

Kidd, Larry (EOIR)

From: Reinfurt, Sandy (EOIR)
Sent: Thursday, September 27, 2012 9:41 AM
To:
Cc:
Subject: FW: Invitation to Speak to Immigration Class
Attachments: speaking engagement request Oct 15 2012.pdf

Dear Judge

Thank you for your ethics inquiry. You have requested ethics approval to speak on the removal process and effective advocacy to law students at an Immigration Law class, Florida International University on October 15, 2012.

You have indicated that you will not receive compensation for this activity, and your supervisor, ACIJ has approved your participation as a speaker in your personal capacity. There is no fee to attend this event. No fundraising will take place at this event. No organization or individual has offered to reimburse you for the cost of attendance. You do not plan on distributing any written material during the class. No press or media have been invited to this event. No food or refreshments will be served.

You are approved to speak at this event in your personal capacity, with use of your title and a disclaimer, subject to the following restrictions:

- * Be careful not to give legal advice. You may discuss immigration court procedures generally, but you should not offer opinions that might be construed as legal advice (e.g., answering fact-specific questions), or offer any statements that would appear to compromise your impartiality.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR tribunals and discussing hypothetical situations relating to EOIR or its tribunals.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Should you decide to distribute written material, you are permitted to use your official title "Immigration Judge" so long as it is followed immediately by the following parenthetical: "(personal capacity)." Please coordinate with the sponsor of this activity to make certain that this occurs for any materials they might distribute independently or on your behalf. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time in relation to this activity. Under no circumstances may you accept the assistance of another EOIR employee in relation to this activity, even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705, for general guidelines concerning outside activities.

If you have any questions, please feel free to contact me or send an email to the ethics inbox at Ethics.EOIR@usdoj.gov.

Sandy Reinfurt
Associate General Counsel
Executive Office for Immigration Review
Office of General Counsel
703.305.0175

-----Original Message-----

From:
Sent: Wednesday, September 26, 2012 4:20 PM
To: EOIR, Ethics (EOIR)
Cc: :
Subject: FW: Invitation to Speak to Immigration Class

Dear Ethics Officer:

I am writing to request ethics clearance to speak at an FIU Immigration Law Class on Oct. 15. The invitation and my supervisor's approval are below. The speaker's engagement request form is attached. Thank you for your prompt attention to this matter.

-----Original Message-----

From:
Sent: Wednesday, September 26, 2012 3:42 PM
To: :
Subject: RE: Invitation to Speak to Immigration Class

Good Afternoon Judge

It is approved in your personal capacity.

Thanks,

Kidd, Larry (EOIR)

From: Bradley, Matthew (EOIR)
Sent: Wednesday, May 02, 2012 1:02 PM
To:
Cc:
Subject: FW: May 11, 2012 - AILA Ethics CLE - 12:00-1:00p.m.
Attachments: Ethics CLE May 2012.pdf; IJ Speaking Engagement.pdf

Judge

Please consider this email OGC's ethics approval of your request to speak at the Chicago AILA Chapter's CLE program on Client Relations & Ethics in Immigration on May 11, 2012 in Chicago, IL (see attachments).

You will be a panelist during a session entitled "Tell it to the Judge: Ethics & the EOIR." You will speak particularly about EOIR rules and procedures and their application to complaints of ethical violations by attorneys appearing in the Chicago Immigration Court. You will only attend the portion of the program at which you are speaking. You will not be compensated for your attendance at this event but will seek CLE ethics credit for your role as a speaker. No food will be served at this event. There will not be fundraising at this event. We understand that your supervisor, Assistant Chief Immigration Judge (copied here), has approved your attendance. We grant ethics approval for you to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

* Be careful not to give legal advice. You may discuss immigration court procedures but do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). **This rule applies to any announcements, brochures, flyers, etc. related to the event.** Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by an appropriate disclaimer. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a). It is clear that you have been invited to this event because of your official position as an Immigration Judge. Therefore, you may not accept a gift from the organization. A gift does not include anything for which you pay fair market value. 5 C.F.R. § 2635.203(b)(9).

* You may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances; (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you.

Matt Bradley
Associate General Counsel
Phone: (703) 756-8014
Fax: (703) 605-0491
Matthew.Bradley@usdoj.gov

From:
Sent: Tuesday, May 01, 2012 8:49 AM
To: EOIR, Ethics (EOIR)
Cc:
Subject: FW: May 11, 2012 - AILA Ethics CLE - 12:00-1:00p.m.

Good morning, Plse see the attached speaking invitation extended to Judge _____ by the Chicago AILA Chapter. I have no objections. Thank you.

From:
Sent: Monday, April 30, 2012 6:39 PM
To:
Cc:
Subject: FW: May 11, 2012 - AILA Ethics CLE - 12:00-1:00p.m.

Judge

I have been invited to participate on a panel sponsored by the AILA Chicago Chapter on Ethics. My participation would be limited to Chicago practices and EOIR procedures for processing complaints against attorneys. I need Ethics CLE and this will help me fulfill that requirement. This program is also scheduled on my compressed work schedule day off so there will be no disruption of cases. Please advise me if I can participate. Thanks. Judge

From:
Sent: Monday, April 30, 2012 4:53 PM
To:
Subject: May 11, 2012 - AILA Ethics CLE - 12:00-1:00p.m.

Dear Judge

On behalf of the AILA Chicago Chapter, I would like to invite you to participate on a panel for our upcoming CLE Seminar, Client Relations & Ethics in Immigration, which will take place on Harold Washington College, 30 E Lake St., 11th Fl, Chicago, Illinois from 8:45 am to 1:00 pm. I have attached the event brochure.

Kidd, Larry (EOIR)

From: Elliot, Nina (EOIR)
Sent: Wednesday, October 31, 2012 2:34 PM
To:
Cc:
Subject: FW: DU Panel on Judicial Law Clerks and Externs on Nov. 13
Attachments: SpeakingEngagementForm_DU Law School_November13th .doc

Judge

Thank you for your ethics inquiry. You have requested ethics approval to speak on a panel about judicial clerkships and judicial externships. The panel will be comprised of judges, including Justice Brian Boatright of the Colorado Supreme Court, Judge Terry Fox of the Colorado Court of Appeals, and Judge Bob McGahey of the Denver District Court. The panel presentation will take place at the University of Denver, Sturm College of Law on November 13, 2012 from 12:00 p.m. – 1:00 p.m. You will address how externs and law clerks participate in the work of the court; the qualifications you look for when hiring externs and law clerks; and give a general overview of what law students can expect of the interview process.

You have indicated that you will not receive compensation for this activity, and your supervisor, ACIJ has approved your participation as a speaker. There is no fee to attend this event. No fundraising will take place at this event. No organization or individual has offered to reimburse you for the cost of attendance. You do not plan on distributing any written material during the class. No press or media have been invited to this event. A box lunch will be made available for judges speaking on the panel; however, you indicated that you plan to decline the box lunch.

You are approved to speak at this event in your personal capacity, with use of your title and a disclaimer, subject to the following restrictions:

- * Be careful not to give legal advice. You may discuss immigration court procedures generally, but you should not offer opinions that might be construed as legal advice (e.g., answering fact-specific questions), or offer any statements that would appear to compromise your impartiality.
- * You must refrain from disclosing non-public information. This would include discussing any matters pending before EOIR tribunals and discussing hypothetical situations relating to EOIR or its tribunals.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Should you decide to distribute written material, you are permitted to use your official title "Immigration Judge" so long as it is followed immediately by the following parenthetical: "(personal capacity)." Please coordinate with the sponsor of this activity to make certain that this occurs for any materials they might distribute independently or on your behalf. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case only; we address this issue on a case-by-case basis.
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. §

2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time in relation to this activity. Under no circumstances may you accept the assistance of another EOIR employee in relation to this activity, even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705, for general guidelines concerning outside activities.

If you have any questions, please feel free to contact me directly or send an email to the ethics inbox at Ethics.EOIR@usdoj.gov.

Best,

Nina

Nina Elliot
Associate General Counsel
Executive Office for Immigration Review
Office of General Counsel
703.305.0274

From:
Sent: Wednesday, October 31, 2012 12:21 PM
To: Smith, Charles (EOIR)
Subject: FW: DU Panel on Judicial Law Clerks and Externs on Nov. 13

Good Morning Charles,

I hope that you weathered the storm well! I just returned from leave and found this short suspense item from LJ I am recommending its approval but I also informed Judge that I could not assure her that it would be approved in time give the late hour of its submission.

Please let me know if you need anything further.

Warmest regards,

Assistant Chief Immigration Judge

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From: Scheinkman, Rena (EOIR)
Sent: Tuesday, February 28, 2012 3:13 PM
To:

Subject: RE: Request for approval of Speaking Engagement

Attachments: Request for approval of Speaking Engagement; RE: Family Court Services Lunch & Learn Judge

Please consider this e-mail OGC's ethics approval of your request to speak on April 18, 2012 at the "Lunch & Learn" training coordinated by the 11th Judicial Circuit Court of Florida, Family Court Services. You will be speaking on the topic of the challenges that immigration issues place on families and the court. You will not be compensated or reimbursed for expenses, no food or refreshments will be served at this event, there is no fee to attend the event, and there will not be any fundraising at this event. In addition, you will not distribute any personally-prepared written material incident to your speaking engagement. Your supervisor, Assistant Chief Immigration Judge _____, has approved your participation. Subject to the restrictions listed below, your participation in this event is approved in your personal capacity, with use of your title and a disclaimer.

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor to make certain that this occurs.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.

* You indicated that you will not hand out any individually prepared materials. However, if you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of other employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking,

teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines concerning outside activities.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Rena Scheinkman
Associate General Counsel
EOIR/OGC, Employee & Labor Relations Unit
T: 703.605.0442
F: 703.605.0491
rena.scheinkman@usdoj.gov

From:
Sent: Wednesday, February 22, 2012 11:17 AM
To: EOIR, Ethics (EOIR)
Cc:
Subject: Request for approval of Speaking Engagement

Attached please find a form requesting approval to attend a speaking engagement. My supervisor, _____ has approved my attendance at this event, subject to ethics clearance.

Thank you for your prompt attention to this matter.

Kidd, Larry (EOIR)

From: Elliot, Nina (EOIR)
Sent: Wednesday, October 31, 2012 1:28 PM
To:
Cc:
Subject: RE: Nov 5 class
Attachments:

Dear Judge

Thank you for your ethics inquiry. You have requested ethics approval to discuss relief from removal under INA section 249A(a) at an immigration law class at the University of Miami Law School on November 5, 2012 from 4:00 – 5:20 p.m.

You have indicated that you will not receive compensation for this activity, and your supervisor, ACIJ has approved your participation as a speaker in your personal capacity with title and disclaimer. There is no fee to attend this event. No fundraising will take place at this event. No organization or individual has offered to reimburse you for the cost of attendance. You do not plan on distributing any written material during the class. No press or media have been invited to this event. No food or refreshments will be served.

You are approved to speak at this event in your personal capacity, with use of your title and a disclaimer, subject to the following restrictions:

- * Be careful not to give legal advice. You may discuss immigration court procedures generally, but you should not offer opinions that might be construed as legal advice (e.g., answering fact-specific questions), or offer any statements that would appear to compromise your impartiality.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR tribunals and discussing hypothetical situations relating to EOIR or its tribunals.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Should you decide to distribute written material, you are permitted to use your official title "Immigration Judge" so long as it is followed immediately by the following parenthetical: "(personal capacity)." Please coordinate with the sponsor of this activity to make certain that this occurs for any materials they might distribute independently or on your behalf. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case only; we address this issue on a case-by-case basis.
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. I note the University of Miami immigration clinic appears before the immigration court. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time in relation to this activity. Under no circumstances may you accept the assistance of another EOIR employee in relation to this activity, even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705, for general guidelines concerning outside activities.

If you have any questions, please feel free to contact me directly or send an email to the ethics inbox at Ethics.EOIR@usdoj.gov.

Best,

Nina

Nina Elliot
Associate General Counsel
Executive Office for Immigration Review
Office of General Counsel
703.305.0274

From:
Sent: Thursday, October 25, 2012 5:02 PM
To:
Cc:
Subject: RE: Nov 5 class
Importance: High

Good Afternoon Judge

Your request is approved in your personal capacity with title and disclaimer.

I am copying the EOIR Ethics Office. You must fill out the Speaker Form and fax to them for their review.

~~This e-mail will constitute supervisory approval and you can state so in the form.~~

All the best to you and Ms.

Judge

From:
Sent: Thursday, October 25, 2012 3:54 PM
To:
Subject: FW: Nov 5 class

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From: EOIR, Ethics (EOIR)
Sent: Tuesday, October 23, 2012 2:45 PM
To:
Subject: FW: Scan document: Speaking engagement form IJ
Attachments:
Importance: High

Judge

You have requested approval to speak at one of the Club's weekly meetings on the subject of immigration law and issues. Your supervisor has approved your participation. Subject to the restrictions listed below, your participation in this event is approved in your personal capacity, with use of your title and a disclaimer.

Please note the following restrictions:

- * You must not give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You must refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor to make certain that this occurs.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.
- * If you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time in relation to this activity. Under no circumstances may you accept the assistance of another EOIR employee in relation to this activity, even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705, for general guidelines concerning outside activities.

If you have any questions, please feel free to contact me or send an email to the ethics inbox at Ethics.EOIR@usdoj.gov. Thanks.

Sandy Reinfurt
Associate General Counsel
Office of General Counsel
EOIR/DOJ

From:
Sent: Tuesday, October 23, 2012 11:40 AM
To: EOIR, Ethics (EOIR)
Cc:
Subject: FW: Scan document: Speaking engagement form IJ
Importance: High

Good morning,

Plse see attached invitation extended to Judge _____ to address the local _____ Club on unspecified immigration matters. With the usual advisals that you would give him, I have no objections.

Thanks,

From:
Sent: Tuesday, October 23, 2012 10:50 AM
To: |
Subject: Scan document: Speaking engagement form IJ
Importance: High

Good Morning Judge

Per your request, please find attached of scan document : Speaking engagement form IJ

Sincerely,

Office of the Chief Immigration Judge
Executive Office for Immigration Review

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Kidd, Larry (EOIR)

From: Bradley, Matthew (EOIR)
Sent: Thursday, April 19, 2012 5:21 PM
To:
Cc:
Subject: FBA Newark Speaking Engagement
Attachments: DOC000.pdf; DOC.pdf

Judge

Please consider this email OGC's ethics approval of your request to speak at the New Jersey Chapter of the Federal Bar Association's Immigration Conference on May 23, 2012 in Newark, NJ (see attachments).

You will be giving a presentation regarding prosecutorial discretion and documentary issues relief. Other than giving this presentation, you will not be attending the conference. You will not be compensated for your presentation and there will be no fundraising at this event. You will not be distributing any written materials in conjunction with your presentation. We understand that your supervisor, Assistant Chief Immigration Judge (copied here), has approved your attendance. We grant ethics approval for you to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

* Be careful not to give legal advice. You may discuss immigration court procedures but do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by an appropriate disclaimer. (I note that an updated agenda provided by Judge included such a disclaimer). You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a). It is clear that you have been invited to this event because of your official position as an Immigration Judge. Therefore, you may not accept a gift from the organization. A gift does not include anything for which you pay fair market value. 5 C.F.R. § 2635.203(b)(9). As stated above, as long as you pay the conference fee, anything included as part of the conference attendance fee (like a meal) is not considered a gift.

* You may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you.

Matt Bradley
USDOJ/EOIR/OGC/ELR
Phone: (703) 756-8014
Fax: (703) 605-0491
Matthew.Bradley@usdoj.gov

Kidd, Larry (EOIR)

From: Elliot, Nina (EOIR)
Sent: Tuesday, December 11, 2012 10:07 AM
To:
Cc:
Subject: FW: Invitation to speak at the CBA Immigration conference
Attachments: CBA Seminar Outline_Speaker Confirmation (2).docx; - CBA Event PTD.pdf

Good Morning Judge

You have submitted a request (attached) to speak before the CBA Immigration and Nationality Committee at a conference entitled "From Jail to Bail," that explains the basic procedures of how an immigrant's case moves from the criminal system to the immigration system. You plan to speak on the third panel entitled "Strategies for a Successful Immigration Bond Hearing." The event is scheduled for January 15, 2013 from 2 - 5 p.m. There is no fee for you to attend. You will not be compensated for this event and will not receive any reimbursements for the costs of attending this event. There will not be any fund-raising at this event. Your supervisor has approved your attendance in your personal capacity with disclosure of your title and use of a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." Please coordinate with the sponsor to make certain that this occurs. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case only; we address this issue on a case by case basis.
- * You indicated that you will not hand out any individually prepared materials. If you do, however, please be sure that the materials contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Nina Elliot
Associate General Counsel
Executive Office for Immigration Review
(703) 305-0274

From:
Sent: Monday, November 19, 2012 10:49 AM
To: EOIR, Ethics (EOIR)
Cc:
Subject: FW: Invitation to speak at the CBA Immigration conference

Hello,

Plse see the attached invitation extended to Judge _____ by the Chicago Bar Association to speak on the topic of "Strategies for a Successful Immigration Bod Hearing". I have no objections.

Thanks,

From:
Sent: Thursday, November 15, 2012 5:24 PM
To:
Subject: FW: Invitation to speak at the CBA Immigration conference

Permission?

From:
Sent: Thursday, November 15, 2012 3:40 PM
To:
Subject: Invitation to speak at the CBA Immigration conference

Hello Judge

Kidd, Larry (EOIR)

From: Wahowiak, Marlene (EOIR)
Sent: Thursday, September 20, 2012 4:58 PM
To:
Cc:
Subject: William and Mary Law Approval
Attachments: DOC020.pdf

Judge.

You have submitted a request to speak before William and Mary law students about immigration court practices and procedures, on January 25, 2013. There is no fee for you to attend. You will not be compensated and will not receive any reimbursements for the costs of attending this event. There will not be any fund-raising at this event. Your supervisor has approved your attendance. You have approval to attend in a personal capacity with disclosure of your title with use of a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." Please coordinate with the sponsor to make certain that this occurs. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- * You indicated that you will not hand out any individually prepared materials. If you do, however, please be sure that the materials contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as the William and Mary Law School. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thanks,

Marlene Wahowiak
Associate General Counsel
EOIR/OGC-ELR
703-605-0376 (direct)

Kidd, Larry (EOIR)

From: Bradley, Matthew (EOIR)
Sent: Thursday, April 19, 2012 11:35 AM
To:
Cc:
Subject: IJ Speaking Engagement at Wellesley College
Attachments: DOC003.pdf; DOC002.pdf

Judge

Please consider this email OGC's ethics approval of your request to speak at the Women in Public Service Project at Wellesley College on June 15, 2012 (see attachments).

You will be a panelist for a session entitled "Women's Right's as Human Rights." You will speak primarily on the subject of refugee law. There is no fee associated with attending this program. You will not be compensated for your attendance at this event but lunch will be served. There will be fundraising at this event for the Women in Public Service Project. The only material that you might distribute, a recent article from the Federal Lawyer, already received Ethics approval. We understand that your supervisor, Assistant Chief Immigration Judge has approved your attendance. We grant ethics approval for you to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss immigration court procedures but do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by an appropriate disclaimer. (I note that the brochure attached to your speaking engagement form includes such a disclaimer. However, we recommend that the brochure be changed to reflect your actual title of "Immigration Judge"). You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a). It is clear that you have been invited to this event because of your official position as an Immigration Judge. Therefore, you may not accept a gift from the organization. A gift does not include anything for which you pay fair market value. 5 C.F.R. § 2635.203(b)(9). As stated above, as long as you pay the conference fee, anything included as part of the conference attendance fee (like a meal) is not considered a gift.
- * You may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* Generally, an employee may not participate in fundraising activities in her official capacity unless she is authorized by statute, executive order, regulation, or an agency determination. In the Justice Department, all official fundraising is governed by Executive Order 12353, which established the CFC. An employee may participate in fundraising in her personal capacity as long as she does not use her official position and does not solicit either subordinates or persons having business with the Department (prohibited sources). 5 C.F.R § 2635.808(c). A prohibited source is anyone who has or seeks official action or business with the Department; is regulated by the Department; has interests that may be substantially affected by the performance of an employee's official duties; or is an organization composed mainly of persons described above. 5 C.F.R § 2635.203(d).

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you.

Matthew Bradley
Associate General Counsel
Phone: (703) 756-8014
Fax: (703) 605-0491
Matthew.Bradley@usdoj.gov

Kidd, Larry (EOIR)

From: Bradley, Matthew (EOIR)
Sent: Tuesday, April 17, 2012 6:37 PM
To:
Cc:
Subject: NJ State Bar Annual Conference Speaking Engagement
Attachments: DOC000.pdf

Judge

Please consider this email OGC's ethics approval of your request to speak at the New Jersey State Bar Association Annual Meeting and Convention on May 16, 2012, in Atlantic City, NJ (see attachment).

You will be a panelist on a session entitled "Introduction to Immigration Law." You have already paid the cost of your one-day attendance at the reduced government attorney rate of \$150. You will not be compensated for your attendance at this event but sandwiches will be served to the attendees. There may be fundraising at this event for the New Jersey Bar Foundation.

You may take advantage of the discounted attendance fee pursuant to 5 C.F.R. § 2635.204(c). Additionally, because you paid for your attendance at this event, you may accept food and other items that are provided to other conference attendees as part of their attendance fee. The only materials that you might distribute, your journal article "How Padilla Affects the Immigration Courts," received prior Ethics approval. We understand that your supervisor, Assistant Chief Immigration Judge _____ has approved your attendance. We grant ethics approval for you to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss immigration court procedures but do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by an appropriate disclaimer. (I note that the brochure attached to your speaking engagement form included such a disclaimer). You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a). It is clear that you have been invited to this event because of your official position as an Immigration Judge. Therefore, you may not accept a gift from the organization. A gift does not include anything for which you pay fair market value. 5 C.F.R. § 2635.203(b)(9). As stated above, as long as you pay the conference fee, anything included as part of the conference attendance fee (like a meal) is not considered a gift.
- * You may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* Generally, an employee may not participate in fundraising activities in her official capacity unless she is authorized by statute, executive order, regulation, or an agency determination. In the Justice Department, all official fundraising is governed by Executive Order 12353, which established the CFC. An employee may participate in fundraising in her personal capacity as long as she does not use her official position and does not solicit either subordinates or persons having business with the Department (prohibited sources). 5 C.F.R § 2635.808(c). A prohibited source is anyone who has or seeks official action or business with the Department; is regulated by the Department; has interests that may be substantially affected by the performance of an employee's official duties; or is an organization composed mainly of persons described above. 5 C.F.R § 2635.203(d).

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you.

Matthew Bradley
Associate General Counsel
Phone: (703) 756-8014
Fax: (703) 605-0491
Matthew.Bradley@usdoj.gov

Kidd, Larry (EOIR)

From: Bradley, Matthew (EOIR)
Sent: Thursday, April 19, 2012 2:36 PM
To:
Cc:
Subject: FBA Newark Speaking Engagement
Attachments: DOC001.pdf; DOC.pdf

Judge

Please consider this email OGC's ethics approval of your request to speak at the New Jersey Chapter of the Federal Bar Association's Immigration Conference on May 23, 2012 in Newark, NJ (see attachments).

You will be a panelist on a session entitled "Asylum Update." You will speak particularly about social groups in asylum cases. You will or have paid the cost of your all-day attendance at the reduced government attorney rate of \$65. You will not be compensated for your attendance at this event but lunch will be provided to the attendees. There will not be fundraising at this event.

You may take advantage of the discounted attendance fee pursuant to 5 C.F.R. § 2635.204(c). Additionally, because you will or have paid for your attendance at this event, you may accept food and other items that are provided to other conference attendees as part of their attendance fee. The only material that you might distribute, your recent article in the *Federal Lawyer*, received prior Ethics approval. We understand that your supervisor, Assistant Chief Immigration Judge (copied here), has approved your attendance. We grant ethics approval for you to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss immigration court procedures but do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by an appropriate disclaimer. (I note that an updated agenda provided by Judge Smith included such a disclaimer). You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a). It is clear that you have been invited to this event because of your official position as an Immigration Judge. Therefore, you may not accept a gift from the organization. A gift does not include anything for which you pay fair market value. 5 C.F.R. § 2635.203(b)(9). As stated above, as long as you pay the conference fee, anything included as part of the conference attendance fee (like a meal) is not considered a gift.
- * You may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you.

Matt Bradley
USDOJ/EOIR/OGC/ELR
Phone: (703) 756-8014
Fax: (703) 605-0491
Matthew.Bradley@usdoj.gov

From: Smith, Charles (EOIR)
Sent: Wednesday, March 28, 2012 4:23 PM
To:
subject: ethics approval for CLE speaking engagement (4/20/12)

Attachments: p1 Rutgers Invitation to .doc; p2 Rutgers Invitation to .doc; Rutgers - CLE Removal Proceedings SIJS 04.2012.pptx; RE: Rutgers Law School Invitation to April 20; DOC.pdf; RE: speaking request (Rutgers CLE)
Dear JJ

You have requested ethics approval to speak on April 20, 2012, at a CLE program titled "Representing Immigrant Children and Youth in New Jersey," sponsored in part by the Rutgers School of Law. As a panelist (among other legal professionals, including a state court judge) you will address the JJ perspective on the juvenile calendar in the Newark Immigration Court (i.e., practical comments about practice and procedure). Attendees will include family law attorneys and immigration lawyers. You will not receive any compensation for this activity, and your supervisor has indicated his consent to your participation as a speaker.

You are approved to speak at this event in your personal capacity, with use of your title and a disclaimer, subject to the following restrictions:

* Be careful not to give legal advice. You may discuss immigration court procedures generally, but you should not offer opinions that might be construed as legal advice (e.g., answering fact-specific questions), or offer any statements that would appear to compromise your impartiality.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR tribunals and discussing hypothetical situations relating to EOIR or its tribunals.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on such written materials associated with this event, so long as it is followed immediately by the following parenthetical: "(personal capacity)." ***Please coordinate with the sponsor of this activity to make certain that this occurs for any materials they might distribute independently or on your behalf.*** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time in relation to this activity. Under no circumstances may you accept the assistance of another EOIR employee in relation to this activity, even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705, for general guidelines concerning outside activities.

If you have any questions, please feel free to contact me. Thank you.

Charles F. Smith
Executive Office for Immigration Review
Office of the General Counsel
(703) 605-1280

Kidd, Larry (EOIR)

From: Bradley, Matthew (EOIR)
Sent: Wednesday, May 02, 2012 5:24 PM
To:
Cc:

Subject: Invitation to Speak at May 10th training with Human Rights First
Attachments: Speaking Engagement Request.pdf

Judge

Please consider this email OGC's ethics approval of your request to speak at Human Rights First's asylum law seminar for *pro bono* attorneys on May 10, 2012 in Washington, DC (see attachment). You will deliver a 45 minute presentation on the subject of "Best Practices at the Immigration Court." You will not be compensated for your presentation. You will not be compensated for the cost of your attendance. Small refreshments may be provided. There will not be any fundraising at this event.

We understand that your supervisor, Assistant Chief Immigration has approved your attendance. We grant ethics approval for you to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss immigration court procedures but do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by an appropriate disclaimer. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a). It is clear that you have been invited to this event because of your official position as an Immigration Judge. Therefore, you may not accept a gift from the organization. A gift does not include anything for which you pay fair market value. 5 C.F.R. § 2635.203(b)(9).
- * You may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* Generally, an employee may not participate in fundraising activities in her official capacity unless she is authorized by statute, executive order, regulation, or an agency determination. In the Justice Department, all official fundraising is governed by Executive Order 12353, which established the CFC. An employee may participate in fundraising in her personal capacity as long as she does not use her official position and does not solicit either subordinates or persons having business with the Department (prohibited sources). 5 C.F.R § 2635.808(c). A prohibited source is anyone who has or seeks official action or business with the Department; is regulated by the Department; has interests that may be substantially affected by the performance of an employee's official duties; or is an organization composed mainly of persons described above. 5 C.F.R § 2635.203(d).

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you.

Matt Bradley
Associate General Counsel
Phone: (703) 756-8014
Fax: (703) 605-0491
Matthew.Bradley@usdoj.gov

From:
Sent: Tuesday, May 01, 2012 8:03 AM
To:
Cc:
Subject: FW: Invitation to May 10th training with Human Rights First

I forwarded this to you last week. May I participate in their training? Thanks for your consideration.
Regards,

From:
Sent: Monday, April 23, 2012 4:37 PM
To:
Subject: Invitation to May 10th training with Human Rights First

Dear Judge

Thank you very much for your time today, and for considering attending our upcoming training. I know it is rather short notice, but I am very excited that we might have a chance to include judges from Baltimore in either this or future trainings. Please find the formal invitation letter attached, and I have also included the text below should that be more efficient for you.

Please let me know if you have any additional questions or concerns, and thank you again for your time and consideration.

Sincerely,

Staff Attorney

Kidd, Larry (EOIR)

From: Elliot, Nina (EOIR)
Sent: Wednesday, December 05, 2012 3:56 PM
To:
Cc:
Subject: Speaking Request
Attachments: Speaking Request Form.pdf

Judge

Please consider this email OGC's ethics approval of your request to speak at the January 16, 2013 event sponsored by Mayor Brown LLP and Sanctuary for Families. You will be speaking about the effective presentation of an asylum case before the immigration court. There will likely be other speakers at this event, including an expert who has appeared in immigration court and/or advocates who have appeared as pro bono counsel before the immigration court. The audience will be comprised of attorneys considering pro bono work before the immigration court. You will not be compensated for your attendance. You anticipate a few refreshments (cookies and coffee) will be served. There will not be fundraising at this event. Your supervisor, Assistant Chief Immigration Judge (copied here), approved your attendance in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss Immigration Court procedures but do not want to give the appearance of partiality by offering legal advice.
- * You must refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by an appropriate disclaimer. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case only; we address this issue on a case by case basis.
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).
- * You may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,

Nina

Nina Elliot
Office of General Counsel
Executive Office for Immigration Review
t: 703.305.0274
f: 703.605.0491

From: Scheinkman, Rena (EOIR)
Sent: Thursday, November 01, 2012 4:33 PM
To:
subject: - Speaking Engagement Niagara Univ. Criminal Justice Class
Attachments: Speaking engagement form.pdf

Judge

You have submitted a request to speak to a criminal justice class at Niagara University on November 13, 2012. You intend to provide general information about immigration law practice, discuss potential career options, and share your professional experiences. You will not be compensated for this speaking engagement, and you will not receive any reimbursements for the costs of attending this event. No food or refreshments will be served, and you do not intend to distribute any written materials. Your supervisor has approved your attendance. Subject to the restrictions listed below, your participation in this event is approved in your personal capacity, with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not participating in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under the specific facts presenting in your request, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." Please coordinate with the university and/or the professor to make certain that this occurs. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.
- * You indicated that you will not hand out any written materials. If you do, however, please be sure that the materials contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this speaking engagement only extends to a determination concerning the ethical guidelines for such activity. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

I am copying Crystal Riley to make Public Affairs aware of this speaking engagement. We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,
Rena

Rena Scheinkman
Associate General Counsel
T: 703.605.0442
F: 703.605.0491
rena.scheinkman@usdoj.gov

From:
Sent: Thursday, November 01, 2012 2:54 PM
To: EOIR, Ethics (EOIR)
Cc:
Subject: FW: Scan Document:

Good afternoon,

Attached please find an invitation extended to Judge Justice class at Niagara University. Also attached is Judge , accepting this invitation.

Immigration Court, to speak on Nov 13, 2012 to a Criminal speaking engagement form. I have no objections to Judge

Thank you,

From:
Sent: Thursday, November 01, 2012 2:49 PM
To:
Subject: Scan Document:

Good Afternoon Judge ,

Per your request; please find attached : Speaking engagement form,

Sincerely,

Office of the Chief Immigration Judge
Executive Office for Immigration Review

Kidd, Larry (EOIR)

From: Elliot, Nina (EOIR)
Sent: Thursday, November 08, 2012 5:05 PM
To:
Cc:
Subject: RE: NAPABA Annual Convention, Nov. 16, 2012---Moot Court Competition.

Thank you for your ethics inquiry. You are seeking ethics advice about presiding over the preliminary rounds of the Thomas Tang moot court competition, scheduled for November 16, 2012. The student competition is part of the 2012 National Asian-Pacific American Bar Association's Convention. The moot court problem involves two specific questions regarding the Alien Tort Statute. There are no immigration issues involved in the fact pattern. You are hereby approved to participate in your personal capacity.

As you prepare for the moot court, please remember the following guidelines:

- * Be careful not to give legal advice.
- * You must refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." Please coordinate with the sponsor to make certain that this occurs. You may be introduced with your official title.
- * You are free to accept "modest items of food and refreshments; such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,

Nina

Nina Elliot
Associate General Counsel
Executive Office for Immigration Review
Office of the General Counsel
703.305.0274

From:
Sent: Thursday, November 08, 2012 4:09 PM
To: EOIR, Ethics (EOIR)
Cc:
Subject: FW: NAPABA Annual Convention, Nov. 16, 2012---Moot Court Competition.

Dear ethics colleagues,
Can you please let us know of any advice you may have for staff attorney as she volunteers to do a moot court next Friday? She will be on annual leave while she undertakes this activity. is on Team L on BIA's Panel
3. A more complete description of the moot court is below.
Thank you for your help,

From:
Sent: Thursday, November 08, 2012 4:00 PM
To:
Cc:
Subject: NAPABA Annual Convention, Nov. 16, 2012---Moot Court Competition.

Dear

I have volunteered to sit as a Judge in the preliminary rounds of the Thomas Tang Moot Court Competition on Friday, November 16th. The student competition is part of this year's National Asian-Pacific American Bar Association's Convention which will be held in DC this year.

The moot court problem involves whether or not advocacy of genocide is actionable under the Alien Tort Statute and furthermore, whether corporations may be sued under the Alien Tort Statute with corporate speech to be assessed in accordance with international law.

An introduction of the judges during both rounds I am judging---at most---will state my name and employment at the Board.

There will be no interaction after each round with the students; simply the submission of our worksheet with our points tallied up.

Kindly advise, if OGC might require any further clarification on this activity.
Thank you for your guidance,

Kidd, Larry (EOIR)

From: Bradley, Matthew (EOIR)
Sent: Friday, September 28, 2012 10:15 AM
To:
Cc:

Subject: RE: Request for ethics approval to participate in the Robert E. Wone Judicial Clerkship and Internship Conference on Saturday, October 13, 2012.
Attachments: DOC.pdf

Judge

Please consider this email OGC's ethics approval of your request to speak at the Robert E. Wone Judicial Clerkship and Internship Conference on Saturday, October 13, 2012 at Georgetown Law School (see attachment).

You will serve on a panel of judges talking about clerkship and internship opportunities with specialized courts. There is no fee to attend this event and you will not be compensated for participating. Other than speaking, you do not plan to attend the event. Water and other beverages of nominal value will be available. There will not be fundraising at this event. Your supervisor, Assistant Chief Immigration Judge (copied here), has approved your attendance. We grant ethics approval for you to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

* Be careful not to give legal advice. You may discuss immigration court procedures but do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by an appropriate disclaimer. (I note that an updated agenda provided by Judge included such a disclaimer). You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a). It is clear that you have been invited to this event because of your official position as an Immigration Judge. Therefore, you may not accept a gift from the organization. A gift does not include anything for which you pay fair market value. 5 C.F.R. § 2635.203(b)(9). As stated above, as long as you pay the conference fee, anything included as part of the conference attendance fee (like a meal) is not considered a gift.

* You may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you.

Matt Bradley
USDOJ/EOIR/OGC
Phone: (703) 756-8014
Fax: (703) 605-0491
Matthew.Bradley@usdoj.gov

From:

Sent: Tuesday, September 25, 2012 4:09 PM

To: Bradley, Matthew (EOIR)

Subject: RE: Request for ethics approval to participate in the Robert E. Wone Judicial Clerkship and Internship Conference on Saturday, October 13, 2012.

Mr. Bradley:

Thank you for letting me know. I just completed the form and will have it delivered to your office by inter-office mail.

Regards,

From: Bradley, Matthew (EOIR)

Sent: Tuesday, September 25, 2012 3:58 PM

To:

Cc: Bradley, Matthew (EOIR)

Subject: RE: Request for ethics approval to participate in the Robert E. Wone Judicial Clerkship and Internship Conference on Saturday, October 13, 2012.

Judge

I will handle this for OGC/Ethics.

Please complete the attached form and return it to me.

Thanks.

Matt Bradley
Associate General Counsel
EOIR/OGC/Ethics

From:

Sent: Tuesday, September 25, 2012 3:44 PM

To: EOIR.Ethics@usdoj.gov

From: Wahowiak, Marlene (EOIR)
Sent: Friday, October 19, 2012 10:10 AM
To:
Subject: FW: Speaking Engagement Question
Attachments: ACS Event.pdf

Importance: High

Judge

You have submitted a request (attached) to participate in a panel discussion with the Colorado Chapter of the American Constitutional Society on October 24, 2012. The panel discussion is entitled, "Evolving Policy: Implications for Young Colorado Immigrants." There is no fee for you to attend. You will not be compensated for this event and will not receive any reimbursements for the costs of attending this event. There will not be any fund-raising at this event. Your supervisor has approved your attendance. You have approval to attend in a personal capacity with disclosure of your title with use of a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor to make certain that this occurs.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- * You indicated that you will not hand out any individually prepared materials. If you do, however, please be sure that the materials contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as the American Constitutional Society. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.
- * Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thanks,

Marlene Wahowiak
Associate General Counsel
OIR/OGC-ELR
703-605-0376 (direct)

From:
Sent: Thursday, October 18, 2012 5:59 PM
To: Smith, Charles (EOIR)
Cc: Rosenblum, Jeff (EOIR)
Subject: FW: Speaking Engagement Question
Importance: High

Hello Charles,

Here is a request that I thought I had sent to you upon checking discovered that I had not yet sent it. In any event it is a request from IJ to serve as a moderator at a panel discussion. All of the pertinent information is in the attached request. I recommend approval, in whatever capacity you deem most appropriate.

Sorry for the delay. Thanks!

Assistant Chief Immigration Judge

From:
Sent: Thursday, October 11, 2012 4:52 PM
To:
Cc: I
Subject: RE: Speaking Engagement Question

Dear Judge

Thank you for the email below. Looking back through my email, I believe I did send this request to you with the proper form, and your suggested modifications, on October 5th. I'm sending along an extra copy with this email, just to make sure you have it.

Quick point of clarification -- the link below seems only to give the option to print the form, not to submit it electronically, as far as we could tell. So, for that reason, I've just printed it as a PDF, and submitted it to you that way. If there is a different way to submit it electronically, I'm not aware of it.

Thank you very much.

