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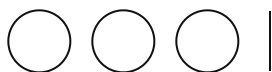
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# Exclusive: Outgoing SF immigration judge blasts courts as 'soul-crushing,' too close to ICE

**Tal Kopan**

Updated: May 17, 2021 12:29 p.m.



Retired Judge Bill Hanrahan stands outside of the U.S. Immigration and Customs court building in San Francisco on May 14, 2021. The former managing judge of the San Francisco immigration court delivered a blistering exit interview after retiring from the system, saying the courts are run by a "soul-crushing bureaucracy" that needs "wholesale reform."

Jessica Christian/The Chronicle

When William Hanrahan decided to take a job managing the San Francisco immigration court last year, he hoped he could “do some good” by bringing his expertise to resolving the legal morass many U.S. migrants must navigate to stay in the country.

He knew the justice system well. He had spent 20 years as a prosecutor and more than a decade as a state judge, including two years as a chief judge, and taught law on the side for 13 of those years. He’d worked in both criminal and civil law.

But Hanrahan said he encountered a “soul-crushing bureaucracy” that he found shockingly unlike the regular American legal system. After little more than a year in the job, he called it quits this month, frustrated, he said, with a system run by the U.S. Department of Justice and subject to its political whims, a top-down management style that throttled innovation and slow-walked modernizing reforms, and a disconcerting proximity to the Immigration and Customs Enforcement attorneys who act as the court’s prosecutors.

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“There needs to be a wholesale reform,” Hanrahan said. “On a daily basis I really felt I was being forced to rearrange the deck chairs on a ship that was going down.”

Hanrahan’s last day as Assistant Chief Immigration Judge was May 7, capping a 14-month tenure as the top manager overseeing the 25 immigration judges and dozens of staff at the San Francisco court. Before that, he was a county assistant district attorney, state assistant attorney general, state circuit court judge and chief circuit court judge during a 30-year career in Wisconsin. He also taught law as an adjunct professor at three Wisconsin colleges and universities.

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He spoke with The Chronicle in an exclusive interview about what he said were perplexing management decisions and failures of court administration, exacerbated by seemingly daily “absurdities.” Sitting immigration judges are prohibited by the Justice Department from talking to the press, so Hanrahan’s insights provide a rare account from inside the courts into dysfunction that has long been described by the immigrant advocacy community.

The Department of Justice did not respond to multiple requests for comment on Hanrahan's concerns, but has defended the system against longtime criticism from outside critics.

In the courts' agency's most recent testimony before Congress in 2019, the previous director James McHenry acknowledged shortcomings but said the agency under the Trump administration "made considerable progress ... in restoring its reputation as a fully-functioning, efficient, and impartial administrative court system capable of rendering timely decisions consistent with due process."

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Ultimately, Hanrahan said, it's the immigrants themselves seeking a chance to stay in the U.S. who are left bearing the burden of the disorganization. The unusual management of the immigration courts by the Justice Department means judges are ultimately hired by and answerable to the attorney general, who is the nation's top prosecutor and a political appointee, usually with a policy agenda.

Under former President Donald Trump, who had a hardline agenda to restrict immigration, the attorneys general exercised this authority, imposing case

completion requirements on the judges and reducing their discretion — which their union decried as jeopardizing due process — and issuing policy decisions to limit asylum.

The rules of the court are also unlike the typical proceedings many Americans have witnessed in trials, including an expectation that the immigration judge will conduct his or her own cross-examination of those testifying.

The judges and prosecutors work for sister agencies in the Justice Department and Department of Homeland Security, an arrangement that made Hanrahan uncomfortable. He said he was encouraged to speak freely with the ICE prosecutor's office about daily operations and, under President Biden, to work together to identify cases that could be closed, but he was mostly forbidden from any similar communications with private attorneys who represented immigrants, an imbalance that would be improper in a normal court.

“I just thought I was going to actually be a judge,” Hanrahan said. “They’re not real courts. When I first started, I truly felt like a stranger in a strange land. ... It was not consistent with my training and experience as a judge.”





Paint is seen splattered across the south entrance of the U.S. Immigration and Customs court building in San Francisco, Calif. Friday, May 14, 2021. Bill Hanrahan, former managing judge of the San Francisco immigration court, delivered a blistering exit interview after retiring from the system, saying the courts are run by a "soul-crushing bureaucracy" that needs "wholesale reform." And that's not improving under Biden, he said.

Jessica Christian / The Chronicle

Hanrahan took particular issue with management's arbitrary closures of courts during the pandemic, sometimes in the middle of the day, with no warning, and said leadership at the agency headquarters refused several of his requests to provide clear guidance to immigration attorneys trying to prepare their clients. As a result, some people who had waited years to have their time in court would suddenly have their hearings canceled and rescheduled for years later.

"Every day that the case is pending is a cloud of uncertainty over their futures," Hanrahan said. "You can't make plans, you can't buy a house, you might not be able to get married. Having children, all the kind of the daily decisions of life, the future is just held in abeyance, it's got to be really distressing. And then of course the effect on the children, the children who are American citizens, not knowing whether dad's going to be deported."

Complaints about the immigration courts have abounded in recent years. Advocates say the backlog of cases — numbering more than 1.3 million across the nearly 70 courts nationwide, [according to a nonprofit tracker](#), and more than 70,000 in San Francisco alone — is a major factor in the nation's broken immigration system, even as applicants try to build lives in the U.S. during the years it takes their cases to work through the system.

