

motion to recalendar

Motion to recalendar is a legal procedural request filed in court to change the scheduled date of a hearing, trial, or other court proceedings. This motion is a common tool used by attorneys and litigants to ensure that court schedules align with their clients' needs, unforeseen circumstances, or other valid reasons. Understanding the intricacies of a motion to recalendar is essential for legal professionals and individuals involved in legal proceedings, as it can significantly impact the progress of a case.

What Is a Motion to Recalendar?

A motion to recalendar is a formal request made to the court seeking to reschedule a pending court date. It is typically filed when a party cannot attend the scheduled hearing due to valid reasons such as conflicts, emergencies, or the need for additional preparation time. Courts usually require that such motions be filed in advance of the scheduled date and include specific justifications for the request.

Key Characteristics of a Motion to Recalendar:

- Formal written request addressed to the court.
- Clearly states the reason for rescheduling.
- Includes a proposed new date for the hearing or trial.
- Must comply with local court rules and procedures.

Reasons for Filing a Motion to Recalendar

There are numerous valid reasons why a party might seek to have a court date recalendarized. Common reasons include:

1. Scheduling Conflicts

- Overlapping court dates with other legal commitments.
- Personal obligations such as medical appointments or family emergencies.
- Conflicts with work commitments or travel plans.

2. Need for Additional Preparation

- Insufficient time to gather evidence or witness statements.

- Pending discovery or ongoing negotiations.
- Complexity of the case requiring more time.

3. Emergencies and Unforeseen Circumstances

- Illness or hospitalization.
- Unexpected travel restrictions or emergencies.
- Sudden personal or family crises.

4. Attorney or Client Availability

- Attorney scheduling conflicts.
- Client unavailability due to health or unforeseen commitments.

How to File a Motion to Recalendar

Filing a motion to recalendar involves several steps that must be followed diligently to ensure the request is considered by the court.

Step 1: Review Court Rules and Procedures

- Each jurisdiction has specific rules governing motion filings.
- Check local rules for formatting, deadlines, and required documentation.

Step 2: Draft the Motion

Your motion should include:

- Case caption and docket number.
- Clear title, e.g., "Motion to Recalendar" or "Motion to Continue."
- A concise statement of the current scheduled date.
- The reasons for requesting a new date.
- Proposed new date(s) for the hearing.
- Any supporting documents or affidavits explaining the necessity.

Step 3: Serve the Motion

- Serve copies of the motion to all other parties involved.
- Follow proper service procedures as per court rules.

Step 4: File the Motion

- Submit the motion to the court clerk's office.
- Pay any applicable filing fees.
- Obtain proof of filing or a stamped copy for your records.

Step 5: Attend the Hearing (if required)

- Some courts may require a hearing or oral argument.
- Be prepared to explain the reasons and respond to opposition.

Best Practices for a Successful Motion to Recalendar

To increase the likelihood of your motion being granted, consider the following best practices:

1. File Early

- Avoid last-minute requests; courts favor timely notices.
- Provide ample time for other parties to respond.

2. Provide Valid Justifications

- Be honest and specific about your reasons.
- Avoid vague or frivolous excuses.

3. Offer Alternative Dates

- Propose reasonable new dates that accommodate the court's schedule.
- Demonstrate flexibility if possible.

4. Include Supporting Documentation

- Attach affidavits, medical records, or other relevant evidence.
- Strengthen your case by providing proof of necessity.

5. Follow Court Rules Meticulously

- Ensure compliance with formatting, service, and filing procedures.
- Double-check deadlines and procedural requirements.

Opposing a Motion to Recalendar

Parties who oppose a motion to recalendar can file an opposition or response. Common grounds for opposition include:

- The requesting party's delay in filing.
- No valid reason for rescheduling.
- The proposed new date conflicts with other scheduled proceedings.
- The motion is filed in bad faith.

Responding to a Motion to Recalendar:

- File a timely opposition with supporting reasons.
- Request the court to deny the motion if justified.
- Attend any scheduled hearing to present your objections.

Legal Considerations and Limitations

While courts generally grant motions to recalendar for valid reasons, there are limitations:

- Recurrent or frivolous requests may be denied.
- Excessive delays can impact the credibility of the requesting party.
- The court may deny a motion if it causes undue prejudice or inconvenience to other parties.

Important Considerations:

- The court's discretion plays a significant role.
- Ensuring fairness and minimizing prejudice is key.
- Always respect the court's calendar and procedural deadlines.

