

REPORT OF THE SUPERIOR COURT
FAMILY COURT PANEL OVERSIGHT COMMITTEE TO
CHIEF JUDGE LEE F. SATTERFIELD

January 2010

On June 12, 2009, Chief Judge Lee F. Satterfield issued Administrative Order 09-07, which directed that the Criminal Justice Act Panel of Attorneys (hereafter “CJA Panel”) and the Family Court Panels of Attorneys (hereafter “Family Court Panels”) be re-established every four years by the CJA Panel Implementation and Family Court Panel Oversight Committees.¹ The Family Court Panels were originally established on March 26, 2003, pursuant to Administrative Order 03-11, and additional panel members have been added in subsequent years. As set forth in Administrative Order 09-07, it is in the best interest of the administration of justice that the Court implements a regular and ongoing process for re-establishing the Panels on a predictable schedule and for the consideration of applications from qualified attorneys at any time.

The Application Process

The application period commenced on June 15, 2009 and closed on September 15, 2009. Prior to the announcement of the re-establishment process, the Chief Judge and Chairs of the CJA and Family Court Panel Committees met with representatives from the Superior Court Trial Lawyers Association (SCTLA) and the Family Court Trial Lawyers Association (FCTLA) in order to provide them with information to share with their members. Information about the re-establishment process, including the application forms, was posted on the D.C. Superior Court’s website throughout the application period. Information was also made available to interested attorneys through the Counsel for Child Abuse and Neglect Branch Office’s (CCAN) newsletter,² the Daily Washington Law Reporter and the D.C. Bar magazine, The Washington Lawyer. The Chair of the Family Court Panel Committee presented information about the

¹ In order to stagger the re-establishment process between the two panels, the Family Court Panels will again be re-established in two years, and then every four years thereafter.

² The Family Court Panels Committee wishes to express its gratitude to the Counsel for Child Abuse and Neglect Branch for the tremendous assistance its staff provided, under the leadership of Director Wilma Brier, in responding to inquiries from interested attorneys, receiving and cataloguing the applications, and remaining in regular communication with the Committee Chair.

application process and answered questions from attorneys at a CCAN brown bag seminar on July 1, 2009. The Chairs of both committees attended a meeting organized by the District of Columbia Bar on July 10, 2009 in order to provide additional opportunity for prospective applicants to learn about the process and ask questions. Both meetings were widely attended.

The Family Court Panel Committee made only minor modifications to the application form originally utilized in 2003, thus the format was familiar to returning applicants. Applicants were invited to apply for one or more of the four Family Court Panels: Guardian ad litem (GAL), Other CCAN, Special Education and Juvenile. The Committee also considered all new applicants for the CCAN panel for admission as a Provisional panel attorney for one year. The application, comprised of 31 questions, requests information concerning the applicant's educational background, work experience, relevant training, substantive knowledge about issues impacting upon child welfare and delinquency cases, and trial experience. The application asks for the names of Superior Court judicial officers familiar with the applicant's work and a description of significant cases handled before the Court. Applicants are asked to detail any criminal history and/or history with the Office of Bar Counsel, as well as to provide a Certificate of Discipline from every jurisdiction in which they are admitted and a Certificate of Good Standing from the District of Columbia Bar.

The Committee received a total of 294 applications for one or more of the four Family Court Panels by the September 15, 2009 due date. Any applications received after that date will be considered by the Committee in due course. One applicant for the Juvenile Panel erroneously completed the CJA application and submitted it to the CJA Committee; the Family Court Panel Committee gave full consideration to this application. In several instances, the Committee did accept supplementary information, such as Certificates Concerning Discipline, from applicants after the September 15 deadline.

Evaluation of Applicants by Judicial Officers

The Committee solicited comments electronically from all current D.C. Superior Court Associate and Magistrate Judges, as well as Senior Judges, on the qualifications and abilities of

each applicant based upon that judicial officer's own observations and experience.³ In addition, some Committee members contacted individual judicial officers directly for comments about a specific applicant who cited them as familiar with the applicant's work. While some applicants were unknown to any judicial officer and received no comments, other applicants received numerous evaluations from a variety of judges.

Consideration of Applicants by the Committee

Each of the nine Family Court Panel Committee members⁴ was assigned approximately 30 applications to review carefully and to present to the full Committee. The Committee met on October 26, 27, and 28, 2009, for approximately three hours each evening, and on October 30, 2009 for approximately six hours. Each applicant was discussed individually, with the assigned Committee member outlining the applicant's background and experience, highlighting any special features of the application, and summarizing the evaluations of the applicant by the judicial officers, including grades and comments. After discussion based on all available information, a tentative recommendation was made about whether the applicant should or should not be placed on each of the panels to which he or she had applied. Usually there was a consensus about whether an applicant should be placed on a given panel. Often there was unanimity. In a relatively few instances, a formal vote was taken. In several instances, the decision was deferred so that the assigned Committee member could obtain additional information about the applicant.

