

**REPORT OF THE SUPERIOR COURT COMMITTEE ON CRIMINAL JUSTICE ACT
PANEL ATTORNEYS TO CHIEF JUDGE ROBERT E. MORIN
May 11, 2018**

The Criminal Justice Act of the D.C. Code § 11-2601 et seq. (2001) and the Plan for Furnishing Representation to Indigents Under the District of Columbia Criminal Justice Act (“CJA Plan”) requires the D.C. Superior Court to develop and maintain panels of attorneys from which appointments are made for defendants found eligible for counsel under the Criminal Justice Act in connection with criminal cases prosecuted by the United States and the District of Columbia. The CJA Plan provides that appointments “will be made from panels designated and approved by the courts with due regard to the experience and qualifications of the individual attorney” and that “[t]he panels of attorneys developed shall be periodically reexamined to insure that the composition of such panels reflects due regard for attorneys with the highest qualifications available, and that the size of such panels is consistent with the needs of the Superior Court.” CJA Plan, pp.1-2.

Pursuant to Administrative Order 09-07, issued on June 12, 2009, the Court implemented a regularized re-establishment of the CJA Panel every four years. Based upon recommendations from the Committee on Criminal Justice Act Panel Attorneys (“the Committee”), the Panel was re-established first on January 20, 2010, pursuant to Administrative Order 10-02, and was again re-established on May 23, 2014, pursuant to Administrative Order 14-09.

On October 19, 2017, Chief Judge Robert E. Morin issued Administrative Order 17-17 requiring re-establishment of the Panel. Pursuant to the Administrative Order, all attorneys seeking to become or remain members of the Panel were to file an application with the Court.

The Committee considered applications from 263 attorneys seeking to become members of the Panel.¹ This Report summarizes the Committee’s process and recommendations.

The Application Process

The application period commenced on November 1, 2017 and closed on January 19, 2018. An announcement of the CJA Panel re-establishment was posted on the D.C. Superior Court’s home page and information about the application process and a copy of the application were available on the Court’s website throughout the application period. This information was also available on the CJADC.org website. In addition, the Criminal Division Presiding Judge

¹ Several attorneys are awaiting action by the Court of Appeals concerning their applications to become members of the D.C. Bar. Pursuant to the Administrative Order, the Committee can only take action on applications by members of the D.C. Bar. As a result, consideration of any such applicant is deferred until the Committee is notified that he or she has become a member of the D.C. Bar. In addition, several attorneys withdrew their applications from consideration.

and Deputy Presiding Judge, who served as co-chair of the Committee, convened a public meeting to answer questions about the application process. This meeting was widely attended by existing members of the Panel, as well as attorneys interested in becoming members of the Panel. Given the Criminal Division's ongoing need for Spanish speaking attorneys, the Committee engaged in specific outreach efforts with the Hispanic Bar Association ("HBA"), including placing a notice in the HBA-DC newsletter and emailing a notice to HBA-DC members practicing in small law firms.

The application consisted of questions and requested information concerning the applicant's educational background, work experience, relevant training, and trial experience. The application asked for the names of Superior Court judicial officers familiar with the applicant's work and a description of significant cases handled by the applicant. Applicants were asked to detail any criminal or disciplinary history and to provide a Certificate of Discipline from the Office of Disciplinary Counsel and a Certificate of Good Standing from the District of Columbia Bar. In addition, current Provisional Attorneys were asked to provide a description of at least two felony jury trials in which they have been lead counsel or second chair.

The Committee

Fifteen Associate Judges and Magistrate Judges participated in the Committee deliberations. Several members of the Committee had extensive experience as criminal trial attorneys before their appointments to the Court. Other members have been assigned to the Criminal Division for many years. Several members were on the Committee that made recommendations for the initial re-establishment of the CJA Panel in 2010 and a majority of the Committee made recommendations for the four year re-establishment of the Panel in 2014. Thus, not only does the Committee as a whole have vast experience observing and evaluating attorneys, but it also has considerable experience in selecting attorneys qualified to represent indigent defendants.

The Committee followed the same selection procedures that were followed in the past. The sources of information about attorneys were as follows:

1. The responses provided by the applicants to the questions set out in the application form;
2. Input from Superior Court judicial officers, including those whom the applicant identified as references;
3. Knowledge of the applicants derived from Committee members themselves;
4. Input from the CJA Panel Advisory Committee, described below; and
5. Input from references outside of the Superior Court whose names the applicant provided.

Consideration of Applicants by the Committee

The Administrative Order requires that no attorney will be considered for the CJA Panel unless he or she has the following qualifications: (a) membership in good standing in the D.C. Bar; (b) an office within the metropolitan D.C. area; (c) a commitment to complete hours of CLE each year as may be required by the Court; (d) a commitment to comply with all applicable Administrative Orders setting an annual cap for attorney compensation for appointed representation; (e) a commitment to accept appointments in D.C. prosecuted and Traffic matters; and (f) a commitment to comply with the Superior Court Attorney Practice Standards.

