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VIA EMAIL (DAVID.BERRY@USDOJ.GOV)

April 21, 2014

U.S. Department of Justice
Complaint Adjudication Office
Attn: David Berry
Patrick Henry Building
601 B Street, NW
Washington, DC 20530

RE: Judge A. Ashley Tabaddor v. EOIR, Agency Number EOI-2013-0081

Dear Mr. Berry:

By way of memorandum dated February 24, 2014, the Complaint Adjudication Office informed the parties to the above-referenced complaint that it could not issue a final agency decision in the absence of additional information from EOIR to be submitted within a thirty day time-frame.¹ Specifically, your office requested that EOIR provide supplemental statements and any documentation: (i) that substantiates claims of Judge Tabaddor's "high profile activities" on behalf of the Iranian-American community, (ii) that establishes EOIR has issued other orders of recusal in similar circumstances, (iii) that shows the deliberative process undertaken by those issuing the recusal order to Judge Tabaddor, and (iv) that evidences Judge Tabaddor "appear[ed] before groups at events which seemed to advocate a particular position."

As cited in your memorandum, EOIR cannot articulate a legitimate, nondiscriminatory reason for ordering Judge Tabaddor's recusal from all cases involving individuals from Iran where it failed to engage in a reasoned process at the time it issued the order. The near complete absence of any records relevant to its actions, or any evidence of a substantive deliberative process, coupled with attempts to justify their position with irrelevant information "gathered post hoc" underscores the pretextual nature of their position. Obas v. Dep't of Justice, EEOC No. 0120083050, 2010 EEO PUB LEXIS 3421 (Oct. 28, 2010). As you aptly cite, generalized and unsubstantiated statements cannot satisfy the EOIR's burden in rebutting a presumption of discriminatory intent.

Here, EOIR has presented virtually no evidence of factual investigation, legal or policy analysis, use of a uniform process, or consultation with key ethics personnel. Under the circumstances of this matter, where unprecedented action was taken against Judge Tabaddor *that remains in effect in perpetuity*, this failure to engage in a concerted deliberative process not only belies any claim of a legitimate, nondiscriminatory basis for the recusal order but also affirmatively evidences discriminatory intent. In fact, as detailed more below, the supplemental materials

¹ As EOIR did not provide Judge Tabaddor (or her counsel) a copy of the supplemental submission at the time made, we did not receive a copy until April 3, 2014 by virtue of having contacted your office.



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submitted on behalf of EOIR show, as a comparative matter, the type of process afforded to other Immigration Judges and that was entirely absent here.

Judge Tabaddor's Civic and Professional Activities

In ordering Judge Tabaddor's recusal, Jeffrey Rosenblum ("Rosenblum"), an attorney in the Office of the General Counsel ("OGC") at the time, testified in his initial affidavit that his concern as to impartiality was "based on Ms. Tabaddor's high-profile activities." ROI, Ex. 8, p. 4. Likewise, counsel for EOIR with respect to Judge Tabaddor's complaint, Ms. Weissman (of the Executive Office for United States Attorneys), specified in her November 5, 2013 correspondence that EOIR's recusal order was "based on [Judge Tabaddor's] high-profile activities on behalf of individuals from Iran" and that the invitation to attend the White House Roundtable event was only one example of such "high profile" activity. Your office requested that Rosenblum provide specific examples of Judge Tabaddor's "high profile" activities that triggered Rosenblum's concerns as to impartiality.

By his supplemental statement (dated March 20, 2014), Rosenblum admits the recusal order was not triggered by consideration of some number of "high profile" activities on the part of Judge Tabaddor. Instead, Rosenblum now states for the first time that the White House event itself "was the most significant factor we considered" particularly "compared to other organizations for which [Judge Tabaddor] had submitted previous, related requests." In other words, it appears that Judge Tabaddor's outside activities up to that point were not considered to be high profile, or of any concern, at all. Even more, as to this "most significant factor," Rosenblum materially misstates the nature of Judge Tabaddor's request. Judge Tabaddor was **not** invited to give a speech at the White House. Rather, Judge Tabaddor was invited to attend the event. Her request to EOIR was one for use of vacation time in order to attend the White House event, nothing more. See Supplemental Declaration of Judge Tabaddor, ¶ 6. (enclosed herein). Otherwise, she would have completed and submitted the necessary speaking engagement forms, outlining the requisite information, e.g. nature of her talk, the audience, etc., as she did on numerous occasions before. See ROI, Ex. 7.1. (request for use of annual leave to attend White House event). This mischaracterization on Rosenblum's part infects any consultation he sought in the recusal determination where he controlled the information imparted to others at EOIR. It is elementary logic that a false factual premise can result in a false conclusion.

Further, the speaking engagement requests attached to Rosenblum's supplemental statement (as Attachment 1), if anything, evidence the jaundiced eye with which the recusal determination was driven in this case. For instance, Rosenblum includes an event at which Judge Tabaddor was invited to speak on the consequences of fraud against the U.S. Government in immigration matters (July 26, 2012 email). It does not follow that Judge Tabaddor was engaging in advocacy on behalf of the Iranian-American community simply because such event was hosted by the Iranian American Lawyers Association. Likewise, Rosenblum submits Judge Tabaddor's request to speak on a panel "intended to provide law students and recent members of the bar an opportunity to interact with judges and gain insight as to how to best make decisions about their own careers" apparently because such event was put on by the Orange County Chapter of the Iranian-American Bar Association (June 18, 2009 email). Here, again, the topic of

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professional development does not denote high level advocacy on behalf of the Iranian-American community. It requires a fanciful imagination indeed to conclude that a sweeping recusal order is warranted by a Judge's appearance at a local community college to wish students and members of the public a happy Persian New Year (March 5, 2010 email). By the same token, a number of the speaking engagement requests Rosenblum submits are addressed broadly to gender issues which reach any number of communities (see February 22, 2012 email, September 28, 2011 email, August 20, 2009). It is telling that despite the diversity of the type of organizations and events he has highlighted with this filing, and the benign nature of Judge Tabaddor's topics of discussion before them, *all of which were prescreened and approved by EOIR*, the only defining characteristic that Rosenblum attributes to these speaking engagements is the Iranian-American element of them. Further to this point, as noted below, Rosenblum does not submit or reference the numerous other speaking engagements in which Judge Tabaddor participated. See Supplemental Declaration of Judge Tabaddor, ¶¶ 3-5, Exhibit B.

