

Table 11. Process Finding and Recommendations

CATEGORY	FINDINGS		RECOMMENDATIONS
Technology	The Case Access System for EOIR (CASE), Video Teleconferencing (VTC) equipment, and INT equipment can be enhanced, improved, or replaced	E/D	<ul style="list-style-type: none"> Limit the use of VTC to procedural matters Conduct a thorough review of the VTC system to find means to improve performance and provide additional IT support Complete the transition to Electronic Case and Appeals System (ECAS) with active participation from CAAC, LAAC, INTAC, IJ Committee, NAIJ, and other representative groups. In the interim period before ECAS is fully rolled out, update CASE with input from court staff and the Office of Information and Technology (OIT) to make it more user-friendly, thus helping speed up filing motions and updating cases Review and update INT equipment, and printers appropriately Expand "1-800 number" to a national telephonic and online help desk with expanded customer service capabilities. Such enhancement will help court staff address other requirements in their daily responsibilities Coordinating with OIT and OPAS, review and amend data entry procedures so that EOIR is collecting accurate data. Enhanced data entry enables more powerful analyses for OCIJ to improve processes Initiate dialogue with other agencies that use VTC in similar adjudicatory settings to learn about their infrastructure, practices, and training Introduce in-court ticketing systems for all Master Calendars
	<ul style="list-style-type: none"> Proportions of staff that reported the corresponding technology caused a meaningful delay in their ability to proceed with their daily responsibilities: <ul style="list-style-type: none"> 48 percent: printers, scanners, fax machines 33 percent: Digital audio recording (AR) 31 percent: telephonic interpreters 30 percent: internet connectivity 27 percent: CASE 	I	
		O	
		TS	
	The "1-800 telephonic help line" has limited applicability because of difficult interface and limited information it can provide. As a result, court staff spend significant amounts of time providing information to callers	E/D	
		I	
		O	
		TS	
	Faulty VTC equipment, especially issues associated with poor video and sound quality, can disrupt cases to the point that due process issues may arise	E/D	
	<ul style="list-style-type: none"> 29 percent of staff reported that VTC caused a meaningful delay in their ability to proceed with their daily responsibilities 	I	
		O	
		TS	
	It is difficult for judges to analyze eye contact, nonverbal forms of communication, and body language over VTC	E/D	
		I	
		O	
	Court staff face difficulty procuring the appropriate quantity and types of printers and scanners due to communication challenges with HQ	I	
		O	
	Courts using ticketing systems at master calendar hearings are more efficient than those that do not	I	
		O	
	Court staff technical support needs exceed the current resources available through OIT help desk and regional IT POCs	E/D	
		I	
		O	

CATEGORY	FINDINGS		RECOMMENDATIONS
Furniture	Some court furniture is out-of-date and court staff find the chairs and tables uncomfortable, which negatively affects staff morale	I	<ul style="list-style-type: none"> Conduct thorough review of furniture and procure new furniture where necessary that conform with modern ergonomic principles, understanding the limitations imposed on courts that are co-located in DHS detention centers, prisons, and private facilities
		O	
Scheduling and Space	Courts lack space for file cabinets and courtrooms, and are ill-equipped to host large Master Calendars, such as those of families with children	I	<ul style="list-style-type: none"> Ensure IJs have sufficient time to conduct legal research, administrative activities, and trainings Improve the efficiency of courtroom, pro-bono rooms, and waiting room space, especially addressing usage during IJ administrative time and AWS days Assess efficacy of Protective Security Officer (PSO) pilot program Consider implementing a scheduling system that involves a larger than 1:1 ratio of judges to courtrooms to increase space utilization Coordinate with ACJs, CAs, and the Organizational Results Unit (ORU) to determine best practices for how dockets are prepared in advance of new IJs' arrival at court Ensure there are standard operating procedures for courts to prepare the arrival of new IJs Review the implementation of a standard, web-enabled, email calendar-compatible tracking system Assess benefits of instituting a "view-only" version of the former Interactive Scheduling System that would allow DHS to view docket schedules
	Some medium- and large- courts without bailiffs struggle to manage and direct respondents to the proper location, causing delays to hearings	I	
		O	
	Courtroom utilization is not uniform – within one court, some may be overflowing due to a large Master Calendar, while another may be empty due to Alternative Work Schedule (AWS) days or IJ admin time	E/D	
		O	
	Courts do not have a standard process for preparing for the arrival of a new IJ, such as docket preparation and hearing schedules	I	
E-Filing	The lack of an electronic filing system creates room for error; slows down court staff's ability process cases; and results in slow transfers of files between courts, BIA, and storage facilities	I	<ul style="list-style-type: none"> Continue existing efforts to transition to ECAS
		O	
Group Advisals and Representation Programs	The usage, medium, content, and length of group advisals vary by court and IJ	O	<ul style="list-style-type: none"> Create national standard for function and medium of group advisals, which could include a video-based medium Provide more "know your rights" information online and on court billboards Train and assign qualified JLCs to conduct group advisals Consider expanding "know your rights" and legal representation programs, such as the Legal Orientation Program,
	Pro se respondents face difficulty representing themselves and may contribute to delays in court processing	E/D	
		O	