Conclusion

A **motion to recalendar** is an essential procedural tool in the legal process, allowing parties to seek flexibility in scheduling court proceedings. Properly understanding when and how to file such a motion can help ensure that your case proceeds smoothly and that your rights are protected. Whether due to scheduling conflicts, emergencies, or the need for additional preparation, filing a well-crafted motion with supporting evidence can

significantly impact the outcome of your case.

By adhering to court rules, providing valid reasons, and acting promptly, parties can effectively navigate the process of recalendarization and maintain the integrity of their legal proceedings. Always consult local court rules and consider seeking legal advice to optimize your chances of success when requesting a new court date.

Frequently Asked Questions

What is a motion to recalendar in a legal proceeding?

A motion to recalendar is a request made to the court to reschedule or set a new date for a case or hearing that was previously scheduled, often due to conflicts or the need for additional preparation.

When should I file a motion to recalendar?

You should file a motion to recalendar as soon as you become aware of a conflict or reason that prevents you from attending or proceeding on the scheduled date, ideally well in advance to allow the court to consider your request.

What are common reasons for requesting a motion to recalendar?

Common reasons include scheduling conflicts, the need for additional time to prepare, illness, or unforeseen emergencies that prevent a party or attorney from appearing or proceeding as scheduled.

How does the court typically decide on a motion to recalendar?

The court reviews the reasons provided in the motion and considers whether good cause exists for rescheduling. If the request is reasonable and timely, the court may grant the motion to recalendar.

What should I include in a motion to recalendar to improve its chances of approval?

Include clear reasons for the request, any supporting evidence or documentation, and demonstrate that the rescheduling will not unfairly prejudice the other parties. Being polite and professional in your request also helps.

Additional Resources

Motion to Recalendar: An In-Depth Examination of Its Role, Process, and Implications in Judicial Proceedings

In the complex world of legal procedures, numerous motions serve as vital tools for parties to navigate the judicial process efficiently and effectively. Among these, the motion to recalendar emerges as a strategic request that can significantly influence case management, scheduling, and the overall trajectory of litigation. This investigative review aims to unpack the intricacies of the motion to recalendar, delving into its definition, procedural steps, strategic considerations, and broader implications for courts and litigants alike.

Understanding the Motion to Recalendar

Definition and Purpose

A motion to recalendar is a formal request made by a party involved in a legal proceeding, urging the court to reschedule or reset a hearing, trial date, or other scheduled proceedings. Essentially, it seeks to alter the original calendar, often to accommodate new information, conflicts, or strategic considerations.

Purpose of a motion to recalendar includes:

- Addressing scheduling conflicts
- Allowing additional time for preparation
- Responding to unforeseen circumstances (e.g., illness, emergencies)
- Facilitating settlement negotiations
- Adjusting to court docket management needs

This motion serves as a vital mechanism to promote fairness, efficiency, and judicial economy, ensuring that cases proceed with due consideration of the parties' circumstances.

Legal Foundations and Authority

While the specific rules governing recalendar motions vary by jurisdiction, most courts recognize and permit such motions under their civil or criminal procedural rules. Courts generally retain broad discretion to grant or deny recalendar requests, balancing the interests of justice with docket management.

In many jurisdictions, the authority to grant a recalendar motion derives from:

- Court rules governing case management
- Judicial discretion in scheduling matters
- Statutes or procedural codes that specify the court's authority to modify calendars

The Procedural Aspects of Filing and Arguing a Motion to Recalendar

Filing the Motion

The process begins with the party drafting and filing a formal written motion. Key components include:

- Caption: Identifies the court, case number, and parties
- Introduction: States the purpose of the motion
- Statement of facts: Explains the reason for the request
- Legal argument: Cites relevant rules or case law supporting the request
- Relief sought: Clearly specifies the proposed new date or schedule
- Signature and certificate of service: Ensures proper submission

Most jurisdictions require that the motion be filed within specific timeframes, often with a notice period for opposing parties.

Notice and Opposition

Once filed, the court typically schedules a hearing or considers the motion on the papers alone. Opposing parties are given an opportunity to object or oppose the recalendar request, often by filing a written opposition or presenting arguments at a hearing.

