



Detail

Complaint Number: 738

Immigration Judge: (b)(6)

Complaint Received Date: 04/01/13

Current ACIJ
Davis, John W.
Past ACIDS:

Base City
(b) (6)

Status
CLOSED

Final Action
Oral counseling

Final Action Date
05/06/13

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

Complaint Narrative: Counsel requested Arabic to be designated as R's language for hearings, rather than designate the language 1) asked if counsel was challenging the "finding" in a raised tone. Counsel finds the judges demeanor unbecoming and wished to report it - intemperate disposition

Complaint History

04/05/13 Database entry created
05/06/13 Oral counseling

Sep 11, 2013

1 of 1

Immigration Judge Complaint Intake Form

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

Date Received at OCIJ: 1 April 2013

complaint source type	
<input type="checkbox"/> anonymous	<input type="checkbox"/> BIA
<input checked="" type="checkbox"/> respondent's attorney	<input type="checkbox"/> respondent
<input type="checkbox"/> third party (e.g., relative, uninterested attorney, courtroom observer, etc.)	<input type="checkbox"/> other: _____
<input type="checkbox"/> ___ Circuit	<input type="checkbox"/> EOIR
<input type="checkbox"/> OIL	<input type="checkbox"/> OPR
<input type="checkbox"/> DHS	<input type="checkbox"/> Main Justice
<input type="checkbox"/> OIG	<input type="checkbox"/> media
complaint receipt method	
<input type="checkbox"/> letter	<input type="checkbox"/> IJC memo (BIA)
<input checked="" type="checkbox"/> email	<input type="checkbox"/> phone (incl. voicemail)
<input type="checkbox"/> fax	<input type="checkbox"/> unknown
<input type="checkbox"/> other: _____	<input type="checkbox"/> in-person
date of complaint source	complaint source contact information
(i.e., date on letter, date of appellate body's decision) 27 March 2013	name: _____
additional complaint source details (i.e., DHS component, media outlet, third party details, A-number)	address: _____
Forward through (b) (6) CA (b) (6) (b) (6)	email: _____
	phone: _____
	fax: _____

IJ name	base city	ACIJ
(b) (6)		John W. Davis
relevant A-number(s)	date of incident	
(b) (6)	27 March 2013	
allegations		
<p>Counsel requested Arabic be designated as respondent's primary language for all future hearings per ICPM 4.11, 4.15(i)(i), 4.15(o)(i). Rather than designate Arabic Judge (b) (6) asked counsel if he was challenging the "finding" by ICE noted in the I-213 that respondent spoke and understood English. Counsel reiterated that Arabic was respondents preferred language. Judge (b) (6) responded along the lines "That was not what I asked you" in a raised tone. Counsel repeated that the client wanted an Arabic interpreter but does understand some English. Counsel states that in over 12 years of practicing before the Court, he's never had a Judge challenge his personal assessment regarding a client's need for an interpreter for hearings. Counsel had respondent's brother in court to informally translate for the hearing, but it is unclear from Dar if that occurred. Counsel finds the Judge's demeanor unbecoming and wish it reported.</p>		

nature of complaint					
<input checked="" type="checkbox"/> in-court conduct	<input type="checkbox"/> out-of-court conduct	<input type="checkbox"/> due process	<input type="checkbox"/> bias	<input type="checkbox"/> legal	<input type="checkbox"/> criminal
<input type="checkbox"/> incapacity	<input checked="" type="checkbox"/> other: <u>intemperate disposition by the IJ</u>				

Moutinho, Deborah (EOIR)

From: (b) (6) (EOIR)
Sent: Wednesday, March 27, 2013 1:29 PM
To: Davis, John (EOIR)
Cc: (b) (6) (EOIR)
Subject: Judge (b) (6)

Judge Davis

Attorney (b) (6) has filed a complaint against Judge (b) (6) (please see e-mail below).

Thank you

(b) (6)

From: (b) (6) [mailto:(b) (6)]
Sent: Wednesday, March 27, 2013 12:17 PM
To: (b) (6) (EOIR)
Subject: Judge (b) (6)

(b) (6)

As per the meeting with Judge Davis back in February, I understand via (b) (6) that you are the person to whom I should direct complaints regarding a judge's temperament and that you would forward it to Judge Davis.

I am writing to register a complaint regarding Judge (b) (6) from this morning. I appeared on behalf of Respondent with A# (b) (6). When asked today if my client understands English, my recollection is that I said we wanted Arabic designated for all future hearings as is my client's right under Court Practice Manual 4.11, 4.15(i)(i), 4.15(o)(i).

Judge (b) (6) then proceeded to ask if I was challenging the "finding" by ICE noted in the I-213 that my client spoke and understood English. I responded simply that I wished to have Arabic designated as his preferred language. (b) (6) response was something along the lines "That was not what I asked you" in a raised tone. I simply repeated that my client wanted an interpreter but does understand some English. In more than 12 years of practicing before this Court, I have never had a Judge challenge my personal assessment that my client needs an interpreter for his hearings. We had my client's brother there to informally translate for purposes of today, but I found the Judge's demeanor unbecoming and wish it reported to Judge Davis.

(b) (6)

Moutinho, Deborah (EOIR)

From: Keller, Mary Beth (EOIR)
Sent: Monday, May 06, 2013 4:42 PM
To: Davis, John (EOIR)
Cc: Moutinho, Deborah (EOIR)
Subject: RE: (b) (6) (b) (5)

I think we have all we need on this – oral counseling with today's date – thanks.
Deborah is out tomorrow, but back on Wednesday so will set us straight if we've missed anything –
Mtk

MaryBeth Keller
Assistant Chief Immigration Judge

From: Davis, John (EOIR)
Sent: Monday, May 06, 2013 4:38 PM
To: Keller, Mary Beth (EOIR)
Cc: Moutinho, Deborah (EOIR)
Subject: RE: (b) (6) (b) (5)

Mary Beth,

I counseled Judge (b) (6) this afternoon. (b) (6) was only slightly defensive which was good. Although initially (b) (6) offered several lame excuses. I am hopeful this will not become a recurring situation.

Deborah did I need to do anything to close this one out?

Thanks,

Regards,

John W. Davis
Assistant Chief Immigration Judge
3130 North Oakland Street
Aurora, CO 80010
(303) 739-5203

From: Keller, Mary Beth (EOIR)
Sent: Thursday, April 25, 2013 1:44 PM
To: Davis, John (EOIR)
Subject: RE: (b) (6) (b) (5)

John,
I have finally taken a look at this and listened to the DAR recording. While I agree that the judge's arguing with counsel over the designation probably warrants a conversation regarding the pitfalls of doing that, I didn't find the judge's tone to be out of line. (b) (5)

(b) (5)

Hope all is well in SLC, and we'll talk whenever you get a chance. I am off tomorrow, but back at it as usual next week.

Mtk

MaryBeth Keller

Assistant Chief Immigration Judge

From: Davis, John (EOIR)

Sent: Wednesday, April 10, 2013 2:28 PM

To: Keller, Mary Beth (EOIR)

Subject: FW: (b) (6)(b) (5)

Mary Beth,

Did you get a chance to look, and or listen to this one?

John W. Davis

Assistant Chief Immigration Judge

Executive Office for Immigration Review

627 17th Street #300

Denver, CO 80293

(b) (5)