Rep. Zoe Lofgren, D-San Jose, has been working on legislation to make the courts independent from the Justice Department, something advocated by the immigration judges' union and by the major organizations that represent immigration attorneys and advocate for immigrants.

“For years we have seen the detrimental effects of a politicized immigration court system,” wrote the American Immigration Lawyers Association in 2020 [policy brief](#) on the subject. “Administrations have repeatedly made policy decisions not because they're efficient or legally sound, but because they're politically expedient. ... America's immigration court system has been pushed to its breaking point; band-aid fixes and short-term solutions are no longer enough to reverse course.”

Hanrahan's account is backed up by an inspector general report into the handling of the pandemic in the courts, which [documented several shortcomings](#) in management that made the impact of coronavirus on the court worse, and by a journal and files he kept to document his experience in the job. The Chronicle has also [documented sexual harassment and misconduct within the courts](#), and a system that allowed such problems to fester for years.

While Hanrahan admits that ideologically he did not align with the Trump administration, his concerns with the immigration court were not necessarily about policy but structure — though he believes some of that administration's positions made the disorganization worse. Biden has [changed the court's top](#)

leadership, but the political control and micromanaging policies that confoundingly tie judges hands remain intact, Hanrahan says.

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“I did hold out hope that there would be some change with the Biden administration, but ... I did not see any indication whatsoever of the fundamental organization of the agency changing,” he said.

Hanrahan detailed many “absurdities” throughout his time. The San Francisco immigration court still uses exclusively paper filings, he said, and has run out of places to put them, so workers stack boxes anywhere they can. He put in a request for filing cabinets, he said, and was asked a series of detailed questions by management including where exactly the cabinets would be placed and whether the building had the structural integrity to hold them.

“I ordered 215 file cabinets nine months ago, and I guarantee you they’re still not there,” Hanrahan said.

On a trip back to Wisconsin in October 2020, he found a starkly different situation. A state courthouse he visited there had plexiglass, air filtration, personal protective equipment and technology to conduct remote hearings. Hanrahan was astonished to discover the Wisconsin state court had gotten federal money to purchase the supplies — even as the federally run San Francisco immigration courts still lack similar protections and capabilities.



“I should have known what level of idiocy I was dealing with from the get-go, but I didn’t put it together,” Hanrahan said, recalling his byzantine hiring process. He had been enticed by interviews that asked detailed questions about his approach to leadership, management and handling of sensitive situations — talents he felt he was never allowed to use.

“I assumed that since I was being asked these questions, I would get to deploy my skills in a fashion that fit the need,” Hanrahan said. “When I arrived I encountered a staff that appears to have grown accustomed to a rather tyrannical management style. It kept them off balance, it kept them in fear, it quashed all innovation and initiative and, again, did not effectively deploy their skills and talents in a way that furthered the mission of the agency.”

Hanrahan was also discouraged by the nature of the work, where often judges have no choice under the law but to order even sympathetic and vulnerable people deported due to the limited number of circumstances that permit migrants to stay.

Hanrahan says he was reminded of his first day as a prosecutor, decades earlier, where he saw the people he was prosecuting being brought in and out of court in chains. “I said to myself that day, if there ever comes a time that seeing the image of people in chains doesn’t disturb me, that’s the time that I need to call it quits,” he recalled.

That same feeling came back to him when he started overseeing immigration cases. “I thought I could do some good here, and ultimately it really does take a toll on you,” he said.

“These are not the people I was dealing with in my criminal rotation in the circuit court, these are not people doing bad things to other people, by and large,” he continued. “These were people out in the hallway cuddling their children and

reading stories to them waiting for their cases to be called. There are people that were working long hard days at really tough jobs, jobs that most Americans wouldn't take for low wages, they were paying taxes but getting very little in return."

Hanrahan doesn't blame the employees of the court — he characterizes them as heroic in their efforts to make sense of a byzantine system. He argues the problem lies with the fact that the court is managed by the Justice Department, rather than being an independent and autonomous organization.

"As long as it's going to remain subject to the changing winds of a political landscape, you're going to have a mess here," Hanrahan said. "It's a strange place that bears little relation to what occurs in a truly independent court ... I don't know how (the employees) hang in there. I'm glad they do, but something's got to change."

*Tal Kopan is The San Francisco Chronicle's Washington correspondent. Email: [tal.kopan@sfchronicle.com](mailto:tal.kopan@sfchronicle.com) Twitter: @talkopan*

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Tal Kopan is the Washington Correspondent for The San Francisco Chronicle. Previously, she was a political reporter for CNN Politics, where she covered immigration, cybersecurity and other hot-button issues in Washington, including the 2016 presidential election.

Prior to joining the network, Kopan was a reporter for POLITICO in Washington, D.C., where she reported for their breaking news team and policy verticals, including a special focus on the Department of Justice, courts and cybersecurity.

Kopan started her career working in Chicago with local media outlets ABC7 Chicago and Fox Chicago News.

Her work has earned her awards and fellowships from the Atlanta Press Club; National Press Foundation; Loyola Law School, Los Angeles; and the National Academy of Television Arts and Sciences.

Kopan graduated with honors from the University of Chicago with a bachelor's degree in "law, letters and society."

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VIEW COMMENTS

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