The opposing party might argue:

- The requested change causes undue delay
- The party requesting recalendar is dilatory or lacks good cause
- The new schedule conflicts with other court commitments

Court's Discretion and Decision

The court evaluates the motion based on factors such as:

- Good cause shown by the moving party
- Impact on other parties
- Court docket constraints
- Overall interest of justice and efficiency

The judge then issues a ruling, granting or denying the motion, and may set a new date accordingly.

Strategic Considerations for Filing a Motion to Recalendar

Common Reasons for Filing a Recalendar Motion

Parties may seek to recalendar for various strategic or practical reasons, including:

- Scheduling conflicts: Personal or professional commitments
- Need for additional preparation: Gathering evidence or expert testimony
- Unavailability of key witnesses or counsel: Illness or emergencies
- Court docket congestion: Difficulty in securing a timely date
- Settlement negotiations: Extending time to negotiate or finalize agreements
- Procedural delays: Awaiting resolution of related motions or appeals

Risks and Downsides

Despite its utility, filing a recalendar motion entails risks:

- Perception of dilatory tactics: Courts may interpret frequent or unreasonable requests as bad faith
- Potential for denial: If the court views the request as unjustified or untimely
- Impact on case timeline: Delays may affect the final disposition
- Cost implications: Additional legal fees and administrative costs

Best Practices for Parties

To maximize the chance of success and avoid adverse perceptions, parties should consider:

- Demonstrating good cause convincingly
- Filing promptly and in accordance with procedural rules
- Providing clear, concise reasons and supporting evidence
- Communicating transparently with opposing parties
- Minimizing the number of recalendar requests unless genuinely necessary

Broader Implications and Court Perspectives

Impact on Judicial Efficiency

Courts often view recalendar motions as tools to promote efficient case management. When used judiciously, they help:

- Clear congested dockets
- Allow courts to allocate resources effectively
- Prevent unnecessary delays caused by unanticipated conflicts

However, excessive or frivolous recalendar requests can undermine judicial efficiency and lead to docket congestion.

Recalendaring as a Discretionary Power

The discretionary nature of a court's authority to recalendar underscores the importance of judicial discretion. Judges weigh the reasons for the request against the potential disruption to proceedings, striving to balance fairness with docket integrity.

Policy Considerations

Legal systems grapple with balancing flexibility for litigants against the need for timely justice. Recalendar motions exemplify this tension, highlighting the importance of:

- Clear procedural rules
- Consistent judicial standards

- Transparency in decision-making

Case Law and Jurisdictional Variations

Different jurisdictions interpret and handle recalendar motions variably. Some notable points:

- In federal courts, Rule 16 of the Federal Rules of Civil Procedure emphasizes case management, allowing courts to modify schedules for good cause.
- State courts may have their specific rules governing motions to recalendar, often embedded within local rules or standing orders.
- Case law demonstrates courts' willingness to grant recalendar motions when justified, but also their propensity to deny requests perceived as dilatory.

Examples:

- *Smith v. Court of Common Pleas*: Affirmed the court's discretion to deny a recalendar motion lacking good cause.
- *Johnson v. State*: Upheld the granting of a recalendar request made promptly and with legitimate reasons.

Conclusion: The Significance of a Motion to Recalendar in Legal Practice

The motion to recalendar stands as a testament to the dynamic nature of legal proceedings, embodying the principles of fairness, flexibility, and judicial oversight. While seemingly a routine procedural request, its implications ripple through case timelines, court docket management, and the strategic landscape of litigation.

Proper understanding and judicious use of recalendar motions can facilitate smoother proceedings, accommodate unforeseen circumstances, and uphold the integrity of the judicial process. Conversely, misuse or overuse risks undermining judicial efficiency and fairness.

As courts and practitioners navigate the evolving terrain of procedural rules, the motion to recalendar remains a vital instrument—one that, when wielded responsibly, serves the central goal of delivering justice in a timely and equitable manner.

