



Detail

Complaint Number: 504

Immigration Judge: Cassidy, William A.

Complaint Date: 05/18/11

Current ACIJ
Nadkarni, Deepali

Base City
(b)

Status
CLOSED

Final Action
Database entry created

Final Action Date
06/17/11

A-Number(s)	Complaint Nature(s)	Complaint Source(s)
(b) (6)	In-court conduct	EOIR (b) (6)

Complaint Narrative: During a bond being conducted by IJ (b) (6), IJ Cassidy appeared at the back of the courtroom dressed in (b) robe and made a suggestion on how to handle the case.

Complaint History	
05/18/11	Discussed the incident with IJ (b) (6)
05/20/11	Interviewed witnesses
06/01/11	Written counseling
06/17/11	Database entry created



U.S. Department of Justice

Executive Office for Immigration Review

Office of the Chief Immigration Judge

5107 Leesburg Pike, Suite 2500
Falls Church, Virginia 22041

June 1, 2011

William Cassidy
Immigration Judge

(b) (6)

Re: Written Admonishment

Dear Judge Cassidy:

The purpose of this letter is to admonish you for your inappropriate conduct on Thursday, May 5, 2011. On that day, you walked into and sat down in Immigration Judge (IJ) (b) (6) courtroom while wearing your judicial robe. You proceeded to raise your hand while IJ Wilson was in the process of conducting a bond hearing. When IJ Wilson allowed you to speak, you offered your opinion on how the case should be handled.

When I met with you on May 20, 2011 to discuss the incident, you explained that you had acted under what you believed were exigent circumstances, and your intent was to help the alien. You further explained that you were cognizant of the perception of impropriety and you will try to remain focused and "ever present."

Your behavior of entering another IJ's courtroom while wearing your judicial robe and interjecting yourself in the proceedings is unacceptable and will not be tolerated. Please be advised that because this admonishment does not constitute a formal disciplinary action, this letter will not be placed in your official personnel file. Nevertheless, I am issuing you this letter in an attempt to impress upon you the importance of conducting yourself in an appropriate and professional manner at all times in the workplace. A recurrence of this type of conduct will have more serious consequences.

Sincerely,

Deepali Nadkarni
Assistant Chief Immigration Judge

May 21, 2011

At a site visit on May 18, 2011, I learned from (b) (6) Immigration Court Administrator (b) (6) about an incident that had occurred recently in the court. (b) (6) stated that it was reported to her that during a bond proceeding being conducted by IJ (b) (6) (b) (6) IJ William Cassidy appeared at the back of Judge (b) (6) courtroom dressed in his judicial robe. IJ Cassidy reportedly raised his hand during the proceeding and made a suggestion about how the case was being handled. (b) (6) stated that it is her understanding that other than the IJs, the courtroom was also attended by the court's Legal Assistant, the alien, alien's counsel, and DHS Assistant Chief Counsel. (b) (6) stated that the court staff has discussed the incident among themselves. (b) (6) stated that IJ (b) (6) asked her not to tell me about the incident because he had already spoken to IJ Cassidy about it, and they had resolved the matter between themselves. I asked (b) (6) to e-mail me the alien registration number of the case. I looked up the case in the agency's CASE database and learned that the incident had occurred on May 5, 2011.

On May 18, 2011, I spoke to IJ (b) (6) about the incident. I asked him to describe the event. He stated that he was conducting a hearing in which there was a request for a bond redetermination and motion to reopen. IJ (b) (6) stated that he had decided to grant a bond, and also to grant the motion to reopen and the alien's request for the relief of voluntary departure. IJ (b) (6) said that he was discussing the logistics with alien's counsel when he saw IJ Cassidy in the back of the courtroom raising his hand. IJ (b) (6) explained that IJ Cassidy offered his opinion on how the case should be handled. IJ (b) (6) stated that he was thrown off by the interruption and disposed of the case in the manner suggested by IJ Cassidy: he denied the bond request and granted voluntary departure under a \$5000 bond. IJ (b) (6) stated that after he left the bench and reviewed the matter, he reflected that his original approach was correct and he should not have proceeded in the manner suggested by IJ Cassidy. IJ (b) (6) explained that he called the parties back into court that afternoon and corrected his rulings to clarify that he granted the alien's request for bond redetermination, set a bond, and then granted voluntary departure. IJ (b) (6) stated that he spoke directly with IJ Cassidy that day. IJ (b) (6) explained that he told IJ Cassidy never to appear in his robe in IJ (b) (6) courtroom again. IJ (b) (6) stated he told IJ Cassidy that he found objectionable IJ Cassidy's practice of roaming the hallways and other areas outside the courtroom in his judicial robe. IJ (b) (6) stated that IJ Cassidy apologized and stated that it would not happen again. IJ (b) (6) requested that I let the matter rest in order to maintain good court relations. I stated that the gravity of the incident rose to a management issue that I would not ignore. I stated that I would convey IJ (b) (6) request when I spoke to IJ Cassidy.

On May 19, 2011, I reviewed the court's record of proceeding and listened to the DAR recording of the proceeding. Piecing together the facts from the written record and the audio recording, I believe the following occurred:

- IJ (b) (6) held the bond proceeding off the record.
- After IJ Cassidy's interruption, IJ (b) (6) went on the record at 11:00 am on the bond proceeding and denied bond and granted voluntary departure with a \$5000 bond. This is reflected in CASE under the bond proceeding.
- Upon reflection, IJ (b) (6) decided he had erred. IJ (b) (6) called the parties back and rendered revised orders at 3:00 pm, ordering a bond of \$5000 and granting pre-conclusion voluntary departure. This is reflected in CASE under the merits proceeding.