On top of these substantive shortcoming, it bears pointing out that Rosenblum does not even represent that he considered these speaking engagement requests at the time the recusal order was given, yet alone present any documentary evidence of the same. One is left to guess whether he reviewed every speaking engagement Judge Tabaddor made to that point, or only those including the word "Iran," or any at all. The point being, there is no evidence of any legitimate inquiry by EOIR before issuing the recusal order. This is not to say that Judge Tabaddor denies she is a leader and a role model to many. But, to give the impression that her civic engagement is limited to the confines of the Iranian-American community is inaccurate. As set forth in the enclosed supplemental declaration, Judge Tabaddor has always actively engaged in numerous outside professional and communities activities as is encouraged by DOJ policy and as is common of those in the judiciary branch more generally who have a public service orientation. See *id.*

Related to EOIR's claims of "high level" activities being the basis of the recusal order, your office requested that Marlene Wahowiak ("Wahowiak"), an attorney working in OGC under Rosenblum's supervision at the relevant time, substantiate the statement made in her initial affidavit that Judge Tabaddor appeared at events that seemed to advocate a particular position.² In doing so, Wahowiak states that her conclusion was based on an internet search of

² The initial affidavit submitted by Wahowiak separately states that she recalls having a discussion with Rosenblum "concerning the fact that Judge Tabaddor had submitted numerous speaking request. . . . [and] that some of these requests, perhaps based upon the title of the events, appeared to be advocating on behalf of a particular immigration point of view vis a vis Iranians." ROI, Ex. 11, p. 3 (Question 6) (emphasis added). First, this statement itself lacks any specificity as to when such conversation may have taken place or what speaking requests may have been discussed. If referring to the speaking requests Rosenblum now submits, it is apparent that this claim is pretextual, given titles such as "The 4th Annual Newpinkpages.com Iranian-American Businesswomen Trade Show." Second, this statement appears to implicate an issue of actual partiality or bias which EOIR expressly stated was not the basis for its recusal order to Judge Tabaddor. See ROI, Ex. 7.2 (p.4). Third, if Wahowiak's statement were at all accurate, it would not seem that such speaking engagement requests would have received ethics approval. See, e.g., Rosenblum Supplemental Submission, Attachment 1 (July 26, 2012 email, providing general



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the terms "Ashley Tabaddor" and "Iran", but that she did not maintain any record of such search.³ Given the novelty and severity of the action here, if a meaningful deliberative process was employed, one would expect such record to have been maintained. In this respect, Wahowiak's attempt to "recreate" the search now and draw attention to certain purported results is precisely the type of "post hoc" information gathering that undermines any argument as to EOIR having had a legitimate, non-discriminatory reason for issuing the recusal order. Like the materials submitted by Rosenblum, there is simply no documentary record of anyone having considered the internet results now proffered at the time the recusal order was issued. To the contrary, Wahowiak's August 22, 2012 email only references the number of Google search results obtained and one line of Judge Tabaddor's UCLA faculty profile wherein she was described as a leader in the Iranian-American community. Moreover, the internet excerpts Wahowiak now submits lack any context, do not appear to be readily ascertainable based on having performed the same Google search, and the entire premise—that Judge Tabaddor attended events that seemed to advocate a particular position so she necessarily advocates "a particular position"—is not only amorphous but is also a false syllogism. This is akin to saying that every Supreme Court Justice should be subject to various blanket recusal orders because if they attend something like the State of the Union Address, then the conclusion should be drawn that they agree with everything said by the President.

The resounding lack of due deliberation in issuing the recusal order, which, as discussed below, Rosenblum now makes clear was unprecedented, is further reflected in the August 22, 2012 email submitted by Wahowiak and over which EOIR initially asserted a claim of attorney-client privilege.⁴ Notably absent from Wahowiak's advice is any analysis of law and any basis in fact for making the analytical leap from one line in Judge Tabaddor's UCLA faculty profile to the conclusion that Judge Tabaddor is "an advocate/activist for a group which may have a direct interest in a matter before the immigration court." What group? What matter? The regulation EOIR ultimately relies on, 5 C.F.R. 2635.502, does not allow for undifferentiated, blanket recusal orders, instead requiring inquiry into "a particular matter involving specific parties." 5 C.F.R. 2635.502(a). Moreover, the notes to 5 C.F.R. 2635.502 specify that "[n]othing in this section shall be construed to suggest that an employee should not participate in a matter because of his political, religious or moral views." To the extent Wahowiak characterization of Judge Tabaddor as an "activist" is designed to invoke any of these matters, it is woefully misplaced and again, only highlights EOIR's lack of reasoned analysis prior to issuing the recusal order.⁵ At bottom, Wahowiak's advice utterly fails to provide any legitimate, nondiscriminatory reason for issuance of the recusal order and EOIR's claims of such now are pretext.

guidelines for approval such as not offering legal advice or discussing hypothetical situations relating to EOIR).

³ Wahowiak's limitation of her search to the terms "Ashley Tabaddor" and "Iran" evidences a results-oriented approach.