CATEGORY	FINDINGS		RECOMMENDATIONS
			<p>through data-informed budget requests and justifications</p> <ul style="list-style-type: none"> Analyze and assess the effect of representation on case processing, including public defender programs like in criminal proceedings
Oral and Written Decisions	Due to time constraints, training, and culture, immigration judges frequently issue oral decisions after short breaks and are sometimes not able to fully deliberate complicated issues that arise in a case	E/D I O	<ul style="list-style-type: none"> Create a culture in which judges feel comfortable issuing more written decisions for complicated matters by increasing JLC roster and allocating more written decisions to JLCs Institute JLC pool system at medium- and large-size courts Enhance the Guidance and Publication Page and the JLC decision database so that it is searchable and user-friendly
	Limitations inherent in oral decisions make it difficult for respondents, BIA, and circuit courts to examine the IJ's reasoning upon appeal in complicated cases	E/D I O	
	To assign written decisions and memos to JLCs, IJs either use 1) a "pod" system, whereby JLCs are assigned to help specific IJs; or 2) a "pool" system, whereby IJs assign work to a pool that JLCs draw from based on deadlines. Based on interviews, "Pool" system courts better balance JLC workload than those with "pod" systems.	I O	
	Many JLCs hesitate to use the current national database because it is not easily searchable	I	
Interpretation Issues	Appropriate usage of simultaneous and consecutive interpretation varies across courts due to lack of proper training for IJs. Some IJs misunderstand the appropriate usage of simultaneous and consecutive translation, causing fatigue among INTs	I	<ul style="list-style-type: none"> Find a technological or logistical solution to simultaneous interpretation over VTC, leveraging and assessing several proposed by interpreters Institute mandatory in-court INT breaks Institute IJ training and dialogue between INTs and IJs regarding interpretation practices Institute nation-wide standard operating procedures regarding consecutive and simultaneous interpretation that are enforced by ORU Conduct a study of the quality of contracted interpreter services, renegotiate interpreter contract if necessary Conduct a cost-benefit analysis of contract interpreters that includes interpretation quality, contract costs, and value of in-house interpreters
	It is difficult to relay multiple lines over VTC, causing issues when the interpreter is not co-located with the respondent	I O	
	The quality of contracted interpreters varies across courts	I O	

Table 12. External Dependencies and Recommendations

CATEGORY	FINDINGS		RECOMMENDATIONS
External Dependencies	Factors outside EOIR's control, including a ballooning caseload; immigration trends; BIA, circuit courts, and Supreme Court decisions; administration prioritization policies; recent surge in assignments of IJs to detained dockets; biometric screening delays; and hiring and budgetary freezes, have impacted the daily functioning of each immigration court	E/D	<ul style="list-style-type: none"> Create an EOIR committee whose purpose is to identify means to improve efficiencies and effectiveness in collaboration between DOJ and DHS
		I	<ul style="list-style-type: none"> Launch dialogue with DHS to identify policy improvements between DHS and EOIR that would streamline caseload. For example, this could include cross-agency NTA-screening and policy to administratively close cases awaiting adjudication in other agencies or courts
		O	
		TS	<ul style="list-style-type: none"> Collaborate with BIA to determine efficient ways to rotate BIA and OCIJ staff as part of temporary duty assignments

GENERAL SCHEDULE QUALIFICATION STANDARDS

Currently, there are several avenues for upward mobility at courts. The ladder from LA to SLA is relatively robust, with 80 percent of SLAs having previously held an LA position.⁵ However, due to a grade-level gap between the SLA and CA positions and HR-related restrictions on General Schedule (GS) levels, it is difficult for court staff to ascend to management positions at their court. 67 percent of CAs never held an SLA position and 70 percent of CAs never held an LA position. This has several effects, including “brain drain” of court staff to other agencies, such as DHS, and lowered employee morale. The current GS qualification standards for each EOIR position, provided by EOIR HQ, are listed in Table 13.