From:
Sent: Thursday, October 11, 2012 4:38 PM
To:
Cc:

Exhibit 24 Page 38

Kidd, Larry (EOIR)

From: Elliot, Nina (EOIR)
Sent: Wednesday, October 31, 2012 2:34 PM
To:
Cc:
Subject: FW: DU Panel on Judicial Law Clerks and Externs on Nov. 13
Attachments: SpeakingEngagementForm_DU Law School_November13th .doc

Judge

Thank you for your ethics inquiry. You have requested ethics approval to speak on a panel about judicial clerkships and judicial externships. The panel will be comprised of judges, including Justice Brian Boatright of the Colorado Supreme Court, Judge Terry Fox of the Colorado Court of Appeals, and Judge Bob McGahey of the Denver District Court. The panel presentation will take place at the University of Denver, Sturm College of Law on November 13, 2012 from 12:00 p.m. – 1:00 p.m. You will address how externs and law clerks participate in the work of the court; the qualifications you look for when hiring externs and law clerks; and give a general overview of what law students can expect of the interview process.

You have indicated that you will not receive compensation for this activity, and your supervisor, ACIJ has approved your participation as a speaker. There is no fee to attend this event. No fundraising will take place at this event. No organization or individual has offered to reimburse you for the cost of attendance. You do not plan on distributing any written material during the class. No press or media have been invited to this event. A box lunch will be made available for judges speaking on the panel; however, you indicated that you plan to decline the box lunch.

You are approved to speak at this event in your personal capacity, with use of your title and a disclaimer, subject to the following restrictions:

- * Be careful not to give legal advice. You may discuss immigration court procedures generally, but you should not offer opinions that might be construed as legal advice (e.g., answering fact-specific questions), or offer any statements that would appear to compromise your impartiality.
- * You must refrain from disclosing non-public information. This would include discussing any matters pending before EOIR tribunals and discussing hypothetical situations relating to EOIR or its tribunals.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Should you decide to distribute written material, you are permitted to use your official title "Immigration Judge" so long as it is followed immediately by the following parenthetical: "(personal capacity)." Please coordinate with the sponsor of this activity to make certain that this occurs for any materials they might distribute independently or on your behalf. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case only; we address this issue on a case-by-case basis.
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. §

2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time in relation to this activity. Under no circumstances may you accept the assistance of another EOIR employee in relation to this activity, even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705, for general guidelines concerning outside activities.

If you have any questions, please feel free to contact me directly or send an email to the ethics inbox at Ethics.EOIR@usdoj.gov.

Best,

Nina

Nina Elliot
Associate General Counsel
Executive Office for Immigration Review
Office of General Counsel
703.305.0274

From:

Sent: Wednesday, October 31, 2012 12:21 PM

To: Smith, Charles (EOIR)

Subject: FW: DU Panel on Judicial Law Clerks and Externs on Nov. 13

Good Morning Charles,

I hope that you weathered the storm well! I just returned from leave and found this short suspense item from IJ . I am recommending its approval but I also informed Judge that I could not assure her that it would be approved in time give the late hour of its submission.

Please let me know if you need anything further.

Warmest regards,

Assistant Chief Immigration Judge

From: Rosenblum, Jeff (EOIR)
nt: Friday, July 06, 2012 9:38 AM

to:
Cc:

Subject: RE: Speaker Request Form - AILA Colorado Conference October 2012

Attachments: z2012 Program.pdf; Speaker Engagement Form AILA Conference October 2012 (2).pdf;

Judge

You have requested approval to speak at the AILA Colorado Chapter's First Annual Rocky Mountain Regional Conference on October 12, 2012. The topic of your presentation will be "Ethical Quandaries in the Practice of Immigration Law" (speaking engagement form and invitation attached). You will not receive compensation for this activity. You have received supervisory approval to participate in this event. You are hereby approved by the ethics office to speak at this event in your personal capacity, with use of title and disclaimer.

Please keep in mind the following restrictions related to this speaking engagement:

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information (as noted above). This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Because you are not participating in this event in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the organization to add "(personal capacity)" after your name in the program and any other written materials related to this event.** You may be introduced with your official title, provided that you follow with an appropriate disclaimer. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.

* If you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

Exhibit 29 Page 40

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time in relation to this activity. Under no circumstances may you accept the assistance of another EOIR employee in relation to this activity, even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705, for general guidelines concerning outside activities.

If you have any questions, please feel free to contact me. Thanks.

Jeff Rosenblum
Executive Office for Immigration Review
Office of the General Counsel
(703) 305-0799

From:
Sent: Tuesday, July 03, 2012 4:49 PM
To: Rosenblum, Jeff (EOIR); Wahowiak, Marlene (EOIR); EOIR, Ethics (EOIR)
Subject: FW: Speaker Request Form - AILA Colorado Conference October 2012

Dear All,

I was reviewing my emails in connection with the above-referenced request. I can't see that I've received an approval of this request.

Could you check and see if you have reviewed this request already? If not, could I trouble you to conduct the review at this time?

Thanks so much.

From:
Sent: Friday, March 16, 2012 11:30 AM
To:
Subject: FW: Speaker Request Form - AILA Colorado Conference October 2012

Mr.

FYI – The request is in process.

From:
Sent: Friday, March 16, 2012 11:16 AM
To: EOIR, Ethics (EOIR)
Subject: FW: Speaker Request Form - AILA Colorado Conference October 2012

Dear Ethics Officials,

Exhibit 24 Page 40A

From: EOIR, Ethics (EOIR)
Sent: Wednesday, March 14, 2012 12:12 PM
To:
Cc:
Subject: RE: Speaking Engagement Approval Request

Attachments: Speaker Form FBA Rome Conference.pdf

Dear JJ

You have requested ethics approval to speak as a guest lecturer on May 25, 2012, at a legal education conference in Rome, Italy. The event, titled "Citizenship in a Global Era," will be sponsored in part by the Federal Bar Association (FBA). The attendees will include lawyers, academics, and law students. You propose to speak on the following topic: "The Disenfranchised: Undocumented and Stateless People." Your supervisor has already approved your participation in the event.

Although lunch will be served to attendees at the event, you indicate that you will purchase the lunch with your own funds. Also, you advise that a \$200 registration fee for the event will be waived for speakers like yourself.

Subject to the restrictions and considerations listed below, your proposed participation in this speaking engagement is approved in your personal capacity, with use of your title and a disclaimer:

*Under the government-wide ethics regulations, an employee's basic obligation of public service includes a general prohibition on soliciting or accepting a gift from a prohibited source or on account of the employee's official position, in addition to the avoidance of any actions creating the appearance of a violation of the law or the ethical standards themselves. See 5 C.F.R. § 2635.101(b)(4) and (14). However, under certain circumstances, an employee's acceptance of a gift may be deemed not to violate either of these principles. Accordingly, an employee may accept an unsolicited gift of free attendance (or reduced fee attendance) at a widely attended gathering, when it has been determined that the employee's attendance in their personal capacity is in the interest of the agency because it will further agency programs and operations. See 5 C.F.R. § 2635.204(g)(2).

Please note that the term "free attendance" at a widely attended gathering may include waiver of all or part of a conference or fee or the provision of food or refreshments furnished to all attendees as part of the event; however, further note that it does not include travel expenses, lodging, etc. Although a separate ethics provision allows for acceptance of travel expenses when speaking in one's purely personal capacity, the use of your title and disclaimer means that you are not speaking in your purely personal capacity.

A gathering is widely attended if it is expected that a large number of persons will attend, and that persons with a diversity of views or interests will be present (e.g., if the event is open to members from throughout the profession or if those in attendance represent a range of persons interested in a given matter). In making a determination of agency interest at a widely attended gathering, Section 2635.204(g)(3) suggests that consideration be given to the following factors: the importance of the event to the agency; the nature and sensitivity of any pending matter affecting the interests of the person (or entity) that has extended the invitation; the significance of the employee's role in the event; the purpose of the event; the identity of other expected participants; and the market value of the gift of free attendance.

The Office of the General Counsel (OGC) finds that this legal education conference will be a widely attended gathering. Further, you will have the opportunity to meet and interact with others involved in the legal community, the purpose of the event is educational in nature, you have a limited role in the event, and the market value of your waived attendance fee is modest. Accordingly, pursuant to 5 C.F.R. § 2635.204(g)(3), OGC has determined that it is in EOIR's interest and will further EOIR programs and operations for you to attend this event. The aforementioned Agency interests outweigh the possibility that the gift of free attendance may appear to improperly influence you in the performance of your official duties. Therefore, under the circumstances, you may accept the unsolicited gift of free attendance to the conference.

We caution you to be cognizant of any other potential appearance issues that may arise in connection with your free attendance at this event, and invite you to contact us for further guidance if necessary. Moreover, OGC notes that you are currently approved to be an advisory board member with FBA-ILS, one of the sponsors of this event. Note further that if you intend to participate in this event on behalf of FBA-ILS, you cannot use your official title in relation to this activity.

* Be careful not to give legal advice. You may discuss administrative procedures before the immigration court, but you do not

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own, and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc., related to the event. Under the facts specific to this event, you are permitted to use your official title (i.e., "Immigration Judge") on written materials associated with this event, so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor of this speaking engagement to make certain that this occurs, as appropriate.** You may be introduced with your official title. Please note that ethics permission granting limited use of your title in your unofficial capacity is specific to this engagement ONLY, as we address this issue on a case-by-case basis.

* Although you indicate that you will not do so, if you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.

* Outside of your permissible acceptance of the gift of a waived conference fee in this instance, there are limitations on accepting other items of monetary value that are given because of your official position. See 5 C.F.R. § 2635.202(a)(2). However, an applicable exception permits other unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee to prepare for your participation in the speaking engagement, even if the employee volunteers to assist you to prepare for this engagement, or to use official time to travel to or attend the engagement.

* The approval of this speaking activity only extends to a determination concerning the ethical guidelines for this specific activity. Your participation in the requested activity, and any annual or other leave taken that relates to your participation in it, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines concerning outside activities.

We encourage you to continue to seek ethics advice in the future. If you have any questions about your participation in this event or future situations, please feel free to contact me, or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you.

Charles F. Smith, Associate General Counsel
EOIR/OGC

Exhibit 24 Page 42

From:
Sent: Tuesday, March 13, 2012 10:07 AM

From: Wahowiak, Marlene (EOIR)
Sent: Wednesday, March 21, 2012 2:20 PM
To: Riley, Crystal (EOIR); Billingsley, Kelly (EOIR)
Subject: FW: Speaking request from IJ Tabaddor

Attachments: Tabaddor Southwestern Law School form.pdf

Marlene Wahowiak
Associate General Counsel
EOIR OGC/ELR
703-305-0322 (main)

From: Wahowiak, Marlene (EOIR)
Sent: Wednesday, March 21, 2012 10:01 AM
To: Tabaddor, A. Ashley (EOIR)
Cc: Fong, Thomas (EOIR)
Subject: Speaking request from IJ Tabaddor

Judge Tabaddor:

You have requested approval to be a guest speaker before the Middle Eastern Law Student Association (MELSA) of the Southwestern Law School where you will give "a general introduction to the Immigration Court; a day in the life of an IJ; best practices for an attorney before the court; and the value of civic engagement for law students and lawyers as leaders in the community." You are scheduled to speak on April 11, 2012. You will not be compensated or reimbursed for expenses, and your supervisor has approved your participation. Subject to the restrictions listed below, your participation in this event is approved in your personal capacity, with use of your title and a disclaimer.

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." *Please coordinate with the sponsor to make certain that this occurs.* You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.

* If you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as Southwestern University and MELSA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines concerning outside activities.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,
Marlene Wahowiak
EOIR/OGC
(703) 305-0322

From: Rosenblum, Jeff (EOIR)
Sent: Friday, March 02, 2012 1:08 PM
To: Tabaddor, A. Ashley (EOIR)
Cc: Fong, Thomas (EOIR); Billingsley, Kelly (EOIR); Riley, Crystal (EOIR)
Subject: RE: speaking engagement

Attachments: UCLA Mock trial Speaking Engagement.wpd
Judge Tabaddor,

You have requested permission to participate as a judge in a moot court competition at UCLA law school (speaking engagement form attached). The topic of the presentation is GPS tracking of potential defendants by authorities. You will not receive any compensation for this activity, and your supervisor has approved your participation. You are approved to participate in this event in your personal capacity, with use of your title and a disclaimer, subject to the following restrictions:

* When participating in a moot court, particularly if the topic involves immigration issues (or any issue that may arise in an immigration proceeding), we advise to limit your remarks to practice and procedure, and do not address the merits of a hypothetical case.

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." *Please coordinate with the law school to ensure that this occurs.* You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time in relation to this activity. Under no circumstances may you accept the assistance of another EOIR employee in relation to this activity, even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this outside activity.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705, for general guidelines concerning outside activities.

If you have any questions, please feel free to contact me. Thanks.

Jeff Rosenblum
Executive Office for Immigration Review
Office of the General Counsel
(703) 305-0799

From: Tabaddor, A. Ashley (EOIR)
Sent: Friday, March 02, 2012 11:37 AM
To: Rosenblum, Jeff (EOIR)
Subject: RE: speaking engagement

It's apparently about the use of GPS tracking of potential defendants by the authorities. I asked if this is the same question that was just decided on by the Supreme Court. They said that it is not. It's the question left unanswered.

Hope this was helpful.

Thanks,
Ashley

From: Rosenblum, Jeff (EOIR)
Sent: Friday, March 02, 2012 6:12 AM
To: Tabaddor, A. Ashley (EOIR)
Subject: RE: speaking engagement

Judge Tabaddor,

Could you please let me know what the topic of the moot court argument will be? Thanks a lot.

Jeff

Jeff Rosenblum
Executive Office for Immigration Review
Office of the General Counsel
(703) 305-0799

From: Tabaddor, A. Ashley (EOIR)
Sent: Thursday, March 01, 2012 9:22 PM
To: EOIR, Ethics (EOIR); Rosenblum, Jeff (EOIR)
Subject: FW: speaking engagement

Good evening,

I hope you are doing well. I have been asked to participate in judging a moot court competition at UCLA Law School. ACIJ Fong has already approved the request. I have attached the form with additional information. Please let me know if you have any questions. I would appreciate a response as soon as possible as the school wishes to confirm the panelists for the program.

Thank you,
Ashley

From: Fong, Thomas (EOIR)
Sent: Thursday, March 01, 2012 1:50 PM
To: Tabaddor, A. Ashley (EOIR)
Cc: Kok, Sharon (EOIR)
Subject: FW: speaking engagement

Exhibit 24 Page 46

Approval by ACIJ given and you can submit your leave request per the explanation given in the attachment to Sharon K for my additional approval. Tom

From: Wahowiak, Marlene (EOIR)
Date: Friday, March 23, 2012 9:29 AM
To: Tabaddor, A. Ashley (EOIR)
Cc: Fong, Thomas (EOIR); Riley, Crystal (EOIR); Billingsley, Kelly (EOIR)
Subject: Speaking engagement-approval

Attachments: Pepperdine Law School Speaking Engagement.wpd
Judge Tabaddor (my apologies for the delay in responding):

You have requested approval to be a guest speaker before the Asylum Clinic Course at Pepperdine Law School where you will give "a general discussion of how a case moves through the Immigration Court, i.e., best practices for an attorney before the court." You are scheduled to speak on March 28, 2012. You will not be compensated or reimbursed for expenses, and your supervisor has approved your participation. Subject to the restrictions listed below, your participation in this event is approved in your personal capacity, with use of your title and a disclaimer.

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following phrase: "(personal capacity)." Please coordinate with the sponsor to make certain that this occurs. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.

* If you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as the Asylum Clinic at Pepperdine Law School. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

Exhibit 24 Page 47

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines concerning outside activities.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Marlene Wahowiak
EOIR/OGC
(310) 305-0322

From: Tabaddor, A. Ashley (EOIR)
Sent: Thursday, March 22, 2012 06:23 PM
To: Rosenblum, Jeff (EOIR); EOIR, Ethics (EOIR)
Subject: FW: speaking engagement

Good afternoon,
I hope you are doing well. I was writing to follow up on the request below since the event is coming up in less than one week. If you have any questions, please let me know.
Thank you,
Ashley Tabaddor

From: Tabaddor, A. Ashley (EOIR)
Sent: Friday, March 16, 2012 2:48 PM
To: Rosenblum, Jeff (EOIR); EOIR.Ethics@usdoj.gov
Subject: FW: speaking engagement

Good afternoon,
I've been asked to serve as a guest speaker for an asylum class at Pepperdine Law School. ACIJ Fong has already approved the request and the form is attached. If you have any questions, feel free to contact me anytime.
Thank you,
Ashley Tabaddor

From: Fong, Thomas (EOIR)
Sent: Thursday, March 15, 2012 11:00 AM
To: Tabaddor, A. Ashley (EOIR)
Subject: RE: speaking engagement

Cleared by me and get Ethics approval as usual, although you will be cutting it rather close if you leave right after your 5:00pm work day ends to get to Pepperdine by 6:30pm. It will be in the bear of the evening traffic on the worst freeway and PCH road.

Thomas Y.K. Fong
Assistant Chief Immigration Judge
Immigration Court/EOIR/DOJ
606 South Olive Street, 15th Floor
Los Angeles, CA 90014
(213)894-2811
thomas.fong@usdoj.gov

From: Tabaddor, A. Ashley (EOIR)
Sent: Wednesday, March 14, 2012 11:11 AM
To: Fong, Thomas (EOIR)
Cc: Tabaddor, A. Ashley (EOIR)
Subject: speaking engagement

Hi Tom,
I hope you are doing well. Similar to Thad, Bruce has asked me to come in as a guest speaker for the class he co-teaches at Pepperdine Law School. I have attached the completed form for your review. Please let me know if you have any questions.
Thanks!
Ashley

From: Smith, Charles (EOIR)
Sent: Wednesday, October 03, 2012 2:15 PM
To: Tabaddor, A. Ashley (EOIR)
Cc: Billingsley, Kelly (EOIR); Riley, Crystal (EOIR); Smith, Charles (EOIR); Fong, Thomas (EOIR)
Subject: RE: UCLA speaking engagement
Attachments: UCLA Law Class Speaking Engagement 4.wpd

Hi Ashley,

Thanks for your ethics inquiry about a speaking opportunity at a UCLA immigration law class, scheduled for November 7, 2012 (see attached).*** In sum, your remarks will concern a "day-in-the-life-of" an IJ, and touch upon typical matters that come before the immigration court.

You will not be compensated for this speaking opportunity and there is no fundraising at the event. Further, no food will be served, and you do not plan to distribute any personally prepared material. Your supervisor, ACIJ Fong, has approved your proposed speaking role.

Subject to the following, this e-mail constitutes ethics approval for you to speak at this event in your personal capacity, with limited use of your title and a disclaimer (explained more fully below):

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before IR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." Please coordinate with the sponsor to make certain that this occurs. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.

* You indicated that you will not hand out any individually prepared materials. If you later decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the Los Angeles Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."

* You may not accept a gift that is given because of your official position. See 5 C.F.R. 2635.202(a)(2). However, you are able to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. 2635.204 (a).

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* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of

connection with, this speaking engagement.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity. In this instance, the provision of parking at the event is considered to be an incident of attendance for speaking, and is therefore not compensation.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. 2635.807, as well as 5 C.F.R. 2635.701-705 for general guidelines.

*** I note that you have submitted your ethics inquiry using a superceded speaking request form. In the future, kindly use the current, form-fillable version of the form. You can access the current form here:

<http://eoirweb/component/ogc/ethics/forms/Speaking%20Engagement%20Form%20Filable.pdf> Thank you for your attention to that detail.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you.

Charles F. Smith
Associate General Counsel
Executive Office for Immigration Review
Office of the General Counsel
5107 Leesburg Pike, Suite 2600
Falls Church, VA 22041
P - 703/605.1280

From: Tabaddor, A. Ashley (EOIR)
Sent: Tuesday, October 02, 2012 11:45 AM
To: EOIR, Ethics (EOIR)
Cc: Tabaddor, A. Ashley (EOIR)
Subject: FW: UCLA speaking engagement

Good morning,

I have been asked to return as a guest speaker for Professor Motomura's immigration law class at UCLA. ACIJ Fong has already approved the request. Attached you will find the completed request form. Please let me know if you have any questions.

Thanks,

Ashley Tabaddor

From: Fong, Thomas (EOIR)
Sent: Tuesday, October 02, 2012 8:23 AM
To: Tabaddor, A. Ashley (EOIR)
Cc: Kok, Sharon (EOIR)
Subject: RE: UCLA speaking engagement

ACIJ Approval given and as noted you are on leave that day so it will not impact court dockets. ACIJ Fong

Thomas Y.K. Fong
Assistant Chief Immigration Judge

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Kidd, Larry (EOIR)

From: Tabaddor, A. Ashley (EOIR)
Sent: Thursday, November 01, 2012 11:46 AM
To: Elliot, Nina (EOIR)
Subject: RE: speaking engagement

Thank you.

From: Elliot, Nina (EOIR)
Sent: Thursday, November 01, 2012 8:20 AM
To: Tabaddor, A. Ashley (EOIR)
Cc: Billingsley, Kelly (EOIR); Riley, Crystal (EOIR)
Subject: RE: speaking engagement

Judge Tabaddor,

You have submitted a request to speak on a career panel entitled "Iranian Americans in the Legal Field: A Career Panel for Law Students," sponsored by the Iranian American Bar Association on November 15, 2012 from 6:30 – 8:00 p.m. at the UCLA Law School. You plan to provide information about your professional career development and offer suggestions on career options and planning for the future, including preparation for a judgeship. The event is open to the public but you anticipate most members of the audience will be law students or recent law graduates. There is no fee for you to attend. You will not be compensated for this event and will not receive any reimbursements for the costs of attending this event. There will not be any fundraising or media at this event. Light refreshments will be served. Your supervisor has approved your attendance. You are approved to attend in your personal capacity with disclosure of your title with use of a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You must refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." Please coordinate with the sponsor to make certain that this occurs. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- * You indicated that you will not hand out any individually prepared materials. If you do, however, please be sure that the materials contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the Los Angeles Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author

prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."

- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.
- * Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Regards,

Nina

Nina Elliot
Associate General Counsel
Executive Office for Immigration Review
Office of the General Counsel
5107 Leesburg Pike, Suite 2600
Falls Church, VA 22041
703.305.0274

From: Tabaddor, A. Ashley (EOIR)
Sent: Wednesday, October 31, 2012 5:00 PM
To: EOIR, Ethics (EOIR)
Subject: FW: speaking engagement

Good afternoon,
I have been asked to speak at a career panel for IABA. ACIJ Fong has already approved the request. Attached please find the completed form. Please let me know if you have any questions.
Thank you,
Ashley Tabaddor

From: Fong, Thomas (EOIR)
Sent: Wednesday, October 31, 2012 1:38 PM

Judge Tabardor:

You have submitted a request to speak before for a day-long symposium on domestic violence sponsored by the LAPD's Muslim Forum October 20, 2012. You intend to address domestic violence issues raised during immigration court proceedings. There is no fee for you to attend. You will not be compensated for this event and will not receive any reimbursements for the costs of attending this event. There will not be any fund-raising at this event. Your supervisor has approved your attendance. You noted in your email that you are asking to appear in your personal capacity with disclosure of your title with use of a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor to make certain that this occurs.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.

* You indicated that you will not hand out any individually prepared materials. If you do, however, please be sure that the materials contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. 2635.807 (b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as the LAPD's Muslim Forum. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thanks,

Marlene Wahowiak
Associate General Counsel
EOIR/OGC-ELR
3-605-0376 (direct)

From: Smith, Charles (EOIR)
 Sent: Wednesday, October 03, 2012 2:15 PM
 To: Tabaddor, A. Ashley (EOIR)
 Cc: Billingsley, Kelly (EOIR); Riley, Crystal (EOIR); Smith, Charles (EOIR); Fong, Thomas (EOIR)
 Subject: RE: UCLA speaking engagement
 Attachments: UCLA Law Class Speaking Engagement 4.wpd

Hi Ashley,

Thanks for your ethics inquiry about a speaking opportunity at a UCLA immigration law class, scheduled for November 7, 2012 (see attached).*** In sum, your remarks will concern a "day-in-the-life-of" an IJ, and touch upon typical matters that come before the immigration court.

You will not be compensated for this speaking opportunity and there is no fundraising at the event. Further, no food will be served, and you do not plan to distribute any personally prepared material. Your supervisor, ACIJ Fong, has approved your proposed speaking role.

Subject to the following, this e-mail constitutes ethics approval for you to speak at this event in your personal capacity, with limited use of your title and a disclaimer (explained more fully below):

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

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* You may not accept a gift that is given because of your official position. See 5 C.F.R. 2635.202(a)(2). However, you are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. 2635.204 (d).

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* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee - even if the employee volunteers to assist you - to attend, prepare for, and/or otherwise in

connection with, this speaking engagement.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity. In this instance, the provision of parking at the event is considered to be an incident of attendance for speaking, and is therefore not compensation.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. 2635.807, as well as 5 C.F.R. 2635.701-705 for general guidelines.

*** I note that you have submitted your ethics inquiry using a superceded speaking request form. In the future, kindly use the current, form-fillable version of the form. You can access the current form here:

<http://eoirweb/component/ogc/ethics/forms/Speaking%20Engagement%20Form%20Filable.pdf> Thank you for your attention to that detail.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you.

Charles F. Smith
Associate General Counsel
Executive Office for Immigration Review
Office of the General Counsel
5107 Leesburg Pike, Suite 2600
Falls Church, VA 22041
P - 703/605.1280

From: Tabaddor, A. Ashley (EOIR)
Sent: Tuesday, October 02, 2012 11:45 AM
To: EOIR, Ethics (EOIR)
Cc: Tabaddor, A. Ashley (EOIR)
Subject: FW: UCLA speaking engagement

Good morning,

I have been asked to return as a guest speaker for Professor Motomura's immigration law class at UCLA. ACIJ Fong has already approved the request. Attached you will find the completed request form. Please let me know if you have any questions.

Thanks,
Ashley Tabaddor

From: Fong, Thomas (EOIR)
Sent: Tuesday, October 02, 2012 8:23 AM
To: Tabaddor, A. Ashley (EOIR)
Cc: Kok, Sharon (EOIR)
Subject: RE: UCLA speaking engagement

ACIJ Approval given and as noted you are on leave that day so it will not impact court dockets. ACIJ Fong

Thomas Y.K. Fong
Assistant Chief Immigration Judge
Immigration Court/EOIR/DOJ

Exhibit 24 Page 55

From: Wahowiak, Marlene (EOIR)
Sent: Friday, June 08, 2012 9:53 AM
To: Tabaddor, A. Ashley (EOIR)
Cc: Riley, Crystal (EOIR); Billingsley, Kelly (EOIR); Rosenblum, Jeff (EOIR); Fong, Thomas (EOIR)
Subject: Speaking approval
Judge Tabaddor:

You have requested approval to speak, on a date yet to be determined, before the group Muslims on Screen and Television ("MOST"), a non-profit organization that is based on a partnership between Unity Productions Foundation and the Saban Center for Middle East Policy at the Brookings Institution, in association with the Gallup Organization and the Muslim West Facts Project. Specifically, you plan to address your personal background, your family's move to the United States, your career and a general description of your position as an IJ and the immigration court. You will not be compensated or reimbursed for expenses, and your supervisor has approved your participation (which you sent to me in a separate email). Subject to the restrictions listed below, your participation in this event is approved in your personal capacity, with use of your title and a disclaimer.

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." *Please coordinate with the sponsor to make certain that this occurs.* You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.

* If you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as the MOST. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

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* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines concerning
tside activities.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,
Marlene Wahowiak
EOIR/OGC
(703) 305-0322

From: Tabaddor, A. Ashley (EOIR)
Sent: Thursday, June 07, 2012 4:00 PM
To: EOIR, Ethics (EOIR); Rosenblum, Jeff (EOIR)
Subject:

Good afternoon,
I hope you are well. I have been asked to be part of the MOST Perspectives Series. More information about the organization, the project and my participation is included in the attached. ACIJ Fong has already approved the request. Please let me know if you have any questions.
Thank you and have a great day,
Ashley Tabaddor

From: Scheinkman, Rena (EOIR)
Sent: Friday, November 30, 2012 2:41 PM
Subject: Speaking engagement
Attachments: RE: Update -- Director's Request for Approval to participate as a Panelist (November 30, 2012)
Importance: High

Judge

Please consider this email ethics approval for you to speak as a panelist on the panel titled "Finding Effective Counsel from Jail: Models of Legal Representation in Louisiana" (invitation below). The panel will take place on November 30, 2012, at an event co-sponsored by Human Rights First and Loyola University New Orleans College of Law (see <http://www.humanrightsfirst.org/2012/07/26/public-dialogues-on-detention-series/>). The details of the conference are contained in the attached email.

It is my understanding that you are filling in for Director Osuna, who was approved to speak in his official capacity. I have confirmed with your supervisor, ACIJ, that she approves your participation. Subject to the restrictions listed below, your participation in this event is approved in your personal capacity, with use of your title and a disclaimer.

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor to make certain that this occurs.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.

* If you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.

* There are limitations on accepting items of monetary value from prohibited sources or given to an employee because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time in relation to this activity. Under no circumstances may you use the time of another employee in relation to this activity, even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines concerning outside activities.

I am copying Crystal Riley to make Public Affairs aware of this speaking engagement. Please let me know if you have any questions.

Thank you,
Rena

Rena Scheinkman
Associate General Counsel
T: 703.605.0442
F: 703.605.0491
rena.scheinkman@usdoj.gov

From:
Sent: Friday, November 30, 2012 2:26 PM
To:
Cc:
Subject: FW:

From:
Sent: Friday, November 30, 2012 1:22 PM
To:
Subject: RE:

Hi Thank you. It's completely up to you as to whether you want to go. Absolutely no pressure, as this is going above and beyond the call of duty. However, if you want to do it, yes, please do reach in for ethics approval, tell them that I asked you to fill in for me at the last minute, and you can take it from there. You will be great. They specifically asked for you as you seem to have a great reputation in the NO area! Who knew!

Thank you so much.

From:
Sent: Friday, November 30, 2012 2:17 PM
To:
Subject: RE:

I just got your message. Ms [redacted] called and asked me if I could come while I was eating lunch. I am obviously not prepared for any formal presentation but I do know something about our business and I'm willing. However, today is dress down day in my office and I didn't even bring a tie. Further, I need ethics approval to speak. If you would like for me to go, I'll call HDQ and see if I get approval promptly. Ms [redacted] said the program starts at 2:30. (FYI, my 10 AM case went to about 12:20).

From:
Sent: Thursday, November 29, 2012 11:39 PM

From: Reinfurt, Sandy (EOIR)
Sent: Thursday, October 18, 2012 5:18 PM
To:
Subject: RE: Question about speaking event
Attachments: Speaking Engagement Form.

Dear Ms. :

You have requested ethics approval to speak on the topic of immigration law on December 4, 2012, during an undergraduate class at Stanford University. Please accept this email as OGC's approval for you to speak at this event in your personal capacity, with use of your title and a disclaimer.

You will not receive compensation for this activity, and your supervisor, ACIJ has approved your participation as a speaker. The anticipated audience is the students of a Latino Politics class. There is no fee to attend this event. No fundraising will take place at this event. No organization or individual has offered to reimburse you for the cost of attendance. You do not plan on distributing any written material during your speaking engagement. No press or media have been invited to this event. No food will be served.

As you speak at this event, please be mindful of the following restrictions:

- * Be careful not to give legal advice. You may discuss immigration court procedures generally, but you should not offer opinions that might be construed as legal advice (e.g., answering fact-specific questions), or offer any statements that would appear to compromise your impartiality.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR tribunals and discussing hypothetical situations relating to EOIR or its tribunals.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Should you decide to distribute written material, you are permitted to use your official title "Attorney-Advisor" so long as it is followed immediately by the following parenthetical: "(personal capacity)." (You have indicated that you do not intend to distribute written materials.) **Please coordinate with the sponsor of this activity to make certain that this occurs for any materials they might distribute independently or on your behalf.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time in relation to this activity. Under no circumstances may you accept the assistance of another EOIR employee in relation to this activity, even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705, for general guidelines concerning

outside activities.

If you have any questions, please feel free to contact me or send an email to the ethics inbox at Ethics.EOIR@usdoj.gov.

Sandy Reinfurt
Associate General Counsel
Office of General Counsel
EOIR/DOJ

From:
Sent: Wednesday, October 17, 2012 12:02 PM
To:
Cc:
Subject: RE: Question about speaking event

Dear Ms.

Attached is my speaking engagement request and my supervisor's approval. Please let me know if I can provide any further information.

Best regards,

Executive Office for Immigration Review

From: Reinfurt, Sandy (EOIR)
Sent: Tuesday, October 16, 2012 10:09 AM
To:
Subject: RE: Question about speaking event

Ms.

Thank you for your ethics inquiry. You need supervisory approval prior to submitting a request to participate in a speaking engagement. Please either fill out the attached form or provide the necessary information (see form).

Sandy Reinfurt
Associate General Counsel
Office of General Counsel
EOIR/DOJ

From:
Sent: Tuesday, October 16, 2012 11:29 AM
To: EOIR, Ethics (EOIR)
Subject: Question about speaking event

Dear Ethics Office:

I was invited to be a guest speaker at an undergraduate class on Latino Politics at Stanford University. The lecture of the class that I will be about immigration. As long as I make clear that I am there in my personal capacity (and not as an employee of EOIR), is it okay that I attend?

Best regards,

From: Reinfurt, Sandy (EOIR)
Sent: Friday, December 21, 2012 12:37 PM
To:
Subject: RE: Speaking Engagement Request - IJ
Attachments: Speaking engagement form.1

Dear Judge

Thank you for your ethics inquiry. You have requested ethics approval to speak about asylum/withholding/CAT claims at the University of Arizona Rogers School of Law's Refugee Law Seminar on April 4, 2013. The anticipated audience is law students attending the Refugee Law Seminar. There are no other anticipated speakers.

You will not receive compensation for this activity, and your supervisor, ACIJ has approved your participation as a speaker (with the exception that you not speak on the IJ hiring process). There is no fee to attend this event. No fundraising will take place at this event. No organization or individual has offered to reimburse you for the cost of attendance. You do not plan on distributing any written material during your speaking engagement. No press or media have been invited to this event. You do not expect food to be served.

You are approved to speak at this event in your personal capacity, with use of your title and a disclaimer, subject to the following restrictions:

- * Be careful not to give legal advice. You may discuss immigration court procedures generally, but you should not offer opinions that might be construed as legal advice (e.g., answering fact-specific questions), or offer any statements that would appear to compromise your impartiality. As such, you should not answer questions regarding your perspective on asylum, withholding, and CAT, the challenges and frustrations in adjudicating asylum claims, and how you decide whether an asylum applicant is telling the truth. As an adjudicator, you should guard against making any statements that would indicate your personal, subjective preferences or proclivities in matters that come before you. Doing so, you preserve the appearance of your impartiality.

- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR tribunals and discussing hypothetical situations relating to EOIR or its tribunals. This also includes the IJ hiring process.

- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice.

- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Should you decide to distribute written material, you are permitted to use your official title "Immigration Judge" so long as it is followed immediately by the following parenthetical: "(personal capacity)." (You have indicated that you do not intend to distribute written materials.) **Please coordinate with the sponsor of this activity to make certain that this occurs for any materials they might distribute independently or on your behalf.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.

- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. You may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). However, an applicable exception permits unsolicited gifts with a market value of \$20 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time in relation to this activity. Under no circumstances may you accept the assistance of another EOIR employee in relation to this activity, even if the employee volunteers to assist you to prepare for this activity.

- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for:

speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705, for general guidelines concerning outside activities.

If you have any questions, please feel free to contact me or send an email to the ethics inbox at Ethics.EOIR@usdoj.gov.

Sandy Reinfurt
Associate General Counsel
Executive Office for Immigration Review
Office of General Counsel
703.305.0175

From:
Sent: Tuesday, December 18, 2012 10:28 AM
To: EOIR, Ethics (EOIR)
Subject: Speaking Engagement Request - IJ

EOIR Ethics Officer –

Please excuse my choice of communication method – our dinosaur FAX machine is having issues.

Attached is a Speaking Engagement Form for the below-described event. My ACIJ's conditional approval is reflected below. Please let me know if you need additional information.

anks.

From:
Sent: Tuesday, December 18, 2012 6:56 AM
To:
Cc: EOIR, Ethics (EOIR)
Subject: RE: speaking invitation for April 4, 2013, 4:00

With the exception of speaking on the IJ hiring process, you have my permission to speak. Please fill out an ethics speaking engagement form. You may attach this e-mail to your ethics submission as proof of supervisor approval.

Thank you,

From:
Sent: Tuesday, December 18, 2012 8:52 AM
To:
Cc: EOIR, Ethics (EOIR)
Subject: FW: speaking invitation for April 4, 2013, 4:00

Please see the below speaking request from [redacted], an Associate Professor at the University of Arizona College of Law. Her request is the same as that which was approved in 2009, 2010, and 2011, and I'd like to support her request again, if that's permissible. The request would have no impact on my court calendar for the afternoon of April 4th. I would, of course, preface my remarks with the appropriate disclaimer – that I am not speaking for anyone at DOJ/EOIR; that I am speaking in my personal capacity. Additionally:

From: Smith, Charles (EOIR)
Sent: Monday, December 31, 2012 12:08 PM
To:
Subject: RE: Speaker Engagement Form for Feb. 18, 2013
Attachments: Immigration Overview 10-11-2012.ppt.ppt; NJC Immigration Consequences.ppt.ppt; Speaking Engagement Form .pdf.pdf

IJ Martinez,

Thank you for your ethics inquiry about speaking at a CLE event on February 18, 2013, sponsored by the Corpus Christi Bar Association.

At the engagement, you propose to address the subject matters of criminal and immigration law. You will make use of several PowerPoint presentations (copies attached). There is a fee to attend the event, but other than in your speaking role, you will not be attending the rest of the CLE (February 18 – 19, 2013). Further, only light refreshments will be served. The sponsor has offered to reimburse you the cost of your attendance (travel, parking, etc.), and there will be no fundraising.

Your supervisor, ACIJ _____, has approved your speaking at the event in your personal capacity, with title and disclaimer (this is a distinction from your speaking in your official capacity on the same subject matter to a different audience the prior year, and has important consequences – *please see below*).

Subject to the following guidelines and limitations, this e-mail constitutes ethics approval for you to speak at this event in your personal capacity, with limited use of your title and a disclaimer (explained more fully below):

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you must maintain impartiality. Further, you must not engage in any activity that might constitute the practice of law.

* You cannot disclose non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on such written materials associated with this event, so long as it is followed immediately by the following parenthetical: "(personal capacity)" – and for the appropriate disclaimer on your PowerPoint slide presentations, please see the next paragraph. *Please coordinate with the sponsor to make certain that this occurs.* You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.

* If you publish (e.g., project or distribute PowerPoint slides at the CLE) or distribute any other written materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:
 "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."

