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**11. PBZ:** PBZ is an active judge who received a total of thirty-one complaints<sup>8</sup> and held 21,000 hearings during the relevant time period. Ten of these were dismissed as either unsubstantiated or merits-related. Twelve of the remaining complaints were resolved with oral counseling and eight with written counseling. The Court concludes that withholding was improper. The judge is active and received a large number of complaints. Roughly two-thirds of the complaints were substantiated, and this constitutes a larger number of substantiated complaints than most judges and only a slightly higher-than-average number of hearings. Additionally, many of these complaints were resolved with written counseling, indicating more serious allegations. In light of these factors, the incremental interest in disclosure does outweigh the judge's privacy interest.

**12. QJC:** QJC is an active judge who received a total of eleven complaints and held 29,000 hearings during the relevant time period. Six of these complaints were dismissed for failure to state a claim or as unsubstantiated or merits-related. Three were resolved with oral counseling and the remaining two were resolved with written counseling. The Court concludes that withholding was improper. For one, the judge is active. While the judge had a smaller number of complaints compared to a higher-than-average number of hearings, the allegations primarily concern in-court behavior. Additionally, some of the allegations involving in-court behavior are particularly disconcerting, such as the allegation that the judge appeared at the back

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<sup>8</sup> EOIR's *Vaughn* index states that there were thirty-two complaints, but the Court has counted only thirty-one separately numbered complaints listed therein.

of the courtroom during another judge's hearing, wearing a robe, and made a suggestion about how the presiding judge should handle the pending case. Such concerning allegations are of heightened public concern. Given the nature of the allegations and the judge's active status, the incremental interest in disclosure does outweigh the judge's privacy interest.

**13. TXY:** TXY is a retired judge who received a total of twenty-three complaints and held 14,000 hearings during the relevant time period. Two complaints were dismissed as unsubstantiated and one with corrective action (the case's remand from the Board of Immigration Appeals) already taken. Seven complaints were resolved with oral counseling, five with written counseling, and eighteen with mandatory training; all related to in-court conduct. The Court concludes that withholding was improper. While the judge is retired, the judge received a large number of complaints—most of which were substantiated—compared to an average number of hearings. Additionally, the complaints all concern in-court behavior. As such, the incremental interest in disclosure does outweigh the judge's privacy interest.

**14. WTW:** WTW is a retired judge who received a total of thirteen complaints and held 6,000 hearings during the relevant time period. Five complaints were resolved with oral counseling, five with written counseling, and three with written reprimands; all concerned in-court conduct. The Court concludes that withholding was improper. While the judge is retired, there are a larger number of complaints filed compared to a lower-than-average number of hearings. Furthermore, all of the complaints were substantiated and, given the level of discipline that resulted, involved more serious allegations. In light of these factors, the incremental interest in disclosure does outweigh the judge's privacy interest.

### **III. Conclusion**

For the foregoing reasons, the Court grants in part and denies in part both EOIR's motion for summary judgment and AILA's cross-motion for summary judgment. A separate Order will accompany this Memorandum Opinion.

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CHRISTOPHER R. COOPER  
United States District Judge

Date: November 17, 2017