

REPORT OF THE SUPERIOR COURT CRIMINAL JUSTICE ACT PANEL
IMPLEMENTATION COMMITTEE TO CHIEF JUDGE LEE F. SATTERFIELD
May 13, 2014

The Criminal Justice Act Panels (“CJA Panels”) were originally created by Administrative Order 00-26 issued on July 17, 2000. Pursuant to the Administrative Order, panels of attorneys were established from which appointments were made for defendants found eligible for the appointment of counsel under the Criminal Justice Act (CJA) of the D.C. Code, Sections 11-2601 to 2609 (2001), in connection with criminal cases prosecuted by the United States and the District of Columbia.

On January 20, 2010, Chief Judge Lee F. Satterfield issued Administrative Order 10-02 through which the Court re-established the CJA Panel, based on recommendations from the CJA Panel Implementation Committee (“the Committee”). Pursuant to the Administrative Order, the Court is required to re-establish the Panel every four years.

On November 6, 2013, Chief Judge Satterfield issued Administrative Order 13–20 requiring re-establishment of the Panel. Pursuant to that Administrative Order, all attorneys seeking to become or remain members of the Panel were to file application with the Court.

The Committee received applications from 345 attorneys seeking to become members of the Panels. This Report summarizes the Committee’s process and recommendations.

The Application Process

Information about the application process and a copy of the application were posted on the D.C. Superior Court’s website throughout the application period.

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 history and/or history with the Office of Bar Counsel and 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

Fifteen Associate Judges and Magistrate Judges participated in the Committee deliberations. Several members of the Committee had extensive experience as criminal defense counsel before their appointments to the Court. Other members have been assigned to the Criminal Division for several years. The majority of the Committee was on the original CJA Panel Committee that made recommendations for the U.S. Panel in 2000 and recommendations for additions to the Panels in 2004 and 2007, and for the re-establishment of the Panel in 2010. 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 Advisory Committee, as hereafter described, 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; ¹ (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 Superior Court Attorney Practice Standards.

By Administrative Order 5-03 the Chief Judge directed that the Committee solicit the views of the CJA Panel Advisory Committee (“the Advisory Committee”) concerning each applicant. Accordingly, the Committee submitted a list of all applicants to the Advisory Committee. The Advisory Committee submitted its recommendations to the Committee. The Committee gave substantial weight to the Advisory Committee recommendations, many of which the Committee followed. The Committee thanks the Advisory Committee for its work.

The Committee met on April 11, 18, 25 and May 5, 2014 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 attorneys who the Committee was considering recommending were submitted to Bar Counsel to confirm that no disciplinary matters were pending that would disqualify the applicant from consideration.

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 s/he has become a member of the D.C. Bar.

Size of the Panel

At the outset of its deliberations, the Committee was required to consider the size of the Panel relative to the needs of the Court based on current case filings. Prior to the current re-establishment, the Panel consisted of approximately 309 attorneys, both Full and Provisional Members, which is similar to the size of the Panel at the time of its initial re-establishment in 2010.

Over the past few years, however, while the number of attorneys on the Panel has remained relatively constant, or increased to some extent, there has been a steady decrease in the number of criminal cases filed. Between January 2008 and April 2014, there has been approximately a 25% reduction in the number of criminal cases filed each year.² In addition, as a result of the Community Court Expansion Program in 2010 many more misdemeanor cases are eligible for diversion, reducing the need for attorney time for those cases. Because of these and other reasons, on any given day, a significant number of Panel attorneys do not receive any appointments, even though they are available to serve, or receive an insufficient number of cases. In the Committee's view, it is optimal that there be a balance to ensure 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 in order to make efficient use of an attorney's time.