* There are limitations on accepting items of monetary value from prohibited sources, which includes individuals appearing before you, and/or organizations comprised of individuals seeking official action from the agency (e.g., AILA or bar association). In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity. However, such compensation does not ordinarily include meals or other incidents of attendance at the speaking event, including a waiver of attendance fees for speakers, and travel expenses, consisting of transportation, lodgings or meals, incurred in connection with the speaking activity. 5 C.F.R. § 2635.807(a)(2)(iii)(B) and (D).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee - even if the employee volunteers to assist you - to attend, prepare for, and/or otherwise in connection with, this speaking engagement.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you.

Charles F. Smith
Associate General Counsel
Executive Office for Immigration Review
Office of the General Counsel
5107 Leesburg Pike, Suite 2600
Falls Church, VA 22041
P - 703/605-1280

From:
Sent: Thursday, December 27, 2012 12:31 PM
To: I
Cc: EOIR, Ethics (EOIR)
Subject: FW: Speaker Engagement Form for Feb. 18, 2013

Judge

Please consider this management approval to speak at the time/date indicated and topic indicated in your unofficial capacity. I am forwarding these e-mails and the forms to EOIR Ethics for their approval/advice.

From: Scheinkman, Rena (EOIR)
Sent: Wednesday, October 10, 2012 4:11 PM
To:
Subject: RE: Judge for Miami Law Moot Court Competition
Attachments: DOC029.pdf

Judge

You have requested permission to participate as a judge in a moot court competition at University of Miami School of Law (speaking engagement form attached). The two issues of the moot court appeal are (1) whether a motion to reopen the removal proceeding of an immigrant who has been removed from the U.S. is barred by federal statute, and (2) whether differing residency requirements for transmitting citizenship to children born outside of the U.S. from unmarried U.S. citizen mothers and fathers violates the Equal Protection Clause.

You will not receive any compensation for this activity, you will not be reimbursed for the cost of your attendance, you do not anticipate distributing any written materials, and there will not be any press or media coverage of the event. You have indicated however, that there will be a cocktail reception following the event. Your supervisor has approved your participation. You are approved to participate in this event in your personal capacity, with use of your title and a disclaimer, subject to the following restrictions:

* As a moot court judge assessing the presentation of one or more hypothetical civil cases at the event, you must limit your remarks/critique to the advocacy skills/abilities demonstrated by the participants. By contrast, you must not address the merits of any such hypothetical cases – this avoids the possibility of providing (or appearing to provide) legal advice or substantive opinions.

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event **so long as it is followed immediately by the following parenthetical: "(personal capacity)."** *Please coordinate with the law school to ensure that this occurs.* You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time in relation to this activity. Under no circumstances may you accept the assistance of another EOIR employee in relation to this activity, even if employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705, for general guidelines concerning outside activities. I am copying Crystal Riley to make Public Affairs aware of this outside activity.

If you have any questions, please feel free to contact me.

Thank you,
Rena

Rena Scheinkman
Associate General Counsel
T: 703.605.0442
F: 703.605.0491
rena.scheinkman@usdoj.gov

From:
Sent: Tuesday, October 09, 2012 4:15 PM
To:
Cc: EOIR, Ethics (EOIR)
Subject: RE: Judge for Miami Law Moot Court Competition

Good Afternoon:

He can use his title with a disclaimer.

Thanks,

From: Scheinkman, Rena (EOIR)
Sent: Tuesday, October 09, 2012 4:02 PM
To:
Cc: EOIR, Ethics (EOIR)
Subject: RE: Judge for Miami Law Moot Court Competition

Judge

Please complete the Speaking Request Form (available at <http://eoirweb/component/ogc/ethics/forms/Speaking%20Engagement%20Form%20Filable.pdf>) so that I have all of the information necessary for me to provide ethics guidance.

Judge

I see from the email below, that you have approved Judge Mander's participation in his personal capacity. Could you please clarify whether this approval is personal capacity with title and disclaimer or simply personal capacity?

Thank you in advance for your cooperation.

Regards,
ra

Rena Scheinkman
Associate General Counsel
T: 703.605.0442

From: Bradley, Matthew (EOIR)
Sent: Thursday, May 31, 2012 12:50 PM
To:
 Bradley, Matthew (EOIR)
Subject: RE: Speaking request follow-up
 Judge.

Please consider this OGC's ethics approval of your request to speak at the ABA Brown Bag event entitled "The Real World Impact of Facebook, Twitter, and Courtroom Technology: From the Judges' Perspective," which is tentatively scheduled for June 21, 2012, from 12:00 p.m. to 1:30 p.m., at the ABA's building in downtown Washington, D.C. (see below).

You will be part of a panel discussion sponsored by two ABA committees on administrative law. You will speak particularly about your experiences with courtroom technology, including operational needs and system capabilities, and offer real-world vignettes of abuse of social media by judges, counsel, and witnesses. The audience for the event will be comprised of 20 to 30 judges and lawyers, both non-members and members of the ABA. You will not be compensated for your participation at this event but the ABA will cooperate with those seeking CLE credit from their local bar association. We understand that the ABA may offer to reimburse you for your parking for this event. No food beyond bottled water, soda, coffee or tea will be served. There will not be fundraising at this event. We understand that your supervisors, Assistant Chief Immigration Judge (copied here) and Deputy Chief Immigration Judge (also copied here), have approved your attendance. We grant ethics approval for you to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

* Be careful not to give legal advice. You may discuss immigration court procedures but do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). **This rule applies to any announcements, brochures, flyers, etc. related to the event.** Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by an appropriate disclaimer. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as the ABA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a). It is clear that you have been invited to this event because of your official position as an Immigration Judge. Therefore, you may not accept a gift from the organization. A gift does not include anything for which you pay fair market value. 5 C.F.R. § 2635.203(b)(9).

* You may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

From: Scheinkman, Rena (EOIR)
Sent: Friday, November 02, 2012 10:33 AM
To:
Subject: Speaking Engagement - AILA Fall Conference
Attachments: SpeakingEngagementForm Waivers.doc

Judge

You have requested ethics approval to participate in a panel discussion on November 14, 2012 at an AILA fall conference. Specifically, you plan to address "waivers of inadmissibility." See attached speaking engagement form. You will not be compensated or reimbursed for expenses. In addition, you have indicated that you do not plan to attend the conference in addition to speaking, no food or refreshments will be served at the event, and do not plan to distribute any written materials. Your supervisor has approved your participation. Subject to the restrictions listed below, your participation in this event is approved in your personal capacity, with use of your title and a disclaimer.

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under specific facts you have presented, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." Please coordinate with the sponsor to make certain that this occurs. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.

* You have indicated that you do not intend to distribute written materials. However, if you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of your participation in this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking,

teaching, or writing which relates to the agency's mission or to your official capacity.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines concerning outside activities.

I am copying Crystal Riley to make Public Affairs aware of this speaking engagement. We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Regards,
Rena

Rena Scheinkman
Associate General Counsel
T: 703.605.0442
F: 703.605.0491
rena.scheinkman@usdoj.gov

From
Sent: Thursday, November 01, 2012 4:31 PM
To: EOIR, Ethics (EOIR)
Cc: :
Subject: Speaking Engagement Requests

Attached are two speaking engagement request forms. Please let me know if you have questions.

Thanks.

From: Scheinkman, Rena (EOIR)
Sent: Friday, November 02, 2012 11:28 AM
To:
Subject: FW: Speaking Engagement Requests
Attachments: SpeakingEngagementForm -ConvictionConsequences.doc

Judge Iskra:

You have requested ethics approval to speak on December 3, 2012 at the Young Lawyers Conference Immigration Outreach Committee on Immigration Consequences of Criminal Convictions. Specifically, you plan to discuss immigration consequences of criminal convictions. See attached speaking engagement form. You will not be compensated or reimbursed for expenses. In addition, you have indicated that you do not plan to attend the conference in addition to speaking, no food or refreshments will be served at the event, and you do not plan to distribute any written materials. Your supervisor has approved your participation. Subject to the restrictions listed below, your participation in this event is approved in your personal capacity, with use of your title and a disclaimer.

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under specific facts you have presented, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." Please coordinate with the sponsor to make certain that this occurs. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.

* You have indicated that you do not intend to distribute written materials. However, if you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of other employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of your participation in this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines concerning outside activities.

I am copying Crystal Riley to make Public Affairs aware of this speaking engagement. We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Regards,
Rena

Rena Scheinkman
Associate General Counsel
T: 703.605.0442
F: 703.605.0491
rena.scheinkman@usdoj.gov

From:
Sent: Thursday, November 01, 2012 4:31 PM
To: EOIR, Ethics (EOIR)
Cc: :
Subject: Speaking Engagement Requests

Attached are two speaking engagement request forms. Please let me know if you have questions.

Thanks.

From: Scheinkman, Rena (EOIR)
Sent: Friday, November 02, 2012 10:33 AM
To:
Subject: Speaking Engagement - AILA Fall Conference
Attachments: SpeakingEngagementForm -Waivers.doc

Judge

You have requested ethics approval to participate in a panel discussion on November 14, 2012 at an AILA fall conference. Specifically, you plan to address "waivers of inadmissibility." See attached speaking engagement form. You will not be compensated or reimbursed for expenses. In addition, you have indicated that you do not plan to attend the conference in addition to speaking, no food or refreshments will be served at the event, and do not plan to distribute any written materials. Your supervisor has approved your participation. Subject to the restrictions listed below, your participation in this event is approved in your personal capacity, with use of your title and a disclaimer.

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under specific facts you have presented, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." Please coordinate with the sponsor to make certain that this occurs. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.

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* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

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Exhibit 24 Page 73

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking,

teaching, or writing which relates to the agency's mission or to your official capacity.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines concerning outside activities.

I am copying Crystal Riley to make Public Affairs aware of this speaking engagement. We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Regards,
Rena

Rena Scheinkman
Associate General Counsel
T: 703.605.0442
F: 703.605.0491
rena.scheinkman@usdoj.gov

From:
Sent: Thursday, November 01, 2012 4:31 PM
To: EOIR, Ethics (EOIR)
Cc:
Subject: Speaking Engagement Requests

Attached are two speaking engagement request forms. Please let me know if you have questions.

Thanks.

From: Wahowiak, Marlene (EOIR)
Sent: Friday, October 12, 2012 10:55 AM
To:
Subject: RE: Expedited Request for IJ Ethics Clearances
Attachments: DOC014.pdf

Judge

You have submitted a request to speak before the Carrollton (Intermediate) School of the Sacred Heart's Hispanic Heritage Event about your career as a judge on October 15, 2012. There is no fee for you to attend. You will not be compensated for this event and will not receive any reimbursements for the costs of attending this event. There will not be any fund-raising at this event. Your supervisor has approved your attendance. You have approval to attend in a personal capacity with disclosure of your title with use of a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the school to make certain that this occurs.** You may be introduced with your official title. Please note that the permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.

- * You indicated that you will not hand out any individually prepared materials. If you do, however, please be sure that the materials contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. 2635.807 (b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."

- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

- * I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

- * Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thanks,

Mark J. Nowiak
Associate General Counsel
EOIR/OGC-ELR
202-605-0376 (direct)

From:
Sent: Thursday, October 11, 2012 5:31 PM
To: EOIR, Ethics (EOIR)
Cc:
Subject: Expedited Request for IJ Ethics Clearances
Importance: High

Good Afternoon:

This is to alert you that [REDACTED] has asked to speak for 5 minutes at her daughter's school as part of a Hispanic Heritage event.

I have authorized her appearance in her personal capacity with title and disclaimer.

The event is on Monday, October 15, 2012 at 8:00 am so we are asking for an expedited processing of her request. We would need to hear from you by COB tomorrow.

Staff Assistant [REDACTED] has faxed the ethics form a few minutes ago with my signature.

We appreciate your prompt response to our request.

Thank you,

Judge

Kidd, Larry (EOIR)

From:
Sent: Monday, August 20, 2012 8:44 PM
To: Elliot, Nina (EOIR)
Cc:
Subject: RE: Armenian Bar Association CLE

Nina - Thanks for the below response and guidelines. I will follow them as detailed in the email.

Best,

From:
Sent: Monday, August 20, 2012 1:33 PM
To:
Cc:
Subject: RE: Armenian Bar Association CLE

Thank you for the quick response!

**Assistant Chief Immigration Judge
United States Immigration Court
Executive Office for Immigration Review**

From: Elliot, Nina (EOIR)
Sent: Monday, August 20, 2012 1:25 PM
To:
Cc:
Subject: RE: Armenian Bar Association CLE

Dear Judge

You have requested ethics approval to speak on September 13, 2012, on an immigration panel sponsored by the Armenian Bar Association. The panel will discuss the immigration consequences of criminal conduct, including DUI, domestic violence, and controlled substances violations as they relate to various nonimmigrant and immigrant visa categories. You have been asked to discuss how the criminal issues arise in Immigration Court. The presentation is intended to provide training for attorneys on the immigration consequences of criminal convictions. You expect the audience to be made up of immigration practitioners in the Los Angeles area.

You will not receive any compensation for this activity, and your supervisor, ACIJ _____ has indicated his consent to your participation as a speaker. The fee to attend the event is \$35/\$45. You plan to attend the event in addition to speaking. You were not offered a reduced or waived fee to attend. You will not be compensated for speaking at this event. You are not aware of any fundraising that will occur at the event. The organization has not offered to reimburse you for the cost of attendance. You do not plan to distribute any written materials at this event.

Refreshments will be served at the program. The anticipated cost per person is \$10. The ethics rules permit your attendance and acceptance of the food and drink at this event.

You are approved to speak at this event in your personal capacity, with use of your title and a disclaimer, subject to the following restrictions:

- * Be careful not to give legal advice. You may discuss immigration court procedures generally, but you should not offer opinions that might be construed as legal advice (e.g., answering fact-specific questions), or offer any statements that would appear to compromise your impartiality.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR tribunals and discussing hypothetical situations relating to EOIR or its tribunals.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Should you decide to distribute written material, you are permitted to use your official title "Immigration Judge" so long as it is followed immediately by the following parenthetical: "(personal capacity)." (You have indicated that you do not intend to distribute written materials.) ***Please coordinate with the sponsor of this activity to make certain that this occurs for any materials they might distribute independently or on your behalf.*** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time in relation to this activity. Under no circumstances may you accept the assistance of another EOIR employee in relation to this activity, even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.
- * Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705, for general guidelines concerning outside activities.

If you have any questions, please feel free to contact me. Thanks.

Nina Elliot
Executive Office for Immigration Review
Office of the General Counsel

From: EOIR, Ethics (EOIR)
 Sent: Tuesday, November 06, 2012 3:56 PM
 To:
 Subject: RE: Update to Previous Email: No Classes on November 29

Dear IJ

On your behalf, ACIJ has submitted an ethics inquiry about a speaking opportunity at the San Francisco School of Law, scheduled for November 15, 2012 (see e-mail, below).*** In sum, your remarks will concern general procedures before the immigration court, among other things, and be delivered to an audience comprised of law students.

Based upon the information provided, it appears that you will not be compensated for this event, and no refreshments will be served. Also, it appears there's neither a fee charged for this event, nor will there be any fund-raising, nor you will not distribute any personally-prepared written materials. Your supervisor, ACIJ, has indicated that he approves of your proposed speaking role.

Subject to the following guidelines and limitations, and consistent with the assumptions and conditions set forth above, this e-mail constitutes ethics approval for you to speak at this event in your personal capacity, with limited use of your title and a disclaimer (explained more fully below):

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you must maintain impartiality. Further, you must not engage in any activity that might constitute the practice of law.

* You cannot disclose non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." *Please coordinate with the sponsor to make certain that this occurs.* You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.

* There's no indication that you will not hand out any individually prepared materials. If you later decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."

* Please note that there are limitations on accepting items of monetary value from prohibited sources, which includes individuals appearing before you, and/or organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). Nonetheless, you are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception

permits unsolicited gifts from non-Federal prohibited sources with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee - even if the employee volunteers to assist you - to attend, prepare for, and/or otherwise in connection with, this speaking engagement.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be ultimately be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

*** For future speaking inquires, I encourage you to avail yourself of the "form-fillable" version of EOIR's Speaking Engagement form, and to otherwise make your requests electronic, as follows: You can access the current form here by clicking on this link - <http://eoirweb/component/ogc/ethics/forms/Speaking%20Engagement%20Form%20Filable.pdf> After you type in the appropriate information, you can save the form as an electronic document by choosing a .pdf driver in the printer drop-down box, and then designate a file for the form to be saved on your computer. You can then forward the form as an attachment to your supervisor, when you seek his/her initial approval. Finally, you can submit your supervisor's e-mail approval, together with the .pdf form, to EOIR's Ethics mailbox. By submitting electronic requests, we can strive for greater efficiency and conserve Agency resources.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you.

Charles F. Smith
Associate General Counsel
Executive Office for Immigration Review
Office of the General Counsel
5107 Leesburg Pike, Suite 2600
Falls Church, VA 22041
P - 703/605-1280

From:

Sent: Tuesday, November 06, 2012 1:14 PM

To: EOIR, Ethics (EOIR)

Cc:

Subject: FW: Update to Previous Email: No Classes on November 29

I have approved JJ speaking to an immigration law class at San Francisco Law School; providing an overview of the immigration court process. There are no costs involved and she is speaking in her unofficial capacity with the usual disclaimers. JJ has spoken to groups before about the immigration court and does an outstanding job. Thank you.

Kidd, Larry (EOIR)

From:
Sent: Thursday, August 23, 2012 8:16 PM
To: Wahowiak, Marlene (EOIR)
Cc: Elliot, Nina (EOIR)
Subject: RE: Speaking Engagement at Lawyers Committee for Civil Rights of San Francisco Bay Area

Thanks, Marlene, for your swift response.

I am also cc'ing our Court Administrator, Maria Jauregui, so she is aware of my attendance at this event.

Best,

From: Wahowiak, Marlene (EOIR)
Sent: Thursday, August 23, 2012 1:54 PM
To:
Cc:
Subject: RE: Speaking Engagement at Lawyers Committee for Civil Rights of San Francisco Bay Area

Judge

You have requested approval to speak in your personal capacity before the Lawyer's Committee for Civil Rights of the San Francisco Bay area on September 18, 2012. You will address effective asylum advocacy in the immigration court. You will be appearing at a "Seminar in Asylum Law and Procedure for Pro Bono Advocates." You will not be compensated or reimbursed for expenses, and your supervisor has approved your participation. Your request is approved subject to the following guidelines:

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." *Please coordinate with the sponsor to make certain that this occurs.* You may be introduced with your official title. Please note that ethics permission

granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.

* If you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as the practitioners attending the program or the Lawyer's Committee for Civil Rights. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines concerning outside activities.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,

Marlene Wahowiak

EOIR/OGC

(703) 305-0322

44

From: Wahowiak, Marlene (EOIR)
Sent: Thursday, October 18, 2012 10:43 AM
To:
Subject: Speaking Request
Attachments: DOC034.pdf

Judge

You have submitted a request to speak before the National Asian Pacific Bar Association's Pro Bono Community Service Committee on November 16, 2012. You will speak about "Immigration Challenges Faced by Unaccompanied Minors in Immigration Court Proceedings." There is no fee for you to attend. You will not be compensated for this event and will not receive any reimbursements for the costs of attending this event. There will not be any fund-raising at this event. Your supervisor has approved your attendance. You have approval to attend in a personal capacity with disclosure of your title with use of a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor to make certain that this occurs.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.

* You indicated that you will not hand out any individually prepared materials. If you do, however, please be sure that the materials contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. 2635.807 (b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as the National Asian Pacific American Bar Association. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203 (b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

*** I am copying Crystal Riley to make Public Affairs aware of this speaking engagement, noting that while you do not anticipate media coverage, USSC Justice Sotomayor will be the keynote speaker.**

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thanks,

Marlene Wahowiak
Associate General Counsel
IR/OGC-ELR
3-605-0376 (direct)

45

From: Scheinkman, Rena (EOIR)
Sent: Thursday, November 01, 2012 4:33 PM
To:
Subject: Speaking Engagement Niagara Univ. Criminal Justice Class
Attachments: speaking engagement form.pdf

Judge

You have submitted a request to speak to a criminal justice class at Niagara University on November 13, 2012. You intend to provide general information about immigration law practice, discuss potential career options, and share your professional experiences. You will not be compensated for this speaking engagement, and you will not receive any reimbursements for the costs of attending this event. No food or refreshments will be served, and you do not intend to distribute any written materials. Your supervisor has approved your attendance. Subject to the restrictions listed below, your participation in this event is approved in your personal capacity, with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not participating in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under the specific facts presenting in your request, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." Please coordinate with the university and/or the professor to make certain that this occurs. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.
- * You indicated that you will not hand out any written materials. If you do, however, please be sure that the materials contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this speaking engagement only extends to a determination concerning the ethical guidelines for such activity. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

I am copying Crystal Riley to make Public Affairs aware of this speaking engagement. We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,
Rena

Rena Scheinkman
Associate General Counsel
T: 703.605.0442
F: 703.605.0491
rena.scheinkman@usdoj.gov

From: -
Sent: Thursday, November 01, 2012 2:54 PM
To: EOIR, Ethics (EOIR)
Cc:
Subject: FW: Scan Document:

Good afternoon,

Attached please find an invitation extended to Judge _____, Immigration Court, to speak on Nov 13, 2012 to a Criminal Justice class at Niagara University. Also attached is Judge Connelly's speaking engagement form. I have no objections to Judge _____ accepting this invitation.

Thank you,

From:
Sent: Thursday, November 01, 2012 2:49 PM
To: _____)
Subject: Scan Document: (

Good Afternoon Judge

Per your request; please find attached: _____ Speaking engagement form,

Sincerely,

Office of the Chief Immigration Judge
Executive Office for Immigration Review

Kidd, Larry (EOIR)

From: Elliot, Nina (EOIR)
Sent: Wednesday, December 05, 2012 3:56 PM
To:
Cc:
Subject: Speaking Request
Attachments: Speaking Request Form.pdf

Judge

Please consider this email OGC's ethics approval of your request to speak at the January 16, 2013 event sponsored by Mayor Brown LLP and Sanctuary for Families. You will be speaking about the effective presentation of an asylum case before the immigration court. There will likely be other speakers at this event, including an expert who has appeared in immigration court and/or advocates who have appeared as pro bono counsel before the immigration court. The audience will be comprised of attorneys considering pro bono work before the immigration court. You will not be compensated for your attendance. You anticipate a few refreshments (cookies and coffee) will be served. There will not be fundraising at this event. Your supervisor, Assistant Chief Immigration Judge (copied here), approved your attendance in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss Immigration Court procedures but do not want to give the appearance of partiality by offering legal advice.
- * You must refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by an appropriate disclaimer. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case only; we address this issue on a case by case basis.
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).
- * You may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (*e.g.*, teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,

Nina

Nina Elliot
Office of General Counsel
Executive Office for Immigration Review
t: 703.305.0274
f: 703.605.0491

47

Kidd, Larry (EOIR)

From: Bennett, Michael H. (EOIR)
Sent: Monday, September 24, 2012 3:50 PM
To: EOIR, Ethics (EOIR)
Cc:

Subject: RE: 14th annual Oregon State Bar Trial Advocacy College - October 26

Dear Mr. Smith,

A careful review of the materials indicate that a box lunch can be provided and that I would be invited to a post session reception and faculty dinner; all sponsored by the Oregon State Bar. Please advise me on my appropriate response to these matters.

Thank you,

From: EOIR, Ethics (EOIR)
Sent: Monday, September 24, 2012 10:02 AM
To:
Cc:
Subject: RE: 14th annual Oregon State Bar Trial Advocacy College - October 26

Dear LJ

I am responding on behalf of OGC ethics to your request for approval to observe and provide feedback as a moot court judge at the 14th Annual Oregon State Bar Trial Advocacy College on October 26, 2012 (see attached invitation). Your supervisor, ACIJ has approved your proposed attendance (see e-mail below).

For future speaking/teaching requests (for ethics purposes, those terms includes moot court judging), please fill out and submit a speaking/teaching request form in advance (see <http://eoirweb/component/ogc/ethics/forms/Speaking%20Engagement%20Form%20Filable.pdf>).

For ethics purposes, this e-mail constitutes ethics approval of your proposed speaking/teaching activity in your personal capacity, with use of your title and a disclaimer (see further specification below).

Based in part on the information you have provided to date, this ethics approval assumes that no food will be served at the event; there is no attendance fee; you will not be compensated for your participation; and there will be no fund-raising at the event. Additionally, I assume that you will not distribute personally-prepared written materials incident to your speaking

role. If any of these assumptions is incorrect (and/or to the extent that I have not addressed any potential ethical issues below, related to such assumptions), you must bring them to my attention and seek further ethics advice before engaging in the activity.

As a moot court judge assessing the presentation of one or more hypothetical civil cases at the event, you must limit your remarks/critique to the advocacy skills/abilities demonstrated by the participants. By contrast, you must not address the merits of any such hypothetical cases – this avoids the possibility of providing (or appearing to provide) legal advice or substantive opinions.

Furthermore, you must follow the following ethics guidelines in participating as a speaker/teacher in the moot court activity:

- You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR *and discussing hypothetical situations relating to EOIR.*
- Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks/moot court critique to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." ***Please coordinate with the sponsor to make certain that this occurs.*** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- Although this ethics advice is predicated on the assumption that you will not hand out any individually prepared materials, should you later chose to do so, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this [outline, critique, etc.] in his personal capacity, and

the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."

- There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as a state bar organization. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). Nonetheless, at the event you are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).
- Unless your supervisor authorizes administrative leave or an excused absence, you may not use your official time or that of another employee for the activity, even if the employee volunteers to assist you to prepare for this activity.
- The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity. In this instance, since there appears to be a waiver of attendance fees for all moot court judges at the event (including an MCLE benefit that is incident to attendance), please note that such a waiver would not constitute compensation, and thus you may accept the fee waiver for the event (and incidental MCLE benefit, to the extent you otherwise qualify for it).
- Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

I am copying Crystal Riley to make Public Affairs aware of this speaking/teaching engagement.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me directly or submit your question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,

Charles F. Smith
Associate General Counsel
EOIR/OGC
703/605-1280

From:
Sent: Monday, September 24, 2012 11:43 AM
To: EOIR, Ethics (EOIR)
Subject: FW: 14th annual Oregon State Bar Trial Advocacy College - October 26

EOIR Ethics Office

Judge [redacted] has been invited to observe and critique mock hearings at the 14th Annual Oregon State Bar Trial Advocacy College (see attached invitation).
ACIJ [redacted] has approved this request subject to the approval of your office. If you need any additional information from me, please let me know.

Sincerely,

From:
Sent: Monday, September 24, 2012 7:59 AM
To:
Cc:
Subject: RE: 14th annual Oregon State Bar Trial Advocacy College - October 26

Request approved. Thank you.

From:
Sent: Friday, September 21, 2012 4:05 PM
To:
Cc:
Subject: 14th annual Oregon State Bar Trial Advocacy College - October 26

Judge [redacted] has been invited to observe and critique mock hearings at the 14th Annual Oregon State Bar Trial Advocacy College (see attached invitation). The program is designed to develop advocacy skills for both new and experienced attorneys.

From: Wahowiak, Marlene (EOIR)
Sent: Wednesday, March 21, 2012 8:40 AM
To:
Subject: Speaking request

Attachments: Speaking Engagement Form.pdf
Judge

You have requested approval to be a guest speaker at the University of Texas School of Law Immigration Clinic Seminar where you will address "The Practical Aspects of Immigration Law." You are scheduled to speak on March 29, 2012. You will not be compensated or reimbursed for expenses, and your supervisor has approved your participation. Subject to the restrictions listed below, your participation in this event is approved in your personal capacity, with use of your title and a disclaimer.

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." Please coordinate with the sponsor to make certain that this occurs. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.

* If you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as University of Texas School of Law Immigration Clinic. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines concerning outside activities.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,
Marlene Wahowiak
EOIR/OGC
(703) 305-0322

From:
Sent: Tuesday, March 20, 2012 2:43 PM
To:
Cc: EOIR, Ethics (EOIR);
Subject: speaking engagement

Judge

Please consider this management approval to speak to the Immigration Law class at the University of Texas Law School in your personal capacity on Thursday, March 29, 2012, from 3:30 to 5:00. The general topic will be "practical aspects of immigration court proceedings." I have received the Speaking Engagement Form that you completed and the invitation from Professor [redacted] I will forward both of those to EOIR Ethics. EOIR Ethics will then provide its approval and/or advice as appropriate. I am also notifying Public Affairs.

From: Frantz, Brigette (EOIR)
Sent: Monday, January 30, 2012 5:53 PM
To:

Subject: RE: Volunteer IJ's & AA's needed for UC Davis, Asylum and Refugee Law National Moot Court Competition
Hi Judge

Please consider this e-mail OGC's ethics approval of your request to act as a judge in the UC Davis Law School asylum and refugee moot court competition on February 4, 2012. As with all moot court competitions, we ask that you please not issue a "ruling" in the case but instead limit your comments to practice and procedure. There will be a reception after the event and lunch during the event. The cost per person paid by the organizer of the event is the cost of the food for purposes of the ethics regulations. If this cost is less than \$20 per person, then you may accept the offered food and refreshments. You will not be compensated for this event. There will not be any fund-raising at this event. You will not distribute any personally-prepared written materials. We understand your supervisor, Assistant Chief Immigration Judge _____ approves your attendance. We grant ethics approval for you to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor to make certain that this occurs.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. 2635.204(a).
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * I am copying Crystal Riley on this e-mail to make Public Affairs aware of this speaking engagement.
- * Please refer to 5 C.F.R. 2635.807, as well as 5 C.F.R. 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,
Brigette

Brigette L. Frantz
Associate General Counsel
Ethics Officer
USDOJ/EOIR/OGC

From: EOIR, Ethics (EOIR)
Sent: Wednesday, September 12, 2012 10:20 AM
To:
Subject: RE: speaking invitation -- Human Rights First asylum training _Request for permission

IJ:

Thank you for your ethics inquiry about a speaking opportunity.

For future speaking inquiries, kindly fill out an EOIR speaking request form and send it to the ethics email-box. For your reference, here's a link to the form, which you can fill in electronically (you can choose "print to .pdf" or similar in your print menu, save it to a file folder, and then attach it in your email; alternatively, you can send it to us by fax at 703.605.0491):

<http://eoirweb/component/ogc/ethics/forms/Speaking%20Engagement%20Form%20Filable.pdf>

In sum, you have requested ethics approval to speak at a Human Rights First (HRF) training event on October 2, 2012, hosted by a law firm. HRF, an independent advocacy and action organization, has invited you to participate on a panel of speakers that includes a DHS official and a private lawyer, and to provide remarks on how best to present asylum claims at the Immigration Court. HRF indicates that about 100 attorneys will attend, some of whom are currently representing asylum-seekers (and others who are considering taking on their first *pro bono* asylum case). CLE credit will be provided.

Although the information that you provided does not specify, this ethics response assumes that you will not be compensated for your participation at this event (although CLE credits will be available), and there are no fundraising activities involved. Further, that you will not be reimbursed for your cost of attendance, and no food will be served. Finally, you did not indicate that you plan to distribute any personally prepared material.

Your supervisor, ACIJ, has approved your speaking request. Based upon the facts and circumstances that I outlined above, this office hereby grants ethics approval for you to speak at the event in your personal capacity, with use of your title and a disclaimer, subject to the following guidelines:

* Be careful not to give legal advice (broadly speaking, assessing and applying principles of law to a particular factual situation). You may generally discuss procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." Please coordinate with the sponsor to make certain that this occurs. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.

* Again, it appears that you will not hand out any individually prepared materials. If you later decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the New York

Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."

There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as HRF. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity. However, in this circumstance, a waiver of the course fee and other incidents of attendance for speakers (e.g., meals, course materials), furnished as part of the event at which the speaking takes place, would not be considered compensation.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. 2635.807, as well as 5 C.F.R. 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit your question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you.

Charles F. Smith
Associate General Counsel
Executive Office for Immigration Review
Office of the General Counsel
5107 Leesburg Pike, Suite 2600
Falls Church, VA 22041
703.605.1280

From:

Sent: Wednesday, September 12, 2012 8:37 AM

To: EOIR, Ethics (EOIR)

Subject: FW: speaking invitation -- Human Rights First asylum training _Request for permission

Good Morning,

I am forwarding this to EOIR Ethics pursuant to the email we received that Brigette Frantz is on detail. I received the enclosed invitation to speak at a pro bono training. ACIJ Rc has already approved this request. Please let me know if you need additional information. Thanks in advance. The training is October 2, 2012

US Immigration Judge

Exhibit 24 Page 97

From: EOIR, Ethics (EOIR)
Sent: Tuesday, February 28, 2012 9:57 AM
To:

Subject: Speaking Engagement Forms - ACIJ pre-approved

Attachments: MarchMadness2012AtlantaIJs.pdf; Speaking request--- IJ Speaking request-- IJ
; Speaking request--IJ

Dear Judges

You have each requested ethics approval to speak as guest lecturers at the "Pro Bono March Madness" event, sponsored by the Atlanta Bar Association and other local charitable, religious, and/or civic organizations. "March Madness" trains and recruits *pro bono* volunteers to provide immigration related legal services. Your participation as speakers will occur on several dates next month (respectively, March 26, 2012 (on the topics of "The Asylum Project" and an "Introduction to Deportation Defense: Bond Hearings"), and March 5, 2012 (on the topic of "Remedies for Undocumented Children and Families")). You will not be compensated or reimbursed for expenses, and your supervisor has already approved your participation as guest lecturers.

Subject to the restrictions listed below, your proposed participation in these speaking engagements is approved in your personal capacity, with use of your title and a disclaimer (drawing your special attention to items 3- 5, below):

* Be careful not to give legal advice. You may discuss administrative procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor of these speaking engagements to make certain that this occurs.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to these two engagements ONLY, as we address this issue on a case-by-case basis.

* If you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.

* There are limitations on accepting items of monetary value that are given because of your official position. See 5 C.F.R. § 2635.202(a)(2). At the engagements, you are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee to prepare for your participation in the engagements, even if the employee volunteers to assist you to prepare for these engagements, or use official time to travel to or attend the engagements.

* The approval of these activities only extends to a determination concerning the ethical guidelines for such activities. Your

participation in the requested activities, and any annual or other leave taken that relates to your participation in them, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of these two speaking engagements.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines concerning outside activities.

We encourage you to continue to seek ethics advice in the future. If you have any questions about your participation in these events or future situations, please feel free to contact me, or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you.

/s

Charles F. Smith, Associate General Counsel
EOIR/OGC

From:
Sent: Monday, February 27, 2012 1:42 PM
To: EOIR, Ethics (EOTR)
Cc:
Subject: Speaking Engagement Forms - ACIJ pre-approved

From: Bradley, Matthew (EOIR)
Sent: Tuesday, March 06, 2012 12:39 PM
To:
Cc:
Subject: Color of Justice Career Day Speaking Engagement

Attachments: Speaking Engagement.pdf
Judge

You have requested ethics approval to speak, on March 17, 2012, at 10:00 a.m., to college-bound minority students in Fairfax, Virginia about careers in the law at a career day sponsored by the Color of Justice Program (see attached speaking engagement form). You will not receive any compensation for this activity. We understand that your supervisor, Assistant Chief Immigration Judge _____ approves of your participation. You are approved to participate in this event in your personal capacity, with use of your title and a disclaimer, subject to the following restrictions:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." (You have indicated that you do not intend to distribute written materials.) You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.
- * If you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time in relation to this activity. Under no circumstances may you accept the assistance of another EOIR employee in relation to this activity, even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.
- * Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705, for general guidelines concerning outside activities.

If you have any questions, please feel free to contact me.

Thanks.

Matt Bradley
EOIR/OGC
Phone: (703) 756-8014
Fax: (703) 605-0491
Matthew.Bradley@usdoj.gov

From: Rosenblum, Jeff (EOIR)
Sent: Tuesday, February 28, 2012 8:25 AM
To:
Subject: Speaking Request

Attachments: DOC.pdf
Judge

You have requested ethics approval to speak at a class at the AILA monthly meeting in Indianapolis on March 20, 2012, on the topic of Immigration Court Procedure (see speaking engagement form, attached). You will not receive any compensation for this activity, and your supervisor has approved your participation. You are approved to participate in this event in your personal capacity, with use of your title and a disclaimer, subject to the following restrictions:

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Case coordinate with the sponsor to make certain that this occurs.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.

* If you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20 or less per occasion, not to exceed \$50 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time in relation to this activity. Under no circumstances may you accept the assistance of another EOIR employee in relation to this activity, even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705, for general guidelines concerning outside activities.

you have any questions, please feel free to contact me. Thanks.

Jeff Rosenblum
Executive Office for Immigration Review
Office of the General Counsel
(703) 305-0799

From: FOIR, Ethics (EOIR)
Sent: Friday, April 13, 2012 10:42 AM
To:
Subject: speaking engagement request

Attachments: DOC.pdf
U

You have requested ethics approval to participate as a speaker on the evening of April 18, 2012, at a two-hour CLE event sponsored by LeGal, the LGBT Bar Association of Greater New York. You indicate that you will make opening, general remarks about the immigration court. You will not receive any compensation for this activity (although the sponsor offered to compensate you with 2 CLE credits if you remained for the entire event, you indicated that you would not attend the entire CLE session), and your supervisor has indicated his consent to your participation as a speaker.

You are approved to speak at this event in your personal capacity, with use of your title and a disclaimer, subject to the following restrictions and limitations:

- * Be careful not to give legal advice. You may discuss immigration court procedures generally, but you should not offer opinions that might be construed as legal advice (e.g., answering fact-specific questions), or offer any statements that would appear to compromise your impartiality.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR tribunals and addressing hypothetical situations relating to EOIR or its tribunals.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice (see next paragraph).
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on such written materials associated with this event, so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor/organizer of this activity to make certain that this occurs for any materials they might distribute independently or on your behalf.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.
- * Although you indicate that you will receive no compensation for your participation, please be mindful that there are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). However, at the engagement you are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time in relation to this activity. Under no circumstances may you accept the assistance of another EOIR employee in relation to this activity, even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705, for general guidelines concerning outside activities.

If you have any questions, please feel free to contact me. Thank you.

Charles F. Smith
Executive Office for Immigration Review
Office of the General Counsel
(703) 605-1280

From: Smith, Charles (EOIR)
Sent: Friday, March 30, 2012 3:19 PM
To:
Subject: ethics approval (speaking engagement, 4/19/12)

Attachments: DOC002.pdf
Dear JJ

You have requested ethics approval to participate as a guest lecturer on April 19, 2012, at a Southwestern University Law School class. Your remarks to law students will address the topic of "relief in immigration proceedings (other than asylum)." You will not receive any compensation for this activity, and your supervisor has indicated his consent to your participation as a speaker.