Table 13. Current Grade Levels

GRADE	POSITION
GS-5/6/7/8	Legal Assistant
GS-9/10	Supervisory Legal Assistant
GS-9/10/11/12	Interpreter
GS-13	Supervisory Interpreter
GS-7/8	Administrative Support Staff
GS-9/10/11/12	Staff Assistant
GS-11/12/13/14	Deputy Court Administrator
GS-13/14/15	Court Administrator

The study team prepared recommended grade levels and positions that are designed to complete all responsibilities of running an immigration court, which are listed in Table 14. The aim is to provide clear avenues for qualified court staff to ascend within the organization. The Legal Assistant position has been broken up into four distinct categories – “Receptionist”, “Intake/Outtake”, “File Clerk”, and “Court Clerk”, with the latter category holding a higher GS level. The team also recommends the creation of a Senior Analyst position who would maintain expanded management, public affairs, security, and data analysis responsibilities. These recommendations were based on interviews and observations during court site visits, literature provided by court staff, standard court administrator training literature, current position descriptions, and current performance appraisal documents.

The following recommendations are accompanied by several caveats. The team recognizes that most but not all courts have at least four LAs and that many courts have a limited number of SLAs. Therefore, the following position recommendations can only be pursued with AMICUS outputs and an understanding of the local court dynamics. The team would recommend that the Staffing Committee refer to the Time Study Data to assess the percentage of LAs at each court that would fall into these new buckets. The recommendations also do not preclude instituting rotational systems to promote cross-training, which would be beneficial for court dynamics. The team has outlined positions that can “backfill” for others (e.g. if someone is out of the

⁵ The statistics from this section were taken from the full-staff survey responses.

office, someone with a different position could take up their duties temporarily). The team also outlined positions that can “fill-in” for other positions if those positions are absent at a particular court. (e.g. if a court does not have an Administrative Support Staff position, a Legal Assistant Court Clerk could carry out their duties). Although the GS distinctions apply only to direct staff, contract staff can fill in for lower GS positions. Finally, the success of these recommendations is predicated on management, namely CAs and ACIJs, adhering to the assigned responsibilities and ensuring all necessary duties are distributed evenly. The study team has included the organizational chart, see Figure 6, necessary to effectively manage these new work streams.

Table 14. Recommended Grade Levels and Responsibilities

GRADE	POSITION	RESPONSIBILITIES
GS-5/6	Receptionist	Backfill for Intake/Outtake and File Clerk on detail/leave <ul style="list-style-type: none"> Window reception
GS-5/6	Legal Assistant - Intake/Outtake <i>i.e. LAs who mostly participate in “intake” or “outtake” activities</i>	Backfill for Intake/Outtake and Receptionist on detail/leave <ul style="list-style-type: none"> Window reception Input and calendar new cases Review and process incoming paperwork Process bond-out paperwork and I-830s Process certification requests Pick up/drop off mail Process non-IJ-specific incoming mail Process EOIR-33s Process EOIR-28s Process BIA requests Process tape/document requests Prepare and serve orders and notices Process incoming Change of Venues from other courts Process NTAs Retire files to be sent to the Federal Records Center (FRC) Process Freedom of Information Act (FOIA) requests Process interlocutory appeals Reconstruct ROPs Process transcript requests Maintain logs of callers and sign-in sheets of visitors
GS-5/6	Legal Assistant - File Clerk <i>i.e. LAs who mostly engage in pulling files</i>	Backfill for Intake/Outtake on detail/leave <ul style="list-style-type: none"> Retrieve and return ROPs Post disciplined attorney list Maintain list of free legal service providers Restock courtroom supplies Prepare courtroom each morning Clean up courtroom at end of each day Answer phone calls Maintain storage rooms Maintain supply of forms Consolidate and eliminate files as necessary Take and deliver messages
GS-7/8	Legal Assistant - Court Clerk	Fill in for Administrative Support Assistant responsibilities Backfill for Receptionist, Intake/Outtake, and File Clerks on detail/leave

