EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
POSITION: IMMIGRATION JUDGE
REVIEWER WORKSHEET

Applient:_____

Application Package: _____Resume _____QRFs _____Writing Sample

EXPERIENCE	HIGH	MEDIUM	LOW	NOT ADDRESSED
KNOWLEDGE OF IMMIGRATION LAWS AND PROCEDURES				
EXPERIENCE CONDUCTING ADMINISTRATIVE HEARINGS AND/OR ADJUDICATING ADMINISTRATIVE CASES				
SOUND JUDGMENT / JUDICIAL TEMPERAMENT				
ADJUDICATION EXPERIENCE				
LITIGATION EXPERIENCE				
EXPERIENCE HANDLING COMPLEX LEGAL ISSUES				
DECISION-MAKING ABILITY				
DECISIONAL WRITING				
ORAL COMMUNICATION				
ABILITY TO MANAGE HIGH-PRESSURE, HIGH-VOLUME WORK				

ADDITIONAL CONSIDERATIONS & COMMENTS:

RECOMMENDATION:

Application Review: ___ Recommend   ___ Do Not Recommend

1st Interview: ___ Highly Recommend   ___ Recommend   ___ Do Not Recommend

2nd Interview: ___ Highly Recommend ___ Recommend   ___ Do Not Recommend

REVIEWER(S): _____ DATE: _____

Guidance on the IJ Application Review Worksheet

Overview

This guidance explains the IJ Application Review Worksheet ("Review Worksheet"), which is used to (i) review the paper application of a candidate for immigration judge and (ii) to evaluate a candidate in the first-round and/or second-round interview. This Review Worksheet outlines the skills, experiences, and/or competencies that should be considered by the reviewer/interviewer. These competencies are *not* a checklist of candidate 'must-have' items but are a guide to assist the reviewer/interviewer in evaluating the strengths of the candidate.

Each competency is evaluated on a three-tier system with ratings of "high," "medium," and "low." The form also includes an option to select "not addressed" if a particular competency does not apply to a candidate or if there was insufficient evidence of the competency. (The items on the top of the worksheet – regarding Resume, Quality Ranking Factors, and Writing Sample, are just "check the box" items, to note that those things are available for you to review, that space is not for an evaluation of those items.)

In determining the appropriate rating level for any given competency, reviewers/interviewers should apply the following scale:

- "High" -- The candidate stands out in that particular competency, either possessing considerable experience or evidencing a high measure of that quality. A high rating means that the reviewer/interviewer is convinced that the candidate more than satisfies that particular competency.

- "Medium" -- A medium rating means that the reviewer/interviewer finds the candidate to have an adequate amount of experience or quality. The candidate neither stands out in that particular experience or quality, nor is there concern about the candidate's experience or quality in that regard.

- "Low" -- The candidate has no or minimal applicable experience or quality. This rating may also be used when there are concerns about the candidate's ability to meet that competency. A low rating means that the reviewer/interviewer is not confident that the candidate possesses that experience or can demonstrate that quality.

Knowledge of Immigration Laws and Procedures

This competency focuses on depth and/or volume of immigration law experience. A strong candidate is one who has many years of meaningful experience applying complex immigration law, whereas a weaker candidate will have either few years of experience or have little experience that will be of value on the immigration bench. Expertise with respect to those aspects of immigration law that come into play in the immigration courtroom should be given particular weight. Knowledge can be demonstrated in many ways, including but not limited to:

representing non-citizens or the Federal government in matters involving complex or diverse immigration laws (e.g., practicing before EOIR, litigating immigration cases in Federal courts); adjudicating immigration matters (e.g., adjudicating asylum cases); legislative or administrative advocacy on immigration policy issues (e.g., appropriate Capitol Hill experience, NGO work); academic or clinical experience (e.g., significant experience supervising a law school clinic); and other similar work (e.g., attorney advisor work in support of IJs and/or AIJs) that requires routine analysis and application of immigration law. With respect to this competency, a strong candidate will possess extensive pertinent knowledge of immigration law and familiarity with immigration court procedures, while a weak candidate will have little or no such knowledge or familiarity.

Experience Conducting Administrative Hearings and/or Adjudicating Administrative Cases

This competency focuses on the candidate's experience conducting hearings or adjudicating administrative cases. This competency speaks to whether the candidate has a background or demonstrated aptitude for managing a courtroom, making case decisions, and performing the duties that attach to being an immigration judge (reviewing an administrative record at the trial and/or appellate level, maintenance of a record of proceedings, working with courtroom staff, managing courtroom technology, etc.). With respect to this competency, a strong candidate will have a clear history of administrative hearing experience or has clearly demonstrated an ability to move a docket fluidly, to decide fairly and expeditiously, and to multitask in the courtroom, while a weak candidate will have little or no such experience or demonstrated ability.