You are approved to speak at this event in your personal capacity, with use of your title and a disclaimer, subject to the following restrictions and limitations:

- * Be careful not to give legal advice. You may discuss immigration court procedures generally, but you should not offer opinions that might be construed as legal advice (e.g., answering fact-specific questions), or offer any statements that would appear to compromise your impartiality.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR tribunals and addressing hypothetical situations relating to EOIR or its tribunals.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice (see next paragraph).
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on such written materials associated with this event, so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor/organizer of this activity to make certain that this occurs for any materials they might distribute independently or on your behalf.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.
- * Although you indicate that you will receive no compensation for your participation, please be mindful that there are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). However, at the engagement you are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time in relation to this activity. Under no circumstances may you accept the assistance of another EOIR employee in relation to this activity, even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

Exhibit 24 Page 105

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705, for general guidelines concerning outside

From: Reinfurt, Sandy (EOIR)
Sent: Monday, July 23, 2012 3:06 PM
To:
Subject: RE: Speaking engagement

Attachments: Speaking Request - CMS unaccompanied minors (attachment).pdf
Dear IJ

Thank you for your ethics inquiry. You have requested ethics approval to speak on the topic, "The Surge in Unaccompanied Minors to the United States," on July 24, 2012, at the Center for Migration Studies (CMS) of New York. The topic of your presentation will be unaccompanied minors in immigration court. The anticipated audience includes a mix of scholars, lawyers, students, representatives of non-governmental organizations, and possibly representatives from UN agencies. Other speakers at this event include the Executive Director of Kids In Need of Defense (KIND), and possibly a representative from UNICEF and/or Children's Village.

You will not receive compensation for this activity, and your supervisor, ACIJ has approved your participation as a speaker. There is no fee to attend this event. No fundraising will take place at this event. No organization or individual has offered to reimburse you for the cost of attendance. You do not plan on distributing any written material during your speaking engagement.

No press or media have been invited to this event. You note, however, the possibility that one or more journalists might attend to learn about the topic.

No food will be served, but soft drinks and water will be provided. The ethics rules permit your attendance and acceptance of beverages at this event.

You are approved to speak at this event in your personal capacity, with use of your title and a disclaimer, subject to the following restrictions:

- * Be careful not to give legal advice. You may discuss immigration court procedures generally, but you should not offer opinions that might be construed as legal advice (e.g., answering fact-specific questions), or offer any statements that would appear to compromise your impartiality.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR tribunals and discussing hypothetical situations relating to EOIR or its tribunals.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Should you decide to distribute written material, you are permitted to use your official title "Immigration Judge" so long as it is followed immediately by the following parenthetical: "(personal capacity)." (You have indicated that you do not intend to distribute written materials.) **Please coordinate with the sponsor of this activity to make certain that this occurs for any materials they might distribute independently or on your behalf.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time in relation to this activity. Under no circumstances may you accept the assistance of another EOIR employee in relation to this activity, even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities

Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705, for general guidelines concerning outside activities.

If you have any questions, please feel free to contact me or send an email to the ethics inbox at Ethics.EOIR@usdoj.gov.

Sandy Reinfurt
Associate General Counsel
Executive Office for Immigration Review
Office of General Counsel
703.305.0175

From:
Sent: Monday, July 23, 2012 1:20 PM
To:
Subject: RE: Speaking engagement

I believe that this was in my personal capacity, as all these engagements are.

From: Reinfurt, Sandy (EOIR)
Sent: Monday, July 23, 2012 11:59 AM
To:
Cc:
Subject: FW: Speaking engagement

Hi Judge

I received the speaking engagement request form. Have you approved Judge participation in an official or personal capacity?

Thanks,

From: Rosenblum, Jeff (EOIR)
Sent: Monday, July 23, 2012 11:26 AM
To:
Cc:
Subject: RE: Speaking engagement

Judge

I am here, but Sandy Reinfurt will be assisting you with this request. Please fax the form to (703) 605-0491. Thanks.

Jeff Rosenblum
Executive Office for Immigration Review
Office of the General Counsel
(703) 305-0799

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From: Frantz, Brigitte (EOIR)
Sent: Thursday, January 12, 2012 12:17 PM
To:
:
Subject: RE: Speaking Engagement, ethics request
Hi Judge

First, please note that the speaking engagement form that was used to request approval for this event is out of date and no longer accepted by the Ethics Office as of December 1, 2011. Please use the updated version of the form found on the intranet at <http://eoirweb/component/ogc/ethics/forms/Speaking%20Engagement%20Form%20Fifiable.pdf> to request future speaking approval.

Please consider this e-mail OGC's ethics approval of your request to speak at a brown bag luncheon at the University of Colorado School of Law on February 9, 2012. You will speak about immigration law and procedure, specifically as it relates to detained removal and bond hearings; applications for asylum, Convention Against Torture, cancellation of removal, and adjustment of status. You will not be compensated for this event. It is a brown bag lunch event. There will not be any fund-raising at this event. You will not distribute any written material incident to your speaking engagement. We understand your supervisor, Assistant Chief Immigration Judge _____ approves your attendance. You have approval to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." Please coordinate with the sponsor to make certain that this occurs. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- * You indicated that you will not hand out any individually prepared materials. If you later decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent the positions of EOIR or the U.S. Department of Justice."
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * I am copying Crystal Riley on this e-mail to make Public Affairs aware of this speaking engagement.
- * Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations,

please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,
Brigette

Brigette L. Frantz
Associate General Counsel
Ethics Officer
USDOJ/EOIR/OGC
703/605-1281

From:
Sent: Monday, January 09, 2012 4:46 PM
To: Frantz, Brigette (EOIR)
Cc:
Subject: FW: Speaking Engagement, ethics request

Good afternoon, Ms. Frantz. Enclosed is a request for ethics approval, with the concurrence of ACIJ the invitation, and the ethics form. Thank you for considering my request.

SPEAKING ENGAGEMENT WORKSHEET

1. What is the nature of the event?

Brown Bag luncheon, University of Colorado School of Law, Professor Hsu Chen Ming.

What organization issued the invitation or is sponsoring?

University of Colorado School of Law

3. What is the date and time of the event?

February 9, 2012, Boulder, Colorado.

4. What is the topic of your presentation?

Immigration Law and procedure: specifically, procedures for detained removal and bond hearings; applications for asylum, Convention Against Torture, cancellation of removal, adjustment of status.

5. Who is the anticipated audience?

Mostly law students and one or two law professors.

6. Who are the other anticipated speakers?

None.

7. Will there be food or refreshments?

Yes, brown bag lunch.

8. Is there a fee to attend the event? How much?

From: EOIR, Ethics (EOIR)
Sent: Wednesday, February 15, 2012 4:38 PM
To:
Subject: RE: Speaking Engagements

Attachments: Southwestern Speaking Engagement 2.wpd; Loyola Speaking Engagement2.wpd
Dear Judge

You have requested ethics approval to speak as a guest lecturer at two engagements; (1) a law school immigration class (on the topic of unaccompanied alien children in removal proceedings), and (2) a law school's Immigration Law Society meeting (on the topics of removal proceedings, your personal experience with government employment, and more broadly, government employment in the immigration field). You will not be compensated or reimbursed for expenses, and your supervisor has already approved your participation for both events. Subject to the restrictions listed below, your proposed participation in these two speaking engagements is approved in your personal capacity, with use of your title and a disclaimer (drawing your special attention to items 3- 5, below):

* Be careful not to give legal advice. You may discuss administrative procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor of these speaking engagements to make certain that this occurs.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to these two engagements ONLY, as we address this issue on a case-by-case basis.

* If you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.

* There are limitations on accepting items of monetary value that are given because of your official position. See 5 C.F.R. § 2635.202(a)(2). At the engagements, you are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee to prepare for your participation in the engagements, even if the employee volunteers to assist you to prepare these engagements, or use official time to travel to or attend the engagements.

* The approval of these activities only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activities, and any annual or other leave taken that relates to your participation in them, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of these two speaking engagements.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines concerning outside activities.

We encourage you to continue to seek ethics advice in the future. If you have any questions about your participation in these events or future situations, please feel free to contact me, or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you.

Charles F. Smith, Associate General Counsel
EOIR/OGC

From:
Sent: Wednesday, February 15, 2012 11:25 AM
To: EOIR, Ethics (EOIR)
Subject: FW: Speaking Engagements

I am requesting ethics approval for these two speaking engagements. ACIJ has given his approval.

From: Fong, Thomas (EOIR)
Sent: Tuesday, February 14, 2012 3:37 PM
Subject: RE: Speaking Engagements

Approved by me. Get Ethics clearance and advisals.

Assistant Chief Immigration Judge
Immigration Court/EOIR/DOJ

From:
Sent: Monday, February 13, 2012 2:08 PM
To:
Subject: Speaking Engagements

have been asked to speak at two different functions and am seeking your approval prior to forwarding to Ethics. The first is as a guest lecturer in the immigration law class taught by former IJ at Southwestern Law School. The second is as a guest lecturer for the Loyola Law School Immigration Law Society. Please feel free to call me if you have questions or need further information. Thank you.

Immigration Judge
Executive Office for Immigration Review

From: Frantz, Brigitte (EOIR)
Sent: Saturday, February 11, 2012 3:32 PM
To: Tabaddor, A. Ashley (EOIR)
Riley, Crystal (EOIR)
Subject: RE: speaking engagement
Hi Ashley,

Please consider this e-mail OGC's ethics approval of your request to speak to the Phi Alpha Delta pre-law fraternity at the University of California, Irvine on February 28, 2012. You will discuss, in general, your educational and professional route to the bench. Basic refreshments will be served. There will not be any fundraising at this event. You will not be compensated for your attendance at this event. You do not plan to distribute any personally-prepared written material incident to your speaking engagement. We understand your supervisor, Assistant Chief Immigration Judge Fong, approves your attendance. You have approval to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor to make certain that this occurs.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.

* You indicated that you will not hand out any individually prepared materials. If you later decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as ALLA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a)

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

I encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,
Brigitte

Brigette L. Frantz
Associate General Counsel
Ethics Officer
DOJ/EOIR/OGC
3/605-1281

From: Tabaddor, A. Ashley (EOIR)
Sent: Monday, February 06, 2012 5:44 PM
To: Frantz, Brigette (EOIR)
Cc: Tabaddor, A. Ashley (EOIR)
Subject: speaking engagement

Hi Brigette,
Hope you are well. Attached please find the completed form for a speaking engagement at UC Irvine which IJ Fong has already approved. Please let me know if you have any questions. I would appreciate a prompt response as the organization has asked for as much time as possible in order to properly publicize the event.
Thank you,
Ashley

From: Fong, Thomas (EOIR)
Sent: Monday, February 06, 2012 2:41 PM
To: Tabaddor, A. Ashley (EOIR)
Subject: RE:

ACIJ approval given. Please submit to OGC/Ethics for their review and concurrence.

Thomas Y.K. Fong
Assistant Chief Immigration Judge
Immigration Court/EOIR/DOJ
606 South Olive Street, 15th Floor
Los Angeles, CA 90014
(213)894-2811
thomas.fong@usdoj.gov

From: Tabaddor, A. Ashley (EOIR)
Sent: Monday, February 06, 2012 2:31 PM
To: Fong, Thomas (EOIR)
Subject: RE:

Hi Tom,
Please see corrected form per your request. I've bolded the section that clarifies my time commitment to the organization. Thanks.
Ashley

From: Fong, Thomas (EOIR)
Sent: Monday, February 06, 2012 2:09 PM
To: Tabaddor, A. Ashley (EOIR)
Subject: RE:

Then please correct your submission form to indicate "YOUR" part of the attendance at the meeting. Otherwise, it looks like you would be leaving early from work and using work time and losing court scheduled hearing time. Then resubmit for my approval.

Thomas Y.K. Fong
Assistant Chief Immigration Judge
Immigration Court/EOIR/DOJ
606 South Olive Street, 15th Floor
Los Angeles, CA 90014
(213)894-2811
thomas.fong@usdoj.gov

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From: Trantz, Brigette (EOIR)
Sent: Thursday, January 12, 2012 9:36 AM
To:
Subject: RE: Request to speak
Judge

Please consider this e-mail OGC's ethics guidance on your request to speak at the ABA Commission on Training Pro Bono Training on February 1, 2012. You will provide a perspective from the bench. Breakfast and lunch will be provided but you indicated that you will not be eating at the event. There is a \$20 fee to attend but you will only be attending to speak and do not need to worry about the fee. You will not be compensated for this event and will not receive any reimbursements for the costs of attending this event. There will not be any fund-raising at this event. You will not distribute any personally-prepared written material incident to your speaking engagement. Your supervisor, ACIJ [redacted] has approved your attendance. You have approval to attend in a personal capacity with disclosure of your title with use of a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor to make certain that this occurs.** The agenda you attached does not contain a notation indicating you are appearing in a personal capacity and must be corrected. You may be introduced with your official title. Please note that your permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case case basis.
- * You indicated that you will not hand out any individually prepared materials. If you later choose to do so, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.
- * Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thanks,
Brigette

Brigette L. Frantz
Associate General Counsel
Ethics Officer
DOJ/EOIR/OGC
03/605-1281

From:
Sent: Wednesday, January 11, 2012 5:41 PM
To: EOIR, Ethics (EOIR)
Subject: Request to speak

I faxed a request to speak to you several days ago. Would you please confirm receipt??

Thanks,
Judge

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From: Frantz, Brigitte (EOIR)
Sent: Tuesday, January 31, 2012 11:12 AM
To:
Subject: Speaking Engagement -
Hi Judge

Please consider this e-mail OGC's ethics approval of your request to speak to the Tulane Law School doctrinal immigration law class. The class will take place on March 28, 2012 from 4:00 to 5:00pm. You will provide an immigration court perspective. You will not be compensated for this event. No refreshments will be served at the event. There is no fee for this event. There will not be any fund-raising at this event. You will not distribute any personally-prepared written material incident to your speaking engagement. Your supervisor, Assistant Chief Immigration Judge , approves your attendance. We grant ethics approval for you to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." Please coordinate with the sponsor to make certain that this occurs. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.

* You indicated that you will not hand out any individually prepared materials. If you later decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley on this e-mail to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

I encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,
Brigitte

Brigette L. Frantz

Associate General Counsel - Ethics Officer

Executive Office for Immigration Review

Office of the General Counsel

5107 Leesburg Pike, Suite 2600

Falls Church, VA 22041

P - 703/605-1281

F - 703/305-0443

This message may contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney-work product, all of which are privileged and not subject to disclosure outside the agency or to the public.

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From: Frantz, Brigette (EOIR)
Sent: Sunday, February 05, 2012 2:15 PM
To: (R)
: Riley, Crystal (EOIR)
Subject: Speaking engagement - Arlington County Prosecutors
Hi

Please consider this e-mail OGC's ethics approval of your request to speak at a meeting of the Arlington County Commonwealth Attorney's Office on March 23, 2012. You will discuss the immigration consequences of criminal convictions and sentences. No food will be provided. There is no fee for you to attend. You will not be compensated for this event and will not receive any reimbursements for the costs of attending this event. There will not be any fund-raising at this event. You may distribute speaking notes, which you have indicated will include the standard disclaimer. A copy of that disclaimer can be found below. Your supervisor, ACI, has approved your attendance. You have approval to attend in a personal capacity with disclosure of your title with use of a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor to make certain that this occurs.** You may be introduced with your official title. Please note that your supervisor's permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- * You indicated that you may hand out any individually prepared materials. If you choose to do so, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.
- * Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

I encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thanks,
Brigette

Brigette L. Frantz

Associate General Counsel - Ethics Officer

Executive Office for Immigration Review

Office of the General Counsel

17 Leesburg Pike, Suite 2600

Falls Church, VA 22041

P - 703/605-1281

F - 703/305-0443

This message may contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney-work product, all of which are privileged and not subject to disclosure outside the agency or to the public.

From: Frantz, Brigette (EOIR)
Sent: Monday, February 06, 2012 10:24 AM
To:
Cc: Riley, Crystal (EOIR)
Subject: RE: panel discussion - February 28th
Judge

Please consider this e-mail OGC's ethics approval of your request to speak to the immigration class at Columbia University Law School on February 28, 2012. You will discuss immigration law in the context of immigration court proceedings. No food will be provided. There is no fee to attend this event. You will not be compensated for this event and will not receive any reimbursements for the costs of attending this event. There will not be any fund-raising at this event. You will not distribute any personally-prepared written material incident to your speaking engagement. Your supervisor, ACI, has approved your attendance. You have approval to attend in a personal capacity with disclosure of your title with use of a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor to make certain that this occurs.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.

* You indicated that you will not hand out any individually prepared materials. If you later choose to do so, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,
Brigette

Brigette L. Frantz
Associate General Counsel
Ethics Officer
SUDOJ/EOIR/OGC
3/605-1281

From:
Sent: Friday, January 20, 2012 10:29 AM
To: Frantz, Brigette (EOIR)
Subject: FW: panel discussion - February 28th

I am requesting to speak at the law school class listed below. I will not be compensated and will speak after hours. My ACIJ has approved my participation in this event.

From:
Sent: Friday, January 20, 2012 10:26 AM
To:
Subject: RE: panel discussion - February 28th

I approve permission to speak. This is subject to ethics clearance. Please contact Brigette Franz for that purpose.

From:
Sent: Friday, January 20, 2012 9:58 AM
To:
Subject: FW: panel discussion - February 28th

Dear Judge

I have been invited to speak at Judge Rohan's class at Columbia on February 28th. The class takes place outside of work hours and I will not be compensated for my participation. The panel discussion will focus on immigration law particularly in the context of removal proceedings. I am writing to ask your permission to speak at this class. Thank you -

From:
Sent: Friday, January 20, 2012 9:12 AM
To:
Subject: Fwd: panel discussion - February 28th

Dear All,

Thank you for your willingness to come to Columbia Law School on February 28th. I know your participation will be very helpful to the students.

I have attached a copy of the course syllabus covering those classes preceding the February 28th class to give you an idea of what the students will have been discussing. We have a very small (about 10 to 12 students) seminar. All of the students have taken an immigration course prior to this, so we are looking at some of the more subtle and detailed areas of the removal process.

The class runs from 6:20 to 8:10 pm, and we meet in room 304, which is next to the law library - it's a rather hidden room previously used as a computer lab.

I would like to start with a 10-15 minute presentation from each of you on an area the students have covered, but from your perspective. After that, we can open it to questions, etc.

I will be back in touch in February, but if you have any questions, please let me know.
Thanks again.

Exhibit 24 Page 122

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From: Bradley, Matthew (EOIR)
Sent: Wednesday, December 19, 2012 3:31 PM
To:
Subject: FW: Request for Permission to Speak: George Mason Law School, March 6, 2013
Attachments: Request for Permission to Speak: George Mason Law School, March 6, 2013

Judge

This responds to your attached request to speak to a Refugee and Asylum Law class at George Mason on practical tips for presenting an asylum case in immigration court on March 6, 2013. There is no fee for you to attend. You will not be compensated for this event and will not receive any reimbursement for the cost of attending. There will not be any fundraising at this event. Your supervisor, ACI _____ has approved your appearance. You have approval to attend in a personal capacity with disclosure of your title with use of a disclaimer.

As you prepare for the class, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR *and discussing hypothetical situations* relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of your biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. As you have done with the attached written materials associated with this event, you are permitted to use your official title "Immigration Judge" so long as it is followed immediately by the following parenthetical: "(personal capacity)." You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- * You indicate that you will distribute the attached handout which was previously approved for distribution in November 2011. Please be sure that the materials retain the printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."
- * There are limitations on accepting items of monetary value from prohibited sources. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

Thank you for seeking our advice and, if you have any additional questions, feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Matt Bradley
EOIR/OGC

From: Bradley, Matthew (EOIR)
Sent: Wednesday, December 19, 2012 1:21 PM
To:
Cc:
Subject: FW: Request for Permission to Speak: George Mason Law School, March 6, 2013

Judge

I will handle this for OGC/Ethics.

From: !
Sent: Wednesday, December 19, 2012 8:06 AM
To:
Subject: RE: Request for Permission to Speak: George Mason Law School, March 6, 2013

Judge is approved to speak in his personal capacity, as requested, subject to ethics approval.

From:
Sent: Tuesday, December 18, 2012 5:04 PM
To:
Cc:
Subject: Request for Permission to Speak: George Mason Law School, March 6, 2013

Dear

I attach the completed Speaking Engagement Form and proposed handout for this request. Please let me know if you have any questions.

Thank you very much.

Best wishes,

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From: Smith, Charles (EOIR)
 Sent: Friday, October 12, 2012 4:24 PM
 To:
 Cc:
 Subject: Ethics Response to Proposed Speaking Engagement (WCL)
 Attachments: DOC019.pdf

Hi

Thanks for your ethics inquiry about a speaking opportunity scheduled for November 14, 2012, at the American University's Washington College of Law (WCL) (see attached).*** The event is sponsored in part by the WCL, in addition to the Immigrant Rights Coalition.

In sum, as one among several other panelists, you will address law students and law school officials on the topic of careers in immigration law.

You will not be compensated for this event. Also, there is neither a fee charged for this event, nor will there be any fund-raising, and you will not distribute any personally-prepared written materials. You indicate that light refreshments will be served at a follow-on reception.

Your supervisor, ACIJ, has indicated that he approves of your proposed speaking role in your personal capacity, with limited use of your title and a disclaimer (see attached) – please see my explanation of this speaking capacity, below.

Subject to the following guidelines and caveats, this e-mail constitutes ethics approval for you to speak at this event as proposed:

* Do not give legal advice. You may discuss the procedures before the immigration court, but you must maintain impartiality. Further, you must not engage in any activity that might constitute the practice of law.

* You cannot disclose non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you must not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." Please coordinate with the sponsor to make certain that this occurs. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.

* You have indicated that you will not hand out any individually prepared materials. However, if you later decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the "XYZ" Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."

* There are limitations on accepting items of monetary value from prohibited sources, which includes individuals appearing before you, and/or organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). But an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time, including official time of another employee (even if the employee volunteers to assist you) to prepare for, attend, and/or otherwise in connection with this speaking engagement.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity. In this instance, the provision of light refreshments at the event is considered to be an incident of attendance for speaking, and is therefore not compensation.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

*** For future speaking inquires, I encourage you to avail yourself of the "form-fillable" version of EOIR's Speaking engagement form, and to make your requests electronic, rather than paper-based, as follows: You can access the current form here by clicking on this link - <http://eoirweb/component/ogc/ethics/forms/Speaking%20Engagement%20Form%20Filable.pdf> After you type in the appropriate information, you can save the form as an electronic document by choosing a .pdf driver in the printer drop-down box, and then designate a file for the form to be saved on your computer. You can then forward the form as an attachment to your supervisor, when you seek his/her initial approval. Finally, you can submit your supervisor's e-mail approval, together with the .pdf form, to EOIR's Ethics mailbox. By submitting electronic requests, we can strive for greater efficiency and conserve Agency resources.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you.

Charles F. Smith
Associate General Counsel
Executive Office for Immigration Review
Office of the General Counsel
5107 Leesburg Pike, Suite 2600
Falls Church, VA 22041
P - 703/605-128

From: Smith, Charles (EOIR)
Sent: Wednesday, March 21, 2012 4:22 PM
To:

Subject: Ethics Approval on Speaking Engagement (to ABA Criminal Justice Section)

Attachments: DOC001.pdf

Dear

You have requested ethics approval to speak on April 14, 2012, to an Immigration Seminar of the ABA's Criminal Justice Section. The topics of your presentation will be "Prosecuting and Defending Immigration-Based Criminal Offenses, Post-Conviction Relief, and Understanding What Happens Next in Immigration Proceedings." ABA members will be in attendance, and other seminar speakers include Federal prosecutors and criminal defense attorneys. You will not receive any compensation for this activity, and your supervisor has indicated his consent to your participation as a speaker.

You are approved to speak at this event in your personal capacity, with use of your title and a disclaimer, subject to the following restrictions:

- * Be careful not to give legal advice. You may discuss immigration court procedures generally, but you should not offer opinions that might be construed as legal advice (e.g., answering fact-specific questions), or offer any statements that would appear to compromise your impartiality.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR tribunals and discussing hypothetical situations relating to EOIR or its tribunals.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." (You have indicated that you do not intend to distribute written materials.) **Please coordinate with the sponsor of this activity to make certain that this occurs for any materials they might distribute independently or on your behalf.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time in relation to this activity. Under no circumstances may you accept the assistance of another EOIR employee in relation to this activity, even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.
- * Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705, for general guidelines concerning outside

activities.

If you have any questions, please feel free to contact me. Thanks.

Charles F. Smith
Executive Office for Immigration Review
Office of the General Counsel
(703) 605-1280

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From: Scheinkman, Rena (EOIR)
Sent: Thursday, August 09, 2012 9:55 AM
To:

Subject: Speaking Engagement - Pro Bono Training on Special Immigration Juvenile Status

Attachments: SE Form 8.9.2012.pdf
Dear Judge

You have requested ethics approval to participate in a training program for pro bono attorneys and law students at New York Law School on September 13. The program is entitled: "Representing Immigrant Youth in Immigration and Family Court Proceedings Relating to Special Immigrant Juvenile Status." Your participation includes presiding over a mock hearing, offering remarks on best practices, and participating in a question and answer session. You will not receive any compensation for this activity, attendance for all participants and attendees is free, there will be no fundraising at the event, and you do not intend to distribute any written materials. Light snacks and drinks will be offered to the attendees. Your supervisor, ACI, has approved your participation.

You are approved to speak at this event in your personal capacity, with use of your title and a disclaimer. During the mock trial, please do not issue a "ruling" in the case, but instead limit your comments to practice and procedure. Similarly, be careful not to make any statements that could be construed as a prediction of how you would rule on an issue in the future. In addition, please keep in mind the following guidelines:

- * Be careful not to give legal advice. You may discuss immigration court procedures generally, but you should not offer opinions that might be construed as legal advice (e.g., answering fact-specific questions), or offer any statements that would appear to compromise your impartiality.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR tribunals and addressing hypothetical situations relating to EOIR or its tribunals.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice (see next paragraph).
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on such written materials associated with this event, so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor/organizer of this activity to make certain that this occurs for any materials they might distribute independently or on your behalf.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.
- * Although you indicate that you will receive no compensation for your participation, please be mindful that there are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). However, at the engagement you are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time in relation to this activity. Under no circumstances may you accept the assistance of another EOIR employee in relation to this activity, even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705, for general guidelines concerning outside activities.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me directly or send your question to the ethics inbox at Ethics.EOIR@usdoj.gov.

Thank you,

Rena Scheinkman
Associate General Counsel
EOIR/OGC, Employee & Labor Relations Unit
T: 703.605.0442
F: 703.605.0491
rena.scheinkman@usdoj.gov

-----Original Message-----

From: Wahowiak, Marlene (EOIR)
Sent: Thursday, October 18, 2012 2:48 PM
To:
Cc:

Subject: Columbia University Moot Court

Good afternoon Judge

Thank you for resubmitting your request. It was much clearer!!

In your request (attached), you are seeking permission to preside over a moot court hearing for thirteen students from the Columbia University School of Law, scheduled for November 28, 2012. The moot court will be a removal hearing and the sponsors have asked that it be held in your courtroom. There is no fee for you to attend. You will not be compensated for this event and will not receive any reimbursements for the costs of attending this event. There will not be any fund-raising at this event. Your supervisor has approved your attendance. You have approval to participate in a personal capacity with disclosure of your title with use of a disclaimer.

As you prepare for the moot court, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." Please coordinate with the sponsor to make certain that this occurs. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- * You indicated that you will not hand out any individually prepared materials. If you do, however, please be sure that the materials contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal

capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as the participants in Columbia School of Law's immigration law externship. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this moot court event.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,

Marlene Wahowiak
Associate General Counsel
EOIR/OGC-ELR
703-605-0376 (direct)

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From: Scheinkman, Rena (EOIR)
Sent: Thursday, April 12, 2012 10:44 AM
To:
Subject: RE: April 18 Family Court Lunch & Learn

Attachments: DOC.pdf
Judge

Please consider this e-mail OGC's ethics approval of your request to speak on April 18, 2012 at the "Lunch & Learn" training coordinated by the 11th Judicial Circuit Court of Florida, Family Court Services. You will be speaking on the topic of the challenges that immigration issues place on families and the court. You will not be compensated or reimbursed for expenses, no food or refreshments will be served at this event, there is no fee to attend the event, and there will not be any fundraising at this event. In addition, you will not distribute any personally-prepared written material incident to your speaking engagement. Your supervisor, Assistant Chief Immigration Judge _____ has approved your participation. Subject to the restrictions listed below, your participation in this event is approved in your personal capacity, with use of your title and a disclaimer.

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except art of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor to make certain that this occurs.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.

* You indicated that you will not hand out any individually prepared materials. However, if you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of other employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking,

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teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines concerning outside activities.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox at EOIR.Ethics@usdoj.gov.

Rena Scheinkman
Associate General Counsel
T: 703.605.0442
F: 703.605.0491
rena.scheinkman@usdoj.gov

From:
Sent: Wednesday, April 11, 2012 5:08 PM
To: Scheinkman, Rena (EOIR)
Cc:
Subject: RE: April 18 Family Court Lunch & Learn

I just found out that it is a "bring your own lunch" event. I had no idea. I just spoke with Judge [redacted] and she had forgotten to tell me. I am glad to know this, I would have been starving! Please excuse my mistake.

Thank you,

From: Scheinkman, Rena (EOIR)
Sent: Wednesday, April 11, 2012 3:09 PM
To:
Subject: RE: April 18 Family Court Lunch & Learn

Your form indicates that "there will be lunch," but the form event. Please confirm that no lunch will be served.

submitted indicated specifically that it was a bring your own lunch

Thanks,
Rena

From: Scheinkman, Rena (EOIR)
Sent: Monday, April 09, 2012 4:18 PM
To:
Cc: EOIR, Ethics (EOIR); [redacted]
Subject: RE: April 18 Family Court Lunch & Learn

All:

The fillable speaking engagement form is located at the following link. <http://eoirweb/component/ogc/ethics/forms/Speaking%20Engagement%20Form%20Filable.pdf>

Once the Ethics Office receives the form, we will respond with an opinion.

Thank you,
Rena

From:

Exhibit 24 Page 134

From: EOIR, Ethics (EOIR)
Sent: Tuesday, March 06, 2012 11:47 AM
To:
Subject: RE: SLC IJ Speaking Engagement

Attachments: OGC Speaking Engagement Form 28 MAR 2012.pdf
Dear

On behalf of [redacted], you have requested ethics approval for a speaking engagement. I am copying [redacted] on this e-mail, since this ethics advice pertains to his employment.

[redacted] proposes to speak as a guest lecturer at the University of Utah's College of Law on March 28, 2012. More specifically, he proposes to speak to law students attending a "Judicial Process" class concerning the following topics: (1) immigration court proceedings and how they work; (2) immigration court judges and judicial discretion in decision-making; (3) immigration courts in the executive branch vs. the judicial branch; (4) advice for law students or judges in immigration courts; and (5) current affairs in immigration and predicted reforms. As for the latter topic, IJ Pead has already agreed that during this speaking engagement he should avoid expressing any personal opinions on immigration reforms, pending changes to the law, or similar "current affairs" topics, and we concur with that limitation. [redacted] will not be compensated or reimbursed for expenses, and his supervisor has already approved his participation in the engagement.

Subject to the restrictions listed below, and as otherwise specified above, [redacted] participation in this speaking engagement is approved in his personal capacity, with use of his title and a disclaimer (drawing his special attention to items 3- 5, below):

* Be careful not to give legal advice. You may discuss administrative procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor of this speaking engagement to make certain that this occurs, as appropriate.** You may be introduced with your official title. Please note that ethics permission granting limited use of your title in your unofficial capacity is specific to this engagement ONLY, as we address this issue on a case-by-case basis.

* If you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.

* There are limitations on accepting items of monetary value that are given because of your official position. See 5 C.F.R. § 35.202(a)(2). At the engagement, you are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of

another employee to prepare for your participation in the speaking engagement, even if the employee volunteers to assist you to prepare for this engagement, or to use official time to travel to or attend the engagement.

* The approval of this speaking activity only extends to a determination concerning the ethical guidelines for this specific activity. Your participation in the requested activity, and any annual or other leave taken that relates to your participation in it, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines concerning outside activities.

We encourage you to continue to seek ethics advice in the future. If you have any questions about your participation in this event or future situations, please feel free to contact me, or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you.

Charles F. Smith, Associate General Counsel
EOIR/OGC

From: _____
Sent: Monday, March 05, 2012 3:09 PM
To: EOIR, Ethics (EOIR)
Subject: SLC IJ Speaking Engagement

Hello OGC Ethics:

As occurred about this same time in 2011, Judge _____ has been invited to speak in the Judicial Process class of University of Utah law professor _____. The class will be held on Wednesday, 28 March.

I have attached the Speaking Engagement form. Your review and guidance will be greatly appreciated.

Judge _____ is aware that some topics proposed for discussion likely cannot be addressed, such as proposed changes in the law, changes in the system, etc. Thank you

Cheers,

From _____
Sent: Monday, March 05, 2012 12:30 PM
To: _____
Cc: _____
Subject: RE: SLC _____ -Visit Judicial Process Class 3/28; 4:30-5:15

ACIJ Approval given.

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From: Frantz, Brigette (EOIR)
Sent: Wednesday, February 08, 2012 7:19 PM
To:
Cc: Riley, Crystal (EOIR)
Subject: Speaking engagement - ABA
Judge

Please consider this e-mail OGC's ethics approval of your request to participate in the ABA Commission on Immigration pro bono training on February 13, 2012. You will preside over a mock hearing. As with all mock hearings, please remember that you should not issue any sort of "decision" on the hypothetical case to avoid any impartiality issues. No food will be served. There will not be any fundraising at this event. You will not be compensated for your attendance at this event. You do not plan to distribute any personally-prepared written material incident to your speaking engagement. Provided your supervisor, Assistant Chief Immigration Judge _____, approves your attendance, you have approval to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor to make certain that this occurs.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- * You indicated that you will not hand out any individually prepared materials. If you later decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a)
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.
- * Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,
Brigette

Brigette L. Frantz

Associate General Counsel - Ethics Officer

Executive Office for Immigration Review

Office of the General Counsel

5107 Leesburg Pike, Suite 2600

Falls Church, VA 22041

P - 703/605-1281

F - 703/305-0443

This message may contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney-work product, all of which are privileged and not subject to disclosure outside the agency or to the public.

From: Wahowiak, Marlene (EOIR)
Sent: Thursday, August 23, 2012 4:54 PM
To:
Cc:
Subject: RE: Speaking Engagement at Lawyers Committee for Civil Rights of San Francisco Bay Area

Judge

You have requested approval to speak in your personal capacity before the Lawyer's Committee for Civil Rights of the San Francisco Bay area on September 18, 2012. You will address effective asylum advocacy in the immigration court. You will be appearing at a "Seminar in Asylum Law and Procedure for Pro Bono Advocates." You will not be compensated or reimbursed for expenses, and your supervisor has approved your participation. Your request is approved subject to the following guidelines:

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." *Please coordinate with the sponsor to make certain that this occurs.* You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.

* If you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as the practitioners attending the program or the Lawyer's Committee for Civil Rights. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines concerning outside activities.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,

Marlene Wahowiak

EOIR/OGC

(703) 305-0322

From:

Sent: Thursday, August 23, 2012 1:59 PM

To: EOIR, Ethics (EOIR)

Cc:

Subject: FW: Speaking Engagement at Lawyers Committee for Civil Rights of San Francisco Bay Area

Hi – I am requesting approval and any set parameters from the Ethics Office pertaining to this event which I was asked to speak at by way of the attached letter. Also please find attached my Speaking Engagement Request Form. Below, please find ACIJ approval of my speaking at this event.

Please let me know if you need any additional information.

Thank you kindly.

From:

Sent: Wednesday, August 22, 2012 6:22 PM

To:

Subject: Re: Speaking Engagement at Lawyers Committee for Civil Rights of San Francisco Bay Area

From: Elliot, Nina (EOIR)
Sent: Friday, May 04, 2012 12:47 PM
To: Reichenberg, Margaret (EOIR)

Subject: FW: FBA Newark Speaking Engagement

Attachments: NJ Federal Bar Association Speaking Engagement.pdf
Judge

As you know, since you were approved to speak at the New Jersey Chapter of the Federal Bar Association event, the Supreme Court granted a petition for writ of certiorari in the case of Chaidez v. United States, 655 F.3d 684 (7th Cir. 2011). At issue is whether the Court's decision in Padilla v. Kentucky, holding that criminal defendants receive ineffective assistance of counsel under the Sixth Amendment when their attorneys fail to advise them that pleading guilty to an offense will subject them to removal, applies to persons whose convictions became final before its announcement.

Please note that you may not comment on any pending litigation that involves the Department of Justice. Accordingly, please refrain from commenting about Padilla's retroactivity while speaking at the New Jersey Chapter of the Federal Bar Association event on May 23. Should you have any questions or concerns, please do not hesitate to contact me.

Regards,

Nina Elliot
EOIR/OGC/ELR

From: EOIR, Ethics (EOIR)
Sent: Wednesday, April 25, 2012 4:47 PM

Cc:
Subject: FBA Newark Speaking Engagement

Judge

Please consider this email OGC's ethics approval of your request to speak at the New Jersey Chapter of the Federal Bar Association's Immigration Conference on May 23, 2012, in Newark, NJ (see attachments).

You will participate in a one-hour panel discussion regarding criminal immigration law. Other than giving this presentation, you will not be attending the conference. You will not be compensated for your presentation and there will be no fundraising at this event. You will not be distributing any written materials in conjunction with your presentation. We understand that your supervisor, Assistant Chief Immigration Judge [redacted] (copied here), has approved your attendance. We grant ethics approval for you to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss immigration court procedures but do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related

to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by an appropriate disclaimer. (I note that an updated agenda provided by Judge Smith included such a disclaimer). You may be introduced with your official title. Please note that ethics mission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a). It is clear that you have been invited to this event because of your official position as an Immigration Judge. Therefore, you may not accept a gift from the organization. A gift does not include anything for which you pay fair market value. 5 C.F.R. § 2635.203(b)(9). As stated above, as long as you pay the conference fee, anything included as part of the conference attendance fee (like a meal) is not considered a gift.

* You may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

I am copying Crystal Riley to make Public Affairs aware of this speaking engagement. Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,

Nina Elliot

EOIR/OGC/ELR

t: 703.305.274

f: 703.605.0491

nina.elliott@usdoj.gov

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From: EOIR, Ethics (EOIR)
Sent: Wednesday, April 25, 2012 4:42 PM
To:
Subject: FBA Newark Speaking Engagement

Attachments: NJ Federal Bar Association Speaking Engagement.pdf
Judge

Please consider this email OGC's ethics approval of your request to speak at the New Jersey Chapter of the Federal Bar Association's Immigration Conference on May 23, 2012, in Newark, NJ (see attachments).