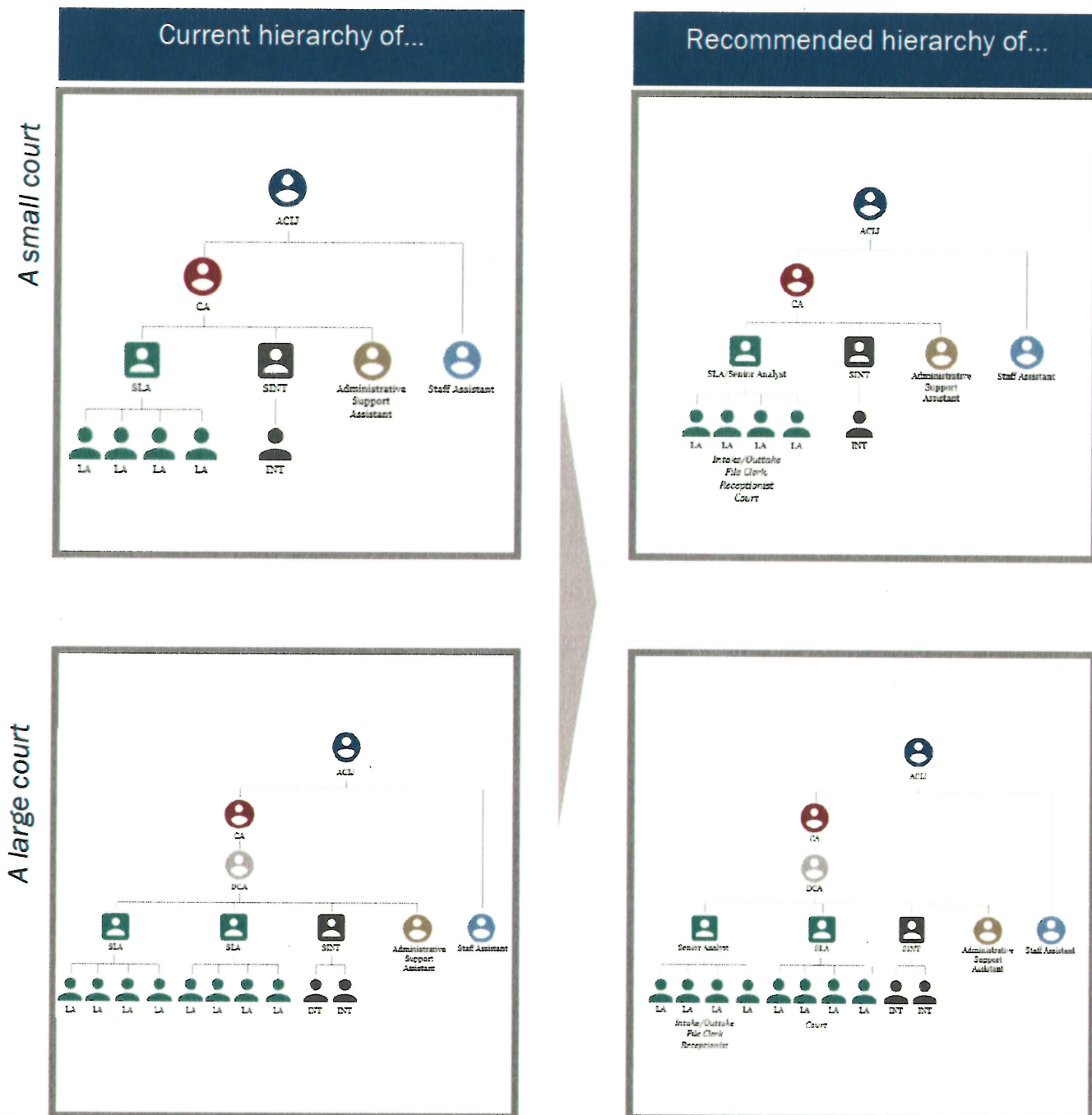
GRADE	POSITION	RESPONSIBILITIES
	<i>i.e. LAs who mostly engage in court- and case-based activities</i>	<ul style="list-style-type: none"> ▪ Schedule hearings, meetings, and engagements with respondents, IJs, and attorneys ▪ Answer substantive questions regarding cases ▪ Assemble data for reports ▪ Update ROPs and CASE ▪ Process all mail for assigned IJ ▪ Process and calendar bond redetermination requests ▪ Process all ROPs post Individual Calendar hearing ▪ Support IJ during Master Calendar hearings ▪ Process all ROPs after Master Calendar hearing ▪ Process all asylum applications filed in court ▪ Process items from IJs' in- and out-boxes ▪ Process motions ▪ Announce IJ when entering court room ▪ Serve final orders ▪ Generate call-up report for assigned IJ ▪ Maintain in-court ticketing system ▪ Conduct research related to legal cases, including but not limited to searching legal reference files; reviewing documents; and collecting decisions, memoranda, statutes, and regulations ▪ Assist in IJ legal research by assembling reports and data, including but not limited to Attorney General opinions, Comptroller General decisions, prior IJ decisions, and BIA decisions. ▪ Prepare rough drafts of legal documents and correspondence incorporating legal references ▪ Coordinate transportation of respondents to and from facilities with DHS
GS-9/10	Supervisory Legal Assistant <i>i.e. SLAs that mostly engage in managing a team of LAs</i>	<i>Backfill for all LAs on detail/leave</i> <ul style="list-style-type: none"> ▪ Supervise team(s) of court staff ▪ Assign responsibilities, limitations, deadlines, quantities, and priorities to LAs ▪ Provide instructions on new or unusual assignments ▪ Review accuracy and conformance of LAs to procedures ▪ Oversee filing system for all open and closed ROPs ▪ Manage ROP review process ▪ Management retirement process of closed files ▪ Manage dissemination of hearing calendars ▪ Monitor expenses/credit card statements ▪ Maintain office supplies ▪ Arrange travel ▪ Send emails communicating important information within the office ▪ Update court website
GS-11/12	Senior Analyst <i>i.e. experienced, qualified staff who hold expanded management, public affairs, security, and data analysis responsibilities</i>	<i>Fill in for Supervisory Legal Assistant responsibilities</i> <i>Backfill for CA/DCA on detail/leave</i> <ul style="list-style-type: none"> ▪ Run and analyze key docket reports, including but not limited to reports concerning receipts/completions, calendars, asylum, aged-cases, off-calendar items, and motions pending ▪ Make recommendations based on analysis of reports ▪ Review calendars to ensure IJs are fully scheduled ▪ Hold meetings for LA teams, if applicable