Sound Judgment/Judicial Temperament

In evaluating judgment or judicial temperament, the reviewer/interviewer should consider the factors identified by the American Bar Association (ABA)'s Standing Committee on the Federal Judiciary: compassion, decisiveness, open-mindedness, courtesy, patience, freedom from bias, and commitment to equal justice under the law. A candidate does not need to have experience as an adjudicator to demonstrate sound judgment and judicial temperament, though such experience should be weighted favorably. An interviewer can gauge the relative strength of these skills by reviewing the written application materials concerning temperament and by assessing the candidate's answers to questions at the interview. With respect to this competency, a strong candidate either has or projects the temperament expected of an immigration judge, while a weak candidate will not have convinced the reviewer/interviewer that he or she has that temperament.

Adjudication Experience

Separate from experience conducting hearings, this competency considers more broadly the candidate's experience making judge-like decisions. The ABA defines adjudication as "giving or pronouncing a judgment or decree." This competency is focused on whether the candidate will be able to or has experience deciding difficult or complex issues, particularly those that impact people's lives. Individuals who have adjudicated in other tribunals – Federal, state, local, military or other court systems – will have clear experience under this category, but adjudications experience may be drawn from non-courtroom settings as well. If a candidate can demonstrate experience with giving or pronouncing a judgement or decree in another context,

then that experience may be considered for this competency. With respect to this competency, a strong candidate will have considerable experience making judicial or judge-like decisions, while a weak candidate would have little or no such experience.

Litigation Experience

This competency recognizes that there will be strong candidates that have not yet acquired adjudications experience and allows the reviewer/interviewer to give due weight to litigation experience that forecasts ability and skill to run a courtroom as an immigration judge. The goal of this competency is to use litigation experience to evaluate the candidate's comfort and aptitude with respect to courtroom management and judicial decision-making. With respect to this competency, a strong candidate will have significant litigation experience before EOIR or extensive litigation experience in settings comparable to an immigration court, while a weak candidate will not have either.

Experience Handling Complex Legal Issues

This competency recognizes that there will be strong candidates that have not yet acquired adjudications experience and allows the reviewer/interviewer to give due weight to experience that evidences the candidate's ability to handle complex legal issues. While the experience need not be specific to immigration law, immigration law experience is weighed more heavily. The focus of this competency is on the analytical skills of the candidate: whether the candidate has demonstrated an ability (1) to work through complicated fact patterns and issues or (2) to learn, adapt to and incorporate changes in the law or novel areas of the law. With respect to this competency, a strong candidate will demonstrate both (1) and (2), while a weak candidate will not be able to demonstrate either.

Decision-Making Ability

This competency refers to the candidate's aptitude for exercising independent judgment, skill at applying law to facts, and ability to render a quality decision, even when pressed for time. A significant factor for this competency is the candidate's ability to exercise discretion, and articulate how that discretion is being exercised, in complex, sensitive, or emotional situations. With respect to this competency, a strong candidate will have significant experience making independent decisions in complex and/or high-stakes situations (especially under pressure), while a weak candidate will not have much experience in such situations or has performed poorly in such situations.

Decisional Writing

This competency speaks to the candidate's ability to issue written decisions and rulings. This competency assesses the candidate's written skills and abilities as they apply to issuing written merits decisions (involving removability, eligibility for relief, etc.) and written motions rulings (involving reopening, reconsideration, etc.). This competency can largely be derived from the written application materials and/or interview descriptions of bench experience, but it can also be drawn from other contexts (e.g., experience writing decisions for judges at both the trial and

appellate level, scholarly publications, analyses, reports). Writing traits of particular weight include but are not limited to: clear and understandable diction, legally accurate and precise argument, legally and rhetorically persuasive argument, professional writing quality, balance between complete and concise, and appropriate tenor. With regard to this competency, a strong candidate exhibits the ability to write well and with the temperament expected of the immigration judge position, while a weak candidate exhibits inferior writing quality, such as poor diction, inaccurate or unconcise argument, and/or inappropriate writing tenor.

Oral Communication

This competency speaks to a candidate's ability to communicate with parties and to render oral decisions from the immigration bench. To satisfy this competency, the candidate must demonstrate a comfort with speaking publicly and an aptitude for being understood, particularly in those situations involving parties with limited understanding of the law or courtroom process. The candidate must also demonstrate the ability to exercise patience with limitations in courtroom communications, particularly in situations involving interpretation and parties with limited sophistication and/or communication skills. Also, this competency speaks to the candidate's aptitude for rendering an oral decision in a way that is legally correct and endeavors to be understandable to the parties. With respect to this competency, a strong candidate demonstrates a clear ability to speak publicly and well, an aptitude to communicate both with legal precision and in plain language, and a capacity to be patient with communication issues in the courtroom, while a weak candidate will demonstrate few or none of these traits.

Ability to Manage High-Pressure, High-Volume Work

This competency focuses on the candidate's ability to move a docket fairly and efficiently. The candidate is evaluated on his or her experience or aptitude to manage a highly dynamic and fast-paced workload, often complicated by complex law, a volatile courtroom atmosphere, and competing time pressures. This competency is not limited to the ability to move cases but includes also the ability to deliver quality adjudications and treat parties and staff with due respect, notwithstanding docket pressures. With respect to this competency, a strong candidate demonstrates experience, or an aptitude for, achieving high workload expectations without compromising quality, while a weak candidate is less able to reconcile quantity and quality.