You will participate in a one-hour panel discussion regarding criminal immigration law. Other than giving this presentation, you will not be attending the conference. You will not be compensated for your presentation and there will be no fundraising at this event. You will not be distributing any written materials in conjunction with your presentation. We understand that your supervisor, Assistant Chief Immigration Judge [redacted] (copied here), has approved your attendance. We grant ethics approval for you to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss immigration court procedures but do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by an appropriate disclaimer. (I note that an updated agenda provided by Judge Smith included such a disclaimer). You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a). It is clear that you have been invited to this event because of your official position as an Immigration Judge. Therefore, you may not accept a gift from the organization. A gift does not include anything for which you pay fair market value, 5 C.F.R. § 2635.203(b)(9). As stated above, as long as you pay the conference fee, anything included as part of the conference attendance fee (like a meal) is not considered a gift.
- * You may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

I am copying Crystal Riley to make Public Affairs aware of this speaking engagement. Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,

Nina Elliot

EOIR/OGC/ELR

t: 703.305.274

f: 703.605.0491

nina.elliott@usdoj.gov

From: Frantz, Brigitte (EOIR)
Sent: Saturday, February 11, 2012 6:31 PM
To:
Cc: (R)
Subject: Speaking Engagement - William and Mitchell
Judge

Please consider this e-mail OGC's ethics approval of your request to speak to law students in an immigration law class at the William Mitchell College of Law on April 16, 2012. You will discuss your role in the removal process and what attorneys can do to assist the process. You will not be compensated for this event. No refreshments will be served at the event. There is no fee for this event. There will not be any fund-raising at this event. You will not distribute any personally-prepared written material incident to your speaking engagement. We understand your supervisor, Assistant Chief Immigration Judge _____ approves your attendance. We grant ethics approval for you to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." *Please coordinate with the sponsor to make certain that this occurs.* You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- * You indicated that you will not hand out any individually prepared materials. If you later decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.
- * Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,
Brigitte

Brigette L. Frantz

Associate General Counsel - Ethics Officer

Executive Office for Immigration Review

Office of the General Counsel

107 Leesburg Pike, Suite 2600

Falls Church, VA 22041

P - 703/605-1281

F - 703/305-0443

This message may contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney-work product, all of which are privileged and not subject to disclosure outside the agency or to the public.

From: Smith, Charles (EOIR)
 Sent: Wednesday, October 03, 2012 4:37 PM
 To:
 Subject: Speaking Engagement - WMCL
 Attachments: DOC012.pdf

Thanks for your ethics inquiry about a speaking opportunity at the William Mitchell College of Law, scheduled for November 5, 2012, during normal business hours (see attached).*** In sum, your remarks to law students attending an Immigration and Nationality class will concern the removal process, and general procedures before the immigration court.

You will not be compensated for this event, and no refreshments will be served. Also, there is neither a fee charged for this event, nor will there be any fund-raising, and you will not distribute any personally-prepared written materials. Your supervisor, _____, has indicated that he approves of your proposed speaking role.

Subject to the following guidelines and limitations, this e-mail constitutes ethics approval for you to speak at this event in your personal capacity, with limited use of your title and a disclaimer (explained more fully below):

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you must maintain impartiality. Further, you must not engage in any activity that might constitute the practice of law.

- * You cannot disclose non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." *Please coordinate with the sponsor to make certain that this occurs.* You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.

- * You indicated that you will not hand out any individually prepared materials. If you later decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."

- * There are limitations on accepting items of monetary value from prohibited sources, which includes individuals appearing before you, and/or organizations comprised of individuals seeking official action from the agency, such as ALA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee - even if the employee volunteers to assist you - to attend, prepare for, and/or otherwise in connection with, this speaking engagement.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

*** For future speaking inquiries, I encourage you to avail yourself of the "form-fillable" version of EOIR's Speaking Engagement form, and to make your requests electronic, rather than paper-based, as follows: You can access the current form here by clicking on this link - <http://eoirweb/component/ogc/ethics/forms/Speaking%20Engagement%20Form%20Fillable.pdf> After you type in the appropriate information, you can save the form as an electronic document by choosing a .pdf driver in the printer drop-down box, and then designate a file for the form to be saved on your computer. You can then forward the form as an attachment to your supervisor, when you seek his/her initial approval. Finally, you can submit your supervisor's e-mail approval, together with the .pdf form, to EOIR's Ethics mailbox. By submitting electronic requests, we can strive for greater efficiency and conserve Agency resources.

I encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you.

Charles F. Smith
Associate General Counsel
Executive Office for Immigration Review
Office of the General Counsel
5107 Leesburg Pike, Suite 2600
Falls Church, VA 22041
P - 703/605-1280

177

From: Bradley, Matthew (EOIR)
Sent: Friday, April 27, 2012 12:47 PM
To:
Subject: Kansas City Vanguard Group Speaking Engagement

Attachments: DOC.pdf
Judge

Please consider this email OGC's ethics approval of your request to speak at a breakfast meeting of the Vanguard Group, on July 12, 2012, at 7:30 a.m., in Kansas City, MO (see attachment).

You will be the featured speaker at a monthly gathering of a group of retired judges, attorneys, doctors, accountants, and other professionals. You will speak about your experiences as a former circuit court judge and a current Immigration Judge. You will provide some statistics about immigration court practice, describe how a case works its way through the system, and discuss alternatives to removal. There is no cost to attend this event. You will not be compensated for speaking but a buffet breakfast valued at \$15 will be available to those in attendance. There will not be any fundraising at this event. You will not be distributing any materials in conjunction with your appearance. We understand that your supervisor, Assistant Chief Immigration Judge [redacted] has approved your attendance. We grant ethics approval for you to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

* Be careful not to give legal advice. You may discuss immigration court procedures but do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by an appropriate disclaimer. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a). It is clear that you have been invited to this event because of your official position as an Immigration Judge. Therefore, you may not accept a gift from the organization. A gift does not include anything for which you pay fair market value. 5 C.F.R. § 2635.203(b)(9). As stated above, as long as you pay the conference fee, anything included as part of the conference attendance fee (like a meal) is not considered a gift.

* You may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* Generally, an employee may not participate in fundraising activities in his official capacity unless he is authorized by statute, executive order, regulation, or an agency determination. In the Justice Department, all official fundraising is governed by Executive Order 12353, which established the CFC. An employee may participate in fundraising in his personal capacity as long as he does not use his official position and does not solicit either subordinates or persons having business with the Department (prohibited sources). 5 C.F.R. § 2635.808(c). A prohibited source is anyone who has or seeks official action or business with the Department; is regulated by the Department; has interests that may be substantially affected by the performance of an employee's official duties; or is an organization composed mainly of persons described above. 5 C.F.R. § 2635.203(d).

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

I encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thanks.

Matt Bradley
Associate General Counsel
Phone: (703) 756-8014
Fax: (703) 605-0491
Matthew.Bradley@usdoj.gov

From: Frantz, Brigitte (EOIR)
Sent: Thursday, January 12, 2012 9:42 AM
To:

Subject: Speaking engagement - USCIS Training
Judge

Please consider this e-mail OGC's ethics guidance on your request to speak at a USCIS Immigration Court training on a Friday to be set in February 2012. You will discuss what happens when a case is referred to the immigration court. No food will be provided. There is no fee for you to attend. You will not be compensated for this event and will not receive any reimbursements for the costs of attending this event. There will not be any fund-raising at this event. You will not distribute any personally-prepared written material incident to your speaking engagement. Your supervisor _____ has approved your attendance. You have approval to attend in a personal capacity with disclosure of your title with use of a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor to make certain that this occurs.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case ase basis.
- * You indicated that you will not hand out any individually prepared materials. If you later choose to do so, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.
- * Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thanks,
Brigitte

Brigette L. Frantz

Associate General Counsel - Ethics Officer

Executive Office for Immigration Review

Office of the General Counsel

5107 Leesburg Pike, Suite 2600

Falls Church, VA 22041

P - 703/605-1281

F - 703/305-0443

This message may contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney-work product, all of which are privileged and not subject to disclosure outside the agency or to the public.

From: Frantz, Brigette (EOIR)
Sent: Sunday, February 05, 2012 1:59 PM
To:
Subject: Speaking Engagement - Southwestern University Law Judge

Please consider this e-mail OGC's ethics approval of your request to speak to an immigration law class at Southwestern University School of Law on February 9, 2012. You will discuss bars to asylum. No food will be provided. There is no fee for you to attend. You will not be compensated for this event and will not receive any reimbursements for the costs of attending this event. There will not be any fund-raising at this event. You will not distribute any personally-prepared written material incident to your speaking engagement. Your supervisor, _____ has approved your attendance. You have approval to attend in a personal capacity with disclosure of your title with use of a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor to make certain that this occurs.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case case basis.
- * You indicated that you will not hand out any individually prepared materials. If you later choose to do so, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.
- * Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thanks,
Brigette

Brigette L. Frantz

Associate General Counsel - Ethics Officer
Executive Office for Immigration Review
Office of the General Counsel
5107 Leesburg Pike, Suite 2600
Falls Church, VA 22041
P - 703/605-1281
F - 703/305-0443

This message may contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney-work product, all of which are privileged and not subject to disclosure outside the agency or to the public.

From: Bradley, Matthew (EOIR)
Sent: Wednesday, February 29, 2012 3:54 PM
To:
Subject: San Joaquin College of Law Speaking Engagement
Judge

Please consider this e-mail OGC's ethics approval of your request to provide an overview of immigration court practice, on March 16, 2012, to an immigration law class at San Joaquin College of Law. No refreshments will be served at this event. There will not be any fundraising at this event. You will not be compensated for your attendance at this event. You will not distribute any personally-prepared written material incident to your speaking engagement. We understand your supervisor, Assistant Chief Immigration Judge, approves your attendance. We grant ethics approval for you to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." Please coordinate with the sponsor to make certain that this occurs. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- * You indicated that you will not hand out any individually prepared materials. If you later decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. 2635.204(a).
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.
- * Please refer to 5 C.F.R. 2635.807, as well as 5 C.F.R. 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Matthew Bradley
Associate General Counsel
USDOJ/EOIR/OGC/ELR
Phone: (703) 756-8014
Fax: (703) 605-0491
Matthew.Bradley@usdoj.gov

From: Wahowiak, Marlene (EOIR)
Sent: Wednesday, August 29, 2012 4:53 PM
To:
Cc:
Subject: FW: approval for speaking request

Attachments: DOC005.pdf
Judge

You have submitted a request to speak before the Beverly Hills Bar Association for a CLE class on trying a case before the Immigration Court on October 18, 2012. There is no fee for you to attend. You will not be compensated for this event and will not receive any reimbursements for the costs of attending this event. There will not be any fund-raising at this event. Your supervisor has approved your attendance. You have approval to attend in a personal capacity with disclosure of your title with use of a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR *and discussing hypothetical situations* relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." ***Please coordinate with the sponsor to make certain that this occurs.*** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.

* You indicated that you will not hand out any individually prepared materials. If you do, however, please be sure that the materials contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as Beverly Hills Bar Association. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thanks,

Marlene Wahowiak
Associate General Counsel
EOIR/OGC-ELR
703-605-0376 (direct)

From: Roser Blum, Jeff (EOIR)
Sent: Thursday, May 24 2012 5:22 PM
To:
Subject: RE: Re Speaking Engagement
Judge

You have requested approval to speak at the St. Gregory's Catholic School in Bellerose Queens tomorrow. You will not receive compensation for this activity. After consultation with your supervisor, you are approved to participate in this activity in your personal capacity, with use of title and disclaimer. Please ensure that you clearly communicate to the audience that you are speaking in your personal capacity, and not on behalf of EOIR or the Immigration Court. In addition, please note that your thought processes and influences concerning how you decide a case would be considered non-public/confidential information, and therefore should not be shared. Please also keep in mind the following restrictions:

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information (as noted above). This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Also as noted above, because you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." *Case coordinate with the school to ensure that this occurs.* You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.

* If you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time in relation to this activity. Under no circumstances may you accept the assistance of another EOIR employee in relation to this activity, even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705, for general guidelines concerning outside activities.

If you have any questions, please feel free to contact me. Thanks.

Jeff Rosenblum
Executive Office for Immigration Review
Office of the General Counsel
(703) 305-0799

From:
Sent: Thursday, May 24, 2012 12:29 PM
To: Weisel, Robert (EOIR)
Subject: Re Speaking Engagement

Hi Bob-

Further to our discussions, this will confirm that my sister-in-law has asked me to speak before 2 - 8th Grade classes at St. Gregory's Catholic School in Bellerose Queens tomorrow. This is the grammar school that I went to.

The topics will be very wide ranging, including: the immigration situation nationwide, the role of immigration judges, my own education and professional experiences, my own faith journey as a Catholic, including a pilgrimage I went on to Mexico in 2004 (prior to becoming a judge) where I was part of a group of Catholics that climbed a mountain (I will likely show parts of a video from that pilgrimage), the role of prayer in dealing with adversity etc.. I will try to make it as "interactive" as possible, encouraging discussions with the young people. We will also discuss concerns they have about their career paths, high school issues etc. Again, I anticipate it being wide ranging

Sorry for short notice but my sister-in-law only confirmed in last few days.

Thanks!

From: EOIR, Ethics (EOIR)
Sent: Wednesday, March 14, 2012 1:28 PM
To:
Cc:
Subject: RE: Invitation to Speak at MSU

Attachments: DOC.pdf
Dear

You have requested ethics approval for a speaking engagement on March 15, 2012, at the Michigan State University College of Law. During the engagement, you propose to speak to law students about your career and perspectives on immigration-related law practice. You will not be compensated or reimbursed for expenses, and your supervisor has already approved your participation as a speaker.

Subject to the restrictions listed below, your proposed participation in this event is approved in your personal capacity, with use of your title and a disclaimer (drawing your special attention to items 3- 5, below):

* Be careful not to give legal advice. You may discuss administrative procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending the event in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor of this speaking engagement to make certain that this occurs, as appropriate.** You may be introduced with your official title. Please note that ethics permission granting limited use of your title in your unofficial capacity is specific to this engagement ONLY, as we address this issue on a case-by-case basis.

* Although you have indicated to the contrary, if you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.

* You should be mindful of the limitations on accepting items of monetary value that are given because of your official position. See 5 C.F.R. § 2635.202(a)(2). At the engagement, you are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee to prepare for your participation in the speaking engagement, even if the employee volunteers to assist you to prepare for this engagement, or to use official time to travel to or attend the engagement.

* The approval of this speaking activity only extends to a determination concerning the ethical guidelines for this specific activity. Your participation in the requested activity, and any annual or other leave taken that relates to your participation in it, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines concerning outside activities.

We encourage you to continue to seek ethics advice in the future. If you have any questions about your participation in this event or future situations, please feel free to contact me, or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you.

Charles F. Smith, Associate General Counsel
EOIR/OGC

From:
Sent: Tuesday, March 13, 2012 3:21 PM
To: EOIR. Ethics (EOIR)
Cc:
Subject: FW: Invitation to Speak at MSU

Hi

Please see e mail from Judge [redacted] and attached e mail invitation for her to speak to law students at Michigan State University. Please note that the invitation is for March 15 – this Thursday. We apologize for the short notice, but Judge [redacted] was out of the office for several days on a family emergency.

Thanks,

....

From:
Sent: Tuesday, March 13, 2012 3:06 PM
To:
Subject: FW: INVITATION TO Speak at MSU

Hi

Sorry for the delay. Could not find the original email so they forwarded another one to me. Thanks for taking care of this for me.

From:
Sent: Tuesday, March 13, 2012 1:54 PM
To:
Cc:
Subject: Invitation to Speak at MSU

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From: Elliot, Nina (EOIR)
Sent: Tuesday, September 11, 2012 5:35 PM
To:
Subject: RE: speaking - 10/19/2012

Attachments: PA Continuing Education Seminar.pdf
Dear Judge

You have requested ethics approval to present at a continuing legal education seminar sponsored by the Pennsylvania Bar Association on October 19, 2012 at 1:30 p.m. You will speak about litigation basics in immigration court. You anticipate attorneys in Montgomery County, Pennsylvania with an interest or practice in immigration law will be in attendance. You will not receive any compensation for this activity; there will be no fundraising at the event; and you do not intend to distribute any written materials. There is a fee to attend the event, but you will not attend other program sessions. Your supervisor, _____ has approved your participation.

You are approved to speak at this event in your personal capacity, with use of your title and a disclaimer. Please keep in mind the following guidelines:

- * Be careful not to give legal advice. You may discuss immigration court procedures generally, but you should not offer opinions that might be construed as legal advice (e.g., answering fact-specific questions), or offer any statements that would appear to compromise your impartiality.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR tribunals and addressing hypothetical situations relating to EOIR or its tribunals.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice (see next paragraph).
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on such written materials associated with this event, so long as it is followed immediately by the following parenthetical: "(personal capacity)." Please coordinate with the sponsor/organizer of this activity to make certain that this occurs for any materials they might distribute independently or on your behalf. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case only; we address this issue on a case-by-case basis.
- * Although you indicate that you will receive no compensation for your participation, please be mindful that there are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). However, at the engagement you are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time in relation to this activity. Under no circumstances may you accept the assistance of another EOIR employee in relation to this activity, even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705, for general guidelines concerning outside activities.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

I encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me directly or send your question to the ethics inbox at Ethics.EOIR@usdoj.gov.

Thank you,

Nina Elliot
Associate General Counsel

EOIR/OGC, Employee & Labor Relations Unit
T: 703.305.0274
F: 703.605.0491
nina.elliott@usdoj.gov

From:
Sent: Monday, September 10, 2012 3:50 PM
To: EOIR, Ethics (EOIR)
Subject: FW: speaking - 10/19/2012

Dear ethics people-

I will be faxing the form momentarily, but wanted to give you heads up, as well as ACIJ approval.

From:
Sent: Monday, September 10, 2012 10:58 AM
To:
Subject: RE: speaking - 10/19/2012

Sounds fine to me – and as always, please steer clear of policy-type subjects (prosecutorial discretion, DACA, provision of free counsel, effectiveness of VTC use in the courts, etc.). Thanks,

Assistant Chief Immigration Judge

From:
Sent: Monday, September 10, 2012 10:53 AM
To:
Subject: speaking - 10/19/2012

Exhibit 24 Page 162

Good luck wading thru all the JLC apps. Pick us someone good for next year!

I have been invited to speak at the Montgomery Co. Bar Assoc (suburban Philadelphia). They are doing an immigration cle on 10/19/2012 – Friday- 1-2:30pm (I will be off on my cws day that day.) I will be on a panel with _____ is a senior atty with

From: Frantz, Brigitte (EOIR)
Sent: Friday, January 20, 2012 2:14 PM
To: R)
Subject: speaking - Philadelphia DA
Hi

Please consider this e-mail OGC's ethics guidance on your request to speak at the in house CLE for the Philadelphia DA's Office on February 24, 2012. You will provide an overview of immigration issues in criminal law. No food will be provided at the event. There is no fee to attend. You will not be compensated for this event and will not receive any reimbursements for the costs of attending this event. There will not be any fund-raising at this event. You will not distribute any personally-prepared written material incident to your speaking engagement. Your supervisor, ACIJ has approved your attendance. You have approval to attend in a personal capacity with disclosure of your title with use of a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor to make certain that this occurs.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case case basis.
- * You indicated that you will not hand out any individually prepared materials. If you later choose to do so, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.
- * Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

I encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thanks,
Brigitte

Brigette L. Frantz

Associate General Counsel - Ethics Officer

Executive Office for Immigration Review

Office of the General Counsel

5707 Leesburg Pike, Suite 2600

Falls Church, VA 22041

P - 703/605-1281

F - 703/305-0443

This message may contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney-work product, all of which are privileged and not subject to disclosure outside the agency or to the public.

From: Frantz, Brigette (EOIR)
Sent: Friday, January 20, 2012 2:08 PM
To: [redacted]
Subject: RE: penn law school panel
Hi

Please consider this e-mail OGC's ethics guidance on your request to speak at the Conference of Pan Asian law students at the University of Pennsylvania School of Law on February 4, 2012. You will be part of a panel discussion on immigration issues facing the Asian community, especially Cambodians. No food will be provided at the event. There is a \$40-\$70 fee to attend the entire day and a \$15 fee for your session. You stated that you will only be attending to speak and accordingly you do not need to worry about the fee. You will not be compensated for this event and will not receive any reimbursements for the costs of attending this event. There will not be any fund-raising at this event. You will not distribute any personally-prepared written material incident to your speaking engagement. Your supervisor, ACIJ [redacted], has approved your attendance. You have approval to attend in a personal capacity with disclosure of your title with use of a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor to make certain that this occurs.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- * You indicated that you will not hand out any individually prepared materials. If you later choose to do so, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.
- * Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thanks,

Brigette

Brigette L. Frantz
Associate General Counsel
Ethics Officer
USDOJ/EOIR/OGC
703/605-1281

From:
Sent: Friday, January 20, 2012 1:06 PM
To: Frantz, Brigette (EOIR)
Subject: penn law school panel

Hi Brigette-

Thank you for the informal approval for appearing on this panel in about 2 weeks (Saturday 2/4/2011). I have just learned that there is a fee to the entire day long conference of between \$40 and \$70 depending upon whether an attendee is a law student or an attorney and if attendee is a member of the Asian Pacific Law Students Assoc. There is also a \$15 fee to attend just the panel on which I am appearing. I will not be attending the conference other than my invitation as a guest speaker on the particular panel. I had erroneous prior information. I trust that this does not alter the approval. I just want to make sure that you have all the accurate information. As usual I will be paying my own way there (a bus token - \$1.55 each way).

Have a good weekend.

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From: Trantz, Brigitte (EOIR)
Sent: Saturday, February 11, 2012 6:01 PM
To
:
Subject: Speaking Engagement - March AILA CLE

Please consider this e-mail OGC's ethics approval of your request to speak at the March 2012 Philadelphia Chapter of AILA's Annual CLE Conference on March 16, 2012. You will discuss immigration court best practices. Some refreshments may be served. There will not be any fundraising at this event. You will not be compensated for your attendance at this event. You do not plan to distribute any personally-prepared written material incident to your speaking engagement. We understand your supervisor, Assistant Chief Immigration Judge _____ approves your attendance. You have approval to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor to make certain that this occurs.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case case basis.
- * You indicated that you will not hand out any individually prepared materials. If you later decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a)
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.
- * Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

I encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,
Brigitte

Brigette L. Frantz

Associate General Counsel - Ethics Officer

Executive Office for Immigration Review

Office of the General Counsel

5107 Leesburg Pike, Suite 2600

Falls Church, VA 22041

P - 703/605-1281

F - 703/305-0443

This message may contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney-work product, all of which are privileged and not subject to disclosure outside the agency or to the public.

From: Bradley, Matthew (EOIR)
Sent: Tuesday, August 28, 2012 12:05 PM
To:
Subject: - PA Bar CLE Presentation

Attachments: DOC004.pdf
Judge

Assuming Judge (copied here) approves, please consider this OGC's ethics approval of your request to speak at a Pennsylvania Bar Institute CLE program on developing legal issues for immigration practitioners. You will decline the program organizers' suggestion that you speak about prosecutorial discretion and DACA. Your portion of the program will be held on September 22, 2012, from 11:30 a.m. to 12:15 p.m. An attorney from the private bar is also speaking. You will not be compensated for your attendance. Only coffee, tea and juice are available for the attendees. Beyond your speaking engagement, you do not plan to attend the event. There will not be fundraising at this event. We grant ethics approval for you to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss Immigration Court procedures but do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by an appropriate disclaimer. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a). It is clear that you have been invited to this event because of your official position as an Immigration Judge. Therefore, you may not accept a gift from the organization. A gift does not include anything for which you pay fair market value. 5 C.F.R. § 2635.203(b)(9).
- * You may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thanks.

Matt Bradley
Associate General Counsel
DOJ/EOIR/OGC

From: EOIR, Ethics (EOIR)

Sent: Friday, March 02, 2012 12:03 PM

To:

CC:

Subject: RE: Request to speak to our NYU Law School Class on April 3rd

Attachments: DOC009.pdf

Dear

You have requested ethics approval to speak as a guest lecturer on April 3, 2012, at NYU Law School's Immigration Defense Clinic, sponsored in part by the Legal Aid Society. You propose to speak on the following topics: (1) factors/considerations in evaluating claims for immigration relief; and (2) attorney conduct considerations. You will not be compensated or reimbursed for expenses, and your supervisor has already approved your participation in the event. Subject to the restrictions listed below, your proposed participation in this speaking engagement is approved in your personal capacity, with use of your title and a disclaimer (drawing your special attention to items 3- 5, below):

* Be careful not to give legal advice. You may discuss administrative procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor of this speaking engagement to make certain that this occurs, as appropriate.** You may be introduced with your official title. Please note that ethics permission granting limited use of your title in your unofficial capacity is specific to this engagement ONLY, as we address this issue on a case-by-case basis.

* If you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.

* There are limitations on accepting items of monetary value that are given because of your official position. See 5 C.F.R. § 2635.202(a)(2). At the engagement, you are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee to prepare for your participation in the speaking engagement, even if the employee volunteers to assist you to prepare for this engagement, or to use official time to travel to or attend the engagement.

* The approval of this speaking activity only extends to a determination concerning the ethical guidelines for this specific activity. Your participation in the requested activity, and any annual or other leave taken that relates to your participation in it, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking,

teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines concerning outside activities.

We encourage you to continue to seek ethics advice in the future. If you have any questions about your participation in this event or future situations, please feel free to contact me, or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you.

Charles F. Smith, Associate General Counsel
EOIR/OGC

From:
Sent: Thursday, March 01, 2012 2:53 PM
To:
Subject: RE: Request to speak to our NYU Law School Class on April 3rd

Thank you for your e-mail. I hope to have the Speaking Engagement Form completed and signed by Judge Weisel, my supervisor, by Monday. I'll fax it to you then.

Thank you,

From: R,
Sent: Thursday, March 01, 2012 1:59 PM
To:
Cc:
Subject: RE: Request to speak to our NYU Law School Class on April 3rd

Please complete a Speaking Engagement Form (link below) and submit it to me it to the ethics mailbox. Thanks,

Jeff Rosenblum
Chief Counsel, Employee and Labor Relations Unit
Executive Office for Immigration Review
Office of the General Counsel
(703) 305-0799

<http://eoirweb/component/ogc/ethics/forms/Speaking%20Engagement%20Form%20Filable.pdf>

From:
Sent: Thursday, March 01, 2012 1:56 PM
To:
Cc: Rosenblum, Jeff (EOIR)
Subject: RE: Request to speak to our NYU Law School Class on April 3rd

Exhibit 24 Page 172

I grant permission for you to speak at NYU Law School on April 3rd. This is contingent on approval from our ethics counsel. Please

From: Frantz, Brigette (EOIR)
Sent: Wednesday, February 08, 2012 7:23 PM
To:
Subject: Speaking Engagement - ABA
Judge Morace,

Please consider this e-mail OGC's ethics approval of your request to participate in the ABA Commission on Immigration pro bono training on February 13, 2012. You will moderate the question and answer portion of the event. No food will be served. There will not be any fundraising at this event. You will not be compensated for your attendance at this event. You do not plan to distribute any personally-prepared written material incident to your speaking engagement. Provided your supervisor, Assistant Chief Immigration Judge approves your attendance, you have approval to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor to make certain that this occurs.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case case basis.
- * You indicated that you will not hand out any individually prepared materials. If you later decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a)
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.
- * Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

I encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,
Brigette

Brigette L. Frantz

Associate General Counsel - Ethics Officer

Executive Office for Immigration Review

Office of the General Counsel

97 Leesburg Pike, Suite 2600

Falls Church, VA 22041

P - 703/605-1281

F - 703/305-0443

This message may contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney-work product, all of which are privileged and not subject to disclosure outside the agency or to the public.

pros discretion speaking ok.txt

From: Wahowiak, Marlene (EOIR)
Sent: Friday, May 04 2012 10:42 AM
To:
Cc:

Subject: RE: Speaking Request

Attachments: DOC000.pdf

Judge

You have requested approval to speak on May 17, 2012 at the Asylum Directors Conference, sponsored by the Miami Asylum Office. Specifically, although the panel discussion is slated to discuss "prosecutorial discretion and asylum issues before the IJ," you and DHS have been advised, and you both agree, that you will not address any issues regarding prosecutorial discretion, asylum clock issues or mental incompetency issues. You will not be compensated or reimbursed for expenses, and your supervisor has approved your participation. Subject to the restrictions listed below, your participation in this event is approved in your personal capacity, with use of your title and a disclaimer.

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." Please coordinate with the sponsor to make certain that this occurs. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.

* If you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as the Miami Asylum office. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5

pros discretion speaking ok.txt
C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines concerning outside activities.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,
Marlene Wahowiak
EOIR/OGC
(703) 305-0322

-----Original Message-----

From:
Sent: Thursday, May 03, 2012 11:12 AM
To: Rosenblum, Jeff (EOIR)
Cc:
Subject: RE: Speaking Request

Good Morning Jeff:

The IJ and DHS have been informed that our IJ will not address any issues regarding Prosecutorial Discretion, Asylum Clock issues or mental incompetency issues. They are fine with that.

The panel consists of others from DHS and they are the ones that will address Prosecutorial Discretion. Unfortunately, the title for the panel is labeled under the PD umbrella giving the impression the IJ is there to address that but that is not the case.

Thanks,

-----Original Message-----

From: Rosenblum, Jeff (EOIR)
Sent: Thursday, May 03, 2012 8:23 AM
To:
Cc:
Subject: Speaking Request

Page 2

From: Frantz, Brigitte (EOIR)
Sent: Sunday, February 05, 2012 2:06 PM
To:
Cc:
Subject: RE: Speaking engagement requests; one urgent

Hi

Please consider this e-mail OGC's ethics approval of your request to speak at a pro bono attorney training hosted by the Lawyers Committee for Civil Rights of the San Francisco Bay Area on March 13, 2012. You will discuss pro bono representation for asylum and withholding applicants in removal proceedings. Refreshments will be provided. There is no fee for you to attend. You will not be compensated for this event and will not receive any reimbursements for the costs of attending this event. There will not be any fund-raising at this event. You will not distribute any personally-prepared written material incident to your speaking engagement. Your supervisor, _____, has approved your attendance. You have approval to attend in a personal capacity with disclosure of your title with use of a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR *and discussing hypothetical situations* relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." ***Please coordinate with the sponsor to make certain that this occurs.*** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- * You indicated that you will not hand out any individually prepared materials. If you later choose to do so, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

Exhibit 24 Page 177

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thanks,
Brigette

Brigette L. Frantz
Associate General Counsel
Ethics Officer
USDOJ/EOIR/OGC
703/605-1281

From:
Sent: Tuesday, January 31, 2012 6:31 PM
To: Frantz, Brigette (EOIR)
Subject: Speaking engagement requests; one urgent
Importance: High

Dear Brigette,

Here are the signed speaking engagement request forms. One is for the pro bono asylum attorney training in March organized by the Lawyers Committee for Civil Rights. The other is based on a request that came from the refugee law class at UC Berkeley Law School to Court Administrator [redacted] last week. I forwarded the email string on that to you earlier today. Basically, the course is on Wednesday evenings and the instructor would like an IJ to come for a one-time discussion sometime between this Wednesday and March 14. The best day for me would be this Wednesday (tomorrow), since my parents are in town and can help with our five month old and three year old daughters that evening. However, I recognize that this is a very short timeframe for the request. Please let me know!

Thanks so much,

From: Frantz, Brigitte (EOIR)
Sent: Wednesday, February 01, 2012 3:10 PM
To:
Cc:
Subject: RE: Speaking engagement requests; one urgent

Please consider this e-mail OGC's ethics approval of your request to speak to the refugee law class at UC Berkeley Law School on February 1, 2012. You will discuss asylum and withholding applications as considered in removal proceedings. You will not be compensated for this event. No refreshments will be served at the event. There is no fee for this event. There will not be any fund-raising at this event. You will not distribute any personally-prepared written material incident to your speaking engagement. Your supervisor, Assistant Chief Immigration Judge _____ approves your attendance. We grant ethics approval for you to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR *and discussing hypothetical situations* relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." *Please coordinate with the sponsor to make certain that this occurs.* You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.

* You indicated that you will not hand out any individually prepared materials. If you later decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley on this e-mail to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,
Brigette

Brigette L. Frantz
Associate General Counsel
Ethics Officer
USDOJ/EOIR/OGC
703/605-1281

From:
Sent: Tuesday, January 31, 2012 6:45 PM
To: Frantz, Brigette (EOIR)
Subject: RE: Speaking engagement requests; one urgent

Thanks! Wow, that was fast! You're still at work so late?!

From: Frantz, Brigette (EOIR)
Sent: Tuesday, January 31, 2012 3:35 PM
To:
Subject: RE: Speaking engagement requests; one urgent

Hi

Go ahead and confirm with UC Berkeley if you need to for tomorrow. This email can serve as informal approval. I will get you the full email with all the standard advisals tomorrow, but I don't have a problem with it.

Thanks,

Brigette

Brigette L. Frantz
Associate General Counsel
Ethics Officer
USDOJ/EOIR/OGC
703/605-1281

From:
Sent: Tuesday, January 31, 2012 6:31 PM
To: Frantz, Brigette (EOIR)
Subject: Speaking engagement requests; one urgent
Importance: High

Dear Brigette,

From: Bradley, Matthew (EOIR)
Sent: Wednesday, February 22, 2012 5:09 PM
To:
Subject: RE: Permission to Emcee at Burton Event for ILRC Judge

Please consider this e-mail OGC's ethics approval of your request to act as the emcee at the Immigrant Legal Resource Center's annual awards dinner on May 17, 2012. As the emcee, you will introduce speakers and keep the event on schedule. Dinner will be served and there is a \$100 attendance fee for government attendees. The organization has offered to waive your attendance fee. Waiver of the fee constitutes a prohibited gift on account of official position. 5 C.F.R. § 2635.202. You may take advantage of any government discount rate as this falls within an exception to the gift rules, but you should not accept waiver of the fee. There will not be any fundraising at the event. You will not distribute any personally-prepared written material incident to your speaking engagement. We understand your supervisor, Assistant Chief Immigration Judge approves your attendance. We grant ethics approval for you to attend in your personal capacity with use of your title of Immigration Judge and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." *Please coordinate with the sponsor to make certain that this occurs.* You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- * You indicated that you will not hand out any individually prepared materials. If you later decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. 2635.204(a).
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * I am copying Crystal Riley on this e-mail to make Public Affairs aware of this speaking engagement.
- * Please refer to 5 C.F.R. 2635.807, as well as 5 C.F.R. 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Matt Bradley

Associate General Counsel
USDOJ/EOIR/OGC/ELR
703/756-8014

From:
Sent: Wednesday, February 15, 2012 1:36 PM
To: EOIR, Ethics (EOIR)
Cc:
Subject: FW: Permission to Emcee at Burton Event for ILRC

Dear Acting Ethics Officer,

Please let me know if you require any additional information in order to provide me your permission to participate.

Thanks in advance,

From:
Sent: Wednesday, February 15, 2012 9:55 AM
To:
Subject: FW: Permission to Emcee at Burton Event for ILRC

oved, please obtain ethics approval before committing to the event. Thank you.

From:
Sent: Wednesday, February 15, 2012 9:44 AM
To:
Cc:
Subject: Permission to Emcee at Burton Event for ILRC

Dear

As has occurred many, many times in the past, I have been invited to be the Emcee at the Immigrant Legal Resource Center's annual Phillip Burton Immigration and Civil Rights dinner on May 17, 2012. Attached is my speak request form, the email inviting me and the email describing the other speakers and award recipients. If you have any questions, please let me know.

Many thanks.

From: Frantz, Brigitte (EOIR)
Sent: Thursday, January 12, 2012 9:27 AM
To:
Cc:
Subject: RE: AILA speaking invitation
Judge

Please consider this e-mail OGC's ethics guidance on your request to speak at the AILA Miami Chapter seminar on February 10, 2012. You will discuss criminal grounds of removal. Breakfast and lunch will be provided but you indicated that you will not be eating at the event. There is no fee for you to attend. You will not be compensated for this event and will not receive any reimbursements for the costs of attending this event. There will not be any fund-raising at this event. You will not distribute any personally-prepared written material incident to your speaking engagement. Your supervisor, ACIJ, has approved your attendance. You have approval to attend in a personal capacity with disclosure of your title with use of a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor to make certain that this occurs.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case case basis.
- * You indicated that you will not hand out any individually prepared materials. If you later choose to do so, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.
- * Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

I encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thanks,
Brigitte

Brigette L. Frantz
Associate General Counsel
Ethics Officer
SDOJ/EOIR/OGC
3/605-1281

From:
Sent: Tuesday, August 23, 2011 3:49 PM
To:
Cc: Frantz, Brigette (EOIR);
Subject: RE: AILA speaking invitation

Dear Judge:

Based upon our discussion, this will constitute supervisory approval to appear in your personal capacity.

Ms. Frantz will review this event and invitation for ethics clearances.

: Please provide the IJ with the speaking form he needs to fill out so that ethics clearances are provided.

Thank you to all,

Judge

From:
Sent: Tuesday, August 23, 2011 3:29 PM
To:
Cc: Frantz, Brigette (EOIR)
Subject: AILA speaking invitation

Dear Judge:

I have received a written invitation from the South Florida AILA Chapter to speak at their annual seminar on February 10, 2012 on the topic of criminal removal grounds. I would be honored to speak at this seminar. Please advise me on the necessary procedures I should follow in order to obtain the required authorization.

Thank you,

From: Rosenblum, Jeff (EOIR)
Sent: Friday, March 02, 2012 12:25 PM
To:
Subject: Speaking Request

Attachments: DOC.PDF
Board

You have requested permission to speak at a class at George Mason law school on March 23, 2012, on the topic of cancellation of removal (speaking engagement form attached). You will not receive any compensation for this activity. You are approved to participate in this event in your personal capacity, with use of your title and a disclaimer, subject to the following restrictions:

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." *Please coordinate with the professors to ensure that this occurs.* You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.

* If you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time in relation to this activity. Under no circumstances may you accept the assistance of another EOIR employee in relation to this activity, even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705, for general guidelines concerning outside activities.

If you have any questions, please feel free to contact me. Thanks.

Jeff Rosenblum
Executive Office for Immigration Review
Office of the General Counsel
(703) 305-0799

97

Kidd, Larry (EOIR)

From: Bradley, Matthew (EOIR)
Sent: Thursday, April 19, 2012 5:21 PM
To:
Cc:
Subject: FBA Newark Speaking Engagement
Attachments: DOC000.pdf; DOC.pdf

Judge

Please consider this email OGC's ethics approval of your request to speak at the New Jersey Chapter of the Federal Bar Association's Immigration Conference on May 23, 2012 in Newark, NJ (see attachments).

You will be giving a presentation regarding prosecutorial discretion and documentary issues relief. Other than giving this presentation, you will not be attending the conference. You will not be compensated for your presentation and there will be no fundraising at this event. You will not be distributing any written materials in conjunction with your presentation. We understand that your supervisor, Assistant Chief Immigration Judge (copied here), has approved your attendance. We grant ethics approval for you to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

* Be careful not to give legal advice. You may discuss immigration court procedures but do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by an appropriate disclaimer. (I note that an updated agenda provided by Judge Smith included such a disclaimer). You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a). It is clear that you have been invited to this event because of your official position as an Immigration Judge. Therefore, you may not accept a gift from the organization. A gift does not include anything for which you pay fair market value. 5 C.F.R. § 2635.203(b)(9). As stated above, as long as you pay the conference fee, anything included as part of the conference attendance fee (like a meal) is not considered a gift.