⁴ Despite having now waived any claim to privilege, Wahowiak's submission appears to be incomplete as the entire string of emails is not included. Further, the basis on which the claim of attorney-client privilege was initially asserted is unclear, including there being no explanation offered as to who was the client and who was the attorney.

⁵ For ease of reference, a copy of 5 C.F.R. 2635.502, including the notes and examples that appear therein, is enclosed herein.



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Blanket Recusal Orders in "Similar Circumstances"

It is apparent on the record, which EOIR has had ample opportunity to develop, that Judge Tabaddor was singled out for adverse treatment. Despite having represented to Judge Tabaddor in connection with issuing the recusal order that other Immigration Judges have been disqualified "from a particular class of matters in similar circumstances," Rosenblum now concedes that he was not then, and is not now, aware of any similar recusal order. Instead, Rosenblum claims he was "thinking about two situations that [he] was aware of" in which recusal recommendations were made by OGC not on similar facts, or in a manner or under circumstances analogous to that here, but similar in the sense that OGC recommended disqualification from a class of cases. The aura of pretext is inescapable here.

As a starting point, again there is no record of Rosenblum or anyone else having actually read or analyzed the two recusal recommendations now submitted *at the time the recusal order was issued to Judge Tabaddor*. "[T]hinking about two situations" of which Rosenblum was aware is not the equivalent of having undertaken a reasoned review of the same, particularly where one of the recusal memoranda is dated in July 2011 and the other is dated over a decade before in November 2000. It defies credulity to think that Rosenblum would remember with any exactitude what was stated in memoranda dating back from a year to ten years earlier. This lack of diligence is astounding under the circumstances because of the severity of the order being made, Rosenblum's admission that at the time of the order he knew it to be unprecedented, the force with which Rosenblum insisted that it be implemented⁶, and the failure of Rosenblum to consult the Deputy Designated Agency Ethics Official ("DDAEO") who has made clear that the recusal order never should have been issued, as it is facially discriminatory. ROI, Ex. 14, p. 3 (Question 8); p. 8 (Question 29).

That said, on review, the proffered recusal recommendations are not at all similar. As reflected in the detailed analysis attendant to both recommendations, there EOIR considered whether an Immigration Judge who married an individual who was in the United States illegally, which individual was then applying to remain in the United States, could hear cases where the party adverse to the Immigration Judge's new spouse (*i.e.* the INS or DHS) was always a party before the Immigration Court. The recusal memoranda thus considered the issue to be one of recusal in the context of "a particular matter involving specific parties"—a factual predicate that is wholly absent here. Even then, EOIR concluded in both cases that the "particular matters" language was not intended to apply broadly and so, even where 2635.502 was properly invoked, the recusal recommendation was required to be narrow. In both cases, OGC recommended that the Judges at issue recuse themselves from certain types of cases that raised the same issues

⁶ Rosenblum claims that he only recommended the recusal but even Assistant Chief Immigration Judge ("ACIJ") Fong, who is Judge Tabaddor's direct supervisor and the person who formally implemented the recusal order, states that he believed it was an order and not a recommendation. See ROI, Ex. 9, p. 3 (Question 8), p. 13; Ex. 9.1, p. 14. ACIJ Fong's conclusion as to the nature of the recusal, being that of an order, was reasonable. See, *e.g., id.*, Ex. 9.1, p. 3 ("OGC has determined that you should disqualify yourself from cases involving respondents from Iran. . . ."). In addition, we point out that it is apparent on the record that ACIJ Fong did not undertake any independent review of the matter, again highlighting the lack of reasoned and uniformed process underlying EOIR's action.

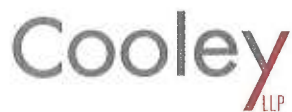
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faced by their spouses *and* only for so long as their respective spouses' immigration matters were pending. This is a far cry from the perpetual recusal order imposed on Judge Tabaddor which has no genesis in any particular matter.

The recusal recommendations now submitted by Rosenblum, thus, are not relevant to support the recusal order issued here. Perhaps ironically, their only relevance is to demonstrate the comparative lack of deliberation given to Judge Tabaddor's recusal which, again, continues to this day. The detailed analysis present in both recusal recommendations now submitted by Rosenblum, and the reasoned process reflected in the memoranda, are nowhere to be found in this record. In both cases, the Chief Immigration Judge requested an ethics opinion, a thorough factual background was developed, a meaningful analysis of the regulations applicable to recusal issues as undertaken, and a record of the facts considered, regulations implicated, and individuals consulted was maintained. Here, the OGC issued an unprecedented blanket recusal order when Judge Tabaddor asked for approval of vacation time. And, on top of that, specifically told Judge Tabaddor there was no ability to obtain review of such order, when, in reality JuanCarlos Hunt, the DDAEO at the time, had not even been consulted. Even further, to the extent Rosenblum consulted with individuals within OGC, or EOIR or other components in DOJ more broadly, such consultation was meaningless where these opinions were based only the factual rendition given by Rosenblum. The only attempt at any factual investigation (if it can be so called) apparent in the record is the number of hits Google returns on search of Judge Tabaddor's name and country of origin. The absence of any legal analysis is also resounding. Unlike the recommendations provided by Rosenblum as exemplars, absolutely no analysis was undertaken here as to the "particular matter[s] and specific parties" requirements of 2635.502. Lastly, the record in this case consists not of a memorandum detailing the factual and analytical process undertaken in issuing an ethics opinion solicited from the Chief Immigration Judge, but rather, one email entirely void of legal analysis and relying on what can only be described as a minimal inquiry by one person on the internet.