After lengthy deliberation, the Committee concluded that maintaining the current number of attorneys does not strike the balance that is needed to ensure that quality legal services are delivered in an effective and efficient manner. Consequently, based on all current information, including the recommendation of the Advisory Committee,³ the Committee recommends a Panel consisting of 200 Full Panel Members to meet the Superior Court's current and projected caseload. Reducing the Panel to 200 attorneys will allow Panel members to receive an adequate number of cases to make efficient use of their time. While 200 Full Panel Members is justified at the present time, the Committee will re-visit the issue if circumstances change.

Recommendation of Full Panel Members

Necessarily, because there are many more applicants than Panel positions available, the Committee is recommending only attorneys who were highly-rated according to the judicial survey or who have demonstrated an exceptional degree of professionalism in their representation of indigent persons. In failing to recommend any particular applicant, the Committee is not adjudging the attorney to be unqualified; only that other attorneys were more appropriate for the limited number of positions available.

² The total filings in 2008 in the Criminal Division were 28,227; in 2013 the total filings were 20,936. In addition, in 2014, 6,800 cases have been filed in the first four months of the year, which would project to an annual caseload of less than 20,000.

³ The Advisory Committee recommends that the Panel consist of 226 Full and Provisional Panel Members.

Recommendation of New and Provisional Attorneys

The Committee advocates continuing to add Provisional Members to the Panel, regardless of the number of attorneys on the Panel, as 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. At the same time, because it is reducing the number of attorneys, the Committee does not recommend that any Provisional Member be added or remain on the Panel at the expense of removing current Panel members. In other words, the Committee does not recommend the addition or retention of any Provisional Member in place of any Full Member; rather the Committee recommends these attorneys in addition to the 200 attorneys recommended for the Panel.

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 law and who were willing to serve on the Provisional Panel.

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. At the time of their appointment the Court notified each Provisional Member that s/he was required to reapply when the Panel was to be re-established. Because the appointment of Provisional Members is a continuing process, and the Panel is re-established every four years, some attorneys were required to apply before the expiration of their two-year terms. In general, if a Provisional Member has been a member of the Panel for a year or more, and the Committee was familiar with the attorney's work or had sufficient judicial input, the Committee has determined whether the applicant should become a Full Member. No Provisional Member was promoted to Full Membership without having met the requirements for Full Membership, including serving as a second chair for two felony jury trials. If an attorney was a relatively new Provisional Member, the Committee deferred consideration of the application to allow the attorney additional opportunity to demonstrate the qualifications to become a Full Member. Any current Provisional Member who remains on the Panel must meet the requirements and apply to become a Full Member before the expiration of his/her original term.

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

The Committee's Recommendations

The Committee recommends 200 attorneys as Full Members as set forth in the Appendix, of whom 16 are currently Provisional Attorneys. In addition, the Committee has deferred consideration of 12 attorneys who remain as Provisional Members. Finally, the Committee recommends 5 attorneys to be appointed Provisional Members.

The Committee continues to recommend that (1) the terms of Provisional Members be two years and (2) they participate in two felony jury trials before applying to become a Full Member. The Committee also recommends that a Provisional Member may apply to become a Full Member at any time during the two-year term, provided (1) the attorney has participated as a second chair in two felony jury trials, and (2) the Advisory Committee recommends that the attorney be appointed as a Full Member. Whether it appoints a Provisional Member before the expiration of the two-year term will be at the Committee's discretion and based on the needs of the Court.

1. Compliance with Panel obligations:

In their applications, the applicants specifically affirmed their commitment to accept appointment in D.C.-prosecuted matters, including cases on the Traffic Calendar. In the future, in determining whether an attorney will be recommended for participation on the Panel, the Committee anticipates giving significant weight to whether the attorney has been an active member of the Panel and, in particular, whether s/he has fulfilled his/her obligation to accept appointments in D.C. and Traffic Calendar cases.

The Committee also anticipates giving great weight to whether a Panel Member has complied with all Administrative Orders concerning annual compensation limits, has engaged in appropriate vouchering practices, and has offered to accept appointments on weekends or holidays.