* You may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you.

Matt Bradley
USDOJ/EOIR/OGC/ELR
Phone: (703) 756-8014
Fax: (703) 605-0491
Matthew.Bradley@usdoj.gov

Kidd, Larry (EOIR)

From: Elliot, Nina (EOIR)
Sent: Tuesday, December 11, 2012 10:07 AM
To:
Cc:
Subject: FW: Invitation to speak at the CBA Immigration conference
Attachments: CBA Seminar Outline_Speaker Confirmation (2).docx; - CBA Event PTD.pdf

Good Morning Judge

You have submitted a request (attached) to speak before the CBA Immigration and Nationality Committee at a conference entitled "From Jail to Bail," that explains the basic procedures of how an immigrant's case moves from the criminal system to the immigration system. You plan to speak on the third panel entitled "Strategies for a Successful Immigration Bond Hearing." The event is scheduled for January 15, 2013 from 2 - 5 p.m. There is no fee for you to attend. You will not be compensated for this event and will not receive any reimbursements for the costs of attending this event. There will not be any fund-raising at this event. Your supervisor has approved your attendance in your personal capacity with disclosure of your title and use of a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." Please coordinate with the sponsor to make certain that this occurs. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case only; we address this issue on a case by case basis.
- * You indicated that you will not hand out any individually prepared materials. If you do, however, please be sure that the materials contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Nina Elliot
Associate General Counsel
Executive Office for Immigration Review
(703) 305-0274

From:
Sent: Monday, November 19, 2012 10:49 AM
To: EOIR, Ethics (EOIR)
Cc:
Subject: FW: Invitation to speak at the CBA Immigration conference

Hello,

Plse see the attached invitation extended to Judge _____ by the Chicago Bar Association to speak on the topic of "Strategies for a Successful Immigration Bod Hearing". I have no objections.

Thanks,

From:
Sent: Thursday, November 15, 2012 5:24 PM
To:
Subject: FW: Invitation to speak at the CBA Immigration conference

Permission?

From:
Sent: Thursday, November 15, 2012 3:40 PM
To:
Subject: Invitation to speak at the CBA Immigration conference

Hello

99

From: Elliot, Nina (EOIR)

Sent: Tuesday, July 10, 2012 5:35 PM

To:

CC:

Subject: Ethics Approval for ABA Criminal Justice Section Immigration Committee

Attachments: Speaking Engagement

Dear

You have requested ethics approval to speak on August 2, 2012, at an Immigration Seminar of the ABA's Criminal Justice Section. The attached program information indicates that the topic of presentation will be "The Collateral Consequences of Criminal Convictions: What Happens Post-Conviction in Immigration Court." The topic of presentation will be "Defense Counsel's Duty to Advise Non-Citizens in Criminal Proceedings, Immigration Detainers, Negotiating 'Immigration-Safe' Pleas, Post-Conviction Relief After Padilla, and Litigating Immigration-Based Offenses." These presentations are intended to provide training for attorneys on the immigration consequences of criminal convictions. ABA members, federal and state court judges, non-profit organization providing legal assistance in immigration proceedings, federal prosecutors, federal defenders, and local attorneys may be in attendance. Other seminar speakers include federal prosecutors, federal defenders, professors, and private practitioners.

You will not receive any compensation for this activity, and your supervisor, Judge has indicated her consent to your participation as a speaker. There is no fee to attend this event. No fundraising will take place at the event. No organization or individual has offered to reimburse you for the costs of attendance. You do not plan on distributing any written material during your speaking engagement.

No press or media have been invited to the event. You note, however, that the third session of the event will discuss the Arizona SB1070 law and indicate that press may appear due to the presence of international invitees. No immigration judges will participate in that third session.

Food and drink may be served at a cocktail reception scheduled following the program. The anticipated cost per person is \$20. The ethics rules permit your attendance and acceptance of the food and drink at this event.

You are approved to speak at this event in your personal capacity, with use of your title and a disclaimer, subject to the following restrictions:

* Be careful not to give legal advice. You may discuss immigration court procedures generally, but you should not offer opinions that might be construed as legal advice (e.g., answering fact-specific questions), or offer any statements that would appear to compromise your impartiality.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR tribunals and discussing hypothetical situations relating to EOIR or its tribunals.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Should you decide to distribute written material, you are permitted to use your official title "Immigration Judge" so long as it is followed immediately by the following parenthetical: "(personal capacity)." (You have indicated that you do not intend to distribute written materials.) **Please coordinate with the sponsor of this activity to make certain that this occurs for any materials they might distribute independently or on your behalf.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.

Exhibit 24 Page 191

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits

unsolicited gifts with a market value of \$20 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time in relation to this activity. Under no circumstances may you accept the assistance of another EOIR employee in relation to this activity, even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705, for general guidelines concerning outside activities.

If you have any questions, please feel free to contact me. Thanks.

Nina Elliot
Executive Office for Immigration Review
Office of the General Counsel
(703) 305-0274

From: Elliot, Nina (EOIR)
Sent: Friday, May 04, 2012 9:26 AM
To:
Cc:
Subject: RE: Invitation to present at the San Francisco Bar Association
Judge

Please consider this email OGC's ethics approval of your request to speak at the Bar Association of San Francisco Barrister's Club Immigration Committee on May 30, 2012.

You will participate in a panel entitled "Practice Pointers: Board of Immigration Appeals." This one hour panel presentation will take place on May 30, 2012, at 5:30pm. The information you provided indicates the entire program consists of the one-hour panel at which you will be speaking. You will not be compensated for your attendance at this event. There will not be fundraising at the event. We understand that your supervisor, Assistant Chief Immigration Judge (copied here), has approved your attendance. We grant ethics approval for you to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss immigration court procedures but do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). **This rule applies to any announcements, brochures, flyers, etc. related to the event.** Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by an appropriate disclaimer. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a). It is clear that you have been invited to this event because of your official position as an Immigration Judge. Therefore, you may not accept a gift from the organization. A gift does not include anything for which you pay fair market value. 5 C.F.R. § 2635.203(b)(9).

* You may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

I am copying Crystal Riley to make Public Affairs aware of this speaking engagement. Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

Exhibit 24 Page 193

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations,

please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,

... a Elliot
EOIR/OGC/ELR
t: 703.305.0274
f: 703.605.0491

From:
Sent: Thursday, May 03, 2012 8:41 PM
To: EOIR, Ethics (EOIR)
Subject: FW: Invitation to present at the San Francisco Bar Association

Hello again,
Here is the complete invitation and ethics form for an invitation to speak to the Bar Association of San Francisco Barrister's Club. I sent my ACIJ's approval separately. Please issue an ethics approval.
Thanks,

From:
Sent: Monday, April 23, 2012 10:15 AM
To:
Subject: FW: Invitation to present at the San Francisco Bar Association

Hi
I've been asked to sit on a panel at BASF on practice before the BIA. I'm attaching the ethics form, though I'm still inquiring further re/ a couple of things. Don't worry, I won't do anything unethical like eat anything while I'm there. Can you let me know if you approve so I can send it on to the ethics folks?
Thanks,

From:
Sent: Friday, April 13, 2012 11:49 AM
To:
Subject: Invitation to present at the San Francisco Bar Association

Dear Judge

The Immigration Section of the San Francisco Bar Association's Barristers Club would like to invite you to be panelists at our upcoming MCLE on the topic of "Practice Pointers: Board of Immigration Appeals." The one hour presentation will take place on Wednesday, May 30th at 5:30 pm at BASF headquarters.

The San Francisco Bar Association ("BASF") Barristers Club was founded in 1929 to promote fellowship among the newer members of the legal profession. The Barristers Club holds numerous CLE seminars, social and networking events throughout the year. Barristers Club members are BASF members in their first ten years of practice, as well as BASF members who are law students or legal professionals.

The Immigration Section seeks to educate its members on all areas of immigration law, including substantive and procedural law, as well as on immigration issues of both local and national importance. CLE seminars cover deportation, asylum and related issues, family-based immigration, and business- and employment-related immigration and nationality law. The section also provides guidance to attorneys who are new to immigration practice, and hosts events for other Barristers Club members who are interested in learning more about how immigration issues overlap with their areas of practice.

From: Bradley, Matthew (EOIR)
Sent: Friday, March 16, 2012 10:48 AM
To:
Cc:
OIR)
Subject: Speaking Engagement

Attachments: ethics request.pdf
Judge

You have requested ethics approval (see attachment) to speak at a program sponsored by the Asian Pacific-American Law Students Association at Rutgers School of Law, in Newark, New Jersey, on March 21, 2012, at 6:30 p.m. Your participation will be as part of a panel discussion for minority students entitled Judges of Color. You plan to discuss potential career paths for law students, including the day-to-day routines of an Immigration Judge, the judicial internship program, and the intern application process. You will not receive any compensation for this event and will pay for your own parking. You are hereby approved to participate in this event in your personal capacity, with use of your title and a disclaimer, subject to the following restrictions:

* Be careful not to give legal advice. You may discuss procedures before the immigration court, but want to avoid the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of the Executive Office for Immigration Review (EOIR) or the U.S. Department of Justice.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." (You have indicated that you do not intend to distribute written materials.) You may be introduced with your official title. Please note that ethics mission granting use of your title in your unofficial capacity is specific to this case ONLY; we address these issues on a case-by-case basis.

* If you ultimately decide to distribute materials that you personally prepared, such as information on the application process, such written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the Newark Immigration Court. The author prepared these materials in his personal capacity, and any views, opinions or information expressed herein are solely his and do not necessarily represent those of EOIR or the Department of Justice.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. You may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "[m]odest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204 (a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time for this activity. Under no circumstances may you accept the assistance of another EOIR employee in relation to this activity, even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

I am copying Crystal Riley to make Public Affairs aware of this speaking engagement. Please refer to 5 C.F.R. § 2635.807, as well 5 C.F.R. §§ 2635.701-705, for general guidelines concerning outside activities.

If you have any questions, please feel free to contact me.

Thanks.

Matt Bradley
Associate General Counsel
USDOJ/EOIR/OGC/ELR
Phone: (703) 756-8014
Fax: (703) 605-0491
Mattthew.Bradley@usdoj.gov

From: EOIR, Ethics (EOIR)
Sent: Thursday, April 26, 2012 8:35 AM
To:
Cc:
Subject: FBA Newark Speaking Engagement

Attachments: - NJ Federal Bar Association Speaking Engagement.pdf
Judge

Please consider this email OGC's ethics approval of your request to speak at the New Jersey Chapter of the Federal Bar Association's Immigration Conference on May 23, 2012 in Newark, NJ (see attachments).

You will be a panelist on a session entitled "Asylum Update." You will speak particularly about social groups in asylum cases. You will or have paid the cost of your all-day attendance at the reduced government attorney rate of \$65. You will not be compensated for your attendance at this event but lunch will be provided to the attendees. There will not be fundraising at this event.

You may take advantage of the discounted attendance fee pursuant to 5 C.F.R. § 2635.204(c). Additionally, because you will or have paid for your attendance at this event, you may accept food and other items that are provided to other conference attendees as part of their attendance fee. The only material that you might distribute, an article about particular social group in asylum cases, received prior Ethics approval. We understand that your supervisor, Assistant Chief Immigration Judge (copied here), has approved your attendance. We grant ethics approval for you to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

* Be careful not to give legal advice. You may discuss immigration court procedures but do not want to give the appearance of partiality by offering legal advice.

You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by an appropriate disclaimer. (I note that the attached agenda includes such a disclaimer). You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a). It is clear that you have been invited to this event because of your official position as an Immigration Judge. Therefore, you may not accept a gift from the organization. A gift does not include anything for which you pay fair market value. 5 C.F.R. § 2635.203(b)(9). As stated above, as long as you pay the conference fee, anything included as part of the conference attendance fee (like a meal) is not considered a gift.

You may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

When copying Crystal Riley to make Public Affairs aware of this speaking engagement. Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,

Nina Elliot

EOIR/OGC/ELR

t: 703.305.274

f: 703.605.0491

nina.elliott@usdoj.gov

From: Frantz, Brigette (EOIR)
Sent: Saturday, February 11, 2012 6:08 PM
To:
Cc:
Subject: Speaking Engagement - Univ of Maryland Judge

Please consider this e-mail OGC's ethics approval of your request to speak to the University of Maryland Law School Immigration Clinic class on March 6, 2012. You will discuss immigration court practice. No food will be served. There will not be any fundraising at this event. You will not be compensated for your attendance at this event. You may accept the parking reimbursement only if it has a cost of less than \$20. You do not plan to distribute any personally-prepared written material incident to your speaking engagement. We understand your supervisor, Assistant Chief Immigration Judge approves your attendance. You have approval to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." Please coordinate with the sponsor to make certain that this occurs. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- * You indicated that you will not hand out any individually prepared materials. If you later decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

- * I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.
- * Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,
Brigette

Brigette L. Frantz

Associate General Counsel - Ethics Officer
Executive Office for Immigration Review
Office of the General Counsel
Leesburg Pike, Suite 2600
Falls Church, VA 22041
P - 703/605-1281
F - 703/305-0443

This message may contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney-work product, all of which are privileged and not subject to disclosure outside the agency or to the public.

From: Bradley, Matthew (EOIR)
Sent: Monday, September 17, 2012 11:34 AM
To:
Cc:
Subject: FW: Judge permission to attend conference

Attachments: 2012 Central Florida AILA Program.pdf; IJ Stuart Karden - Speaking Engagement Form Filable.pdf
Judge

Please consider this e-mail OGC's ethics approval of your request to speak at the AILA Central Florida Chapter's Annual Seminar on October 6, 2012 from 9:00 to 10:00 am. The topic of your section of the program is entitled "Best Practices Representing Clients Before the Immigration Court and the ICE Office of the Principal Legal Advisor." There is a fee for attendees of the seminar but not for you as, beyond speaking, you will not be attending. Light refreshments will be served. There will not be any fundraising at this event. You will not distribute any written materials during your speaking engagement. Your supervisor, Assistant Chief Immigration Judge approves of your attendance. We grant ethics approval for you to attend in your personal capacities with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." The brochure submitted must be changed to reflect that you are attending in your personal capacity. *Please coordinate with the sponsor to make certain that this occurs.* You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case only; we address this issue on a case by case basis.
- * You indicated that you will not hand out any individually prepared materials. If you later decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. 2635.204(a).
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * I am copying Crystal Riley on this e-mail to make Public Affairs aware of this speaking engagement.
- * Please refer to 5 C.F.R. 2635.807, as well as 5 C.F.R. 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thanks.

Matt Bradley
Associate General Counsel
OJ/EOIR/OGC

From:
Sent: Saturday, September 15, 2012 1:10 PM
To: Bradley, Matthew (EOIR)
Cc: Morris, Florencio (EOIR)
Subject: RE: Judge permission to attend conference

I have faxed the form to with a copy of the program and have also attached both here for your convenience.

From: Bradley, Matthew (EOIR)
Sent: Friday, September 14, 2012 3:58 PM
To:
Cc:
Subject: RE: Judge permission to attend conference

Judge

I will handle this. I have attached the form Judge mentioned for your convenience.

Matt Bradley
OGC/Ethics

From:
Sent: Friday, September 14, 2012 2:05 PM
To:
Cc: EOIR, Ethics (EOIR);
Subject: RE: Judge permission to attend conference
Importance: High

Good Afternoon Judge

I am hereby copying the Ethics Office so that they start reviewing this matter.

This will constitute supervisory approval in your personal capacity to participate at this event. Please fill out the speaker lecture form as part of this process and fax to the Ethics Office at OGC.

You can find the form in our intranet under the OGC Speaking Engagement Form.

If you need additional assistance, please let us know.

Judge

From:
Sent: Friday, September 14, 2012 11:09 AM
To:
Subject: Judge permission to attend conference
Importance: High

Judge

I've received a formal invitation to speak at the Central Florida AILA conference on Saturday, Oct 5, 2012. I know that this is on my own time. I also know that I have to have permission to speak there. I was informed by an email from that I should

From: Wahowiak, Marlene (EOIR)
Sent: Wednesday, August 29, 2012 4:01 PM
To:

Subject: RE: Invitation to Immigration Judges for Ethics CLE

Attachments: DOC001.pdf
Judge

You have requested approval to speak in your personal capacity before the AILA-Washington Chapter's Professional Responsibility Committee CLE presentation on December 3, 2012. You will address "perspectives from the Bench and Bar." You will not be compensated or reimbursed for expenses, and your supervisor has approved your participation. Your request is approved subject to the following guidelines:

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." *Please coordinate with the sponsor to make certain that this occurs.* You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.

* If you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA or the other practitioners attending the event. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines concerning outside activities.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,

Marlene Wahowiak
EOIR/OGC
(703) 305-0322

From:
Sent: Wednesday, August 29, 2012 3:11 PM
To: Wahowiak, Marlene (EOIR)
Cc:
Subject: FW: Invitation to Immigration Judges for Ethics CLE

Marlene,

Please find attached the speaking engagement form as requested.

From:
Sent: Tuesday, August 28, 2012 1:37 PM
To:
Cc:
Subject: FW: Invitation to Immigration Judges for Ethics CLE

Good afternoon, Judge

Please find the attached Speaking Engagement request from Judge [redacted] to participate in AILA Washington Professional Responsibility and Consumer Protection Committee CLE event on Monday afternoon, December 3, 2012. The request is forwarded for yours and EOIR's Ethics' Department review and approval. If further information is requested please advise.

Thanks,

From:
Sent: Wednesday, August 08, 2012 4:57 PM
To:
Subject: RE: Invitation to Immigration Judges for Ethics CLE

Hi

The food would be snacks and possibly wine or beer if we can find money for it. I would estimate the per person cost to be \$10.

From:
Sent: Monday, August 06, 2012 3:36 PM
To:
Subject: RE: Invitation to Immigration Judges for Ethics CLE

Mr.

From: howiak, Marlene (EOIR)
Sent: Wednesday, March 21, 2012 2:20 PM
To:
Subject: FW: Speaking request from IJ Tabaddor

Attachments: Tabaddor Southwestern Law School form.pdf

Marlene Wahowiak
Associate General Counsel
EOIR OGC/ELR
703-305-0322 (main)

From: Wahowiak, Marlene (EOIR)
Sent: Wednesday, March 21, 2012 10:01 AM
To: Tabaddor, A. Ashley (EOIR)
Cc: Fong, Thomas (EOIR)
Subject: Speaking request from IJ Tabaddor

Judge Tabaddor:

You have requested approval to be a guest speaker before the Middle Eastern Law Student Association (MELSA) of the Southwestern Law School where you will give "a general introduction to the Immigration Court; a day in the life of an IJ; best practices for an attorney before the court; and the value of civic engagement for law students and lawyers as leaders in the community." You are scheduled to speak on April 11, 2012. You will not be compensated or reimbursed for expenses, and your supervisor has approved your participation. Subject to the restrictions listed below, your participation in this event is approved in your personal capacity, with use of your title and a disclaimer.

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." *Please coordinate with the sponsor to make certain that this occurs.* You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.

* If you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as Southwestern University and MELSA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of 0.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

Exhibit 24 Page 205

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines concerning outside activities.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,
Marlene Wahowiak
EOIR/OGC
(703) 305-0322

From: Wahowiak, Marlene (EOIR)
Sent: Wednesday, March 21, 2012 10:01 AM
To: Tabaddor, A. Ashley (EOIR)
Cc:
Subject: Speaking request from IJ Tabaddor

Attachments: Tabaddor Southwestern Law School form.pdf
Judge Tabaddor:

You have requested approval to be a guest speaker before the Middle Eastern Law Student Association (MELSA) of the Southwestern Law School where you will give "a general introduction to the Immigration Court; a day in the life of an IJ; best practices for an attorney before the court; and the value of civic engagement for law students and lawyers as leaders in the community." You are scheduled to speak on April 11, 2012. You will not be compensated or reimbursed for expenses, and your supervisor has approved your participation. Subject to the restrictions listed below, your participation in this event is approved in your personal capacity, with use of your title and a disclaimer.

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." Please coordinate with the sponsor to make certain that this occurs. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.

* If you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer verifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as Southwestern University and MELSA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines concerning outside activities.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,
Marlene Wahowiak
EOIR/OGC
(703) 305-0322

From: Wahowiak, Marlene (EOIR)
Sent: Friday, October 12, 2012 10:55 AM
To:
Subject: RE: Expedited Request for IJ Ethics Clearances
Attachments: DOC014.pdf

Judge

You have submitted a request to speak before the Carrollton (Intermediate) School of the Sacred Heart's Hispanic Heritage Event about your career as a judge on October 15, 2012. There is no fee for you to attend. You will not be compensated for this event and will not receive any reimbursements for the costs of attending this event. There will not be any fund-raising at this event. Your supervisor has approved your attendance. You have approval to attend in a personal capacity with disclosure of your title with use of a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the school to make certain that this occurs.** You may be introduced with your official title. Please note that the permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- * You indicated that you will not hand out any individually prepared materials. If you do, however, please be sure that the materials contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. 2635.807 (b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.
- * Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thanks,

Mariene Wahowiak
Associate General Counsel
EOIR/OGC-ELR
703-605-0376 (direct)

From:
Sent: Thursday, October 11, 2012 5:31 PM
To: EOIR, Ethics (EOIR)
Cc: |
Subject: Expedited Request for IJ Ethics Clearances
Importance: High

Good Afternoon:

This is to alert you that [redacted] has asked to speak for 5 minutes at her daughter's school as part of a Hispanic Heritage event.

I have authorized her appearance in her personal capacity with title and disclaimer.

The event is on Monday, October 15, 2012 at 8:00 am so we are asking for an expedited processing of her request. We would need to hear from you by COB tomorrow.

Staff Assistant [redacted] has faxed the ethics form a few minutes ago with my signature.

We appreciate your prompt response to our request.

Thank you,

From: Wahowiak, Marlene (EOIR)
Sent: Wednesday, August 22, 2012 5:03 PM
To:
Cc:
Subject: Approval

Attachments: DOC002.pdf
Judge

You have requested approval to speak before the Beverly Hills Bar Association on October 18, 2012, for a CLE program for immigration practitioners. Specifically, you plan to address immigration court trial practices and procedures. You will not be compensated or reimbursed for expenses, and your supervisor has approved your participation.

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." Please coordinate with the sponsor to make certain that this occurs. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.

* If you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as the practitioners attending the program or the Beverly Hills Bar Association. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines concerning outside activities.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,
Marlene Wahowiak
EOIR/OGC
(703) 305-0322

From: EOIR, Ethics (EOIR)
Sent: Tuesday, February 28, 2012 9:57 AM
To:
Subject: Speaking Engagement Forms - ACIJ pre-approved

Attachments: MarchMadness2012AtlantaIJs.pdf; Speaking request-- Speaking request--
Speaking request-

Dear Judges:

You have each requested ethics approval to speak as guest lecturers at the "Pro Bono March Madness" event, sponsored by the Atlanta Bar Association and other local charitable, religious, and/or civic organizations. "March Madness" trains and recruits *pro bono* volunteers to provide immigration related legal services. Your participation as speakers will occur on several dates next month (respectively, March 26, 2012 (on the topics of "The Asylum Project" and an "Introduction to Deportation Defense: Bond Hearings"), and March 5, 2012 (on the topic of "Remedies for Undocumented Children and Families")). You will not be compensated or reimbursed for expenses, and your supervisor has already approved your participation as guest lecturers.

Subject to the restrictions listed below, your proposed participation in these speaking engagements is approved in your personal capacity, with use of your title and a disclaimer (drawing your special attention to items 3- 5, below):

* Be careful not to give legal advice. You may discuss administrative procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor of these speaking engagements to make certain that this occurs.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to these two engagements ONLY, as we address this issue on a case-by-case basis.

* If you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.

* There are limitations on accepting items of monetary value that are given because of your official position. See 5 C.F.R. § 2635.202(a)(2). At the engagements, you are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee to prepare for your participation in the engagements, even if the employee volunteers to assist you to prepare for these engagements, or use official time to travel to or attend the engagements.

Exhibit 24 Page 2/2

* The approval of these activities only extends to a determination concerning the ethical guidelines for such activities. Your

participation in the requested activities, and any annual or other leave taken that relates to your participation in them, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of these two speaking engagements.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines concerning outside activities.

We encourage you to continue to seek ethics advice in the future. If you have any questions about your participation in these events or future situations, please feel free to contact me, or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you:

/s
Charles F. Smith, Associate General Counsel
EOIR/OGC

From
Sent: Monday, February 27, 2012 1:42 PM
To: EOIR, Ethics (EOIR)
Cc:
Subject: Speaking Engagement Forms - ACIJ pre-approved

111

From: Briley, Matthew (EOIR)
Sent: Wednesday, June 20, 2012 10:36 AM
To:
Cc:

Subject: Request to speak at a CLE regarding unaccompanied minors.

Importance: High

Attachments: DOC.pdf
Judge

Please consider this email OGC's ethics approval of your request to speak at a CLE program for prospective *pro bono* attorneys interested in representing unaccompanied minors in Immigration Court. (see attachment and below).

The program will be held on June 27, 2012, from 9:30 a.m. to 11:30 a.m., at the law offices of [redacted] and [redacted] in Miami, FL. You will serve on a panel with three other attorneys from the Miami immigration law bar. You plan to speak generally about the Court procedures and the need for *pro bono* attorneys to represent unaccompanied minors at Immigration Court proceedings. The audience will be comprised of approximately 25 attorneys considering *pro bono* representation. You will not be compensated for your attendance. No food will be served at this event. There will not be fundraising at this event. We understand that your supervisor, Assistant Chief Immigration Judge [redacted] (copied here), has approved your attendance. We grant ethics approval for you to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss Immigration Court procedures but do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you include this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). **This rule applies to any announcements, brochures, flyers, etc. related to the event.** Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by an appropriate disclaimer. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as Catholic Charities, AILA, and Americans for Immigration Justice. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a). It is clear that you have been invited to this event because of your official position as an Immigration Judge. Therefore, you may not accept a gift from the organization. A gift does not include anything for which you pay fair market value. 5 C.F.R. § 2635.203(b)(9).
- * You may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.
- * Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you.

Matt Bradley
Associate General Counsel
Phone: (703) 756-8014
Fax: (703) 605-0491
Matthew.Bradley@usdoj.gov

From:
Sent: Tuesday, June 19, 2012 4:09 PM
To:
Cc: EOIR, Ethics (EOIR);
Subject: RE: Request to speak at a CLE regarding unaccompanied minors.
Importance: High

Good Afternoon Judge

This is to inform you that you are authorized to participate in your personal capacity with file and disclaimer.

I am copying the EOIR Ethics box for a request to review this matter and provide you with ethics clearances.

Thank you for your willingness to serve and participate in this outreach program to the pro-bono community.

Judge

From:
Sent: Monday, June 18, 2012 2:52 PM
To:
Cc:
Subject: Request to speak at a CLE regarding unaccompanied minors.

Dear Judge,

An attorney with Catholic Charities Legal Services in Miami Florida, has requested my participation at a CLE program to be conducted on Wednesday, June 27, 2012 from 9:30 am to 10:30 am at the law offices of [redacted] and Bacon, LLP, 201 S. Biscayne Blvd, 32nd Floor, Miami FL 33131, wherein it is requested that I participate on a panel with [redacted] of the Immigration Law & Litigation Group/AILA Pro Bono Chair, and an attorney with the Americans for Immigration Justice ([redacted]), to provide the Court's perspective as to the importance of attorneys representing unaccompanied minors as their cases appear before the Court. As a note, please be advised that I will be conferring with Judge Dowell concerning his thoughts to be included in my remarks.

I am making this request to you, not only for your permission to participate, but if approval is given, an indication as to whether or not I will be participating in my official capacity or in my personal capacity.

I have not as yet advised the Office of General Counsel of this matter and will await your reply. If additional information is needed, please do not hesitate to contact me. Thank you.

From: Frantz, Brigette (EOIR)
Sent: Saturday, February 11, 2012 5:58 PM
To:
Cc:
Subject: RE: Invitation to Speak at the March 2012 PHL AILA CLE Conference
Judge

Please consider this e-mail OGC's ethics approval of your request to speak at the March 2012 Philadelphia Chapter of AILA's Annual CLE Conference. You will discuss immigration court best practices. Some refreshments may be served. There will not be any fundraising at this event. You will not be compensated for your attendance at this event. You do not plan to distribute any personally-prepared written material incident to your speaking engagement. We understand your supervisor, Assistant Chief Immigration Judge [redacted] approves your attendance. You have approval to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor to make certain that this occurs.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case case basis.

* You indicated that you will not hand out any individually prepared materials. If you later decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a)

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

→ encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,
Brigette

Brigette L. Frantz
Associate General Counsel
Ethics Officer
DOJ/EOIR/OGC
3/605-1281

From:
Sent: Wednesday, February 08, 2012 7:58 AM
To:
Cc: Frantz, Brigette (EOIR)
Subject: RE: Invitation to Speak at the March 2012 PHL AILA CLE Conference

Charles, before I approve this from the supervisory level, I would like to see a draft of comments. The topic is so broad ("Best Practices") that I need to make sure I am comfortable with what is being told the public. Since we have a good deal of lead time, that should be doable. Thanks.

From:
Sent: Wednesday, February 08, 2012 7:12 AM
To:
Cc: Frantz, Brigette (EOIR)
Subject: FW: Invitation to Speak at the March 2012 PHL AILA CLE Conference
Importance: High

Dear Judge

It is my intention to accept this invitation to speak, subject to EOIR approval. Our panel will present during my "administrative" time and thus I will not have to adjust any cases on my docket.

The anticipated audience will be attorneys and paralegals. I believe that the speakers on other panels will be immigration attorneys. I do not plan to attend any of the other sessions that day. I suspect that there will be light snacks and beverages provided with a per-head cost well under \$20. I believe there is a cost to attend the entire event, but as I mentioned, I will only attend the session at which we will be presenting. I will not receive any compensation for the event nor will I be reimbursed for any costs associated with the panel presentation. We will not be distributing any written material incident to this speaking engagement.

Thank you for considering this request. If approved, I am hopeful that the information provided in this email will alleviate the necessity of filling out the Speaking Engagement Form. However, if that is necessary, Brigette can let me know.

Judge

From:
Sent: Tuesday, February 07, 2012 11:28 PM
To:
Cc:
Subject: Invitation to Speak at the March 2012 PHL AILA CLE Conference
Importance: High

Dear Judge Judge Judge ind

It is my understanding that Judge has addressed this invitation with you over the past few months, but I wanted to make sure you received the formal email so that you are able to seek the appropriate approval required in order to attend.

Therefore, on behalf of the March CLE Committee, I am honored to invite you to speak at the March 2012 Philadelphia Chapter of AILA's Annual CLE Conference. Based on the success of the recent NMD event where Judge discussed valuable procedural issues for new practitioners in immigration court, we would be honored if you and your colleagues would be willing to take some time from your busy schedules to present to the chapter. We also welcome , as the Court Administrator to present as well.

In addition, this is a very special CLE conference as it will be **dedicated to the memory of** . As we all know, was a huge advocate for educating new lawyers as well as sharing practice pointers with his fellow seasoned attorneys.

From: enblum, Jeff (EOIR)
Sent: Friday, March 02, 2012 4:49 PM
To:
Cc:
Subject: Speaking Request

Attachments: DOC.PDF
Judge

You have requested permission to speak at the annual "Judges of Color" panel discussion at Rutgers law school, sponsored by the Asian Pacific American Law Students Association (speaking engagement form attached). You will speak on the topic of job opportunities for law graduates. You will not receive any compensation for this activity, and your supervisor has approved your participation. You are approved to participate in this event in your personal capacity, with use of your title and a disclaimer, subject to the following restrictions:

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." *Use coordinate with the sponsor of the event to ensure that this occurs.* You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.

* If you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time in relation to this activity. Under no circumstances may you accept the assistance of another EOIR employee in relation to this activity, even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705, for general guidelines concerning outside activities.

If you have any questions, please feel free to contact me. Thanks.

Jeff Rosenblum
Executive Office for Immigration Review
Office of the General Counsel
(703) 305-0799

From: Wahowiak, Marlene (EOIR)
Sent: Wednesday, August 29, 2012 4:40 PM
To:
Cc:
Subject: approval

Attachments: DOC005.pdf
Judge

You have submitted two speaking requests. The first is for a Human Rights First Pro Bono training lecture on October 11, 2012, during which you will discuss practice before the Immigration Court. Your second request is to address Seton Hall Law School Immigration Clinic on October 10, 2012. You will lecture students on Immigration Court practice. There is no fee for you to attend. You will not be compensated for this event and will not receive any reimbursements for the costs of attending this event. There will not be any fund-raising at this event. You intend to use a PowerPoint presentation which you have used previously. Your supervisor has approved your attendance. You have approval to attend in a personal capacity with disclosure of your title with use of a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor to make certain that this occurs.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- * You indicated that you will not hand out any individually prepared materials but will use a PowerPoint presentation. Please be sure that the PowerPoint contains a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as Human Rights First or the Seton Hall Immigration Clinic. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.
- * Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thanks,

Marlene Wahowiak
Associate General Counsel
FOIR/OGC-ELR
605-0376 (direct)

From: EOIR, Ethics (EOIR)
Sent: Tuesday, February 28, 2012 9:57 AM
To:
Cc:
Subject: Speaking Engagement Forms - ACIJ pre-approved

Attachments: MarchMadness2012AtlantaIJs.pdf; Speaking request--- , Speaking request--
Speaking request--

Dear Judges

You have each requested ethics approval to speak as guest lecturers at the "Pro Bono March Madness" event, sponsored by the Atlanta Bar Association and other local charitable, religious, and/or civic organizations. "March Madness" trains and recruits *pro bono* volunteers to provide immigration related legal services. Your participation as speakers will occur on several dates next month (respectively, March 26, 2012 (on the topics of "The Asylum Project" and an "Introduction to Deportation Defense: Bond Hearings"), and March 5, 2012 (on the topic of "Remedies for Undocumented Children and Families")). You will not be compensated or reimbursed for expenses, and your supervisor has already approved your participation as guest lecturers.

Subject to the restrictions listed below, your proposed participation in these speaking engagements is approved in your personal capacity, with use of your title and a disclaimer (drawing your special attention to items 3- 5, below):

* Be careful not to give legal advice. You may discuss administrative procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important t you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor of these speaking engagements to make certain that this occurs.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to these two engagements ONLY, as we address this issue on a case-by-case basis.

* If you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.

* There are limitations on accepting items of monetary value that are given because of your official position. See 5 C.F.R. § 2635.202(a)(2). At the engagements, you are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee to prepare for your participation in the engagements, even if the employee volunteers to assist you to prepare for these engagements, or use official time to travel to or attend the engagements.

* The approval of these activities only extends to a determination concerning the ethical guidelines for such activities. Your

participation in the requested activities, and any annual or other leave taken that relates to your participation in them, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, writing, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of these two speaking engagements.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines concerning outside activities.

We encourage you to continue to seek ethics advice in the future. If you have any questions about your participation in these events or future situations, please feel free to contact me, or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you.

/s

Charles F. Smith, Associate General Counsel
EOIR/OGC

From:
Sent: Monday, February 27, 2012 1:42 PM
To: EOIR, Ethics (EOIR)
Cc:
Subject: Speaking Engagement Forms - ACIJ pre-approved

From: Frantz, Brigette (EOIR)
Sent: Friday, January 20, 2012 2:23 PM
To:
Cc:
Subject: RE: Rescheduling with law students
Hi

Please consider this e-mail OGC's ethics approval of your request to speak at the Young Center's clinic (ICAP clinic) at the University of Chicago Law School on January 24, 2012. You will discuss removal proceedings involving unaccompanied alien children. No food will be served at the event. There will not be any fundraising at this event. You will not distribute any personally-prepared written material incident to your speaking engagement. We understand your supervisor, Assistant Chief Immigration Judge approves your attendance. We grant ethics approval for you to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." *Please coordinate with the sponsor to make certain that this occurs.* You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- * You indicated that you will not hand out any individually prepared materials. If you later decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. 2635.204(a).
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * I am copying Crystal Riley on this e-mail to make Public Affairs aware of this speaking engagement.
- * Please refer to 5 C.F.R. 2635.807, as well as 5 C.F.R. 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,
Brigette

Brigette L. Frantz
Associate General Counsel
Ethics Officer
SDOJ/EOIR/OGC
3/605-1281

From:
Sent: Thursday, January 12, 2012 1:46 PM
To:
Cc:
Subject: FW: Rescheduling with law students

Hi Brigette, Please see the attached invitation extended to Judge [redacted] to speak to law students at the U. of Chicago Law School who are participating in a clinic involving juveniles. I have no objections and Judge [redacted] will prepare the necessary form.

Thank you!

From:
Sent: Thursday, January 12, 2012 1:36 PM
To:
Subject: FW: Rescheduling with law students

Hi [redacted] I am forwarding this request to speak and to obtain ethics approval. I will fill out the necessary form when I return from wedding but I thought I'd start the ball rolling since it is coming up soon. (I have obtained approval in the past.)

From: [redacted]
Sent: Thursday, January 12, 2012 11:46 AM
To:
Subject: Rescheduling with law students

Dear Judge [redacted]

We would be delighted to reschedule your visit to the University of Chicago. Attached please find an invitation to speak with our clinic students on Tuesday, January 24, 2012. We would be happy to change the time to suit your schedule, including starting the class later in the afternoon. Please don't hesitate to contact us with any questions or concerns.

Warm regards,

 <http://www.listrocket.com/ktml>

Formerly the Immigrant Child Advocacy Project
www.TheYoungCenter.org

The contents of this message, together with any attachments, are intended only for the use of the individual or entity to which they are addressed and may contain information that is legally privileged, confidential and exempt from disclosure. If you are not the intended recipient,

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From: Wahowiak, Marlene (EOIR)
Sent: Friday, March 16, 2012 12:49 PM
To: Riley, Crystal (EOIR)
Subject: FW: Request for approval for speaking engagement

From:
Sent: Friday, March 16, 2012 12:02 PM
To: Wahowiak, Marlene (EOIR)
Subject: Re: Request for approval for speaking engagement

Thanks Marlene! Please forward to Crystal Riley.

From: Wahowiak, Marlene (EOIR)
Sent: Friday, March 16, 2012 09:48 AM
To:
Cc:
Subject: Request for approval for speaking engagement

Judge

You have requested approval to give the opening remarks on March 21, 2012, at a Continuing Legal Education course presented by the LGBT Bar Association of Greater New York entitled, "Immigration Law – Overview." You will not be compensated or reimbursed for expenses, and your supervisor has approved your participation. Subject to the restrictions listed below, your participation in this event is approved in your personal capacity, with use of your title and a disclaimer.

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." Please coordinate with the sponsor to make certain that this occurs. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.