The Committee members reviewed the preliminary list of recommended panelists and identified any decisions about inclusion or exclusion they wanted the Committee to reconsider. Such reconsideration was conducted via email discussion among all Committee members. In several instances, the Committee's preliminary recommendation changed following further discussion. After review by all Committee members of the final list of recommended panelists, the list was forwarded to the District of Columbia Office of Bar Counsel to ensure that no applicant recommended for inclusion is currently the subject of disciplinary action or

³ The Committee expresses its gratitude to the members of the Information and Technology Division who developed and maintained the database, and responded to questions from judicial officers.

⁴ One Committee member recused herself from and did not participate in the discussion of or decision on one applicant because of a family relationship.

investigation. In addition, the Committee sought the input of the Family Court Advisory Selection Committee, established pursuant to Administrative Order 04-15. At the Advisory Committee's request, only copies of applications from applicants not currently serving on any panel, numbering approximately 100, were provided to the Committee for review and comment. The Advisory Committee returned the applications to the Family Court Panels Committee Chair without providing comments. The attached list represents the final recommendations of the Family Court Panels Committee with respect to each panel.

Recommendations of the Family Court Panel Oversight Committee

The Committee recommends that all 13 existing members of the Provisional CCAN Panel be elevated to full CCAN Panel status, and in some instances, be included on the GAL Panel as well. This recommendation demonstrates that the Provisional Panel continues to serve a very useful function in enabling the Court to admit to the CCAN panel, on a one-year trial basis, attorneys with a demonstrated interest in and knowledge of family law, but who may be relatively unknown to the D.C. Superior Court. Based upon review of the applications, the Committee recommends that 16 new attorneys be admitted to the Provisional CCAN Panel.

With respect to the GAL Panel, the Committee recommends that 23 new attorneys, including 5 existing Provisional Panel attorneys, be deemed eligible for appointment as guardians *ad litem*. The Committee recommends that 13 existing panel members be removed from the panel; nine of these due to the fact that the attorney did not reapply for the GAL Panel. This would result in a GAL Panel comprised of 87 attorneys.

With respect to the CCAN Panel, the Committee recommends that 37 new attorneys, including all 13 existing Provisional Panel attorneys, be deemed eligible for other CCAN appointments. The Committee recommends the removal of 40 existing CCAN panel members, 20 of whom did not reapply for the CCAN panel this year. As then configured, the CCAN panel would include 152 attorneys.

With respect to the Special Education Panel, the Committee recommends that 7 new attorneys be included. While the Committee recommends that 25 existing panel members be removed, it should be emphasized that 19 of those attorneys did not reapply and had accepted

few, if any, appointments as Special Education Attorneys previously. This would result in 35 attorneys eligible for appointment as special education advocates.

Finally, with respect to the Juvenile Panel, the Committee recommends that 18 new attorneys be included. The Committee also recommends that 22 attorneys be removed, six of whom did not reapply, resulting in a panel comprised of 60 attorneys.

The Committee also recommends that increased efforts be made to supplement the Panels with qualified attorneys who are fluent in a foreign language, particularly Spanish speaking juvenile attorneys, and plans to actively encourage and expedite consideration of such applications in the future.

As previously provided by Administrative Order 03-11, with respect to existing panel members who are not included on the re-established panels, the Committee recommends that judicial officers replace guardians ad litem with a GAL panel attorney within six months after the re-establishment of the panels, unless to do so is contrary to the best interests of the child, and that judicial officers replace other attorneys with a CCAN or Juvenile panel attorney within six months, unless to do so is not in the interests of justice.

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

After careful review and thorough consideration of each applicant, the Committee firmly believes that implementation of the recommendations concerning the panelists to be included on each of the Family Court Panels will result in panels comprised of the most highly qualified applicants, will be in the best interests of children and the legal interests of indigent parties, and will promote the administration of justice. The recommended panels will ensure that sufficient attorneys are available for appointment to represent the legal needs of indigent persons appearing before the Family Court, while also ensuring that each attorney is able to maintain a sufficient case load.

On behalf of the District of Columbia Superior Court, the Committee thanks all attorneys who applied to the Family Court Panels, particularly those who have previously served on a Panel, but who are not recommended for inclusion at this time.

Respectfully submitted:

FAMILY COURT PANEL OVERSIGHT COMMITTEE

Judge Juliet J. McKenna, Chair
Judge Zoe Bush
Magistrate Judge Julie Breslow
Judge Carol Ann Dalton
Judge Linda K. Davis
Magistrate Judge Tara Fentress
Magistrate Judge John McCabe
Magistrate Judge William W. Nooter
Magistrate Judge Mary Grace Rook
Judge J. Michael Ryan