Twitter Thread by Matthew Hoppock



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One of the judges this story mentions is William Cassidy, who was promoted from an Atlanta IJ position to a BIA member position in 2019 by the Trump DOJ. Cassidy has an awful history that has been well-documented, but I'm still enraged reading this reporting.

> \U0001f6a8New investigation: \U0001f6a8
>
> How sexual harassment and misconduct has been allowed to flourish in the immigration courts, a system intended to give immigrants a fair chance to stay in the U.S.:https://t.co/Lw8hpK5jSe
>
> — Tal Kopan (@TalKopan) January 22, 2021

The story notes that the EOIR Director served as an ICE attorney in Atlanta and practiced before Cassidy for years. And it points to FOIA records unearthed by Bryan Johnson showing they remain friendly.

A trove of complaints against Cassidy was published by AILA in 2019 after FOIA litigation. They generally show misconduct, substantiated in the record, followed by "written counseling" etc. https://t.co/tkaspDbAAK

One way Cassidy could avoid discipline is by turning off the recording device during the hearing. If he made a lewd or offensive comment off the record, all the EOIR would do is listen to the recording. If it's not there, the complaint is "unsubstantiated" https://t.co/wUeBPEEbpV

Detail

Complaint Number: 148 **Immigration Judge:** Cassidy, William A. **Complaint Date:** 04/28/10

Current ACIJ	Base City	Status	Final Action	Final Action Date
Smith, Gary W.	(b) [redacted]	CLOSED	Complaint dismissed because it cannot be substantiated	05/04/10

A-Number(s)	Complaint Nature(s)	Complaint Source(s)
(b) (6) [redacted]	In-court conduct	Respondent (b) (6) [redacted]

Complaint Narrative: In Matter of (b) (6) [redacted], R alleges the judge treated him unfairly during his hearing, making jokes about R's situation.

Complaint History	
03/16/10	Alleged conduct occurred
04/30/10	Complaint referred to ACIJ
04/30/10	Database entry created
05/04/10	ACIJ contacts respondent with his finding of no misconduct.
05/04/10	Complaint dismissed because it cannot be substantiated - ACIJ listened to the hearing and found no levity or joking.

In that case, Cassidy joked about a detained immigrant saying he missed his wife. The complaint was dismissed because the ACIJ found "no levity or joking" in the comment.

knows what has happened to me since getting a letter from her. The Judge William Cassidy then responded by saying that "this is a first I don't think I have heard this before, I have heard many things but I have never heard of someone miss placing his wife." After hearing this I was mind boggled, and numb. Not once did I tell or spoke of to judge William Cassidy, or to any one to that matter in any way that I have miss placed my wife, but to here the Judge of all person saying something like this in court in my presence I just could not believe. And to hear the way he spoke it, it was as if [redacted] was making a joke in the court of the situation I find myself in. this

Here's a complaint from 2010 where Cassidy disclosed confidential information about an asylum applicant's case to a third party and had "prepared a complete written decision" denying the claim "before the hearing" had occurred.
https://t.co/O4PbvIIoup

Detail

Complaint Number: 164 **Immigration Judge:** Cassidy, William A. **Complaint Date:** 05/04/10

Current ACIJ	Base City	Status	Final Action	Final Action Date
Smith, Gary W.	(b)	CLOSED	Written counseling	05/18/10

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

Complaint Narrative: In (b) (6), the record reflects the the ij disclosed information pertaining to the R's asylum application to a private bar attorney who was not representing the the R, without written consent, and prepared a complete written decision before the hearing.

Complaint History	
12/10/09	Alleged conduct occurred
05/04/10	
05/04/10	ACIJ requests explaination from IJ
05/05/10	Database entry created
05/05/10	IJ provides explaination to ACIJ
05/06/10	Initial complaint processing completed - ACIJ reviewed case and determined no intemperate conduct, draft counseling letter being prepared
05/18/10	Written counseling

No discipline. Just "counseling" and eventually a promotion to be a BIA member.

In this complaint, the person said Judge Cassidy repeatedly turned off the recording device and had a third party removed from the court room by security. Dismissed for failure to state a claim.