* If you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as the LGBT Bar Association of Greater New York. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$50.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines concerning outside activities.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,
Marlene Wahowiak
EOIR/OGC
(703) 305-0322

From: Frantz, Brigette (EOIR)
Sent: Friday, January 20, 2012 3:02 PM
To: [redacted]
Cc: Riley, Crystal (EOIR)
Subject: Speaking Engagement - US District Court conference

Please consider this e-mail OGC's ethics approval of your request to speak at the United States District Court, District of Arizona Annual Conference on March 30, 2012. You will serve as a moderator for a panel discussion on immigration for criminal practitioners. You will attend the entire conference and pay the registration fee. Accordingly, there are no gift issues involving food served or CLE credits. There will not be any fundraising at this event. You will not distribute any personally-prepared written material incident to your speaking engagement. We understand your supervisor, Assistant Chief Immigration Judge [redacted], approves your attendance. We grant ethics approval for you to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." *Please coordinate with the sponsor to make certain that this occurs.* You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- * You indicated that you will not hand out any individually prepared materials. If you later decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * I am copying Crystal Riley on this e-mail to make Public Affairs aware of this speaking engagement.
- * Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

I encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,
Brigette

Brigette L. Frantz

Associate General Counsel - Ethics Officer

Executive Office for Immigration Review

Office of the General Counsel

17 Leesburg Pike, Suite 2600

Falls Church, VA 22041

P - 703/605-1281

F - 703/305-0443

This message may contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney-work product, all of which are privileged and not subject to disclosure outside the agency or to the public.

From: Frantz, Brigette (EOIR)
Sent: Friday, January 20, 2012 2:55 PM
To:
Cc: Riley, Crystal (EOIR)
Subject: RE: Update to Speaking Engagement Form (2/9/11 Event)
Hi

Please consider this e-mail OGC's ethics approval of your request to speak at the Federal Bar Association, Tucson Chapter luncheon on February 9, 2012. You will provide a general explanation of removal proceedings and deportation issues for criminal defendants in Federal proceedings. Lunch will be served with an approximate cost of \$10. Because the cost is less than \$20, you may accept a free lunch if it is offered. There will not be any fundraising at this event. You will not distribute any personally-prepared written material incident to your speaking engagement. We understand your supervisor, Assistant Chief Immigration Judge [redacted] approves your attendance. We grant ethics approval for you to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." *Please coordinate with the sponsor to make certain that this occurs.* You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- * You indicated that you will not hand out any individually prepared materials. If you later decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * I am copying Crystal Riley on this e-mail to make Public Affairs aware of this speaking engagement.
- * Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,
Brigette

Brigette L. Frantz
Associate General Counsel
Ethics Officer
USDOJ/EOIR/OGC
3/605-1281

From:
Sent: Thursday, January 19, 2012 2:56 PM
To:); Frantz, Brigette (EOIR)
Subject: RE: Update to Speaking Engagement Form (2/9/11 Event)

Sorry....it's back to \$10. Correction just emailed to me.

From: Feldman, Irene (EOIR)
Sent: Thursday, January 19, 2012 8:30 AM
To: Frantz, Brigette (EOIR)
Subject: RE: Update to Speaking Engagement Form (2/9/11 Event)

As of today, the new price to be charged to FBA Members is \$25. Last change, I hope. Thanks!!

From:
Sent: Wednesday, January 18, 2012 12:46 PM
To: Frantz, Brigette (EOIR)
Subject: RE: Update to Speaking Engagement Form (2/9/11 Event)

Thanks!!

From: Frantz, Brigette (EOIR)
Sent: Wednesday, January 18, 2012 12:07 PM
To:
Subject: RE: Update to Speaking Engagement Form (2/9/11 Event)

Hi

I can just include this email with the form, no need to send an amended one.

Thanks!
Brigette

Brigette L. Frantz
Associate General Counsel
Ethics Officer
USDOJ/EOIR/OGC
703/605-1281

From:
Sent: Wednesday, January 18, 2012 12:20 PM
To: Frantz, Brigette (EOIR)
Subject: Update to Speaking Engagement Form (2/9/11 Event)

Re: Updated information for Speaking Engagement Form.

Today I received a few more details regarding the February 9th event. Specifically, the time for the event will be 12 to 1 p.m. Lunch will be sandwiches. The event may qualify for up to 1 CLE hour. The cost is \$10 for Federal Bar Association members. I am a member and will be paying for my own registration and lunch.

Would you prefer that I submit an amended form?
Thanks.

From: Elliot, Nina (EOIR)
Sent: Friday, May 04, 2012 11:38 AM
To: F...

Subject: Speaking engagement form and supporting documents for FBA/NJ Chapter Newark conference on May 23, 2012

Attachments: NJ Federal Bar Speaking Engagement.pdf
Judge

Please consider this email OGC's ethics approval of your request to speak at the New Jersey Chapter of the Federal Bar Association's Immigration Conference on May 23, 2012, in Newark, New Jersey (see attachments).

You will be a panelist on a session entitled "Criminal Immigration Update." You will speak particularly about developments in immigration law relating to criminal convictions. Please note that you may not comment on any pending litigation that involves the Department of Justice. As you know, on April 30, 2012, the Supreme Court granted a petition for writ of certiorari in the case of Chaidez v. United States, 655 F.3d 684 (7th Cir. 2011). At issue is whether the Court's decision in Padilla v. Kentucky, holding that criminal defendants receive ineffective assistance of counsel under the Sixth Amendment when their attorneys fail to advise them that pleading guilty to an offense will subject them to removal, applies to persons whose convictions became final before its announcement. Please refrain from commenting about Padilla's retroactivity.

You will or have paid the cost of your all-day attendance at the reduced government attorney rate of \$65. You will not be compensated for your attendance at this event but lunch will be provided to the attendees. You may take advantage of the discounted attendance fee pursuant to 5 C.F.R. § 2635.204(c). Additionally, because you will or have paid for your attendance at this event, you may accept food and other items that are provided to other conference attendees as part of their attendance fee. We understand that Assistant Chief Immigration Judge _____ and Assistant Chief Immigration Judge _____ (copied here), have approved your attendance. We grant ethics approval for you to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss immigration court procedures but do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by an appropriate disclaimer. (I note that the attached agenda includes such a disclaimer). You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits solicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a). It is clear that you have been invited to this event because of your official position as an Immigration Judge. Therefore, you may not accept a gift from the organization. A gift does not include anything for which you pay fair market value. 5 C.F.R. § 2635.203(b)(9). As stated above, as long as you pay the conference fee, anything included as part of the conference attendance fee (like a meal) is not considered a gift.

* You may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

I am copying Crystal Riley to make Public Affairs aware of this speaking engagement. Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,

Nina Elliot

EOIR/OGC/ELR
t: 703.305.274
f: 703.605.0491
nina.elliott@usdoj.gov

From:)
Sent: Wednesday, May 02, 2012 11:29 AM
To:
Cc:
Subject: RE: Speaking engagement form and supporting documents for FBA/NJ Chapter Newark conference on May 23, 2012

Judge, since I approved this on April 18th, subject to Ethics Review, I'll sign the speaking engagement form and forward it on to Ethics for their review.

From:)
Sent: Wednesday, May 02, 2012 11:18 AM
To:
Subject: RE: Speaking engagement form and supporting documents for FBA/NJ Chapter Newark conference on May 23, 2012

I probably used the new fax machine incorrectly last time. Thanks

From:
Sent: Wednesday, May 02, 2012 11:13 AM
To:
Subject: RE: Speaking engagement form and supporting documents for FBA/NJ Chapter Newark conference on May 23, 2012

It is. I will look for it. Thanks,

From:
Sent: Wednesday, May 02, 2012 11:12 AM
To:
Subject: RE: Speaking engagement form and supporting documents for FBA/NJ Chapter Newark conference on May 23, 2012

From: Elliot, Nina (EOIR)
Sent: Wednesday, May 16, 2012 1:09 PM
To:
Subject: Legal Services of New Jersey Pro Bono Speaking Engagement

Attachments: DOC.PDF
Judge

Please consider this e-mail OGC's ethics approval of your request to speak at the Legal Services of New Jersey pro bono training on May 31, 2012. You will speak in your personal capacity about best practices and procedural issues with respect to representing detained aliens. You will also preside over a mock trial at the event. During the mock trial, we ask that you please not issue a "ruling" in the case but instead limit your comments to practice and procedure. Similarly, be careful not to make any statements that could be construed as a prediction of how you would rule on an issue in the future.

The \$15.00 attendance fee, which you have paid or plan to pay, includes the cost of food and beverages that will be provided. You will not be reimbursed for the attendance fee and you will not be compensated for this event. You will not distribute any written materials. We understand your supervisor, Assistant Chief Immigration Judge approves your attendance. We grant ethics approval for you to attend in your personal capacity with use of your title and a disclaimer.

Please note that you may not comment on any pending litigation that involves the Department of Justice. As you know, on April 30, 2012, the Supreme Court granted a petition for writ of certiorari in the case of *Chaidez v. United States*, 655 F.3d 684 (7th Cir. 2011). At issue is whether the Court's decision in *Padilla v. Kentucky*, holding that criminal defendants receive ineffective assistance of counsel under the Sixth Amendment when their attorneys fail to advise them that pleading guilty to an offense will subject them to removal, applies to persons whose convictions became final before its announcement. Please refrain from commenting about Padilla's retroactivity.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss immigration court procedures but do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by an appropriate disclaimer. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case only; we address this issue on a case by case basis.
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a). It is clear that you have been invited to this event because of your official position as an Immigration Judge. Therefore, you may not accept a gift from the organization. A gift does not include anything for which you pay fair market value. 5 C.F.R. § 2635.203(b)(9). As stated above, as long as you pay the conference fee, anything included as part of the conference attendance fee (like a meal) is not considered a gift.

* You may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this

activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

I am copying Crystal Riley to make Public Affairs aware of this speaking engagement. Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me directly.

Thank you,

Nina Elliot

EOIR/OGC/ELR

t: 703.305.274

f: 703.605.0491

nina.elliott@usdoj.gov

From: Elliott, Nina (EOIR)
Sent: Thursday, July 12, 2012 8:14 AM
To:
Cc: Dufresne, Jill (EOIR); Billingsley, Kelly (EOIR); Riley, Crystal (EOIR)
Subject: Ethics Approval for ABA Criminal Justice Section Immigration Committee

Attachments: Speaking Engagement.pdf
Dear Judge

You have requested ethics approval to speak on August 2, 2012, at an Immigration Seminar of the ABA's Criminal Justice Section. The topic of your presentation will be "Duty to Advise Non-Citizens in Criminal Proceedings: Post-Conviction Relief After Padilla." The presentation is intended to provide training for attorneys on the immigration consequences of criminal convictions. ABA members, federal and state court judges, non-profit organization providing legal assistance in immigration proceedings, federal prosecutors, federal defenders, and local attorneys may be in attendance. Other seminar speakers include federal prosecutors, federal defenders, professors, and private practitioners.

You will not receive any compensation for this activity, and your supervisor, Judge _____, has indicated her consent to your participation as a speaker. There is no fee to attend this event. No fundraising will take place at the event. No organization or individual has offered to reimburse you for the costs of attendance. You do not plan on distributing any written material during your speaking engagement.

No press or media have been invited to the event. You note, however, that the third session of the event will discuss the Arizona SB1070 law and indicate that press may appear due to the presence of international invitees. You will not participate in that third session.

Food and drink may be served at a cocktail reception scheduled following the program. The anticipated cost per person is \$20. The ethics rules permit your attendance and acceptance of the food and drink at this event.

You are approved to speak at this event in your personal capacity, with use of your title and a disclaimer, subject to the following restrictions:

- * Be careful not to give legal advice. You may discuss immigration court procedures generally, but you should not offer opinions that might be construed as legal advice (e.g., answering fact-specific questions), or offer any statements that would appear to compromise your impartiality.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR tribunals and discussing hypothetical situations relating to EOIR or its tribunals.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Should you decide to distribute written material, you are permitted to use your official title "Immigration Judge" so long as it is followed immediately by the following parenthetical: "(personal capacity)." (You have indicated that you do not intend to distribute written materials.) **Please coordinate with the sponsor of this activity to make certain that this occurs for any materials they might distribute independently or on your behalf.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time in relation to this activity. Under no circumstances may you accept the assistance of another EOIR employee in relation to this activity, even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705, for general guidelines concerning outside activities.

If you have any questions, please feel free to contact me. Thanks.

Nina Elliot
Executive Office for Immigration Review
Office of the General Counsel
(703) 305-0274

From: Frantz, Brigitte (EOIR)
Sent: Thursday, January 12, 2012 12:05 PM
To:
Cc:
Subject: Speaking engagement - pro bono reception and dinner
Judge

First, please note that the speaking engagement form that was used to request approval for this event is out of date and no longer accepted by the Ethics Office as of December 1, 2011. Please use the updated version of the form found on the intranet at <http://eoirweb/component/ogc/ethics/forms/Speaking%20Engagement%20Form%20Filable.pdf> to request future speaking approval.

Please consider this e-mail OGC's ethics guidance on your request to speak at the Pro Bono Award Reception and Meeting sponsored by the York Subcommittee of the Philadelphia Chapter of AILA and the Pennsylvania Immigration Resource Center on January 30, 2012. You will be speaking about the importance of pro bono representation. Dinner is available at your own expense. There is no fee to attend. You will not be compensated for this event and will not receive any reimbursements for the costs of attending this event. There will not be any fund-raising at this event. You will not distribute any personally-prepared written material incident to your speaking engagement. Your supervisor, ACIJ has approved your attendance. You have approval to attend in a personal capacity with disclosure of your title with use of a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. read to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" or "Court Administrator" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor to make certain that this occurs.** Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- * You indicated that you will not hand out any individually prepared materials. If you later choose to do so, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge (or Court Administrator) with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.
- * Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thanks,
Brigette

Brigette L. Frantz
Associate General Counsel - Ethics Officer
Executive Office for Immigration Review
Office of the General Counsel
5107 Leesburg Pike, Suite 2600
Falls Church, VA 22041
P - 703/605-1281
F - 703/305-0443

This message may contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney-work product, all of which are privileged and not subject to disclosure outside the agency or to the public.

Good Morning Judge

You have submitted a request (attached) to speak before the Thomas Jefferson School of Law on a panel discussing "Careers in Immigration Law." The event is scheduled for today, October 25, 2012. You have been invited to the event by the American Immigration Lawyers' Association (AILA) Law School Outreach Committee. There is no fee for you to attend. You will not be compensated for this event and will not receive any reimbursements for the costs of attending this event. There will not be any fund-raising at this event. Your supervisor has approved your attendance. You have approval to attend in a personal capacity with disclosure of your title with use of a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." Please coordinate with the sponsor to make certain that this occurs. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.

* You indicated that you will not hand out any individually prepared materials. If you do, however, please be sure that the materials contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thanks,

Marlene Wahowiak
Associate General Counsel
EOIR/OGC-ELR
703-605-0376 (direct)

From: Bradley, Matthew (EOIR)
Sent: Thursday, August 30, 2012 12:37 PM
To:
Cc:
Subject: Brooklyn Law Immigration Class

Attachments: Speaking Engagement Form.pdf
Judge

OGC hereby grants approval of your request to speak to a class at Brooklyn Law School on October 22, 2012, from 6:00 to 7:50 p.m. You will describe your experiences adjudicating asylum claims in U.S. immigration courts to a class with a curriculum covering the law on refugees, asylum seekers, and internally displaced people. You will not be compensated for this engagement and there is no fundraising at this event. You will not be reimbursed for your cost of attendance. No food will be served at this event. You do not plan to distribute any personally prepared material. Your supervisor, ACIJ, approved your participation. We grant ethics approval for you to attend in your personal capacity, with use of your title and a disclaimer.

As you prepare for the class, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
 - * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
 - * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
 - * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." Please coordinate with the sponsor to make certain that this occurs. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- You indicated that you will not hand out any individually prepared materials. If you later decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the New York Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. 2635.204(a).
 - * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee, even if the employee volunteers to assist you to prepare for this activity.
 - * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
 - * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
 - * I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.
 - * Please refer to 5 C.F.R. 2635.807, as well as 5 C.F.R. 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thanks.

Matt Bradley
Associate General Counsel
USDOJ/EOIR/OGC

From: Smith, Charles (EOIR)
Sent: Tuesday, September 25, 2012 9:37 AM
To:
Cc:
Subject: Speaking Opportunity - Ethics Approval
Attachments: DOC022.pdf

Dear

Thank you for your ethics inquiry about a speaking opportunity (see attached).

In sum, you propose to speak at a Columbia University Law School class on October 31, 2012. Your proposed remarks will concern the structure of EOIR, a "day-in-the-life" of an IJ, caseloads, preparing for hearings, forms of relief, and the impacts on the immigration court from enforcement priorities at ICE.

You will not be compensated for your participation as a speaker, and there are no fundraising activities involved. Further, you will not be reimbursed for your cost of attendance, and no food will be served. Finally, you will not distribute any personally prepared material.

Your supervisor, ACIJ, has approved your speaking activity request. Based upon the facts and circumstances that I outlined above, I hereby grant ethics approval for you to speak at the event in your personal capacity, with use of your title and a disclaimer (see explanation, below), subject to the following guidelines:

* Be careful not to give legal advice (broadly speaking, assessing and applying principles of law to a particular factual situation). You may generally discuss procedures before the immigration court, but you must not give the appearance of partiality by offering legal advice.

* You may not disclose non-public information that you learn in the course of carrying out official duties – this would include enforcement priorities of ICE and consequent impacts on EOIR, to the extent that information might not otherwise be public. Similarly, you may not discuss any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you may not use your official title except as part of other biographical information. See 5 C.F.R. 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." As appropriate, please coordinate with the sponsor of the event to make certain that this occurs. You may be introduced with your official title. Please note that ethics permission granting use of your title

in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.

* Again, it appears that you will not hand out any individually prepared materials. If you later decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the New York Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."

* You may not accept a gift that is given because of your official position. See 5 C.F.R. 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. 2635.807, as well as 5 C.F.R. 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit your question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you.

Charles F. Smith
Associate General Counsel
Office of the General Counsel
Executive Office for Immigration Review
5107 Leesburg Pike, Suite 2600
Falls Church, VA 22041
703.605.1280

Kidd, Larry (EOIR)

From: Elliot, Nina (EOIR)
Sent: Thursday, November 08, 2012 5:05 PM
To:
Cc:
Subject: RE: NAPABA Annual Convention, Nov. 16, 2012---Moot Court Competition.

Thank you for your ethics inquiry. You are seeking ethics advice about presiding over the preliminary rounds of the Thomas Tang moot court competition, scheduled for November 16, 2012. The student competition is part of the 2012 National Asian-Pacific American Bar Association's Convention. The moot court problem involves two specific questions regarding the Alien Tort Statute. There are no immigration issues involved in the fact pattern. You are hereby approved to participate in your personal capacity.

As you prepare for the moot court, please remember the following guidelines:

- * Be careful not to give legal advice.
- * You must refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." Please coordinate with the sponsor to make certain that this occurs. You may be introduced with your official title.
- * You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,

Nina Elliot
Associate General Counsel
Executive Office for Immigration Review
Office of the General Counsel
703.305.0274

From:
Sent: Thursday, November 08, 2012 4:09 PM
To: EOIR, Ethics (EOIR)
Cc:
Subject: FW: NAPABA Annual Convention, Nov. 16, 2012---Moot Court Competition.

Dear ethics colleagues,
Can you please let us know of any advice you may have for staff attorney Pamela Ching as she volunteers to do a moot court next Friday? She will be on annual leave while she undertakes this activity. [redacted] is on Team L on BIA's Panel 3. A more complete description of the moot court is below.
Thank you for your help,

From:
Sent: Thursday, November 08, 2012 4:00 PM
To:
Cc:
Subject: NAPABA Annual Convention, Nov. 16, 2012---Moot Court Competition.

Dear [redacted]

I have volunteered to sit as a Judge in the preliminary rounds of the [redacted] Moot Court Competition on Friday, November 16th. The student competition is part of this year's National Asian-Pacific American Bar Association's Convention which will be held in DC this year.

The moot court problem involves whether or not advocacy of genocide is actionable under the Alien Tort Statute and furthermore, whether corporations may be sued under the Alien Tort Statute with corporate speech to be assessed in accordance with international law.

An introduction of the judges during both rounds I am judging---at most---will state my name and employment at the Board.

There will be no interaction after each round with the students; simply the submission of our worksheet with our points tallied up.

Kindly advise, if OGC might require any further clarification on this activity.
Thank you for your guidance,

From: Scheinkman, Rena (EOIR)
Sent: Wednesday, May 20, 2012 9:27 AM
To:
Cc:
Subject: RE: Participation in asylum training at Skadden Arps on June 5

Attachments: _Speaking Request 6.5.2012.pdf

Please consider this email OGC's ethics approval of your request to speak at Human Rights First's asylum training for *pro bono* attorneys on June 5, 2012. See attachment. You intend to speak on the topic of "Pro Bono Representation of Asylum Seekers in Immigration Court." You will not be compensated for your participation, and there will not be any fundraising at this event. We understand that your supervisor, Assistant Chief Immigration Judge _____ has approved your attendance. We grant ethics approval for you to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- o Be careful not to give legal advice. You may discuss immigration court procedures but do not want to give the appearance of partiality by offering legal advice.
- o You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- o Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- o The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by an appropriate disclaimer. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- o There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a). It is clear that you have been invited to this event because of your official position as an Immigration Judge. Therefore, you may not accept a gift from the organization. A gift does not include anything for which you pay fair market value. 5 C.F.R. § 2635.203(b)(9).
- o You may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- o The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- o Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- o Generally, an employee may not participate in fundraising activities in her official capacity unless she is authorized by statute, executive order, regulation, or an agency determination. In the Justice Department, all official fundraising is governed by Executive Order 12353, which established the CFC. An employee may participate in fundraising in her personal capacity as long as she does not use her official position and does not solicit either subordinates or persons having business with the Department (prohibited sources). 5 C.F.R. § 2635.808(c). A prohibited source is anyone who has or seeks official action or business with the Department; is regulated by the Department; has interests that may be substantially affected by the performance of an employee's official duties; or is an organization composed mainly of persons described above. 5 C.F.R. § 2635.203(d).
- o Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

- o I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox at Ethics.EOIR@usdoj.gov.

Thank you,
Rena

Rena Scheinkman
Associate General Counsel
T: 703.605.0442
F: 703.605.0491
rena.scheinkman@usdoj.gov

From:
Sent: Tuesday, May 29, 2012 3:41 PM
To:
Subject: RE: Participation in asylum training at Skadden Arps on June 5

Can you please give some more detail about the program and fill out the speaking engagement form so we have some additional information upon which to conduct our ethics analysis? The fillable form is available at:
<http://eoirweb/component/ogc/ethics/forms/Speaking%20Engagement%20Form%20Filable.pdf>.

ACIJ Please confirm whether your approval is for to participate in his personal capacity with title and disclaimer or in some other capacity.

Thank you,

From:
Sent: Tuesday, May 29, 2012 2:42 PM
To:
Subject: Fw: Participation in asylum training at Skadden Arps on June 5

From: ([redacted])
Sent: Tuesday, May 29, 2012 02:36 PM
To: [redacted]
Cc: [redacted]
Subject: Participation in asylum training at Skadden Arps on June 5

Dear [redacted],
I was asked to participate in a *pro bono* asylum training program at Skadden Arps on June 5. My ACIJ, [redacted] has approved my participation but I need to have your office give the final approval. The organizers have been e-mailing me frequently but I am reluctant to commit myself until I hear from OGC. Accordingly, let me know at your earliest convenience. Please contact me if you need any additional information.
Thank you.

From: Bradley, Matthew (EOIR)
Sent: Wednesday, August 15, 2012 5:46 PM
To:
Cc:
Subject: - Authorization to Speak at Interpreters Conference

Attachments: DOC001.pdf
Ms

Please consider this email OGC's ethics approval of your request to speak at the Colorado Association of Professional Interpreters' Annual Judicial Conference. (see attachment and below). The program will be held on September 10, 2012 at 9:00 a.m. You will be among several speakers focusing on different aspects of an interpreter's role in immigration court proceedings. You plan to talk about a typical day as an interpreter in immigration court. The audience will be comprised of other court interpreters. You will not be compensated for your attendance. Lunch valued at \$12.00 will be served as part of the program. There will not be fundraising at this event. We understand that your supervisor, Court Administrator (copied here), has approved your attendance. We grant ethics approval for you to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss Immigration Court procedures but do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). **This rule applies to any announcements, brochures, flyers, etc. related to the event.** Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by an appropriate disclaimer. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a). It is clear that you have been invited to this event because of your official position as an Interpreter. Therefore, you may not accept a gift from the organization. A gift does not include anything for which you pay fair market value. 5 C.F.R. § 2635.203(b)(9).
- * You may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.
- * Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you.

Matthew Bradley
Associate General Counsel
Phone: (703) 756-8014
Fax: (703) 605-0491
Matthew.Bradley@usdoj.gov

From: [redacted] artz, Brigitte (EOIR)
Sent: Saturday, February 11, 2012 3:28 PM
To: De [redacted]
Cc: Riley, Crystal (EOIR)
Subject: RE: speaking engagement
Judge

Please consider this e-mail OGC's ethics approval of your request to speak to an immigration law class at the University of Texas on February 28, 2012. You will discuss the practical aspects of immigration court proceedings. No food will be served. There will not be any fundraising at this event. You will not be compensated for your attendance at this event. You do not plan to distribute any personally-prepared written material incident to your speaking engagement. We understand your supervisor, Assistant Chief Immigration Judge [redacted] approves your attendance. You have approval to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." Please coordinate with the sponsor to make certain that this occurs. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- * You indicated that you will not hand out any individually prepared materials. If you later decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a)
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.
- * Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

I encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,
Brigitte

Brigette L. Frantz
Associate General Counsel
Ethics Officer
MSDOJ/EOIR/OGC
605-1281

From:
Sent: Wednesday, February 08, 2012 2:14 PM
To
Cc: EOIR, Ethics (EOIR)
Subject: speaking engagement

Judge

Please consider this management approval to speak at the University of Texas, Immigration Law class on February 28, 2012, from 3:30 to 5:00 in your personal capacity. You have submitted the invitation letter and the Speaking Engagement form, and those will be forwarded to EOIR Ethics. I am also notifying EOIR Ethics which will provide its approval and advice as appropriate.

Frantz, Brigette (EOIR)
Sent: Sunday, February 05, 2012 2:21 PM
To:
Cc: , Crystal (EOIR)
Subject: RE: February 13th
m

Please consider this e-mail OGC's ethics approval of your request to participate in the ABA Commission on Immigration pro bono training on February 13, 2012. You will provide the welcome to attendees and a mock hearing will also take place. No food will be served. There will not be any fundraising at this event. You will not be compensated for your attendance at this event. You do not plan to distribute any personally-prepared written material incident to your speaking engagement. Provided your supervisor, Assistant Chief Immigration Judge , approves your attendance, you have approval to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor to make certain that this occurs.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- * You indicated that you will not hand out any individually prepared materials. If you later decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a)
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.
- * Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,
Brigette

Brigette L. Frantz
Associate General Counsel
Ethics Officer
USDOJ/EOIR/OGC
703/605-1281

From:
Sent: Tuesday, January 31, 2012 11:59 AM
To: Frantz, Brigette (EOIR)
Cc
Subject: RE: February 13th

If Judge had not already given approval for this training, I do. Noel, please complete the form and send to Brigette.

From: Frantz, Brigette (EOIR)
Sent: Tuesday, January 31, 2012 11:23 AM
To:
Cc
Subject: RE: February 13th

H

Was supervisory approval ever given for this? I just realized going through my files that I never closed this one out. It will be an approval, of course, but I need ACIJ approval and the rest of the information from the request form (<http://eoirweb/component/ogc/ethics/forms/Speaking%20Engagement%20Form%20Fiable.pdf>).

Thanks!
Brigette

Brigette L. Frantz
Associate General Counsel
Ethics Officer
USDOJ/EOIR/OGC
703/605-1281

From
Sent: Thursday, January 12, 2012 11:42 AM
To: Frantz, Brigette (EOIR)
Cc
Subject: February 13th

Brigette,

On February 13th from 2-4:30 the NY Court at 26 Federal is hosting an ABA Commission on Immigration-- sponsored training.

There will be a judge participating in a panel and as the "presiding" judge for a mock hearing on Non-LPR Cancellation. No decision will be rendered.

All disclaimers will be issued.

The training is CLE eligible and the law firm of _____ is processing the CLE.

_____ materials were previously approved.

Happy New Year. -

132

From: Wahowiak, Marlene (EOIR)
Sent: Friday, March 16, 2012 12:49 PM
To: Riley, Crystal (EOIR)
Subject: FW: Request for approval for speaking engagement

From:
Sent: Friday, March 16, 2012 12:02 PM
To: Wahowiak, Marlene (EOIR)
Subject: Re: Request for approval for speaking engagement

Thanks Marlene! Please forward to Crystal Riley.

From: Wahowiak, Marlene (EOIR)
Sent: Friday, March 16, 2012 09:48 AM
To:
Cc:
Subject: Request for approval for speaking engagement

Judge

You have requested approval to give the opening remarks on March 21, 2012, at a Continuing Legal Education course presented by the LGBT Bar Association of Greater New York entitled, "Immigration Law – Overview." You will not be compensated or reimbursed for expenses, and your supervisor has approved your participation. Subject to the restrictions listed below, your participation in this event is approved in your personal capacity, with use of your title and a disclaimer.

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." Please coordinate with the sponsor to make certain that this occurs. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.

* If you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as the LGBT Bar Association of Greater New York. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines concerning outside activities.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,
Marlene Wahowiak
EOIR/OGC
(703) 305-0322

From: Frantz, Brigitte (EOIR)
Sent: Sunday, February 05, 2012 2:29 PM
To:
Subject: RE: BLS 4-17 Mock Hearing
Hi,

Please consider this e-mail OGC's ethics approval of your request to participate in a mock hearing at Brooklyn Law School on April 17, 2012. You will preside over a mock cancellation case. As with all mock hearings, please refrain from issuing a "ruling" to avoid any impartiality concerns. I understand from your request that you are aware of this restriction. No food will be served. There will not be any fundraising at this event. You will not be compensated for your attendance at this event. You do not plan to distribute any personally-prepared written material incident to your speaking engagement. We understand your supervisor, Assistant Chief Immigration Judge _____ approves your attendance. You have approval to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor to make certain that this occurs.** You may be introduced with your official title. Please note that _____'s permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- * You indicated that you will not hand out any individually prepared materials. If you later decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a)
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.
- * Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

I encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,
Brigitte

Brigette L. Frantz
Associate General Counsel
Ethics Officer
USDOJ/EOIR/OGC
(202) 605-1281

From:
Sent: Tuesday, January 31, 2012 2:16 PM
To: Frantz, Brigette (EOIR)
Cc:
Subject: BLS 4-17 Mock Hearing

Brigette, attached is my annual request to preside over the Mock Hearing at BLS. I know not to render a decision.

Thank you.

From:
Sent: Monday, January 23, 2012 4:46 PM
To:
Subject: mock immigration court hearing

Dear Judge

I write to invite you to "preside" over a mock removal hearing at my Immigration Law class at Brooklyn Law School on April 17, 2012. Class begins at 6 pm and the hearing should last about an hour. If convenient, you could arrive around 6:45 and then the students can get organized and underway by 6:50. We have to be done by 7:50 when the class ends.

Thank you very much and I look forward to the class.

Sincerely,

From: Frantz, Brigette (EOIR)
Sent: Sunday, February 05, 2012 2:25 PM
To:
Cc:
Subject: RE: FBA Ethics Lecture Invitation
Hi

Please consider this e-mail OGC's ethics approval of your request to speak on the ethics panel at the FBA Immigration Conference on May 23, 2012 in Newark, NJ. You will discuss ethics in immigration litigation. No food will be served. There will not be any fundraising at this event. You will not be compensated for your attendance at this event. You do not plan to distribute any personally-prepared written material incident to your speaking engagement. We understand your supervisor, Assistant Chief Immigration Judge _____, approves your attendance. You have approval to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor to make certain that this occurs.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.

* You indicated that you will not hand out any individually prepared materials. If you later decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,
Brigette

Brigette L. Frantz
Associate General Counsel
Ethics Officer
SDOJ/EOIR/OGC
703/605-1281

From:
Sent: Tuesday, January 31, 2012 2:14 PM
To:
Cc:
Subject: RE: FBA Ethics Lecture Invitation

I approve subject to ethics approval. Please let me know when Brigette responds.

From:
Sent: Tuesday, January 31, 2012 2:06 PM
To: Frantz, Brigette (EOIR)
Cc:
Subject: FW: FBA Ethics Lecture Invitation
Importance: High

Below is a request from the FBA to be part of an Ethics Panel at the annual
indicated that an IJ always participates in this.

Conference on May 23rd. Judge

Attached is the standard form.

As you may recall I recently participated on an Ethics panel in October at the ABA Commission on Immigration Pro Bono training.

Thanks

From: [redacted]@ionlaw.com]
Sent: Monday, January 23, 2012 3:13 PM
To:
Cc:
Subject: FBA Ethics Lecture Invitation
Importance: High

January 23, 2012

Via e-mail only

Honorable
Executive Office for Immigration Review
26 Federal Plaza
New York, New York

Re: Request to lecture on Immigration Ethics at the Federal Bar Association (FBA) Conference on
Wednesday, May 23, 2012.

Your Honor:

Kindly accept this e-mail as an invitation to speak at the 31st Annual "William H. Strasser" FBA
Immigration Conference. The conference is scheduled to be held at the Newark, New Jersey Gateway

From: Frantz, Brigitte (EOIR)
Sent: Saturday, February 11, 2012 6:18 PM
To:
Cc:
Subject: RE: CLE Training at City Bar on May 29, 2012
ri

Please consider this e-mail OGC's ethics approval of your request to speak at a pro bono attorney training hosted by the Bar of the City of New York on May 29, 2012. You will discuss presenting a case in immigration court. No food will be served. There will not be any fundraising at this event. You will not be compensated for your attendance at this event. You do not plan to distribute any personally-prepared written material incident to your speaking engagement. Provided your supervisor, Assistant Chief Immigration Judge , approves your attendance, you have approval to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." Please coordinate with the sponsor to make certain that this occurs. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.

* You indicated that you will not hand out any individually prepared materials. If you later decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,
Brigitte

Brigette L. Frantz
Associate General Counsel
Ethics Officer
ISDOJ/EOIR/OGC
3/605-1281

From:
Sent: Thursday, February 09, 2012 3:15 PM
To:
Cc:
Subject: RE: CLE Training at City Bar on May 29, 2012

Now it's attached

From:
Sent: Thursday, February 09, 2012 2:11 PM
To: Frantz, Brigette (EOIR)
Cc:
Subject: FW: CLE Training at City Bar on May 29, 2012

Brigette, I am forwarding a request to participate in the annual City Bar training. I've done this for at least several years and have always received approval.

Also attached is the standard request.

Thanks

From:
Sent: Tuesday, February 07, 2012 3:08 PM
To:
Subject: CLE Training at City Bar on May 29, 2012

Dear Judge

As Chair of the Immigration and Nationality Committee of New York City Bar, I would like to invite you to speak at a CLE training which will take place on May 29, 2012. The purpose of the training is to explore the issues concerning the right to asylum for victims of gang violence. Since the treatment of these claims is the subject of considerable public interest concern, I thought you might be interested in participating on the panel.

The panel will consist of two or three judges, two attorneys from the private bar, one from UNHCR, and two lawyers from USICE.

The subjects which to be considered would include the following:

1. Nature of the theories upon which refugee status could be recognized.
2. Possibility of attributed political opinion and/or attributed membership in a social group.
3. Ways in which the "social visibility" and "particularity" requirements can be established.
3. Whether "social visibility" and "particularity" as developed by the Board are misplaced integuments to social group analysis.

Evolving nature of the "liberal" interpretation of "refugee" in the context of gang recruitment and persecution.

5. Examination of possible application of the second prong of Acosta's teaching on social group (those conscientiously opposed to engaging in inhuman acts) as a predicate for refugee recognition and asylum.

From: Elliott, Nina (EOIR)
Sent: Tuesday, June 12, 2012 3:55 PM
To:
Cc:
Subject: RE: June 26th Orientation for NY disciplinary Attorneys

Dear Judges

You have requested ethics approval to speak at an event sponsored by the New York State Departmental Disciplinary Committee Supreme Court, Appellate Division, First Judicial Department. Judge [redacted] will provide an overview of the immigration court and caseload, Judge [redacted] will discuss immigration court practitioners, and Judge [redacted] will provide an overview of removal proceedings. I note your supervisor ACIJ [redacted] has approved your participation in this event.

No food or refreshments will be served as part of the event. There is no fee to attend and you were not offered a reduced or waived fee to attend. There will be no fundraising at the event. You will not be compensated or reimbursed for attending. No written materials will be distributed as part of the program. The event will not have any press or media coverage. Subject to the restrictions listed below, participation in this event is approved in your personal capacity, with use of your title and a disclaimer.

* Be careful not to give legal advice. You may discuss administrative procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own, and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc., related to the event. Under the facts specific to this event, you are permitted to use your official title (i.e., "Immigration Judge") on written materials associated with this event, so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor of this speaking engagement to make certain that this occurs, as appropriate.** You may be introduced with your official title. Please note that ethics permission granting limited use of your title in your unofficial capacity is specific to this engagement ONLY, as we address this issue on a case-by-case basis.

* Although you indicate that you will not do so, if you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.

* There are limitations on accepting other items of monetary value that are given because of your official position. See 5 C.F.R. § 2635.202(a)(2). However, an applicable exception permits other unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee to prepare for your participation in the speaking engagement, even if the employee volunteers to assist you to prepare for this engagement, or to use official time to travel to or attend the engagement.

* The approval of this speaking activity only extends to a determination concerning the ethical guidelines for this specific activity. Your participation in the requested activity, and any annual or other leave taken that relates to your participation in it, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines concerning outside activities.

We encourage you to continue to seek ethics advice in the future. If you have any questions about your participation in this event or future situations, please feel free to contact me, or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,

Nina Elliot
Associate General Counsel
Executive Office for Immigration Review
703.305.0274

From:
Sent: Tuesday, June 12, 2012 1:27 PM
To:
Cc:
Subject: RE: June 26th Orientation for NY disciplinary Attorneys

I meant to cc IJs Burr and Schoppert on the email to you.

From:
Sent: Tuesday, June 12, 2012 1:25 PM
To: Scheinkman, Rena (EOIR)
Cc:
Subject: FW: June 26th Orientation for NY disciplinary Attorneys

Below please find ACIJ approval for our participation in a June 26 orientation program for NY State disciplinary attorneys..

Attached find the standard request form.

Thank you.

From:
Sent: Tuesday, June 12, 2012 1:08 PM
To:
Cc:
Subject: RE: June 26th Orientation for NY disciplinary Attorneys

I approve the participation of Judges Burr, Schoppert, and yourself at the orientation workshop for NY Disciplinary Staff Attorneys as described below.

