

# **The Commander's Palace:**

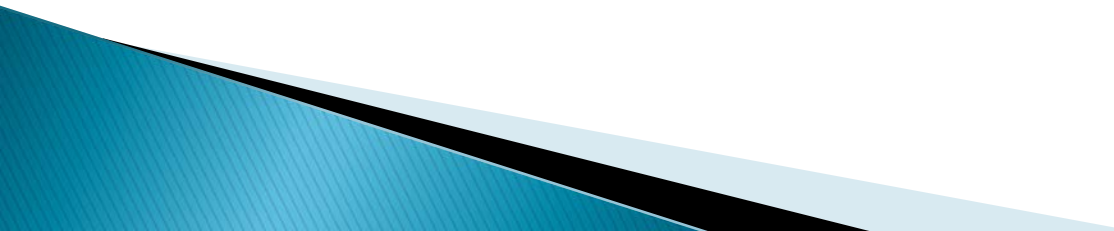
## **Three perspectives in removal proceedings – The IJ, ICE, and Respondent's Counsel**

AILA MidSouth and Texas Chapter  
Fall 2016 Joint Conference

The Honorable James Nugent  
Charles Wall, Deputy Chief Counsel, ICE, New Orleans, LA  
Barry Frager, Memphis, TN  
Kelli Stump, Oklahoma City, OK

# The Immigration Judge

What does the IJ want?

- ▶ Punctuality is Key -- Be on time
  - ▶ Dishonesty will get you nowhere
  - ▶ Be Efficient
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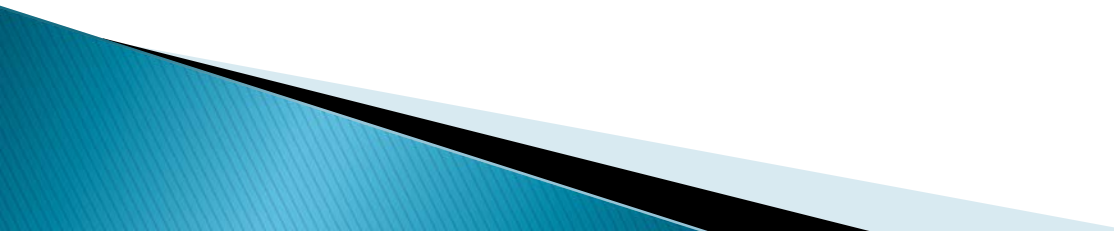
# The Immigration Judge

Question to Judge Nugent:

- ▶ In your court, what are some practice pointers you could give both new and more seasoned attorneys?

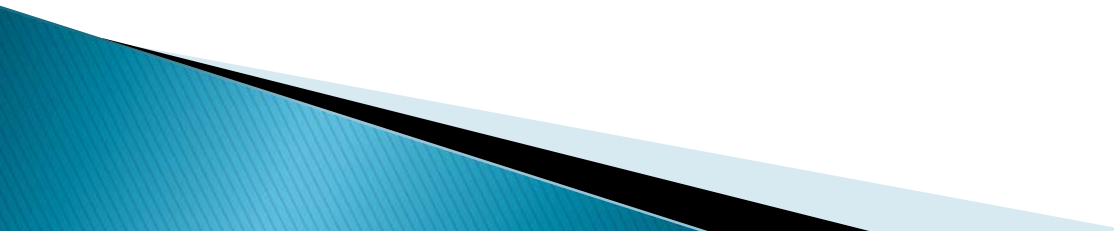
# The Immigration Judge

Question to Judge Nugent: In your court, will you grant pre-trial conferences?

- ▶ If yes, how does a party request one and what should the request entail?
  - ▶ If yes, will the pre-trial conference be on the record?
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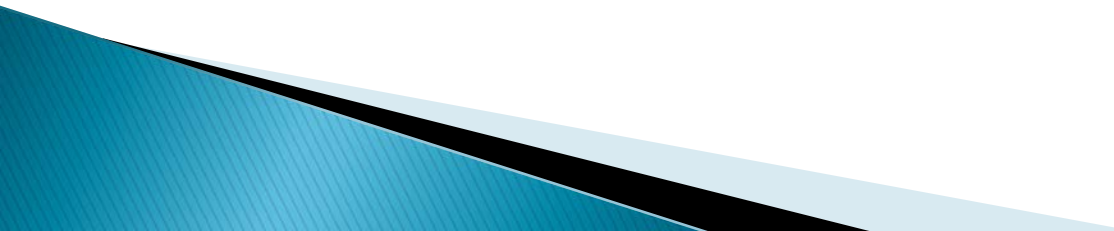
# The Immigration Judge

Question to Judge Nugent: Will you consider one-sided motions to administratively close proceedings?