Rosenblum's ultimate attempt to minimize the lack of any record of application of a uniform standard or uniform process as to Judge Tabaddor, stating that while "one can disagree with the conclusion we came to," it does not mean it was based on Judge Tabaddor's nationality or race, misses the point. In the absence of any evidence of EOIR having engaged in any deliberative process, particularly where taking an admittedly unprecedented adverse employment action, EOIR cannot establish any legitimate, non-discriminatory basis for its actions and its attempts to do so by reliance on 2635.502 are purely pretextual. Moreover, the record amply supports that, in fact, Judge Tabaddor's nationality and race, and association with the same, were the sole and/or motivating reasons for EOIR's recusal order. Indeed, the DDAEO at the relevant time has attested under penalty of perjury that the recusal order is discriminatory. ROI, Ex. 14, p. 8 (Question 29). Likewise, in an unsolicited submission by one of the individuals consulted by Rosenblum, the individual explains that Rosenblum presented the recusal issue as "including that the Immigration Judge (IJ) Tabaddor *is Iranian*, and she was going to speak at a White House event about issues specific to the Iranian community."⁷ ROI, Ex. 25 (Affidavit of Silbaugh) p. 2 (emphasis added). Even without such evidence, on its face the recusal order was motivated

⁷ As pointed out above, the information disseminated as to the nature of the White House event was materially misleading.



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by Judge Tabaddor's association with the Iranian-American community, and on this ground alone, a finding of discrimination is supported.

In light of the foregoing, and the entirety of the record in this matter, Judge Tabaddor respectfully reiterates her request that the Complaint Adjudication Office issue a final agency decision finding that EOIR discriminated against her and engaged in reprisal as set forth in the complaint, and that the Complaint Adjudication Office order the remedies sought by Judge Tabaddor therein.

Please direct any correspondence in this matter to my attention and feel free to contact me should you need any additional information.

Sincerely,

Cooley LLP

A handwritten signature in blue ink, appearing to read "Ali M. M. Mojdehi".

Ali M. M. Mojdehi

Enclosures

cc: Jill A. Weissman (via email)

106139737 v4

DECLARATION

STATE OF CALIFORNIA

CITY OF Los Angeles

I, Afsaneh Ashley Tabaddor, make the following statement freely and voluntarily and without promise or coercion to the Complaint Adjudication Office of the U.S. Department of Justice, in connection with the EEO Complaint of Discrimination filed by me against the U.S. Department of Justice, Executive Office for Immigration Review on November 29, 2012. I hereby solemnly swear or affirm:

1. I am currently an Immigration Judge with the Immigration Court in Los Angeles. I was appointed to the bench in 2005. Prior to that, I served as an assistant U.S. Attorney in Central District of California. I have also served as a trial attorney with the civil division in the Department of Justice and an attorney advisor and a law clerk with the Immigration Court and the Office of Chief Immigration Judge. My entire professional career has been dedicated to public service.

2. I have been active in both the legal and the non-legal community my entire professional life. I was raised to be conscious of all the privileges that I have had and to give back to the community as much as possible. I am very conscientious about protecting the integrity of my position as a public servant as well as the duty I owe to the community to be a leader and a role model. I take to heart the Department of Justice's commitment to justice and policy encouraging community service. Even a brief glance at the speaking engagements in which I have voluntarily participated during my tenure as a judge reveals my commitment to the principles I have outlined above.

3. Just as a broad brush stroke, I have spoken on career panels for law students and lawyers. I have served as a guest speaker for community college and law school courses. I have been active in my law school's alumni association, mentoring law students and attending school events. I was profiled on two occasions in the UC Hastings School of law alumni magazine as a judge. I have conducted training sessions for a variety of legal organizations and departments including the U.S. Attorney's Office, bar associations, and non-profit organizations. I have spoken before conferences, community organizations, and city councils, including the Los Angeles City Council, Iranian-American Women's Leadership Conference, the Rotary Club, the Iranian-American Chamber of Commerce, The Brentwood High School and many others. I am an active member of the Pacific Council on International Policy, a non-profit organization founded in 1995 in partnership with the Council on Foreign Relations. I have served as a moderator for a speaking event for the organization and am a founding member of the Women's Initiative Committee in the organization. For over a decade, I have participated and supported Reading to Kids, a non-profit organization committed to helping inner city students learn to love to read. I routinely meet and mentor students and junior lawyers alike. I am faculty at the UCLA Law School and have been a faculty at other law schools before. I initially served as the local officer for the National Association of Immigration Judges and am now the Western Regional Vice President for our union of judges. I have been a member of the National Association of Women Judges as well as a member of the Women's Lawyer's Association of Los Angeles.

4. These are a sampling of my volunteer activities which, as described, extend to numerous and varied professional, civic, community service and educational organizations. Although Department of Justice policy encourages involvement in outside activities, such service is not

unique to the Immigration Court bench. For example, attached as **Exhibit “A”** is a flyer for an event I recently attended which profiles some of the pro bono, community and other volunteer activities of a U.S. District Judge.

5. One facet of my engagement in volunteer activities has been public speaking. In accord with EOIR guidance, I have sought approval for any outside speaking engagement I have participated in since becoming an Immigration Judge. From my appointment to the bench, up to November 2012, I submitted approximately 53 speaking engagement or teaching requests (all of which were approved). Of those, on my review, approximately 17 requests or about 32% had any connection to the Iranian-American community, including solely with respect to the name of the organization I was requesting to speak before irrespective of the topic of the speaking engagement. A table summarizing my speaking engagement requests for the identified time period is attached hereto as **Exhibit “B”**.¹ All of these requests were approved by EOIR.

6. To be clear, I was never invited to give a speech at the White House. My request to attend the White House Roundtable event was a request for time off, not a request for approval of a speaking engagement.

¹ I have maintained records of my speaking engagement requests since my appointment as an Immigration Judge and am happy to provide copies on request.