As in years past, the decision making of the Committee benefitted from the valuable input provided by the CJA Panel Advisory Committee (“the Advisory Committee”) concerning the qualifications of applicants to the CJA Panel. Pursuant to Administrative Order 16-18, the Committee provided copies of all CJA Panel applications to the Advisory Committee for review and recommendation. The Advisory Committee, composed of members designated by the President of the Superior Court Trial Lawyers Association (“SCTLA”) and members designated by the Director of the D.C. Public Defender Service, submitted recommendations to the Committee with respect to each applicant, other than applicants who were members of the Advisory Committee. The Committee gave substantial weight to the Advisory Committee’s recommendations, many of which the Committee followed. The Committee thanks the Advisory Committee for its hard work.

The Committee met on March 9 and 16 and on April 6 and 20, 2018 for approximately three and a half hours on each of those dates to discuss each applicant. In general, the Committee made decisions by consensus. Any initial Committee decision was subject to reconsideration upon request by any member. Finally, the names of those attorneys being considered for recommendation by the Committee were submitted to Disciplinary Counsel to confirm that no disciplinary matters were pending that would disqualify the applicant from consideration.

Size of the Panel

In undertaking its deliberations, the Committee gave consideration to the size of the Panel relative to the needs of the Court based on current case filings. Over the past four years, while the numbers of felony, U.S. misdemeanor and D.C. cases have fluctuated, the overall number of filings has remained relatively constant.² At the time of the 2014 re-establishment, the Panel consisted of approximately 220 attorneys, both Full and Provisional Members. This number has also remained constant throughout the past four years as a result of attorneys retiring from practice in the District of Columbia and the addition of new attorneys to the Panel.

The Committee finds that a panel of this approximate size strikes the optimal balance at this time in ensuring both that there are enough Panel members available to meet the Court’s need for highly competent counsel for all defendants, and that there are a sufficient number of cases for each attorney to maintain an adequate caseload and make efficient use of an attorney’s time in court. Thus, the Committee recommends that the re-established Panel remain consistent in size with the existing Panel.

² The total filings in 2014 in the Criminal Division were 20,286; in 2017 the total filings were 19,636.

The Committee's Recommendation

The Committee recommends a total of 212 attorneys to the CJA Panel, including 177 Full Members, eight of whom are currently Provisional Members. In addition, the Committee recommends 35 Provisional Members, which includes 10 current Provisional Members and 25 new Provisional Members as set forth in the Appendix.

Recommendation of Full Panel Attorneys

The Committee recommends 177 attorneys as Full Members of the CJA Panel. In doing so, the Committee recommends attorneys who have demonstrated a high degree of professionalism and commitment in their representation of indigent persons and who were highly-rated according to the judicial surveys, receiving very few, if any, negative recommendations.

The Committee notes that many valued members of the CJA Panel who have dedicated years of service to the Court voluntarily elected not to submit an application upon the re-establishment of the Panel. Thus the absence of any attorney's name on the re-established Panel should not be interpreted as an indication that the Committee failed to recommend that attorney.

Recommendation of Provisional and New Attorneys

As noted in the Committee's May 13, 2014 Report to the Chief Judge, the Committee advocates continuing to add Provisional Members to the Panel, regardless of the number of attorneys on the Panel. Experience has demonstrated that including new members strengthens the Panel by allowing attorneys with significant commitment to representing indigent persons an opportunity to contribute to the work of the Court.

With respect to current Provisional Members, the Chief Judge appointed each for a two-year term during which the attorney is required to second chair two felony jury trials, comply with the Standards of Representation, comply with the annual cap on income, satisfy Continuing Legal Education requirements, and apply to become a Full Member before the expiration of the term. The Committee recommended only Provisional Members who fulfilled these requirements for promotion to the Full Panel. The Committee recommends eight Provisional Members for promotion to the Full Panel.

With respect to ten current Provisional Members whose term has not yet expired, the Committee recommends that they remain as Provisional Members of the Panel. The Committee notes that the two-year term of the majority of these Provisional Members will expire in less than one year, with the term of the rest prior to the end of 2019. The Committee anticipates that, upon fulfillment of the above requirements, the majority of these attorneys will be recommended for promotion, adding to the number of Full Panel attorneys. Current Provisional Members who remain on the Panel must meet the requirements and apply to become a Full Member before the expiration of his or her original term.

With respect to new Provisional Members, the Committee recommended only attorneys with excellent credentials, who had a demonstrated interest in representing indigent persons in criminal matters in the District of Columbia and who were willing to serve on the Provisional Panel. Each of these attorneys has also committed to attending a two-week training program

sponsored by the Public Defender Service. The Committee recommends that 25 new Provisional Members be added to the Panel.³

With regard to applicants who had previously applied to the Panel, the Committee considered any changes to that applicant's qualifications and any additional work, training, or judicial evaluations that would warrant reconsideration of the Committee's previous recommendation.