- ▶ If so, under what circumstances?
  - ▶ If no, why not?
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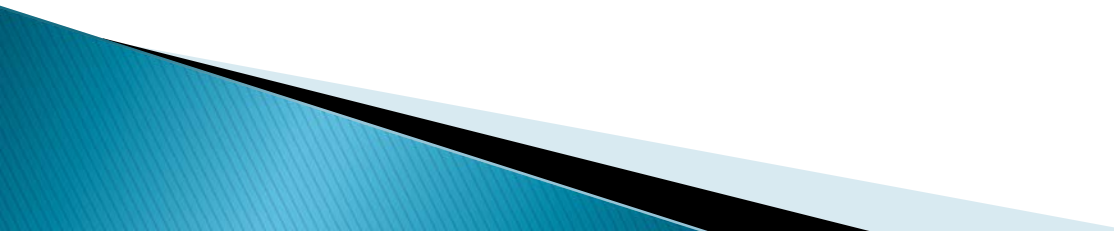
# ICE Counsel

Working with ICE Counsel to be efficient in court:

- ▶ Will ICE consider a stipulation agreement as to certain issues pending before the court? (Ex: 10 years presence, stipulated hardship on a waiver but leave to IJ's discretion, etc.)
  - ▶ How does counsel go about working with ICE to stipulate to certain facts?
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# ICE Counsel

Working with ICE Counsel to be efficient in court:

- ▶ How does a private attorney find out which ICE Attorney will be in court?
  - ▶ Does OCC have a policy about returning emails or calls to Respondents' counsel?
  - ▶ Where can one find a contact list to reach out to OCC?
- 

# ICE Counsel

Working with ICE Counsel to be efficient in court:

- ▶ What are some other pointers ICE can provide in working with ICE in removal proceedings?



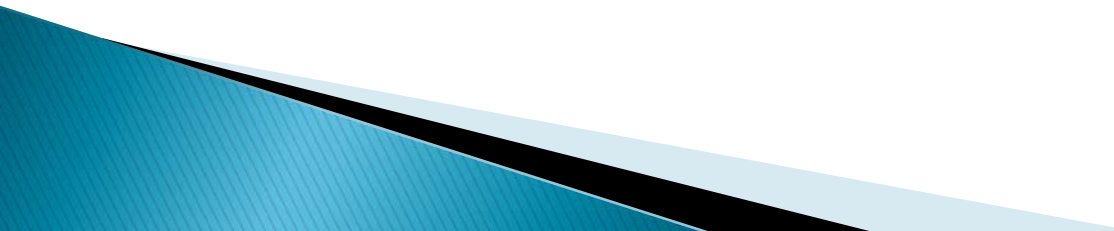
# Respondent's Counsel

“Adversarial” is not synonymous with “confrontational”

- ▶ A working relationship with opposing counsel creates efficiency in the courtroom

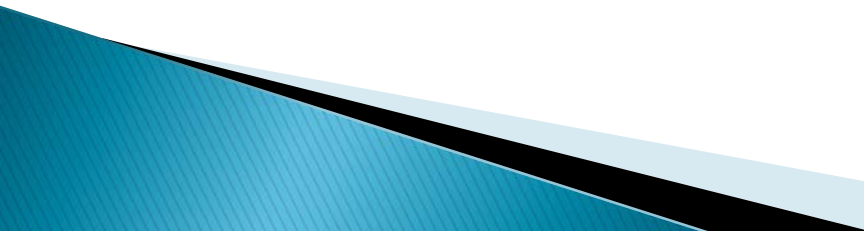
# Respondent's Counsel

“Adversarial” is not synonymous with “confrontational”

- ▶ What are some pointers on how to establish a working relationship with ICE Counsel?
  - ▶ What are deal-breakers?
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# Respondent's Counsel

“Adversarial” is not synonymous with “confrontational”

- ▶ When the parties do not agree, how does one remain firm on a position without destroying the relationship?
  - ▶ When is it appropriate to get chief counsel involved without burning a bridge with the assistant chief counsel?
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# Respondent's Counsel

Presenting a favorable application for relief before the court

- ▶ What are some tips on preparing documents to submit to the court?
  - ▶ In what order do you call witnesses?
  - ▶ Other tips on witness prep and testimony
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