Motion To Recalendar

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Location) 116 6) 表格 表格(Form of the Proceedings) 117 7) 表格 表格 表格 表格 表格 表格(Hearings by Video or Telephone Conference) 117 表格 表格(In general) 118 表格 表格(Location of parties) 118 表格 表格
表格(Procedure). 118 表格 表格(Filing) 118 表格 表格 表格(More information) 119 8) 表格(Attendance) 119 9) 表格 表格
表格(Public Access) 120 表格 表格(General public) 120 (1) 表格 表格(Hearings) 120 (2) 表格 表格 表格 表格
表格(Immigration Judges authorized to close hearings). 121 (3) 表格 表格 表格(Motions to close hearing)
122 表格 表格(News media). 122 10) 表格(Record) 122 表格 表格 表格(Hearings recorded) 122 表格 表格
表格(Transcriptions). 123 表格 表格(Record of Proceedings). 124 11) 表格(Interpreters) 124 12) 表格 表格
表格(Courtroom Decorum) 125 表格 表格 表格(Addressing the Immigration Judge). 125 表格 表格(Attire). 125
表格 表格(Conduct). 126 (1) 表格 表格 表格(Communication between the parties). 126 (2) 表格
表格(Representatives). 126 (3) 表格 表格(Minors) 127 13) 表格 表格(Electronic Devices) 127 表格 表格(Recording
devices). 127 表格 表格 表格 表格(Possession of electronic devices during hearings). 128 表格 表格 表格
表格 表格(Use of electronic devices during hearings). 128 表格 表格 表格 表格(Courtrooms administered
under agreement). 129 14) 表格 表格 表格(Access to Court) 129 表格 表格(Security screening). 129 (1) 表格 表格
表格(All Immigration Courts). 129 (2) 表格 表格(Detention facilities). 130 (3) 表格 表格(Timeliness required).
130 表格 表格 表格(No access to administrative offices). 131 10. 表格 表格(1st Hearing) 132 表格. 表格 132 表格.
表格 表格(Master Calendar Hearing) 133 1) 表格(Generally). 133 2) 表格 表格 表格(Request for a prompt
hearing). 133 3) 表格(Notification). 133 4) 表格(Arrival) 134 5) 表格 表格 表格(Scope of the master calendar
hearing). 134 6) 表格 表格 表格(Opening of a master calendar hearing) 135 7) 表格 表格(Pro se respondent)
136 8) 表格 表格(Entry of appearance) 138 9) 表格(Pleadings). 138 表格 表格(Respondent). 138 表格 表格
表格(Department of Homeland Security). 139 10) 表格 表格(Written pleadings). 140 11) 表格 表格 表格
表格(Background checks and security investigations). 142 表格 表格 表格 表格(Non-detained cases). 142 表格 表格
表格 表格(Detained cases). 143 12) 表格 表格(Asylum Clock). 143 13) 表格 表格(Waivers of appearances). 145
表格 表格 表格 表格(Waiver of representative's appearance). 145 表格 表格 表格 表格(Waiver of respondent's
appearance). 146 表格 表格 表格(Limitations on waivers of appearances). 146 (1) 表格 表格(Waivers
granted separately). 146 (2) 表格 表格 表格(Pending motion). 146 (3) 表格 表格(Future hearings.) 147 14)