OATH

I have read the above statement consisting of 4 pages, including this page. I declare under the penalty of perjury pursuant to 28 U.S.C. § 1746 that my statement is true, correct, and complete to the best of my knowledge, information and belief. I understand that the information I have given is not to be considered confidential and that it may be shown to individuals with a right to know.

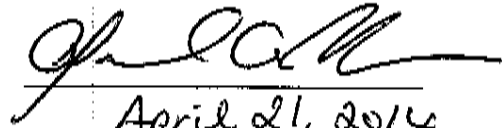

April 21, 2014
(Declarant's Signature and Date)

Exhibit A



BLACK WOMEN LAWYERS ASSOCIATION OF LOS ANGELES,
LATINA LAWYERS BAR ASSOCIATION AND
WOMEN LAWYERS ASSOCIATION OF LOS ANGELES
PROUDLY PRESENT

Celebrating Women's History Month

**Tuesday,
March 18, 2014**
6:30 to 8:30 p.m.

Taix French Restaurant
1911 Sunset Blvd.
Los Angeles, CA 90026

Come join Black Women Lawyers Association of Los Angeles, Latina Lawyers Bar Association and Women Lawyers Association of Los Angeles in the celebration of Women's History Month. It will be a fun night of socializing and networking at the quaint Taix Restaurant in Los Angeles.

Featured Guest Speaker:
The Honorable Judge Consuelo Marshall

Judge Consuelo B. Marshall is a trailblazer whose career is a map of some of the most profound changes in our legal community. Humble, generous and kind, she has been an inspiration and mentor of hundreds of lawyers and judges who have followed her into the legal profession.

Born and raised in segregated Tennessee, Judge Marshall came to Los Angeles as a teenager, where she graduated high school. In 1958, she graduated from Howard University in Washington, D.C. and, from there, went on to Howard University Law School, where (as one of very few women) she graduated third in her class. She began her career as a lawyer as a Deputy City Attorney in Los Angeles. She was the first woman ever hired as a lawyer by the Los Angeles City Attorney's office. She later entered private practice at the Los Angeles law firm of Cochran & Atkins (Johnnie Cochran and Nelson Atkins). In 1971, she left private practice for the bench, serving as a Los Angeles Superior Court Commissioner, Inglewood Municipal Court Judge, and Los Angeles Superior Court Judge.

Judge Marshall was appointed to the United States District Court for the Central District of California in 1980 by President Jimmy Carter, becoming only the seventh woman of color to serve as an Article III judge anywhere in the federal judiciary. In 2001, she became the first woman to serve as Chief Judge of the Central District of California (and the first woman of color to serve as Chief Judge in any federal district west of the Mississippi).

Judge Marshall has long been active in the legal community—chairing and participating in committees and boards for the Ninth Circuit, the Federal Bar Association, and the Association of Business Trial Lawyers. She has been a faculty member of The Rutter Group and the Trial Advocacy Workshop at Harvard Law School.

Judge Marshall has also been active in the local non-legal community, serving on the Board of Directors for the Weingart Center, a non-profit facility for the homeless, and the Legal Aid Foundation of Los Angeles and currently serves on the RAND Institute for Civil Justice Board of Overseers and as a board member of Equal Justice Works.

Cost: Free for members of each organization;
\$10 for non-members

Array of hot and cold hors d'oeuvres will be served

No-host bar available

For questions, please call the WLALA Office at (213) 892-8982 or email info@wlala.org.

To RSVP, please go to <http://www.wlala.org/events/Sessions.aspx?id=406331>

Exhibit B

DATE	ORGANIZATION	TOPIC
6/28/2007	UC Hastings College of Law	Hastings Alumni/ae Judges Panel re general topic of being a member of a judiciary; no specific discussion of immigration issues
4/15/2008	USC Mock Trial Team	General Q&A about oral advocacy and experiences and opportunities pursuing a law career in public sector
8/27/2008	Rancho Park Chapter of Rotary Club	Speech/discussion about immigration court and immigration in general
11/1/2008	Coalition of Iranian Entrepreneurs	Speech/discussion about personal background of fleeing Iran; general discussion of immigration court and immigration in general; importance of community and civic duty
4/22/2009	Chapman Law School Iranian Law Student Association and Immigration Law Society	To provide insight about life after law school and benefits of public service; discussion of career paths and opportunities in government including Judge Tabaddor's own professional background
8/12/2009	Iranian American Bar Association Orange County chapter	Discussion of personal background of emigrating to US; educational/professional background, general discussion of available paths in field of law; importance of community and civic duties
8/30/2009	Empowered Women United	Discussion of personal background fleeing Iran; discussion that led to pursue career path of public service in law; importance of becoming active in community and being aware of civic duties; general discussion of immigration law and immigration court; time permitting - Q&A session
10/27/2009	El Camino College (community)	General discussion of current immigration laws, immigration court process, and changes in immigration laws in US over past 50 years
11/4/2009	UCLA School of Law	Day in the life of immigration law: how cases come before Court; typical issues facing Immigration Court
11/9/2009	Pacific Council on International Policy (PCIP)	Moderator: Introducing speaker, Prof. John Teharian, of event and conducting Q&A of his book: <i>Whitewashed - America's Invisible Middle Eastern Minority</i>
11/17/2009	Kids in Need of Defense (KIND)	Event to share information re new pro bono initiative called KIND (provides representation for unaccompanied children in immigration proceedings)
1/5/2010	Levantine Cultural Center	Book review of Prof. John Tehranian's book: <i>Whitewashed - America's Invisible Middle Eastern Minority</i>
1/17/2010	Public Affairs Alliance of Iranian Americans	General discussion about personal life; how immigrated to US; steps taken in career to reach position as immigration judge; emphasis on community/civic duties
1/21/2010	Southwestern Law University	Guest speaker before law school immigration/asylum class, discussing asylum law in general

