

Final Action
Complaint dismissed because it
cannot be substantiated

Final Action Date
03/11/13

Past ACJIS:

A-Numbers(s)	Complaint Nature(s)	Complaint Source(s)
(b)(6)	In-court conduct	Anonymous

Complaint Narrative: Source alleges IJ is rude, heartless and unkind and has no business being a judge.

Complaint History

02/14/13 Complaint referred to ACIJ
02/21/13 Database entry created
03/11/13 Complaint dismissed because it cannot be substantiated

February 10, 2013

Hon. Biran O'Learhy
Chief Immigration Judge
5107 Leesburg Pike, Suite 2545
Falls Church, VA 22041

Re: Judge (b) (6)

Dear Judge O'Leary,

We wonder when you are going to do something about Judge (b) (6). Have you seen the articles in the local papers about (b) (6) and (b) (6) (b) (6) lately? Have you seen what they say about (b) (6) and how (b) (6) acts?

Judge (b) (6) is rude to just about everyone. (b) (6) is known as a heartless and unkind person. ICE puts up with (b) (6) because (b) (6) rules their way 99% of the time but, they too are tired of the comments about how people dress and how they look. All court systems have judges who lean one way or the other but, Judge (b) (6) just about never grants relief.

I have been a lawyer for a long time and must say that (b) (6) has no business being a judge. When (b) (6) goes on vacation, the entire BTC is happy. When gone, someone finally gets a bond. When gone, no one gets insulted for wearing the wrong color clothes. When gone, everybody feels they have a chance at a fair hearing.

Please do something about (b) (6) (b) (6) is driving us all nuts!

Cc: Juan P. Osuna, Esq.

Name withheld to protect me from Judge (b) (6)

RECEIVED
DEPARTMENT OF JUSTICE
2013 FEB 14 PM 1:19
E.O.I.R.
D.C.I.J.

Immigration Judge Complaint Intake Form

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

Date Received at OCIJ: Feb. 14, 2013

complaint source type	
<input checked="" type="checkbox"/> anonymous <input type="checkbox"/> respondent's attorney <input type="checkbox"/> third party (e.g., relative, uninterested attorney, courtroom observer, etc.) <input type="checkbox"/> other: _____	<input type="checkbox"/> BIA <input type="checkbox"/> respondent <input type="checkbox"/> OIL <input type="checkbox"/> Circuit <input type="checkbox"/> EOIR <input type="checkbox"/> OPR <input type="checkbox"/> DHS <input type="checkbox"/> OIG <input type="checkbox"/> Main Justice <input type="checkbox"/> media
complaint receipt method	
<input checked="" type="checkbox"/> letter <input type="checkbox"/> fax	<input type="checkbox"/> IJC memo (BIA) <input type="checkbox"/> unknown <input type="checkbox"/> email <input type="checkbox"/> other: _____ <input type="checkbox"/> phone (incl. voicemail) <input type="checkbox"/> in-person
date of complaint source	complaint source contact information
(i.e., date on letter, date of appellate body's decision) February 10, 2013	name: Unknown – Anonymous complaint address: _____ _____ _____ email: _____ phone: _____ fax: _____
additional complaint source details	
(i.e., DHS component, media outlet, third party details, A-number)	

IJ name	base city	ACIJ
Judge (b) (6)	(b) (6)	ACIJ Elisa Sukkar
relevant A-number(s)	date of incident	
None provided	Non- specific	
allegations		
<p>The complaint is addressed to the Chief Immigration Judge Brian O'Leary from an anonymous attorney. The person makes reference to recent newspaper articles in the local paper about the judge and the (b) (6). The person also makes statements about Judge (b) (6) that (b) (6) is rude to just about everyone, that (b) (6) just about never grants relief, (b) (6) comments on how people dress and how they look and when gone, someone finally gets a bond.</p>		
nature of complaint		
<input checked="" type="checkbox"/> in-court conduct <input type="checkbox"/> incapacity	<input type="checkbox"/> out-of-court conduct <input type="checkbox"/> other: _____	<input type="checkbox"/> due process <input type="checkbox"/> bias <input type="checkbox"/> legal <input type="checkbox"/> criminal

EOIR FOIA Processing (EOIR)

From: Sukkar, Elisa (EOIR)
Sent: Friday, March 01, 2013 2:39 PM
To: Keller, Mary Beth (EOIR)
Cc: McGoings, Michael (EOIR); O'Leary, Brian (EOIR)
Subject: FW: IJ Complaint
Attachments: IJ Complaint-(b) (6) Control # 2516.pdf

FYI

From: Sukkar, Elisa (EOIR)
Sent: Friday, March 01, 2013 2:37 PM
To: (b) (6) (EOIR)
Subject: IJ Complaint

Good Afternoon Judge (b) (6)

This is to inform you that OCIJ has received a complaint against you which I am in need of bringing to your attention.