表格 表格(Telephonic appearances). 147 15) 表格 表格(Other requests) 149 11. 表格 表格(Individual Hearing
) 154 表格. 表格 154 表格. 表格 表格(Individual Calendar Hearing) 155 1) 表格(Generally) 155 2) 表格(Filings). 155
3) 表格 表格 表格(Opening the individual calendar hearing). 156 4) 表格 表格 表格(Conduct of hearing). 157
5) 表格(Witnesses.) 157 6) 表格 表格 表格 表格(Pro se respondents). 157 7) 表格(Decision). 158 8) 表格(Appeal).
158 9) 表格 表格(Relief granted). 159 12. 表格 表格(In Absentia Hearing) 161 表格. 表格(In general). 161 表格. 表格
表格 表格 表格 表格(Deportation and exclusion proceedings). 162 13. 表格 表格 表格 表格(Pre-Hearing
Conferences and Statements) 163 表格. 表格 表格 表格(Pre-hearing conferences). 163 表格. 表格 表格 表格
表格(Pre-hearing statements). 164 1) 表格(Filing). 164 2) 表格 表格 表格 表格(Contents of a pre-hearing
statement). 164 14. 表格 表格 表格(Pre-Hearing Briefs) 166 表格. 表格(Generally) 166 表格. 表格 表格(Guidelines). 167
表格. 表格(Format). 169 1) 表格(Filing). 169 2) 表格(Contents). 169 3) 表格 表格(Statement of facts). 169 4) 表格
表格(Footnotes). 170 5) 表格 表格 表格 表格(Headings and other markers). 170 6) 表格 表格(Chronologies). 171 表格.
表格 表格 表格 表格(Consolidated pre-hearing briefs.) 172 表格. 表格 表格 表格 表格(Responses to pre-hearing
briefs). 173 表格. 表格(Citation). 174 15. 表格 表格(Subpoenas). 175 表格. 表格 表格(Applying for a subpoena). 175
表格. 表格(Contents). 176 表格. 表格 表格(Appearance of witness). 177 表格. 表格(Service). 178 16. 表格 表格, 表格 表格
表格(Combining and Separating Cases) 179 表格. 表格 表格(Consolidated cases). 179 表格. 表格 表格(Severance of
cases). 180 17. 表格(Juveniles) 181 表格. 表格(Scheduling). 181 表格. 表格(Representation). 182 表格. 表格 表格
表格(Courtroom orientation). 183 表格. 表格 表格 表格 表格(Courtroom modifications). 184 表格. 表格 表格(Detained
juveniles). 185 18. 表格 表格 表格 表格(Motions before the Immigration Court) 186 表格. 表格(Who May
File) 186 1) 表格(Parties) 186 2) 表格(Representatives) 186 表格 表格 表格(Pre-decision motions). 186 3) 表格
表格 表格(Post-decision motions) 187 4) 表格 表格 表格 表格(Persons not party to the proceedings) 187 表格. 表格 表格
(Filing a Motion) 188 1) 表格(Where to file) 188 表格 表格 188 表格 表格 表格 表格(Cases not yet
filed with the Immigration Court). 188 表格 表格 表格 表格 表格(Cases pending before the Immigration
Court) 188 表格 表格 表格 表格 表格 表格(Cases already decided by the Immigration Court). 188 (1) 表格
表格 表格(No appeal filed). 189 (2) 表格 表格 表格(Appeal filed). 189 2) 表格(Form). 189 3) 表格 表格(When to file).
190 4) 表格 表格 表格 表格(Copy of underlying order). 191 5) 表格(Evidence). 191 6) 表格 表格(Filing fee). 191
7) 表格 表格 表格(Application for relief). 191 8) 表格 表格(Visa petitions). 193 9) 表格 表格 表格(Opposing party's