Compliance with Panel Obligations

In their application, each applicant specifically affirmed their commitment to accept appointment in D.C. prosecuted matters, including cases on the Traffic Calendar. Applicants also agreed to comply with all Administrative Orders concerning annual compensation limit and continuing legal education requirements, as well as to sign up to accept appointments at least 12 times a year, including on weekends or holidays.

In making recommendations about Panel membership, the Committee highly values attorneys who are knowledgeable, skilled and client-centered. Moreover, in the future, in determining whether an attorney will be recommended for participation on the Panel, the Committee anticipates again giving significant weight to whether the attorney has been an active member of the Panel and has fulfilled the above commitments. The Committee will also again consider whether the attorney has engaged in appropriate vouchering practices and has acted conscientiously with regard to appearing prepared and on time for court hearings.

Training and Necessary Actions

It is the responsibility of new Panel Members to take all actions necessary to become familiar with the appointment and vouchering processes. In addition to attending the two-week mandatory training for new Provisional Members, the Committee recommends that all new Panel Members contact SCTLTA, which has previously graciously agreed to assist new members of the Panel by providing them with the technical information necessary to begin receiving appointments to cases. As in the past, prior to appointing new Panel Members to cases, the Committee will consult with SCTLTA and the Public Defender Service to confirm the Panel Member received the necessary training and orientation.

Re-application Time Period

To bring regularity to the process and ensure that attorneys re-applying have sufficient time to demonstrate additional circumstances warranting reconsideration of their applications, the Committee recommends that any eligible applicant whose application was submitted prior to January 19, 2018 must wait at least 18 months after the issuance of this Administrative Order announcing additions to the Panel before re-applying.

³ Several of these attorneys have significant experience handling felony matters in other jurisdictions. Thus, while they are recommended for the Provisional Panel, given the limited nature of their work in D.C. Superior Court, they are encouraged to apply for Full Panel status once they have satisfied the requirements to do so.

Effective Date

The Committee recommends that the effective date of the additions to the Panel be the date of the issuance of the Administrative Order, or as soon thereafter as practicable.

Respectfully Submitted:

Committee on Criminal Justice Act Panel Attorneys

Judge Juliet McKenna, Deputy Presiding Judge of the Criminal Division, Co-Chair
Judge Peter Krauthamer, Deputy Presiding Judge of the Family Division, Co-Chair
Judge Jennifer Anderson
Judge Ronna Beck
Judge Steven Berk
Judge Rainey Brandt
Judge Danya Dayson
Judge Marisa Demeo
Judge Todd Edelman
Judge Wendell P. Gardner
Judge Kimberley Knowles
Judge Adrienne Noti
Judge Maurice Ross
Judge Michael Ryan
Judge Yvonne Williams

Date: May 11, 2018

APPENDIX

RECOMMENDATIONS OF THE COMMITTEE ON CRIMINAL JUSTICE ACT PANEL ATTORNEYS FOR THE CRIMINAL JUSTICE ACT PANEL

Full Panel Members:

1. Abou, Sabitiyu
2. Ahmed, Atiq
3. Ain, Andrew
4. Akintoye, Hannah
5. Akulian, David
6. Ali, Khadijah
7. Allburn, Megan
8. Allen, Charles
9. Amato, Elita
10. Antonelli, Andrea
11. Archer, Colleen
12. Auerbach, Kenneth
13. Baer, Mitchell
14. Baldwin, Todd
15. Ballester, Betty
16. Baron, Gregg
17. Beasley, Donna
18. Bethel, Thecla
19. Blackledge, Morgan
20. Bloch, Rebecca
21. Bogash, Samuel
22. Bookhard, Bryan
23. Borecki, Susan
24. Brebbia, Sean
25. Brennwald, Stephen
26. Brown, Bryan
27. Bruckheim, Michael
28. Burrell, Brandon
29. Cade, Anthony
30. Caleb, Joseph
31. Catacalos, Damon
32. Clark, Jason
33. Clements, Noah