From:
Sent: Tuesday, June 12, 2012 11:12 AM

137

From: Rosenblum, Jeff (EOIR)
Sent: Thursday, February 16, 2012 10:06 AM
To:
Cc:
Subject: RE:

Attachments: Speaking engagement.pdf
Judge

You have requested approval to speak at the Texas State Bar Immigration Seminar titled "Experiences and Lessons Learned from conducting Removal Proceedings." Your supervisor has approved your participation. Subject to the restrictions listed below, your participation in this event is approved in your personal capacity, with use of your title and a disclaimer.

Please note, however, that per your speaking request form (attached), you have already been listed in the brochure for this event. **This is improper for two reasons.** First, you must receive ethics approval before agreeing to participate in an event. Second, as explained below, because you are speaking in your personal capacity, you must have the parenthetical (personal capacity) listed after your name. **Please coordinate with the sponsor of the event to ensure that this is addressed forthwith.** I am also copying your supervisor on this e-mail; please ensure in the future that you do not accept invitations to speak prior to receiving ethics approval.

In addition, on your speaking request form, when asked whether you were offered compensation, you wrote "not yet." **Please note that the ethics regulations prohibit you from accepting compensation for speaking on topics related to your official duties, such as this instance.** 5 C.F.R. § 2635.807(a).

Also, if you decide to attend the event in addition to speaking, you must personally pay the attendance fee. **Furthermore, you cannot be reimbursed travel costs for this event, unless those costs are \$20 or less.** See 5 C.F.R. §§ 2635.202, 204(a).

The following are additional restrictions:

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)."
Please coordinate with the sponsor to make certain that this occurs. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.

* If you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your

official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time in relation to this activity. Under no circumstances may you accept the assistance of another EOIR employee in relation to this activity, even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705, for general guidelines concerning outside activities.

If you have any questions, please feel free to contact me. Thanks.

Jeff Rosenblum
Executive Office for Immigration Review
Office of the General Counsel
(703) 305-0799

From: Scheinkman, Rena (EOIR)

Sent: Thursday, May 31, 2012 11:41 AM

To:

Subject: Speaking Request - Asylum Pro Bono Training June 20

Attachments: Speaking Engagement Request 5.30.12.pdf

You have requested ethics approval to participate in asylum training for *pro bono* attorneys on June 20, 2012. See attachment. You intend to speak on the topic of "Presenting an Asylum Case in the Immigration Court." You will not be compensated for your participation, and there will not be any fundraising at this event. Only light refreshments will be served. We understand that your supervisor, Assistant Chief Immigration Judge, has approved your attendance. Your participation in this event is approved in your personal capacity, with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- o Be careful not to give legal advice. You may discuss immigration court procedures but do not want to give the appearance of partiality by offering legal advice.
- o You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- o Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- o The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by an appropriate disclaimer. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- o You have indicated that you do not intend to distribute written materials, or if you do, you will only use items that were previously approved. If you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.

- o There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a). It is clear that you have been invited to this event because of your official position as an Immigration Judge. Therefore, you may not accept a gift from the organization. A gift does not include anything for which you pay fair market value. 5 C.F.R. § 2635.203(b)(9).
- o Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- o The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- o Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- o Generally, an employee may not participate in fundraising activities in her official capacity unless she is authorized by statute, executive order, regulation, or an agency determination. In the Justice Department

From: Scheinkman, Rena (EOIR)
Sent: Tuesday, June 12, 2012 10:54 AM
To:
Cc:
Subject: RE: June 18th

Attachments: 2012 Speaking Engagement Form -- June 18th mock hearing.wpd

Please consider this e-mail OGC's ethics approval of your request to participate in the ABA Commission on Immigration pro bono training on June 18, 2012. will provide introductions ; will "preside" over a mock hearing, and will "narrate" the hearing and help field questions. No food will be served. There will not be any fundraising at this event. You will not be compensated for your attendance at this event. Your supervisor, Assistant Chief Immigration Judge has approved your attendance at this event. You may attend in your personal capacities, with use of your titles and disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- o Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- o You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- o Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- o The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor to make certain that this occurs.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- o You indicated that you will not hand out any individually prepared materials, or if you do, they have already been approved. If you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). Here is an example of an appropriate disclaimer: *"The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his/her personal capacity, and the views expressed herein are solely his/her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."*
- o There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).
- o Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- o The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- o Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- o Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

I am copying Crystal Riley to make Public Affairs aware of this speaking engagement. We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox at EOIR.Ethics@usdoj.gov.

Thank you,
Rena

Pena Scheinkman
Associate General Counsel
T: 703.605.0442
F: 703.605.0491
rena.scheinkman@usdoj.gov

From:
Sent: Tuesday, June 12, 2012 9:41 AM
To:
Cc: Weisel, Robert (EOIR); Brennan, Noel (EOIR)
Subject: FW: June 18th

Good morning. Below is [redacted] approval (and my email summarizing the event) for our June 18th mock hearing.

From:
Sent: Tuesday, June 12, 2012 9:28 AM
To:
Subject: RE: June 18th

I approve this training session. Please send this down to ethics. Thank you.

--

From:
Sent: Tuesday, June 12, 2012 8:39 AM
To: [redacted]
Cc:
Subject: June 18th

As you know on Monday, June 18th from 2-4:30 the NY Court at 26 Federal is hosting an ABA Commission on Immigration--sponsored training.

J. Abrams will be participating as the "presiding" judge for a mock hearing in a detained LPR Cancellation. No decision will be rendered.

Judge Burr will be narrating and fielding the Q&A following the mock hearing.

Judge Brennan will make introductions.

All disclaimers will be issued.

The training is CLE eligible and the law firm of Fragomen is processing the CLE.

All materials were previously approved.

This is the formal request for approval.

From: Frantz, Brigette (EOIR)
Sent: Tuesday, January 31, 2012 11:23 AM
To:
Cc:
Subject: RE: February 13th

NY Monthly Disciplinary Committee Meeting.txt

From: Elliot, Nina (EOIR)
Sent: Monday, September 10, 2012 1:08 PM
To:
CC:
(EOIR)
Subject: FW: September 19th

Attachments: 2012 Speaking Engagement Form -- NY Disciplinary Committee 9-19.wpd; - NY Disciplinary Committee 9-19.wpd

Dear Judge

You have requested ethics approval to present at the September monthly meeting of the Departmental Disciplinary Policy Committee for the Appellate Division, First Department at the law offices of [redacted] on September 19 at 8:30 a.m. This event is sponsored by the Departmental Disciplinary Committee, Supreme Court of New York, First Judicial Department. The program is entitled: "The New York Immigration Court." Your participation includes a brief presentation at the Committee's monthly meetings. You note that committee members are private practitioners. You will not receive any compensation for this activity; attendance for all participants and attendees is free; there will be no fundraising at the event; and you do not intend to distribute any written materials. Your supervisor, ACIJ [redacted] has approved your participation.

You are approved to speak at this event in your personal capacity, with use of your title and a disclaimer. Please keep in mind the following guidelines:

- * Be careful not to give legal advice. You may discuss immigration court procedures generally, but you should not offer opinions that might be construed as legal advice (e.g., answering fact-specific questions), or offer any statements that would appear to compromise your impartiality.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR tribunals and addressing hypothetical situations relating to EOIR or its tribunals.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice (see next paragraph).
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on such written materials associated with this event, so long as it is followed immediately by the following parenthetical: "(personal capacity)." Please coordinate with the sponsor/organizer of this activity to make certain that this occurs for any materials they might distribute independently or on your behalf. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.
- * Although you indicate that you will receive no compensation for your participation, please be mindful that there are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). However, at the engagement you are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20 or less per occasion,

1-NY Monthly Disciplinary Committee Meeting.txt

not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time in relation to this activity. Under no circumstances may you accept the assistance of another EOIR employee in relation to this activity, even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705, for general guidelines concerning outside activities.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me directly or send your question to the ethics inbox at Ethics.EOIR@usdoj.gov.

Thank you,

Nina Elliot
Associate General Counsel

EOIR/OGC, Employee & Labor Relations Unit
T: 703.305.0274
F: 703.605.0491
nina.elliott@usdoj.gov

-----Original Message-----

From:
Sent: September 10, 2012 12:38 PM
To:
Cc:
Subject: FW: September 19th

Hi

ACIJ Weisel has approved the below request.

Attached is the standard request form.

Thanks --n

-----Original Message-----

From:
Sent: Monday, September 10, 2012 12:34 PM
To:
Subject: Re: September 19th

Approved

----- Original Message -----

From:
Sent: Monday, September 10, 2012 12:15 PM
To:

141

Law School_Panel on Mental Health in Removal Proceedings.txt
From: Scheinkman, Rena (EOIR)
Sent: Friday, March 02, 2012 4:31 PM
To:
cc:

Subject: Fw: Panel on Mental Health in Removal Proceedings

Attachments: 2012 Speaking Engagement Form -- March 13th Cardozo Panel.wpd

Judge :

Please consider this e-mail OGC's ethics approval of your request to speak on March 13, 2012 on the Discussion Panel on Mental Health Issues in Removal Proceedings, coordinated by the Immigration Justice Clinic at Benjamin N. Cardozo School of Law. You will be speaking on the topic of mental health issues in immigration proceedings. You will not be compensated or reimbursed for expenses, no food or refreshments will be served at this event, there is no fee to attend the event, and there will not be any fundraising at this event. In addition, you will not distribute any personally-prepared written material incident to your speaking engagement. Your supervisor, Assistant Chief Immigration Judge has approved your participation. Subject to the restrictions listed below, your participation in this event is approved in your personal capacity, with use of your title and a disclaimer.

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." Please coordinate with the sponsor to make certain that this occurs. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.

* You indicated that you will not hand out any individually prepared materials. However, if you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.

* There are limitations on accepting items of monetary value from prohibited
Page 1

Law School_Panel on Mental Health in Removal Proceedings.txt
sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines concerning outside activities.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Rena Scheinkman
Associate General Counsel
EOIR/OGC, Employee & Labor Relations Unit
T: 703.605.0442
F: 703.605.0491
rena.scheinkman@usdoj.gov

-----Original Message-----

From: [REDACTED]
Sent: Thursday, March 01, 2012 5:05 PM
TO:
CC:
Subject: RE: Panel on Mental Health in Removal Proceedings

attached is the standard request form.

Below find the original invite and supplemental info on panelists. Also find ACIJ approval.

Thank you --

-----Original Message-----

From: [REDACTED]
Sent: Thursday, March 01, 2012 4:48 PM
TO:
CC:

Page 2

Exhibit 24 Page 272

From: Frantz, Brigitte (EOIR)
Sent: Thursday, January 12, 2012 3:26 PM
To:
Cc:
Subject: Lunch with a Lawyer Event
Judge

Please consider this e-mail OGC's ethics approval of your request to speak at the Oregon State Bar "Lunch With a Lawyer" event on April 19, 2012. I have communicated separately with [redacted] regarding the job shadowing aspect of this program and will only address the lunch portion here. You will give an introduction explaining who you are and what you do then will speak informally with college students interested in the law. Lunch will be provided at the event. You may accept the lunch only if the cost is less than \$20, otherwise you should pay the cost of the lunch. There is no fee for you to attend. You will not be compensated for this event and will not receive any reimbursements for the costs of attending this event. There will not be any fund-raising at this event. You will not distribute any personally-prepared written material incident to your speaking engagement. Your supervisor, ACIJ has approved your attendance. You have approval to attend in a personal capacity with disclosure of your title with use of a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please ordinate with the sponsor to make certain that this occurs.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- * You indicated that you will not hand out any individually prepared materials. If you later choose to do so, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.
- * Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thanks,
Brigette

Brigette L. Frantz

Associate General Counsel - Ethics Officer
Executive Office for Immigration Review
Office of the General Counsel
5107 Leesburg Pike, Suite 2600
Falls Church, VA 22041
P - 703/605-1281
F - 703/305-0443

This message may contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney-work product, all of which are privileged and not subject to disclosure outside the agency or to the public.

From: Smith, Charles (EOIR)
Sent: Monday, September 24, 2012 4:23 PM
To:
Cc:
Subject: RE: 14th annual Oregon State Bar Trial Advocacy College - October 26

Both the box lunch and reception/faculty dinner would not constitute "compensation" in connection with your role as a speaker/teacher, since they appear to be meals or other incidents of attendance, furnished as part of the event at which you speak/teach. Therefore, you may receive those specified items without running afoul of the government-wide ethics rules.

By way of contrast, in connection with your role as a speaker/teacher, receipt of a coupon or prepaid card from the event's sponsor that would entitle you to a restaurant meal the week after the event would be a prohibited form of compensation. In that such instance, the remuneration would be quite attenuated from a meal or other incident of attendance, furnished as part of the event – thus, a prohibited form of compensation for speaking/teaching.

Best of luck, and enjoy the moot court event.

From: (RS)
Sent: Monday, September 24, 2012 3:50 PM
EOIR, Ethics (EOIR)
Subject: RE: 14th annual Oregon State Bar Trial Advocacy College - October 26

Dear

A careful review of the materials indicate that a box lunch can be provided and that I would be invited to a post session reception and faculty dinner; all sponsored by the Oregon State Bar. Please advise me on my appropriate response to these matters.

Thank you,

From: EOIR, Ethics (EOIR)
Sent: Monday, September 24, 2012 10:02 AM
To:
Cc:
Subject: RE: 14th annual Oregon State Bar Trial Advocacy College - October 26

Dear

I am responding on behalf of OGC ethics to your request for approval to observe and provide feedback as a moot court judge at the 14th Annual Oregon State Bar Trial Advocacy College on October 26, 2012 (see attached invitation). Your supervisor, ACIJ has approved your proposed attendance (see e-mail below).

For future speaking/teaching requests (for ethics purposes, those terms includes moot court judging), please fill out and submit a speaking/teaching request form in advance (see <http://eoirweb/component/ogc/ethics/forms/Speaking%20Engagement%20Form%20Filable.pdf>).

For ethics purposes, this e-mail constitutes ethics approval of your proposed speaking/teaching activity in your personal capacity, with use of your title and a disclaimer (see further specification below).

Based in part on the information you have provided to date, this ethics approval assumes that no food will be served at the event; there is no attendance fee; you will not be compensated for your participation; and there will be no fund-raising at the event. Additionally, I assume that you will not distribute personally-prepared written materials incident to your speaking role. If any of these assumptions is incorrect (and/or to the extent that I have not addressed any potential ethical issues below, related to such assumptions), you must bring them to my attention and seek further ethics advice before engaging in the activity.

As a moot court judge assessing the presentation of one or more hypothetical civil cases at the event, you must limit your remarks/critique to the advocacy skills/abilities demonstrated by the participants. By contrast, you must not address the merits of any such hypothetical cases – this avoids the possibility of providing (or appearing to provide) legal advice or substantive opinions.

Furthermore, you must follow the following ethics guidelines in participating as a speaker/teacher in the moot court activity:

- You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR *and discussing hypothetical situations relating to EOIR*.
- Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks/moot court critique to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." ***Please coordinate with the sponsor to make certain that this occurs.*** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- Although this ethics advice is predicated on the assumption that you will not hand out any individually prepared materials, should you later chose to do so, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as

required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this [outline, critique, etc.] in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."

- There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as a state bar organization. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). Nonetheless, at the event you are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).
- Unless your supervisor authorizes administrative leave or an excused absence, you may not use your official time or that of another employee for the activity, even if the employee volunteers to assist you to prepare for this activity.
- The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity. In this instance, since there appears to be a waiver of attendance fees for all moot court judges at the event (including an MCLE benefit that is incident to attendance), please note that such a waiver would not constitute compensation, and thus you may accept the fee waiver for the event (and incidental MCLE benefit, to the extent you otherwise qualify for it).
- Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

I am copying Crystal Riley to make Public Affairs aware of this speaking/teaching engagement.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me directly or submit your question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,

Charles F. Smith
Associate General Counsel
EOIR/OGC
703/605-1280

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From: Reinfurt, Sandy (EOIR)
Sent: Monday, November 05, 2012 5:14 PM
To:
Cc:
Subject: RE: leave and outside speaking request
Attachments: Speaking Engagement Form.pdf

Judge

You have requested approval to speak on the topic of immigration law at the Portland Catholic High School Justice Summit on December 2, 2012. The anticipated audience is high school students. There is no fee for you to attend. You will not be compensated for this event and will not receive any reimbursements for the costs of attending this event. There will not be any fund-raising at this event. Your supervisor has approved your participation in your personal capacity (see email below). Subject to the following restrictions, your participation in this event is approved in your personal capacity, with use of your title and a disclaimer.

Please note the following restrictions:

* You must not give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You must refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you may not use your official title except as part of other biographical details. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor to make certain that this occurs.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.

* If you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time in relation to this activity. Under no circumstances may you accept the assistance of another EOIR employee in relation to this activity, even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705, for general guidelines concerning outside activities.

If you have any questions, please feel free to contact me or send an email to the ethics inbox at Ethics.EOIR@usdoj.gov. Thanks.

Sandy Reinfurt
Associate General Counsel
Office of General Counsel
EOIR/DOJ

From:
Sent: Monday, November 05, 2012 3:48 PM
To: Reinfurt, Sandy (EOIR)
Cc: I
Subject: RE: leave and outside speaking request

I am attaching the form, please let me know if it does not go through. Thanks

From: Reinfurt, Sandy (EOIR)
Sent: Monday, November 05, 2012 11:46 AM
To:
Cc:
Subject: FW: leave and outside speaking request

Jge

Attached please find EOIR's speaking engagement form. Please fill it out and send it back to me, or provide the information to me in an email. You do not need your supervisor's signature, as he has already approved this activity.

Thank you,
Sandy Reinfurt

From:
Sent: Monday, November 05, 2012 12:44 PM
To: EOIR, Ethics (EOIR)
Cc:
Subject: RE: leave and outside speaking request

Request for speaking in unofficial capacity approved. Thank you.

From:
Sent: Monday, November 05, 2012 9:42 AM
To:
Cc:
Subject: leave and outside speaking request

From: Rosenblum, Jeff (EOIR)
Sent: Friday, March 30, 2012 2:36 PM
To:
Cc:

Subject: RE: Two More Speaking Engagement Requests.

Attachments: 000005A3.pdf
Judge

You have requested ethics approval for two speaking engagements. I note that pursuant to your Speaking Engagement Forms (attached), you will not be compensated for either presentation. You are approved to speak in your official capacity at the Annual Training for United States Federal District Court Judges and Magistrates for the Southern District of California, on April 12, 2012, on the topic of "Basic Immigration Points that May be of interest to Federal District Court Judges and Magistrates." You are approved to speak in your personal capacity, with use of official title and disclaimer, at the Federal Bar Association (FBA)/AILA CLE Event Regarding Asylum Law, on May 9, 2012, on the topic of "What the Immigration and Nationality Act, Regulations, and Immigration Court Rules Don't Tell you About How to Practice Immigration Law."

With respect to the Federal court judge training, on April 12, because you will be speaking in your official capacity, the following restrictions apply:

When an employee speaks at an event in his official capacity, he may accept an offer of free attendance at the event on the day of his presentation, if the offer is provided by the sponsor of the event. 5 C.F.R. § 2635.204(g). Free attendance includes provision of food, refreshments, entertainment, instruction and materials furnished to all attendees as an integral part of the event. 5 C.F.R. § 2635.204(g)(4). It does not include travel expenses, lodgings, entertainment, or meals taken other than in a group setting with all other attendees. *Id.*

In addition, as we routinely counsel employees speaking in their official capacity:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Except in limited circumstances (*e.g.*, teaching approved courses), you cannot receive compensation for speaking, teaching, or writing that relates to the agency's mission or to your official duties.
- * Because you are speaking in your official capacity, you may use your official title. 5 C.F.R. § 2635.807(b).
- * Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705, for general guidelines concerning outside activities.

With respect to the FBA/AILA CLE event on May 9, please note the following restrictions related to personal-capacity (with use of official title and disclaimer) activities (some, but not all, of which are repeated from above):

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * You must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except

as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." **Please coordinate with the sponsor to make certain that this occurs.** You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.

* If you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20 or less per occasion, not to exceed \$50 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing that relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705, for general guidelines concerning outside activities.

Please feel free to contact me if you have any questions. Thanks.

Jeff Rosenblum
EOIR/OGC
(703) 305-0799

From: /
Sent: Thursday, March 29, 2012 6:46 PM
To: EOIR, Ethics (EOIR)
Cc:
Subject: FW: Two More Speaking Engagement Requests.

Good Afternoon Ethics Officer,

I have attached signed approvals from my supervisor and request ethics clearance to speak at the two functions. If you have any questions, please let me know. Regards, /

From:
Sent: Tuesday, March 27, 2012 11:45 AM

Exhibit 24 Page 281

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From: Bradley, Matthew (EOIR)
Sent: Thursday, August 30, 2012 12:49 PM
To:
Cc:
Subject: 1 - Speaking to Class at U1-

Attachments: Speaking Engagement Form.pdf
Judge

OGC hereby grants approval of your request to speak to a Legal Reasoning and Writing Class at the University of Texas-Dallas on October 9, 2012, at 7:00 p.m. You will not be compensated for this engagement and there is no fundraising at this event. You will not be reimbursed for your cost of attendance. No food will be served at this event. You do not plan to distribute any personally prepared material. Your supervisor, ACIJ, has approved your participation. We grant ethics approval for you to attend in your personal capacity, with use of your title and a disclaimer.

As you prepare for the class, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." Please coordinate with the sponsor to make certain that this occurs. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- * You indicated that you will not hand out any individually prepared materials. If you later decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Immigration Judge with the Dallas Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. 2635.204(a).
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.
- * Please refer to 5 C.F.R. 2635.807, as well as 5 C.F.R. 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thanks.

Matt Bradley
Associate General Counsel
DOJ/EOIR/OGC

From: Rosenblum, Jeff (EOIR)

Sent: Wednesday, February 22, 2012 5:26 PM

To:

Cc:

Subject: RE: request for permission to attend and participate in panel discussion at AU, Washington College of Law
Judgr

Provided that you receive supervisory approval (which is generally obtained prior to ethics approval, but I recognize your short deadline), your request is approved. Specifically, you are approved to participate in the panel discussion at American University, Washington College of Law, tomorrow night in your personal capacity, with use of your title and a disclaimer, subject to the restrictions listed below. This approval also assumes that you will not receive any compensation for this activity; obviously, if this is not the case, please let me know and I will advise appropriately. (As an adjunct at a law school myself, I'm fairly confident in this assumption.)

The following are additional restrictions:

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)."

Case coordinate with the class teacher to make certain that this occurs. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case-by-case basis.

* If you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Immigration Judge with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in her personal capacity, and the views expressed herein are solely her views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time in relation to this activity. Under no circumstances may you accept the assistance of another EOIR employee in relation to this activity, even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705, for general guidelines concerning outside activities.

If you have any questions, please feel free to contact me. Thanks.

Jeff Rosenblum
Executive Office for Immigration Review
Office of the General Counsel
(703) 305-0799

From:
Sent: Wednesday, February 22, 2012 4:12 PM
To: EOIR.ethics@usdoj.gov
Subject: FW: request for permission to attend and participate in panel discussion at AU, Washington College of Law

Dear Ethics Office/Officer:

I am following up on a request for ethics approval to attend the event tomorrow evening. The event is described in the email below.

Thank you very much.

Regards,

From:
Sent: Monday, February 13, 2012 1:08 PM
To:
Subject: request for permission to attend and participate in panel discussion at AU, Washington College of Law

Dear Judge

I would like to request permission to participate in a panel discussion with Board Members _____ and _____ during an asylum law class that _____ is teaching at the American University, Washington College of Law this semester. The discussion should last about 1 hour, and no office hours will be spent on preparing for or attending it. The class is meeting on Thursday, February 23, from 6:00 to 8:45 p.m., though my participation will only last 1 hour. I did this last year and received approval.

Thank you very much.

Regards,

From:
Sent: Saturday, February 11, 2012 10:21 AM
To:
Subject: RE: Class on February 23

Just a little more about class on the 23rd:

I will spend the first part of the class going over the assigned reading for the class, using the attached powerpoint. We will take a

From: Frantz, Brigitte (EOIR)
Sent: Saturday, February 11, 2012 6:13 PM
To:
Cc:
Subject: RE: Subject: Dear EOIR Ethics Office: More Info for Short Fused Speaker Request

Please consider this e-mail OGC's ethics approval of your request to speak to law school students at Florida International University on February 18, 2012. You will discuss the function of an interpreter in immigration court and how an attorney can effectively work with an interpreter during a hearing. No food will be served. There will not be any fundraising at this event. You will not be compensated for your attendance at this event. You do not plan to distribute any personally-prepared written material incident to your speaking engagement. We understand that the Court Administrator has approved your attendance. You have approval to attend in your personal capacity with use of your title and a disclaimer.

As you prepare for the presentation, please remember the following guidelines:

- * Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.
- * You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR.
- * Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.
- * The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Interpreter" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)." Please coordinate with the sponsor to make certain that this occurs. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case ONLY; we address this issue on a case by case basis.
- * You indicated that you will not hand out any individually prepared materials. If you later decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows: "The author is an Interpreter with the X Immigration Court, Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice."
- * There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency, such as AILA. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).
- * Unless your supervisor authorizes administrative leave or an excused absence, you may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.
- * The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.
- * Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.
- * Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox by using the address book in Outlook.

Thank you,
Brigitte

Brigitte L. Frantz

From:
Sent: Thursday, February 09, 2012 11:41 AM
To: Frantz, Brigitte (EOIR)
Subject: Subject: Dear EOIR Ethics Office: More Info for Short Fused Speaker Request

Dear Brigitte Frantz and The EOIR Ethics Office:

Kindly be aware that a fax was sent by our Court Administrator, _____ to seek permission from your EOIR Ethics Office to be allowed to present:

“The Interpreter Role in any Courtroom and How Ones Works with Interpreters” - presentation that I have been asked to give, uncompensated, at The Florida International University's Law Center {FIU henceforth} (FIU is an approved EOIR Legal Services Agency) on 18 February 2012 from 9:00 am through 2:00 pm.

We need your help as time is of the essence. We made a similar presentation with the FIU Language and Interpreter School at the 1999 EOIR Interpreters' and Judges' Conference.

This is an overview of:

1. Anecdotes from Circuit Court Cases (Open Records) – dilemmas that face Courtroom Officers with Interpretation miscues we must guard against.
2. Consecutive Interpretation Advantages and Strengths
3. Convolutud Questions and their hazards for Respondents and Witnesses
4. Question and Answer Techniques – the straight forward Sergeant Joe Friday approach, “what, when, where, how and why?” – one at a time, please!
5. Simultaneous Interpretation – Where Appropriate

Any materials provided will be to guide the Law Students and Professors as to where to find glossaries in English<>Spanish<>English on our own Interpreter resourced EOIR open to the public websites.

In the public interest,

From: Elliot, Nina (EOIR)
Sent: Thursday, May 24, 2012 12:26 PM
To:
Cc:
Subject: FW: Reception Invitation

A couple of issues regarding the previous approval have come to our attention. First, please note that employees are prohibited from participating in fundraising with persons and entities having business with the Department (prohibited sources), such as AILA. See C.F.R § 2635.808(c). It is unclear from the information below whether the \$10 fee will cover the cost of the event, or be allocated to AILA's budget. If any portion of the \$10 will be allocated toward AILA, this would be considered a fundraising event, and you would be prohibited from participating in this event.

Second, per our earlier advice, you may attend a reception as a featured speaker. However, this event cannot be advertised as "A Reception for Assistant Chief Immigration Judge _____". Rather, it could be noted that you are a featured speaker at the AILA event.

Please follow up directly with AILA to ensure that it understands these restrictions and makes the necessary adjustments if it intends to go forward with the reception. If you have any questions or concerns, please do not hesitate to contact me directly.

Thank you,

Nina

From: Elliot, Nina (EOIR)
Sent: Monday, May 21, 2012 2:33 PM
To:
Cc:
Subject: FW: Reception Invitation

ACI

Please consider this e-mail OGC's ethics approval of your request to speak at the Immigration Law Section of the Colorado Bar Association and the Colorado Chapter of the American Immigration Lawyers Association (AILA Colorado) on May 29, 2012. You will be the featured guest at a reception where you will speak about your recent Assistant Chief Immigration Judge appointment, background, and discuss courtroom expectations as well as immigration law in general. You will not give legal advice or speak on behalf of the Department or EOIR. You will not be compensated for this event. While the Bar Association has offered to waive the attendance fee, you and any EOIR employees who attend should pay their own attendance fee. There is no expectation that you will incur any cost for your attendance, as the event is sponsored locally in Denver. Your supervisor has approved your participation in this event. Subject to the restrictions listed below, your participation in this event is approved in your personal capacity, with use of your title and a disclaimer.

* Be careful not to give legal advice. You may discuss the procedures before the immigration court, but you do not want to give the appearance of partiality by offering legal advice.

* You should refrain from disclosing non-public information. This would include discussing any matters pending before EOIR and discussing hypothetical situations relating to EOIR. Please do not comment on any pending litigation that involves the Department of Justice (including pending litigation outside of EOIR).

* Since you are not attending in your official capacity, you must provide the appropriate disclaimer at the beginning of your remarks to indicate that the views expressed are your own and not those of EOIR or the Department of Justice. It is very important that you provide this disclaimer, particularly in light of the next item.

* The general rule is that when you are not appearing in your official capacity, you should not use your official title except as part of other biographical information. See 5 C.F.R. § 2635.807(b). This rule applies to any announcements, brochures, flyers, etc. related to the event. Under these specific facts, you are permitted to use your official title "Immigration Judge" on written materials associated with this event so long as it is followed immediately by the following parenthetical: "(personal capacity)."

Please coordinate with the sponsor to make certain that this occurs. You may be introduced with your official title. Please note that ethics permission granting use of your title in your unofficial capacity is specific to this case only; we address this issue on a case-by-case basis.

*Generally, an employee may not participate in fundraising activities in his official capacity unless he is authorized by statute, executive order, regulation, or an agency determination. In the Justice Department, all official fundraising is governed by Executive Order 12353, which established the CFC. An employee may participate in fundraising in his personal capacity as long as he does not use his official position and does not solicit either subordinates or persons having business with the Department (prohibited sources). 5 C.F.R. § 2635.808(c). A prohibited source is anyone who has or seeks official action or business with the Department; is regulated by the Department; has interests that may be substantially affected by the performance of an employee's official duties; or is an organization composed mainly of persons described above. 5 C.F.R. § 2635.203(d). The parties hosting this event are prohibited sources.

* It appears that you will not hand out any individually prepared materials. However, if you decide to distribute materials that you prepare personally, the written materials must contain a printed disclaimer clarifying that they were prepared in your personal capacity, as required by 5 C.F.R. § 2635.807(b)(2). An example of an appropriate disclaimer follows:

The author is an Assistant Chief Immigration Judge at the Executive Office for Immigration Review (EOIR), U.S. Department of Justice. The author prepared this outline in his personal capacity, and the views expressed herein are solely his views and do not necessarily represent positions of EOIR or the U.S. Department of Justice.

* There are limitations on accepting items of monetary value from prohibited sources, which include organizations comprised of individuals seeking official action from the agency. In addition, you may not accept a gift that is given because of your official position. See 5 C.F.R. § 2635.202(a)(2). You are free to accept "modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as a part of a meal." 5 C.F.R. § 2635.203(b)(1). Additionally, an applicable exception permits unsolicited gifts with a market value of \$20.00 or less per occasion, not to exceed \$50.00 in a calendar year from a single source. See 5 C.F.R. § 2635.204(a).

* You may not use official time or that of another employee even if the employee volunteers to assist you to prepare for this activity.

* The approval of this activity only extends to a determination concerning the ethical guidelines for such activities. Your participation in the requested activity, and any annual or other leave taken, must be approved by your supervisor.

* Except in limited circumstances, (e.g., teaching approved courses) you cannot receive compensation for speaking, teaching, or writing which relates to the agency's mission or to your official capacity.

* I am copying Crystal Riley to make Public Affairs aware of this speaking engagement.

* Please refer to 5 C.F.R. § 2635.807, as well as 5 C.F.R. §§ 2635.701-705 for general guidelines concerning outside activities.

We encourage you to continue to seek ethics advice in the future. If you have any questions about this event or future situations, please feel free to contact me or submit the question to the EOIR ethics mailbox at EOIR.Ethics@usdoj.gov.

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From
Sent: Thursday, May 17, 2012 8:05 AM
To:

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Document Number	Immigration Judge	Ethics/Associate General Counsel
1	IJ #1	Sandy Reinfurt
2	IJ #2	Matt Bradley
3	IJ #3	Nina Elliot
4	IJ #1	Rena Scheinkman
5	IJ #4	Nina Elliot
6	IJ #5	Sandy Reinfurt
7	IJ #6	Matt Bradley
8	IJ #7	Nina Elliot
9	IJ #8	Marlene Wahowiak
10	IJ #9	Matt Bradley
11	IJ #9	Matt Bradley
12	IJ #9	Matt Bradley
13	IJ #10	Charles F. Smith
14	IJ #11	Matt Bradley
15	IJ #12	Nina Elliot
16	IJ #13	Rena Scheinkman
17	IJ #14	Nina Elliot
18	IJ #15	Matt Bradley
19	IJ #3	Marlene Wahowiak
20	IJ #3	Nina Elliot
21	IJ #3	Jeff Rosenblum
22	IJ #3	Charles F. Smith
23	Ashley A. Tabaddor	Marlene Wahowiak
24	Ashley A. Tabaddor	Jeff Rosenblum
25	Ashley A. Tabaddor	Marlene Wahowiak
26	Ashley A. Tabaddor	Charles F. Smith
27	Ashley A. Tabaddor	Nina Elliot
28	Ashley A. Tabaddor	Marlene Wahowiak
29	Ashley A. Tabaddor	Charles F. Smith
30	Ashley A. Tabaddor	Marlene Wahowiak
31	IJ #16	Rena Scheinkman
32	IJ #17	Sandy Reinfurt
33	IJ #18	Sandy Reinfurt
34	IJ #19	Charles F. Smith
35	IJ #20	Rena Scheinkman
36	IJ #21	Matt Bradley
37	IJ #21	Rena Scheinkman
38	IJ #21	Rena Scheinkman
39	IJ #21	Rena Scheinkman
40	IJ #19	Marlene Wahowiak
41	IJ #22	Nina Elliot
42	IJ #22	Charles F. Smith
43	IJ #22	Marlene Wahowiak
44	IJ #11	Marlene Wahowiak
45	IJ #13	Rena Scheinkman

46	IJ #12	Nina Elliot
47	IJ #23	Charles F. Smith
48	IJ #24	Marlene Wahowiak
49	IJ #25	Brigette L. Fantz
50	IJ #26	Charles F. Smith
51	IJ #27, IJ # 28 and IJ #29	Charles F. Smith
52	IJ #30	Matt Bradley
53	IJ #2	Jeff Rosenblum
54	IJ #31	Charles F. Smith
55	IJ #32	Charles F. Smith
56	IJ #31	Sandy Reinfurt
57	IJ #33	Brigette L. Fantz
58	IJ #34	Charles F. Smith
59	Ashley A. Tabaddor	Brigette L. Fantz
60	IJ #16	Brigette L. Fantz
61	IJ #16	Brigette L. Fantz
62	IJ #8	Brigette L. Fantz
63	IJ #35	Brigette L. Fantz
64	IJ #36	Matt Bradley
65	IJ #36	Charles F. Smith
66	IJ #37	Charles F. Smith
67	IJ #38	Rena Scheinkman
68	IJ #38	Marlene Wahowiak
69	IJ #4	Rena Scheinkman
70	IJ #39	Charles F. Smith
71	IJ #40	Brigette L. Fantz
72	IJ #22	Nina Elliot
73	IJ #41	Nina Elliot
74	IJ #41	Nina Elliot
75	IJ #42	Brigette L. Fantz
76	IJ #42	Charles F. Smith
77	IJ #43	Matt Bradley
78	IJ #44	Brigette L. Fantz
79	IJ #44	Brigette L. Fantz
80	IJ #44	Brigette L. Fantz
81	IJ #44	Marlene Wahowiak
82	IJ #45	Jeff Rosenblum
83	IJ #46	Charles F. Smith
84	IJ #47	Nina Elliot
85	IJ #47	Brigette L. Fantz
86	IJ #47	Brigette L. Fantz
87	IJ #47	Brigette L. Fantz
88	IJ #47	Matt Bradley
89	IJ #48	Charles F. Smith
90	IJ #48	Brigette L. Fantz
91	IJ #49	Marlene Wahowiak
92	IJ #50	Brigette L. Fantz

93	IJ #50	Brigette L. Fantz
94	IJ #51	Matt Bradley
95	IJ #51	Brigette L. Fantz
96	IJ #52	Jeff Rosenblum
97	IJ #6	Matt Bradley
98	IJ #7	Nina Elliot
99	IJ #7 and IJ #54	Nina Elliot
100	IJ #55	Nina Elliot
101	IJ #56	Matt Bradley
102	IJ #56	Nina Elliot
103	IJ #57	Brigette L. Fantz
104	IJ #58	Matt Bradley
105	IJ #59	Marlene Wahowiak
106	Ashley A. Tabaddor	Marlene Wahowiak
107	Ashley A. Tabaddor	Marlene Wahowiak
108	IJ #19	Marlene Wahowiak
109	IJ #60	Marlene Wahowiak
110	IJ #27 , IJ #28 and IJ #29	Charles F. Smith
111	IJ #61	Matt Bradley
112	IJ #62	Brigette L. Fantz
113	IJ #63	Jeff Rosenblum
114	IJ #9	Marlene Wahowiak
115	IJ #27 , IJ #28 and IJ #29	Charles F. Smith
116	IJ #64	Brigette L. Fantz
117	IJ #65	Marlene Wahowiak
118	IJ #66	Brigette L. Fantz
119	IJ #66	Brigette L. Fantz
120	IJ #67	Nina Elliot
121	IJ #67	Nina Elliot
122	IJ #54	Nina Elliot
123	IJ #68 and IJ #69	Brigette L. Fantz
124	IJ #70	Marlene Wahowiak
125	IJ #12	Matt Bradley
126	IJ #12	Charles F. Smith
127	IJ #14	Nina Elliot
128	IJ #71	Rena Scheinkman
129	IJ #49	Matt Bradley
130	IJ #72	Brigette L. Fantz
131	IJ #65	Brigette L. Fantz
132	IJ #65	Marlene Wahowiak
133	IJ #65	Brigette L. Fantz
134	IJ #65	Brigette L. Fantz
135	IJ #65	Brigette L. Fantz
136	IJ #65 and IJ #35	Nina Elliot
137	IJ #73	Jeff Rosenblum
138	IJ #65	Rena Scheinkman
139	IJ #65 and IJ #74	Rena Scheinkman

140	IJ #65	Nina Elliot
141	IJ #65	Rena Scheinkman
142	IJ #65 and IJ #75	Brigette L. Fantz
143	IJ #23	Charles F. Smith
144	IJ #23	Sandy Reinfurt
145	IJ #76	Jeff Rosenblum
146	IJ #77	Matt Bradley
147	IJ #15	Jeff Rosenblum
148	IJ #78	Brigette L. Fantz
149	IJ #79	Nina Elliot