GRADE	POSITION	RESPONSIBILITIES
		<ul style="list-style-type: none"> Responsible for training court staff Participate in HQ-facilitated working groups Participate in agency-wide conference calls Monitor case completion goals Process time and attendance Oversee court's safety and security Allocate court staff responsibilities
GS-9/11/12	Interpreter	<ul style="list-style-type: none"> In-court interpretation Maintain interpreter equipment Order/cancel interpreters Interpretation-related research
GS-13	Supervisory Interpreter	<i>Backfill for INTs on detail/leave</i> <ul style="list-style-type: none"> In-court interpretation Review staff and contractor interpretation skills Review interpreter orders/cancellations Coordinate training for INTs Participate in working sessions and agency-wide calls
GS-7/8	Administrative Support Assistant	<ul style="list-style-type: none"> Draft correspondence for CAs Ensure personnel, records, and facility are in full conformance with security requirements Prepare time and attendance reports Serve a liaison point between court and HQ Maintain office furniture and equipment Develop and maintain internal controls to protect against waste, fraud, and abuse Assist CA regarding personnel, e.g. setting up training for court staff, initiating actions to fill vacancies, screening applicants, etc.
GS-9/10/11/12	Staff Assistant	<ul style="list-style-type: none"> Provide administrative support to ACIJs in the planning, management, and directional support of the court Create reports for ACIJs Review and prepare analyses and summaries of EOIR directives and documents for ACIJs Draft talking points, documents, position papers, speeches, and correspondence for ACIJs Relay information regarding priorities to ACIJs Arrange travel for ACIJs Prepare agenda items for staff meetings Develop and guide project plans Provide program management support Arrange meetings on behalf of ACIJs
GS-11/12/13/14	Deputy Court Administrator	<i>Fill in for SLA and Senior Analyst responsibilities</i> <i>Backfill for CA on detail/leave</i> <ul style="list-style-type: none"> Maintain all office SOPs Manage all accountable property Manage the IJs' agenda Conduct resource planning and identify cost-saving measures
GS-13/14 and GS-15	Court Administrator	<i>Fill in for Deputy Court Administrator responsibilities</i> <i>Backfill where necessary</i> <ul style="list-style-type: none"> Liaise with ACIJs and HQ Liaise with DHS, AILA, other external stakeholders Liaise with IJs

GRADE	POSITION	RESPONSIBILITIES
		<ul style="list-style-type: none"> ▪ Provide information to court staff via email, newsletters, and memos ▪ Host staff meetings ▪ Ensure all staff has received appropriate training ▪ Manage and supervise daily operations of the court ▪ Monitor case completion goals ▪ Procurement ▪ Set goals for court staff ▪ Identify areas to improve performance ▪ Resolve conflicts and recommend training where necessary

Figure 5 contains an illustration of representative organization charts at a small and large court, moving from the current state to the proposed hierarchy with the newly-created staff positions.