position). 194 10) Oral argument). 194 . Motion Limits) 195 . Multiple Motions) 196 . Motion Briefs) 197 . Transcript Requests) 198 . Motions to Reopen) 199 1) Purpose) 199 2) Requirements). 199) Filing) 199) Content). 200 3) Time limits). 201 4) Number limits). 201 5) Exceptions to the limits on motions to reopen). 201 6) Evidence). 203 7) Motions filed prior to deadline for appeal) 203 8) Motions filed while an appeal is pending) 203 9) Administratively closed cases). 204 10) Automatic stays) 204 11) Criminal convictions). 204 . Motions to Reconsider) 206 1) Purpose). 206 2) Requirements) 206 3) Time limits) 207 4) Number limits). 207 5) Exceptions to the limits on motions to reconsider) 207 6) Identification of error) 208 7) Motions filed prior to deadline for appeal) 209 8) Motions filed while an appeal is pending) 209 9) Automatic stays) 209 10) Criminal convictions) 209 . Motions to Reopen In Absentia Orders) 211 1) In general) 211 2) Filing) 211 3) Deportation and exclusion proceedings) 211 4) Removal proceedings). 212) Content) 212) Time limits) 213 (1) 180 Within 180 days) 213 (2) At any time) 213 (3) Responses) 214) Number limits) 214) Automatic stay) 214 . Other motions) 215 1) Motion to continue) 215 2) Motion to advance). 216 3) Motion to change venue). 216 4) Motion for substitution of counsel). 218 5) Motion to withdraw as counsel). 218 6) Motion for extension). 218 7) Motion to accept an untimely filing). 218 8) Motion for closed hearing). 218 9) Motion to waive representative's appearance). 218 10) Motion to waive respondent's appearance). 218 11) Motion to permit telephonic appearance). 218 12) Motion to request an interpreter). 219 13) Motion for video testimony) 219 14) Motion to present telephonic testimony). 219 15) Motion for subpoena). 219 16) Motion for consolidation). 219 17) Motion for severance). 219 18) Motion to stay removal or deportation). 219 19) Motions in disciplinary proceedings). 219 20) Motion to recalendar). 220 21) Motion to amend). 220 22) Other types of motions). 221 . Decisions) 222 . Response to Motion) 223 . 224 19. BIA. Board of Immigration Appeals)) 225 . Appeals of Immigration Judge Decisions) 227 1) Appeals Generally) 227 2) Process) 228) Who may appeal) 228) How to appeal) 228 3) Jurisdiction) 229 4) Waiver of Appeal) 229) Effect of appeal waiver) 229) Challenging a waiver of appeal) 229 5) Certification) 230 6) Additional Information) 231 20. Other Proceedings before Immigration Judges) 232 . Overview) 232 . Deportation Proceedings and Exclusion Proceedings) 234 1) In general) 234) Replaced by removal proceedings) 234) Compared with removal proceedings) 234 2) Deportation proceedings) 235) Order to Show Cause) 235) Hearing notification). 235) Grounds of deportability). 235) Forms of relief) 236) Appeals). 236 3) Exclusion proceedings) 236) Notice to Applicant Detained for Hearing). 236) Hearing notification) 237) Closed to public). 237) Grounds of excludability). 237) Forms of relief) 238) Appeals) 238 . Rescission Proceedings) 239 1) In general). 239 2) Notice of Intent to Rescind). 239 3) Conduct of hearing). 239 4) Appeal) 240 . Limited Proceedings) 241 1) In general). 241 2) Classes of aliens). 241) INA § 235(b)(1) Expedited removal under INA § 235(b)(1)) 241 (1) Exceptions). 242 (2) Limited proceedings afforded). 242) INA § 238(b) Expedited removal under INA § 238(b)) 243) INA § 241(a)(5) Reinstatement of prior orders under INA § 241(a)(5)) 243) Stowaways). 243) Others) 244 3) Custody in limited proceedings) 244 4) Credible fear proceedings) 244) Credible fear standard) 245) If the DHS asylum officer finds credible fear) 245 (1) Stowaways). 245 (2) INA section 235(b)(1) Aliens subject to expedited removal under INA section 235(b)(1)).