The complaint is addressed to Chief Immigration Judge Brian O'Leary and the complaint was mailed to him. It appears that it is from an attorney although he/she is filing the complaint anonymously.

Please review the complaint and respond, as best as you can, to some of the comments made.

The person makes a reference to a specific color of clothing, which I found strange, unless the issue was that the attorney may have been wearing blue jeans in court.

As you can see, media attention and being quoted in the papers is not good as it can bring this sort of negative attention to the court. The complainant is specifically making a reference to recent newspaper articles.

I have to respond to OCIJ by March 13, 2013 so if you could please provide a response before March 11, 2013; I would appreciate it.

Thank you,

Judge Sukkar

EOIR FOIA Processing (EOIR)

From: Sukkar, Elisa (EOIR)
Sent: Monday, March 11, 2013 7:27 PM
To: O'Leary, Brian (EOIR)
Cc: McGoings, Michael (EOIR); Kelly, Ed (EOIR); Keller, Mary Beth (EOIR); Boone-Fisher, Sabina (EOIR)
Subject: FW: IJ Complaint -- Reply
Attachments: DOC020.pdf IJ (b) (6) Letters of Appreciation.pdf; OCIJ Correspondence- Control No: 2516-Re: IJ Complaint against (b) (6)

Good Evening Judge O'Leary:

I wanted to provide to you with the status of this complaint against IJ (b) (6). Below you will find the judge's initial reply dated March 1, 2013.

On March 7, 2013, the judge and I met at BTC and we discussed the complaint in person. The judge believes that the complaint may have been filed by attorney (b) (6). She is being investigated by the (b) (6) Bar and both the judge and CA (b) (6) have been interviewed as part of their investigation. The attorney has also been referred to EOIR Counsel. The court, the CA and the judge receive regular written complaints from the detainees at (b) (6) as to the payment of exorbitant fees and then the attorney does not show up to represent them or she does not return their calls.

As to the comment by the complainant about the judge getting insulted by people "wearing the wrong color clothes", (b) (6) indicates that (b) (6) once sent a paralegal to court on her behalf to represent a respondent and that the paralegal was wearing jeans. (b) (6) informed the paralegal that she could not appear on behalf of (b) (6) and that she was not allowed to wear jeans to court.

During our meeting the judge provided the letters contained in the attachment to this e-mail which (b) (6) wishes OCIJ to review as evidence that some, including attorneys, are grateful for the time that (b) (6) takes to explain how the court functions. (b) (6) also provided a letter from a respondent thanking (b) (6) for bonding him out and giving him a second chance to remain in the US.

I will close it out as unsubstantiated because I have no specific incidents to address with the judge other than the dress code comment. (b) (6) explained, as best (b) (6) could since the complaint is anonymous, that it had to do with someone wearing jeans in court. I will include in the comments for the database that we did have a discussion with the judge and provided the complaint to (b) (6) for (b) (6) full review of the comments that were being made against (b) (6).

The issue about the judge speaking to the media has been addressed with oral counseling separately and addressed once again due to the instant complaint. The IJ does not feel that the complaint was triggered by the newspaper article but by the on-going (b) (6) Bar investigation against a private bar attorney.

If you are in need of anything else regarding this complaint, please let me know.

I am copying Sabina so that she can close it out in her OCIJ Correspondence folio.

Thank you,

Elisa

From: (b) (6) (EOIR)
Sent: Friday, March 01, 2013 3:11 PM
To: Sukkar, Elisa (EOIR)
Cc: (b) (6) (EOIR)
Subject: RE: IJ Complaint -- Reply

Dear Judge Sukkar:

I am not able to respond specifically to a complaint of this nature other than to say that the general allegations are not true. I am not "rude to everyone", or anyone that I am aware of. The statement that "(b) (6) never grants relief" is also not true as the statistics which are available from CASE showing otherwise. The complaint makes reference to "finally getting a bond". When a bond is denied, the parties are advised of their right to appeal. As far as the color of clothing, I am not aware of such, although we have had instances of people coming to Court not in appropriate attire, and they have been so advised. Absent more specific information, I am unable to respond further at this time.

Sincerely,

(b) (6)

From: Sukkar, Elisa (EOIR)
Sent: Friday, March 01, 2013 2:37 PM
To: (b) (6) (EOIR)
Subject: IJ Complaint

Good Afternoon Judge (b) (6)

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Thank you,

Judge Sukkar