Figure 5. Current and Recommended Court Organization Charts



V. NEXT STEPS

The Legal Case Study is OCIJ's first step towards more effectively staffing its courts to better meet its mission of timely immigration adjudication. Enhanced out-reach to the immigration courts, through court visits, the time study, and follow-up surveys established the agency's direction towards workforce analytics. This extensive data collection resulted in the development of EOIR's first workforce staffing model, AMICUS.

Figure 6. EOIR's Workforce Analytics Roadmap

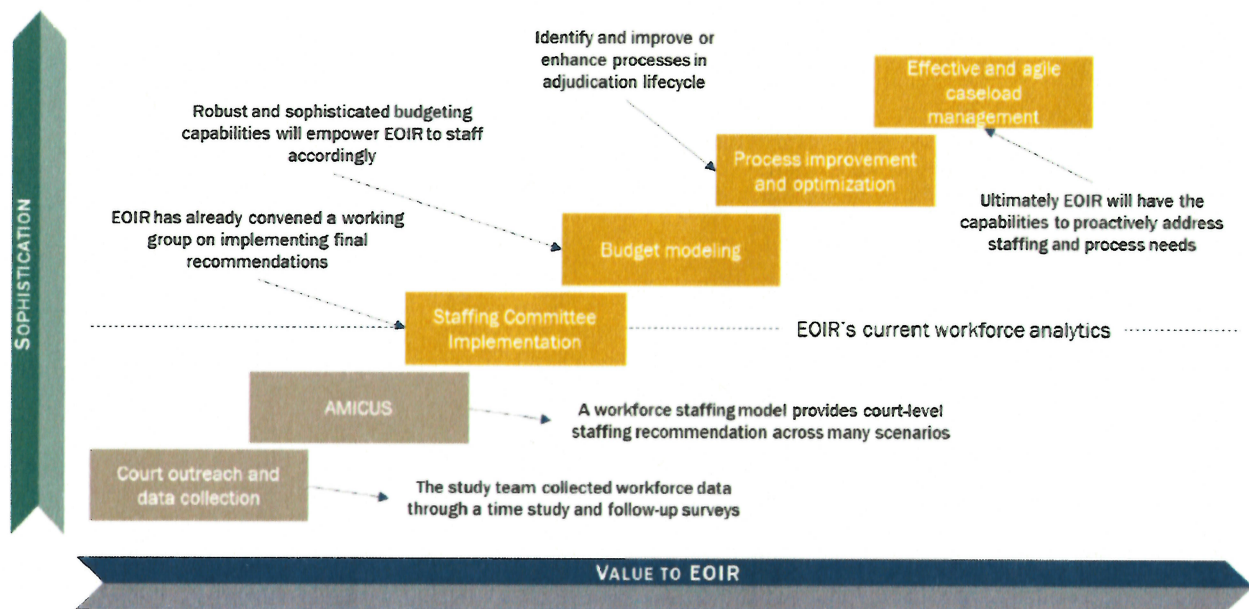


Figure 6 provides the study team's suggested roadmap for EOIR's implementation of Workforce Analytics. Following this approach, EOIR and OCIJ can continue down a path of more effectively meeting its mission of timely case adjudication. With a vetted and validated staffing model, the study team recommends the following next steps for EOIR and OCIJ to attain data-informed staffing decisions in the future:

- **Implementation:** the newly convened Court Staffing Committee will play a key role in AMICUS's scenario development, model output validation, and implementation and ownership of this paper's recommendations.
- **Budget and Resource Planning:** OCIJ can expand AMICUS's capabilities to formulate effective budget tools and conduct resource planning.
- **Data-Informed Decisions:** future applications of the process maps, time study data, and survey analysis will enable OCIJ to incorporate comprehensive data analytics into management's decision-making.