34. Clennon, Cary
35. Cohen, Brett
36. Colt, James
37. Cooper, Bruce
38. Cooper, Peter
39. Copeland, Gregory
40. Cumberbatch, David
41. Dansie, Lucas
42. D'Antuono, Frances
43. Dorsey, Daniel
44. Downs, April
45. Dunham, Colin
46. Dworsky, Donald
47. Ellis, Susan
48. Engle, Thomas
49. Escoto, Henry
50. Evans, Ferguson
51. Falodun, Oluwole
52. Farrelly, Sean
53. Franklin, Gretchen
54. Gain, Edward
55. Gilmore, Jack
56. Goldstone, Mark
57. Gowen, Christopher
58. Hairston, Russell
59. Hakimzadeh, Kiumars
60. Haldane, Marie
61. Harden, Brandi
62. Harn, Daniel
63. Harvey, John
64. Hayat, Fareed
65. Healy, Thomas
66. Hertz, Matthew
67. Heslep, Thomas
68. Holliday, Richard
69. Holt, Veronica
70. Houston, Linda
71. Hunter, Adam
72. Irving, Kevin
73. Iverson, Frederick

74. Jacques, Tammy
75. Jean-Baptiste, Chantal
76. Jenkins, Theresa
77. Johnson, Stephanie
78. Johnson, Stuart
79. Jones, Dorsey
80. Joseph, Edward
81. Judkins, Quo
82. Kalafat, Jason
83. Kamara, Louis
84. Key, Thomas
85. Khan, Azhar
86. Khater, Tony
87. Kiersh, Steven
88. King, Marnitta
89. Kleiman, Teresa
90. Koehler, Jamison
91. Kopecki, Sara
92. Kovler, Daniel
93. Kunnirickal, Isaac
94. Lester, Thomas
95. Machado, John
96. Madden, Michael
97. Maddox-Levine, T. Gail
98. Malech, Lloyd
99. McCoy, Joseph
100. McDonald, Randy
101. McEachern, Howard
102. McGonigal, Kyle
103. McGough, Kristin
104. Miller, Cedric
105. Minor, Karen
106. Molina, Joseph
107. Moore, Craig
108. Mosley, Kevin
109. Murdter, Charles
110. Murphy, Sean
111. Mutimer, Christopher
112. Mykytiuk, Jay
113. Neptune, Kelli

114. Nicholas, Lauckland
115. O'Bryant, Adgie
116. Ogilvie, Steven
117. Ogolo, Chidi
118. Okezie, Justin
119. Oliver, Kevin
120. Patel, Sweta
121. Perrone, June
122. Phillips, Kimberly
123. Pinckney, Heather
124. Polin, Steven
125. Powell, Clarence
126. Puttagunta, Rupa
127. Queen, Elliott
128. Quillin, Daniel
129. Ramsay, Angela
130. Redmon-Reid, Chantaye
131. Regunathan, Ravi
132. Ricard, Craig
133. Richter, David
134. Riddell, Stephen
135. Rist, Matthew
136. Robertson, Kevin
137. Robinson, Ralph
138. Rollins, Mark
139. Rosendorf, Martin
140. Russell, Stephen
141. Sample, John
142. Sapirstein, Lisbeth
143. Scanlon, Anna
144. Schrager, Seth
145. Schultz, Corinne
146. Scialpi, Errin
147. Serrano, Miguel
148. Shaner, Heather
149. Sherrod- Ali, Gilda
150. Sidbury, David
151. Simmons, Sellano
152. Slaughter, JoAnne
153. Smith, Anthony

154. Smith, Jerry
155. Smith, Lee
156. Stevens, Gemma
157. Thomas, Alvin
158. Thompson, Everaldo
159. Towe, Reginald
160. Vaughan, Courtney
161. Vega, David
162. Wall, Charles
163. Weathers, Sharon
164. Weletz-Swanson, Carrie
165. Weller, Elizabeth
166. Williams, Ian
167. Williams, Jacqueline
168. Williams, James
169. Williams, Kanita
170. Williams, McGennis
171. Willmott, Jonathan
172. Winograd, Jesse
173. Yallery-Arthur, Winston
174. Zahara, Nicola
175. Zeigler, James
176. Ziadie, Lola
177. Zucker, Jonathan

Provisional Panel Members:

1. Aberra, Ephraim
2. Amissah, Albert
3. Barfield, Michael
4. Bississo, Omar
5. Dimillo, Anthony*
6. Dozier, Jalil*
7. Eaton, Terry
8. Fay, Joseph
9. Fry, Linden
10. Harris, Adam
11. Harrison, Claudine
12. Jones, Raymond
13. Kalsy, Kavita
14. Kassees, Kevin*
15. Kozik, Matthew
16. Langelo, Chris
17. Lanyi, Jonathan
18. Lipper, Gregory
19. Lockard, Michelle
20. Logerfo, Stephen*
21. Margulies, Howard
22. McCoy, Rachel**
23. Messineo, Carl
24. Mokodean, Joseph
25. Moore, Anne-Marie*
26. Page, Derrick*
27. Parke, Evan*
28. Shefferman, Brian
29. Swaney, Julie*
30. Thomas, Christina
31. Viviani, Anthony*
32. Vogel, Rebecca
33. West, Kira
34. Wooten, David
35. Works, Cynthia

* Provisional term expires March 2019

**Provisional term expires November 2019