2/19/2010 US Census Bureau	Asked by US Census Bureau, Nadia Babayl, to participate in public service announcement in official capacity as Immigration Judge. PSA is to encourage people to fill out census forms. Content of PSA limited to: "I am Iranian-American and I will be counted."
University of La Verne Law School Symposium on "Justice and 2/20/2010 Immigration"	Panel on "Perspectives from the Bench" discussing Immigration Judges' duties and responsibilities and cases heard before the Immigration Court, in general
2/25/2010 UC Hastings College of Law	Invited as guest to reception for judges who are alumni of UC Hastings College of Law (no presentation, more of meet and greet)
Orange County Bar Association Young 2/27/2010 Lawyers Division and Daily Journal	Panel speaker at "Bridging the Gap" program for newly admitted lawyers; discussion of personal background and path to becoming judge; provide general information about immigration court proceedings and professionalism in immigration law
3/11/2010 Glendale Community College	Norouz Event: Greet public, acknowledgement of Norouz (Persian New Year) and New Year wishes
3/19/2010 Norooz Celebration Foundation	2 minute presentation at LA City Hall to thank City Council for recognizing Iranian cultural New Year celebration
7/29/2010 US Attorney's Office	Externs from US Attorney's Office to stop by and observe hearings (part of annual externship program); lunch after to answer general questions about Immigration Court
8/4/2010 Rancho Park Chapter of Rotary Club	Updated discussion about Immigration Court and immigration, in general; discussion on personal/professional civic duties inspired by Mohammad Yunus' book: <i>Creating a World Without Poverty, Social Business and the Future of Capitalism</i>
UCLA Fowler Museum; UCLA Council on 8/22/2010 Community Partnerships	Interviewed and photo taken as part of exhibition of documentary photography focused on Iranian Americans in LA; interview about Iranian American identity and community's immigration history and challenges it has faced
9/13/2010 Coalition of Iranian Entrepreneurs	Updated discussion about Immigration Court and immigration, in general; discussion on personal/professional civic duties inspired by Mohammad Yunus' book: <i>Creating a World Without Poverty, Social Business and the Future of Capitalism</i>
10/17/2010 Aramesh Daroon (TV program)	Q&A session: Women's issues, such as educational opportunities, career opportunities, community service, civic duties, etc.
Los Angeles County Bar Association 10/28/2010 Barrister's Section	Panel speaker "Perspectives from the Bench" discussing Immigration Judges' duties and responsibilities and cases heard before Court, in general

11/2/2010 UCLA School of Law	Guest speaker before law school immigration class re day in the life of immigration law: how cases come before Court; typical issues facing Immigration Court
11/3/2010 UCLA School of Law	Guest speaker before law school immigration class re day in the life of immigration law: how cases come before Court; typical issues facing Immigration Court
11/8/2010 El Camino College (community)	General discussion of current immigration laws, immigration court process, and changes in immigration laws in US over past 50 years
1/19/2011 Southwestern Law University	US Asylum Law in general
Orange County Bar Association Young 2/5/2011 Lawyers Division and Daily Journal	Discussion of personal background and path to becoming judge; provide general information about immigration court proceedings and professionalism in immigration law
US Attorney's Office - Central District of 3/26/2011 CA	Short discussion on Supreme court's decision in <u>Padilla v. Kentucky</u>
4/19/2011 El Camino College (community)	Guest speaker before college sociology course re general discussion of current immigration laws, immigration court process, and changes in immigration laws in US over past 50 years
UCLA Sigma Pledge Class of Kappa 4/27/2011 Alpha Pi Pre-Law fraternity	Guest speaker on panel re career opportunities in the legal field; discussion of personal background and path to becoming judge; provide general information about immigration court proceedings and professionalism in immigration law
6/16/2011 Kids in Need of Defense (KIND)	Attend open house and reception
7/13/2011 El Camino College (community)	Guest speaker before college sociology course re general discussion of current immigration laws, immigration court process, and changes in immigration laws in US over past 50 years
Coastline Community College / Iranian- American Women's Leadership 10/23/2011 Conference	Panel speaker; discussion of personal and professional path in pursuing higher education, law degree, and becoming a judge
University of California at Irvine Phi 2/28/2012 Alpha Delta Pre-Law fraternity	General discussion of educational and professional route to bench.
3/4/2012 Annual New Pink Pages Trade Fair	Discussion of importance of women supporting one another and empowering the disenfranchised to gain independence and involvement within community; discuss positive rewards of honoring in our civic duties
3/12/2012 UCLA School of Law	Participation on panel of judges during oral arguments in semi-finals in moot court competition