Complaint Number: 168 **Immigration Judge:** Cassidy, William A. **Complaint Date:** 04/27/10

Current ACIJ	Base City	Status	Final Action	Final Action Date
Smith, Gary W.	(b)(6)	CLOSED	Complaint dismissed due to the complainant's failure to state a claim	06/03/10

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

Complaint Narrative: Attorney alleges IJ deprived (b)(6) of (b)(6) 1st Amendment right to observe hearings & ordered security to have (b)(6) removed from the building. In general the attorney feels the IJ does not record significant portions of the hearings, goes off/on record and does not summarize off record.

Complaint History	
04/19/10	Alleged conduct occurred
04/28/10	ACIJ/CP responds to source acknowledging complaint.
05/05/10	Database entry created
06/03/10	Complaint dismissed due to the complainant's failure to state a claim
06/04/10	ACIJ responds to source
06/09/10	ACIJ/CP sets ups a call with the source to discuss complaint
06/10/10	Source met with ACIJ C/P via telephone meeting

In this one, Judge Cassidy went to another judge's courtroom dressed in his robe and "made a suggestion on how to handle the case." Resulted in "written counseling."

Detail

Complaint Number: 504 **Immigration Judge:** Cassidy, William A. **Complaint Date:** 05/18/11

Current ACIJ	Base City	Status	Final Action	Final Action Date
Nadkarni, Deepali	(b)	CLOSED	Database entry created	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

Cassidy encouraging a detained individual not to file an appeal. Resulted in "oral counseling."

Complaint Number: 536 **Immigration Judge:** Cassidy, William A. **Complaint Date:** 08/31/11

Current ACIJ	Base City	Status	Final Action	Final Action Date
Nadkarni, Deepali	(b)	CLOSED	Oral counseling	01/05/12

A-Number(s)	Complaint Nature(s)	Complaint Source(s)
(b) (6)	Legal	BIA

Complaint Narrative: (b) (6) Apparently the IJ only issued a summary of an oral decision as well as indicated to the alien that he did not need to file an appeal.

Complaint History	
09/06/11	Complaint referred to ACIJ
09/06/11	ROP obtained from BIA
09/07/11	Database entry created
01/05/12	Oral counseling

One reason people have stopped making complaints about IJs is that they obviously go nowhere. The best evidence of this? The BIA seems to have largely stopped reporting IJ misconduct under the Trump Administration. You can see that in their annual statistics reports.

In 2016 and early 2017, the BIA itself was the source of nearly 1/3 of complaints about IJ misconduct (they learn of it when they're reviewing the transcript on appeal). https://t.co/EMk9itZfXR

Sources of Complaints Opened in FY2017

Respondent's Attorney	52 (35%)
BIA	43 (29%)
Respondent	22 (15%)
Third Party	16 (11%)
DHS/EOIR/OIL	13 (9%)
Circuit Courts	4 (3%)
Other	0 (0%)
OPR/OIG	0 (0%)
Media	0 (0%)

Under Trump that dropped to 3%. https://t.co/aBLGseggRW

Sources of Complaints Opened in FY2018

Respondent's Attorney	47 (48%)
Respondent	18 (18%)
Third Party	16 (16%)
DHS/EOIR/OIL	12 (12%)
BIA	3 (3%)
Anonymous	2 (2%)
Circuit Courts	0 (0%)
Other	0 (0%)
OPR/OIG	0 (0%)
Media	0 (0%)

*some complaints have more than one source, so percentages total > 100%

In 2019 the BIA made 0 complaints about IJ misconduct. None. From 30% of the complaints about IJs to 0. https://t.co/yZgGS0nDdO

Sources of Complaints Opened in FY2019

Respondent's Attorney	41 (41%)
DHS/EOIR/OIL	21 (21%)
Third Party	20 (20%)
Respondent	15 (15%)
Circuit Courts	2 (2%)
Media	1 (1%)
Anonymous	1 (1%)

The BIA made just 1 complaint about IJ misconduct in 2020. All of this points to the utter worthlessness of IJ complaints. Nobody does anything about the misconduct. and when private attorneys risk make a complaint, they risk retaliation. https://t.co/6oOv6YwVDI

Sources of Complaints Opened in FY2020

Respondent's Attorney	33 (35%)
DHS/EOIR/OIL	19 (21%)
Respondent	18 (19%)
Third Party	18 (19%)
Media	3 (3%)
OPR/OIG	2 (2%)
Circuit Courts	1 (1%)
BIA	1 (1%)
Other	1 (1%)