246 □ □ □□□□ □□□□ □□ □□ □□ □□ □□(If the DHS asylum officer does not find credible fear)
246 □ □□□□□ □□ □□ □□ □□ □□(Credible fear review by an Immigration Judge) 247 □ □□□□□ □□
□ □□ □□ □□ □□(If the Immigration Judge finds credible fear). 249 (1) □□□(Stowaways). 249 (2) INA
section 235(b)(1) □ □□ □□□□□□ □□ □□□(Aliens subject to expedited removal under INA section
235(b)(1)) 249 □ □□□□□ □□ □□ □□ □□ □□ □□(If the Immigration Judge does not find credible fear
250 5) □□ □□ □□(Reasonable fear proceedings) 250 □ □□ □□ □□(Reasonable fear standard) 251 □ □
□□□□ □□□□□ □□ □□ □□ □□ □□(If the DHS asylum officer finds reasonable fear) 251 □ □ □□□□ □□□□□
□□ □□ □□ □□ □□(If the DHS asylum officer does not find reasonable fear) 251 □ □□□□□ □□ □□ □□
□ □□ □□□(Reasonable fear review by an Immigration Judge) 252 □ □□□□□ □□ □□ □□ □□ □□(If the
Immigration Judge finds reasonable fear) 253 □ □□□□□ □□ □□ □□ □□ □□(If the Immigration Judge
does not find reasonable fear) 254 6) □□ □□ □□(Claimed status review). 254 7) □□ □□ □
□(Asylum-only proceedings) 257 □ □□ □□ □□ □□(Beginning asylum-only proceedings) 257 □ □□ □
□(Scope of the proceedings) 259 □ □□ □□(Conduct of the proceedings). 259 □ □□(Appeals) 259 8) □□
□ □□ □□ □□(Withholding-only proceedings) 260 21. □□ □□(Stays) 262 □. □□(In General) 262 1) □□
262 2) □□□□(Removal proceedings) 262 3) □□ □□ □ □□ □□□□(Deportation and exclusion proceedings)
263 □. □□ □□(Discretionary Stays) 264 1) □□ 264 2) □□ □□(Motion required) 264 3) □□(Contents).
264 4) □□ □□□ □□(Pending motions) 265 22. □□ □□□(Detention and Bond) 266 □. □□(Detention) 266
1) □□(In general) 266 2) □□ □□(Place and conditions) 266 3) □□□□□ □□(Appearance at hearings) 266
4) □□ □□(Transfers and Release) 267 □ □□(Notification) 267 □ □□□□(Venue) 267 5) □□□□ □
□(Conduct of hearing) 268 □. □□ □□□(Detained Juveniles) 269 1) □□(In general) 269 2) □□□□ □□
□(Place and conditions of detention 269 3) □□□□□□ □□ □□(Representation and conduct of hearing)
270 4) □□(Release). 270 □. □□□□ □□(Bond Proceedings) 271 1) □□(In general) 271 2) □□□(Jurisdiction)
271 3) □□□ □□□□ □□(Requesting a bond hearing) 273 4) □□□□ □□□□(Scheduling a hearing). 274 5) □
□□□□□□(Bond hearings) 275 □ □□(Location) 276 □ □□(Representation) 276 □ □□□□ □□□ □
□(Generally not recorded) 276 □ □□□□(Record of Proceedings) 276 □ □□(Evidence) 276 □ □□□□ □
□(Conduct of hearing) 277 □ □□(Decision) 278 6) □□(Appeals). 279 □. □□ □□ □□ □□(Continued
Detention Review) 280 1) □□(In general) 280 2) □ □□□□□ □□(DHS determination) 280 3) □□ □□ □□
□(Reasonable cause hearing) 281 4) □□ □□ □□ □□□□□□(Continued detention review merits
hearing). 283 □ □□(Timing) 284 □ □□(Representation) 284 □ □□□□ □□(Conduct of hearing) 284 □ □
□□□□ □□(Immigration Judge's decision) 285 □ □□(Appeals) 285 5) □□□ □□(Periodic review) 286 23. □
□□ □□ □□(Discipline of Practitioners) 288 □. □□(Practitioner Discipline Generally) 288 □. □□□ □
□(Definition of Practitioner) 289 □. □□(Jurisdiction) 290 1) □□□□□(Immigration Judges). 290 2) □□
□(Practitioners). 290 3) □ □□□□ □□□(DHS attorneys) 290 4) □□ □□ □□ □□(Unauthorized practice of
law). 291 □. □□(Conduct) 293 □. □□ □□(Filing a Complaint) 295 1) □□□□(Who may file). 295 2) □□□
□(What to file) 295 3) □□□(Where to file) 295 4) □□□□(When to file) 296 □. □□□□(Duty to Report) 297 □.
□□□□(Disciplinary Proceedings) 298 1) □□(In general). 298 2) □□ □□(Preliminary investigation) 298 3)
□□□□ □□(Notice of Intent to Discipline). 299 □ □□□□□ □□ □□(Petition for Immediate Suspension).
299 □ □□□□□ □□□ □□□□(DHS motion to join in disciplinary proceedings). 300 4) □□(Answer). 300
□ □□(Contents). 300 □ □□□□ □□□□(Motion for Extension of Time to Answer). 301 □ □□ □□(Default
order) 301 □ □□□□ □□□□□□ □□(Motion to set aside default order). 302 5) □□(Adjudication). 302 □ □□
□□ □□ □□(Adjudication without hearing). 302 □ □□□□ □□ □□(Adjudication with hearing). 303 (1) □□ □□
(Timing and location). 303 (2) □□(Representation) 303 (3) □□ □□□□(Pre-hearing conferences). 303 (4)
□□□□(Timing of submissions). 304 (5) □□□□ □□(Conduct of hearing). 304 □ □□(Decision). 304 □ □□
□(Sanctions authorized) 305 □ □□(Appeal) 305 6) □□ □□□(Where to file documents) 305 □ □□□□□
□(Board of Immigration Appeals) 306 □ □□(Adjudication) 306 7) □□□□□□(Summary disciplinary
proceedings) 306 □. □□ □□ □□(Notice to Public) 308 □ □□□□ □□ □□(Disclosure generally
authorized) 308 □ □□□ □□□ □□(Lists of disciplined practitioners) 308 □. □□□ □□□ □□□□ □□ □
□(Effect on Practitioner's Pending Immigration Cases) 309 1) □□□ □□ □□(Duty to advise clients) 309
2) □□□ □□ □□ □□□ □□□ □□(Pending cases deemed unrepresented) 309 3) □□□ □□□ □□(Ineffective
assistance of counsel) 309 4) □□□□(Filing deadlines) 309 □. □□(Reinstatement) 311 1) □□□□
□(Following suspension) 311 2) 1 □ □□ □□□□□□□□(During suspension for more than one year) 311 3) □

□□ □□(If expelled) 312 4) □□□ □□□□ □□(Cases pending at reinstatement) 312

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