3/28/2012	Pepperdine Law School	Guest speaker before asylum clinic course; general discussion of how a case moves through Immigration Court
4/11/2012	Southwestern Law School Middle Eastern law Student Association	General introduction of immigration Court, day in life of Immigration Judge, best practices for attorney before court, value of civic engagement for law students and lawyers as leaders in community
4/20/2012	Pacific Council on International Policy (PCIP)	Moderator of panel on "Democracy, Corruption and Law across Borders." General topic intended to address challenges that arise in implementing effective international policy in era where borders between nations are blurred by constant flow of people, goods, and information.
5/15/2012	UC Hastings College of Law	Participation in UC Hastings College of Law Alumni magazine. Article focusing on Hastings Alumni who are on bench.
8/15/2012	Iranian American Lawyers Association	Panel discussion, entitled " <i>Consequences of Committing Fraud against US Government in Immigration Matters.</i> " Intent to provide information to public of consequences of relying on notarios (or similar entities) that would result in knowing or unknowing submission of fraudulent documents of information to US Government.
9/23/2012	Iranian-American Women's Leadership Conference	Discussion of personal and professional path in pursuing higher education, law degree, and becoming a judge. Heading roundtable discussion during mentorship portion of program.
10/20/2012	Los Angeles Police Department's Muslim Forum	Provide information about how various domestic violence issues are raised in immigration proceedings, <i>e.g.</i> ranging from VAWA cancellation, U visas, asylum, convictions for perpetrators, etc.
11/7/2012	UCLA School of Law	Guest speaker before law school immigration class re day in the life of immigration law: how cases come before Court; typical issues facing Immigration Court
Wednesdays in	2009 Chapman Law School	Adjunct Professor: Teaching course in Immigration Law and Crimes
Spring of 2011	UCLA School of Law	Adjunct Professor: Teaching course in Immigration Law and Crimes
Spring of 2012	UCLA School of Law	Adjunct Professor: Teaching course in Immigration Law and Crimes
During 2012 (MOST)	Muslims on Screen and Television	Interview series re discussion of personal background, family move to US, career path to bench, general description of Immigration court and Immigration Judge.
Spring of 2013	UCLA School of Law	Adjunct Professor: Teaching course in Immigration Law and Crimes



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*** This section is current through the April 17, 2014 ***
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TITLE 5 -- ADMINISTRATIVE PERSONNEL
CHAPTER XVI -- OFFICE OF GOVERNMENT ETHICS
SUBCHAPTER B -- GOVERNMENT ETHICS
PART 2635 -- STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE BRANCH
SUBPART E -- IMPARTIALITY IN PERFORMING OFFICIAL DUTIES

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5 CFR 2635.502

§ 2635.502 Personal and business relationships.

(a) Consideration of appearances by the employee. Where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his household, or knows that a person with whom he has a covered relationship is or represents a party to such matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem and received authorization from the agency designee in accordance with paragraph (d) of this section.

(1) In considering whether a relationship would cause a reasonable person to question his impartiality, an employee may seek the assistance of his supervisor, an agency ethics official or the agency designee.

(2) An employee who is concerned that circumstances other than those specifically described in this section would raise a question regarding his impartiality should use the process described in this section to determine whether he should or should not participate in a particular matter.

(b) Definitions. For purposes of this section:

(1) An employee has a covered relationship with:

(i) A person, other than a prospective employer described in § 2635.603(c), with whom the employee has or seeks a business, contractual or other financial relationship that involves other than a routine consumer transaction;

NOTE: An employee who is seeking employment within the meaning of § 2635.603 shall comply with subpart F of this part rather than with this section.

(ii) A person who is a member of the employee's household, or who is a relative with whom the employee has a close personal relationship;

(iii) A person for whom the employee's spouse, parent or dependent child is, to the employee's knowledge, serving or seeking to serve as an officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee;

(iv) Any person for whom the employee has, within the last year, served as officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee; or

(v) An organization, other than a political party described in 26 U.S.C. 527(e), in which the employee is an active participant. Participation is active if, for example, it involves service as an official of the organization or in a capacity similar to that of a committee or subcommittee chairperson or spokesperson, or participation in directing the activities of the organization. In other cases, significant time devoted to promoting specific programs of the organization, including coordination of fundraising efforts, is an indication of active participation. Payment of dues or the donation or solicitation of financial support does not, in itself, constitute active participation.

NOTE: Nothing in this section shall be construed to suggest that an employee should not participate in a matter because of his political, religious or moral views.

(2) Direct and predictable effect has the meaning set forth in § 2635.402(b)(1).

(3) Particular matter involving specific parties has the meaning set forth in § 2637.102(a)(7) of this chapter.

Example 1: An employee of the General Services Administration has made an offer to purchase a restaurant owned by a local developer. The developer has submitted an offer in response to a GSA solicitation for lease of office space. Under the circumstances, she would be correct in concluding that a reasonable person would be likely to question her impartiality if she were to participate in evaluating that developer's or its competitor's lease proposal.

Example 2: An employee of the Department of Labor is providing technical assistance in drafting occupational safety and health legislation that will affect all employers of five or more persons. His wife is employed as an administrative assistant by a large corporation that will incur additional costs if the proposed legislation is enacted. Because the legislation is not a particular matter involving specific parties, the employee may continue to work on the legislation and need not be concerned that his wife's employment with an affected corporation would raise a question concerning his impartiality.

Example 3: An employee of the Defense Logistics Agency who has responsibilities for testing avionics being produced by an Air Force contractor has just learned that his sister-in-law has accepted employment as an engineer with the contractor's parent corporation. Where the parent corporation is a conglomerate, the employee could reasonably conclude that, under the circumstances, a reasonable person would not be likely to question his impartiality if he were to continue to perform his test and evaluation responsibilities.

Example 4: An engineer has just resigned from her position as vice president of an electronics company in order to accept employment with the Federal Aviation Administration in a position involving procurement responsibilities. Although the employee did not receive an extraordinary payment in connection with her resignation and has severed all financial ties with the firm, under the circumstances she would be correct in concluding that her former service as an officer of the company would be likely to cause a reasonable person to question her impartiality if she were to participate in the administration of a DOT contract for which the firm is a first-tier subcontractor.

Example 5: An employee of the Internal Revenue Service is a member of a private organization whose purpose is to restore a Victorian-era railroad station and she chairs its annual fundraising drive. Under the circumstances, the employee would be correct in concluding that her active membership in the organization would be likely to cause a reasonable person to question her impartiality if she were to participate in an IRS determination regarding the tax-exempt status of the organization.

