



ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Adjudication Minutes February 22, 2012

Members Attending

Judge John Vittone (ret.) (Chair)	Edward Kelly	Alan Swendiman (by telephone)
Judge Robert A. Giannasi	Nadine Mancini	Judge Daniel Solomon (by telephone)

ACUS Staff Attending

Paul R. Verkuil Chairman	Jeffrey Lubbers Acting Director of Research & Policy	Funmi E. Olorunnipa Staff Counsel
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Invited Guests Attending

Russell R. Wheeler,
Consultant, ACUS Immigration Adjudication Project
Lenni B. Benson,
Consultant, ACUS Immigration Adjudication Project

Members of the Public Attending

Erica Simpson, USCIS
Wendy Crompton, Human Rights First
Judge J.E. Sullivan, Department of Transportation
Anupriya Krishna, Department of Transportation
Chris Rickard, American Civil Liberties Union
Richard Pearson, FALJC (by
telephone)

The meeting commenced at 1:30 pm in the Conference Room of the Administrative Conference (“the Conference”). Judge Vittone began by welcoming the Committee members. Chairman Verkuil also briefly introduced himself and welcomed Committee members. Judge Vittone then called for approval of the meeting minutes from the January 25, 2012 Committee meeting. Ms. Olorunnipa noted a correction to Mr. Lubbers name. The meeting minutes (as



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corrected) were approved by voice vote of the Committee members in attendance. Mr. Lubbers then provided a few administrative remarks. Judge Vittone then proceeded to introducing the project currently being considered by the Committee, the Immigration Adjudication Project. Judge Vittone then introduced the Project's consultants, Ms. Benson and Mr. Wheeler and called upon them to present updates on their research and research findings. Mr. Wheeler began by discussing the updated draft report and noting that the focus of the meeting would be on all areas of the draft report not related to asylum adjudication or the use of video hearings. He noted that those topics would be discussed at subsequent meetings. Mr. Wheeler then described the additional research the consultants had done since the last meeting, specifically including the results of a survey administered to immigration judges.

Mr. Wheeler then proceeded to discuss in detail those recommendations contained in the draft report and the accompanying memorandum to the Committee of the recommendations to be discussed at the February 22, 2012 meeting. Mr. Wheeler and Ms. Benson began by discussing the recommendations in the draft report dealing with resource enhancement for the Department of Justice's Executive Office for Immigration Review (EOIR), temporary immigration court personnel, and refined data on the immigration courts workload. Mr. Wheeler and Ms. Benson then discussed those recommendations concerning directing immigration disputes to other forums and keeping appeals by the Department of Homeland Security (DHS) to the Board of Immigration Appeals (BIA) within DHS. Mr. Wheeler and Ms. Benson then discussed those recommendations concerning directing immigration disputes to other forums and immigration court maintenance for DHS of filing and docketing information. Mr. Wheeler and Ms. Benson then discussed those recommendations concerning the representation of aliens in immigration removal proceedings, principally those who cannot afford to pay for lawyers.

Next, Mr. Wheeler and Ms. Benson discussed those recommendations concerning enhancing advice and assistance for immigration law practitioners and pro se respondents appearing in immigration court. Mr. Wheeler and Ms. Benson then discussed those recommendations concerning immigration judges' use of various case management devices to facilitate adjudication by narrowing issues in dispute. Mr. Wheeler and Ms. Benson then discussed those recommendations concerning various procedural modifications to streamline immigration removal adjudication and the authority to effect administrative closure of cases. Mr. Wheeler and Ms. Benson then discussed those recommendations concerning proposals for "vertical" or "unit" prosecution in immigration removal adjudication and related steps. Mr. Wheeler and Ms. Benson then discussed those recommendations concerning proposals to streamline procedures in respect to asylum applications. Mr. Wheeler and Ms. Benson then discussed those recommendations concerning proposals to test additional uses of stipulated removal orders.



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Next, Mr. Wheeler and Ms. Benson discussed those recommendations concerning the use of EOIR adjournment codes to analyze case management practices. Mr. Wheeler and Ms. Benson then discussed those recommendations concerning measures to augment immigration judges' authority to promote attorney accountability. Mr. Wheeler and Ms. Benson then discussed those recommendations concerning the BIA case management practices, including enhanced authority of BIA members to refer cases to three-member panels. Mr. Wheeler and Ms. Benson then discussed those recommendations concerning steps to enhance transparency and court performance through changes in immigration court management. Throughout the presentation of these recommendations, members of the Committee and ACUS Staff discussed them and the discussion included comments by Judge Solomon, Mr. Kelly, Ms. Mancini, Judge Giannasi, Mr. Lubbers, Mr. Verkuil, and Ms. Olorunnipa.

Following the presentation by Mr. Wheeler and Ms. Benson and the discussion of the recommendations by those in attendance at the meeting, Judge Vittone called upon public attendees who wished to speak. Ms. Olorunnipa noted that she would circulate a revised draft report and enclosed recommendations before the next Committee meeting on March 12, 2012. Ms. Olorunnipa also noted that the next meeting would focus on the issue of asylum adjudication. Judge Vittone then adjourned the meeting at 4:19 pm.