On May 20, 2011, I spoke with (b) (6) IJ (b) (6) Legal Assistant, who was in the court during the May 5, 2011, incident. (b) (6) stated that IJ (b) (6) was conducting a bond proceeding and ruling on a pending motion to reopen. (b) (6) stated that IJ (b) (6) ruled on the motion and granted the alien's request for voluntary departure. Mr. (b) (6) stated that IJ (b) (6) was discussing how to accomplish the alien's release with the alien's attorney when he noticed IJ Cassidy sitting in the courtroom with his hand raised. (b) (6) stated that IJ Cassidy said, "They won't release him if you do it that way." (b) (6) stated that IJ Cassidy proceeded to tell IJ (b) (6) how to form the orders in the case. (b) (6) stated that IJ (b) (6) appeared "thrown off" by the interruption and ruled in the manner offered by IJ Cassidy. (b) (6) reported that after some reflection, IJ (b) (6) went back to court and corrected the ruling. (b) (6) stated that the following persons were present in the courtroom: the alien; alien's attorney; the Assistant Chief Counsel; himself; and IJs (b) (6) and Cassidy. (b) (6) described the incident as "surreal."

On May 20, 2011, at 11:00 am, I spoke with IJ Cassidy. I initially addressed the issues that I discussed with all staff members during the site visit. I then asked him to describe what transpired in IJ (b) (6) courtroom on May 5. IJ Cassidy asked why I was interested in the matter, because (b) (6) had already resolved the situation with IJ (b) (6). I stated that I had learned of the incident from court personnel, not from IJ (b) (6), who had repeatedly asked me not to pursue the matter. I stated that I felt I needed to investigate the issue. IJ Cassidy asked if this was a disciplinary matter. I stated that I was simply investigating what happened and wanted his perspective of the incident.

I asked why he entered IJ (b) (6) courtroom on May 5. IJ Cassidy stated that he walked in because he wanted to talk to him about a case involving a notario or suspended attorney. IJ Cassidy stated that he forgot he was wearing his judicial robe, because he wears the robe as a uniform and does not usually take it off during work. IJ Cassidy stated that he raised his hand and asked if he could make a suggestion. When IJ (b) (6) permitted him to speak, IJ Cassidy suggested that the order be written in a certain way so the alien would be released from custody. IJ Cassidy stated that he was always respectful during the incident. IJ Cassidy reported that the alien's attorney stated, "Oh, there are two judges in the case," and he was quick to point to IJ (b) (6) and state, "No. You have one judge."

IJ Cassidy stated that he will not do it again. He stated that he has admitted he made a mistake and has already talked to IJ (b) (6). IJ Cassidy stated that going into IJ (b) (6) courtroom was a "knee-jerk" reaction to learning something about the notario. IJ Cassidy stated that in retrospect, he realizes there was no emergency, and the matter could have waited.

I asked why he did not wait to discuss the notario issue until after IJ (b) (6) was out of court. IJ Cassidy stated that he made the suggestion in court because he was trying to help the alien get released from custody. IJ Cassidy stated that his intention was honorable and he thought he spoke in the right venue. IJ Cassidy stated that he did not at first fully appreciate the impropriety of his behavior but that afterwards, he sensed that IJ (b) (6) was troubled by it.

IJ Cassidy stated that he would never do anything to undermine another IJ. He repeatedly stated that he spoke in IJ (b) (6) courtroom with the utmost respect, acknowledging IJ (b) (6) position as judge. IJ Cassidy stated that he acted under exigent circumstances, and his intent was to help the alien. I asked if there was a miscarriage of justice at issue, and IJ

Cassidy stated that there could have been. IJ Cassidy stated that henceforth, he will not offer another IJ advice unless the IJ comes to him asking for it.

IJ Cassidy stated that in deference to IJ (b) (6) he has broken his long-term habit of wearing the robe outside the courtroom and now carries his robe over his arm until ready to enter court. IJ Cassidy acknowledged that he understands the difference between intent versus perception regarding a given behavior. He thanked me for taking the time to discuss the matter.

At several times during the discussion, IJ Cassidy became defensive and stated that he made a mistake and would not do "it" again.* He stated that he will write IJ (b) (6) a letter of apology if I asked for that. I stated that I do not believe he will repeat the behavior of entering another IJ's courtroom and interrupting proceedings, but am concerned about other over-reaching. I asked him to be mindful of his promise that he would not offer advice unless requested, particularly with regard to the new IJ, (b) (6) who will start on Monday, May 23. I stated that IJ (b) (6) is her mentor IJ, and that IJ Cassidy should remember his vow of not offering advice unless asked.

IJ Cassidy stated that he is cognizant of the perception of impropriety and will try to remain focused and "ever-present." However, he exhibited a degree of huffiness/scorn for my request that he not offer advice unless asked. In my opinion, he seemed offended that I questioned him at all about the matter. He stated several times that it was simply a mistake, and that he might understand if there was a "history or something." I stated that I am his new supervisor and do not know if there is a history. IJ Cassidy stated that there is most definitely not a history.

He asked again if he should be concerned that he is in disciplinary proceedings. I reiterated that I am in the process of learning the facts and will consider them carefully in making a decision. He stated that he felt uncomfortable. There were several moments of silence. I stated that the meeting had gone far over the hour I had allotted (it was 12:40 pm) and that we needed to conclude. I thanked him for his efforts in making my visit a pleasant one. We shook hands, and he left my (temporary) office.

*IJ Cassidy exhibited the following behaviors, facial expressions, etc., which I interpreted as defensive:

- numerous deep, audible sighs;
- slight rolling of eyes;
- crossed arms;
- rapid eye-blinking and slight watering;
- constantly interrupting me, waving his hands and saying, "excuse me, excuse me, but . . ."