(c) Determination by agency designee. Where he has information concerning a potential appearance problem arising from the financial interest of a member of the employee's household in a particular matter involving specific parties, or from the role in such matter of a person with whom the employee has a covered relationship, the agency designee may make an independent determination as to whether a reasonable person with knowledge of the relevant facts would be likely to question the employee's impartiality in the matter. Ordinarily, the agency designee's determination will be initiated by information provided by the employee pursuant to paragraph (a) of this section. However, at any time, including after the employee has disqualified himself from participation in a matter pursuant to paragraph (e) of this section, the agency designee may make this determination on his own initiative or when requested by the employee's supervisor or any other person responsible for the employee's assignment.

(1) If the agency designee determines that the employee's impartiality is likely to be questioned, he shall then determine, in accordance with paragraph (d) of this section, whether the employee should be authorized to participate in the matter. Where the agency designee determines that the employee's participation should not be authorized, the employee will be disqualified from participation in the matter in accordance with paragraph (e) of this section.

(2) If the agency designee determines that the employee's impartiality is not likely to be questioned, he may advise the employee, including an employee who has reached a contrary conclusion under paragraph (a) of this section, that the employee's participation in the matter would be proper.

(d) Authorization by agency designee. Where an employee's participation in a particular matter involving specific parties would not violate *18 U.S.C. 208(a)*, but would raise a question in the mind of a reasonable person about his impartiality, the agency designee may authorize the employee to participate in the matter based on a determination, made in light of all relevant circumstances, that the interest of the Government in the employee's participation outweighs the concern that a reasonable person may question the integrity of the agency's programs and operations. Factors which may be taken into consideration include:

(1) The nature of the relationship involved;

(2) The effect that resolution of the matter would have upon the financial interests of the person involved in the relationship;

(3) The nature and importance of the employee's role in the matter, including the extent to which the employee is called upon to exercise discretion in the matter;

(4) The sensitivity of the matter;

(5) The difficulty of reassigning the matter to another employee; and

(6) Adjustments that may be made in the employee's duties that would reduce or eliminate the likelihood that a reasonable person would question the employee's impartiality.

Authorization by the agency designee shall be documented in writing at the agency designee's discretion or when requested by the employee. An employee who has been authorized to participate in a particular matter involving specific parties may not thereafter disqualify himself from participation in the matter on the basis of an appearance problem involving the same circumstances that have been considered by the agency designee.

Example 1: The Deputy Director of Personnel for the Department of the Treasury and an attorney with the Department's Office of General Counsel are general partners in a real estate partnership. The Deputy Director advises his supervisor, the Director of Personnel, of the relationship upon being assigned to a selection panel for a position for which his partner has applied. If selected, the partner would receive a substantial increase in salary. The agency designee cannot authorize the Deputy Director to participate on the panel under the authority of this section since the Deputy Director is prohibited by criminal statute, *18 U.S.C. 208(a)*, from participating in a particular matter affecting the financial interest of a person who is his general partner. See § 2635.402.

Example 2: A new employee of the Securities and Exchange Commission is assigned to an investigation of insider trading by the brokerage house where she had recently been employed. Because of the sensitivity of the investigation, the agency designee may be unable to conclude that the Government's interest in the employee's participation in the investigation outweighs the concern that a reasonable person may question the integrity of the investigation, even though the employee has severed all financial ties with the company. Based on consideration of all relevant circumstances, the agency designee might determine, however, that it is in the interest of the Government for the employee to pass on a routine filing by the particular brokerage house.

Example 3: An Internal Revenue Service employee involved in a long and complex tax audit is advised by her son that he has just accepted an entry-level management position with a corporation whose taxes are the subject of the audit. Because the audit is essentially complete and because the employee is the only one with an intimate knowledge of the case, the agency designee might determine, after considering all relevant circumstances, that it is in the Government's interest for the employee to complete the audit, which is subject to additional levels of review.

(e) Disqualification. Unless the employee is authorized to participate in the matter under paragraph (d) of this section, an employee shall not participate in a particular matter involving specific parties when he or the agency designee has concluded, in accordance with paragraph (a) or (c) of this section, that the financial interest of a member of the employee's household, or the role of a person with whom he has a covered relationship, is likely to raise a question in the mind of a reasonable person about his impartiality. Disqualification is accomplished by not participating in the matter.

(1) Notification. An employee who becomes aware of the need to disqualify himself from participation in a particular matter involving specific parties to which he has been assigned should notify the person responsible for his assign-

ment. An employee who is responsible for his own assignment should take whatever steps are necessary to ensure that he does not participate in the matter from which he is disqualified. Appropriate oral or written notification of the employee's disqualification may be made to coworkers by the employee or a supervisor to ensure that the employee is not involved in a particular matter involving specific parties from which he is disqualified.

(2) Documentation. An employee need not file a written disqualification statement unless he is required by part 2634 of this chapter to file written evidence of compliance with an ethics agreement with the Office of Government Ethics or is specifically asked by an agency ethics official or the person responsible for his assignment to file a written disqualification statement. However, an employee may elect to create a record of his actions by providing written notice to a supervisor or other appropriate official.

(f) Relevant considerations. An employee's reputation for honesty and integrity is not a relevant consideration for purposes of any determination required by this section.

HISTORY: [57 FR 35042, Aug. 7, 1992]

AUTHORITY: AUTHORITY NOTE APPLICABLE TO ENTIRE PART:

5 U.S.C. 7301, 7351, 7353; 5 U.S.C. App. (Ethics in Government Act of 1978); E.O. 12674, 54 FR 15159, 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 55 FR 42547, 3 CFR, 1990 Comp., p. 306.

NOTES: NOTES APPLICABLE TO ENTIRE TITLE:

Title 5 of the United States Code was revised and enacted into positive law by Public Law 89-554, Sept. 6, 1966. New citations for obsolete references to sections of 5 U.S.C. appearing in this title may be found in a redesignation table under title 5, Government Organization and Employees, United States Code.