2. Training and necessary actions:

It is the responsibility of Panel Members to take all actions necessary to become familiar with the appointment and vouchering processes. As in the past, the Committee recommends that all new Panel Members contact the Superior Court Trial Lawyers Association (SCTLA), 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. The Committee also recommends that new Panel Members work with the Public Defender Service to obtain training as necessary. As in the past, the Committee will consult with SCTLA and the Public Defender Service to confirm that the Panel Member received the necessary training prior to becoming eligible to accepting appointments.

3. 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, in the future, any eligible applicant who is not appointed to the Panel must wait at least 18 months after the issuance of the Administrative Order announcing appointments to the Panel before re-applying.

4. 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:

CJA Panel Implementation Committee

Judge Robert E. Morin, Chair
Judge Jennifer Anderson
Judge Ronna L. Beck
Judge Rainey Brandt
Judge Erik P. Christian
Judge Harold L. Cushenberry
Judge Marissa Demeo
Judge Todd Edelman
Judge Wendell P. Gardner
Judge William Jackson
Judge Peter Krauthamer
Judge John McCabe
Judge Juliet McKenna
Judge Robert I. Richter
Judge Yvonne Williams

Date: May 13, 2014

CJA IMPLEMENTATION RECOMMENDATIONS FOR CJA PANEL

May 13, 2014

Full Panel Member:

1. Abou, Sabitiyu
2. Ahmed, Atiq, R.
3. Akulian, David H.
4. Ali, Khadijah R
5. Allen, Charles R.
6. Amato, Elita C.
7. Antonelli, Andrea, P.
8. Archer, Colleen S.
9. Auerbach, Kenneth D.
10. Baer, Mitchell
11. Baldwin, Todd S.
12. Ballester, Betty M.
13. Baron, Gregg, D.
14. Beasley, Donna
15. Bernard, Joseph, J.
16. Bethel, Thecla
17. Blitzer, Abraham
18. Bogash, Samuel, A.
19. Bond, Ferris R.
20. Bookhard, Bryan T.
21. Borecki, Susan E.
22. Braddock, Dennis R.
23. Brennwald, Stephen F.
24. Brown, Bryan, W.
25. Bruckheim, Michael P.
26. Burka, Sharon L.
27. Burnham, Charles
28. Cade, Anthony

29. Caleb, Joseph P.
30. Carlyle, Cory L.
31. Carney, John J
32. Carney, Veta M.
33. Catacalos, Damon L
34. Clark, Jason
35. Clements, Noah
36. Clennon, Cary
37. Cohen, Brett E.
38. Colt, James D.
39. Connor, Jennifer
40. Cooper, Bruce M
41. Cooper, Peter, A
42. Copeland, Gregory
43. Cotter, Gregory A.
44. Crane, Bernard F.
45. Cresta-Savage, Patricia Ann
46. Cumberbatch, David
47. Daly, Daniel
48. D'Antuono, Frances M.
49. Davidson, Joel R.
50. Dorsey, Daniel, K
51. Downs, April L.
52. Duru, John CD
53. Dunham, Colin
54. Dworsky, Donald L.
55. Ellis, Susan D.
56. Engle,Thomas D.
57. Escoto, Henry A.
58. Evans, Ferguson
59. Falodun, Oluwole O.
60. Farrelly, Sean J.
61. Feeney, Robert P.
62. Franklin, Gretchen

63. Frecker, David L.
64. Freeman-Watkins, Cherlyn
65. Gain, Edward
66. Gardner, Gregory W
67. Gardner, Grey A
68. Gilbert, Richard K.
69. Goldstone, Mark
70. Gowen, Christopher
71. Hairston, Russell J.
72. Hakimzadeh, Kiumars
73. Haldane, Marie E.
74. Harden, Brandi J.
75. Harn, Daniel J.
76. Harvey, John T.
77. Heller, Shawn A.
78. Henderson, Gloria D.
79. Hertz, Matthew, R
80. Heslep, ThomasT.
81. Hill, Grandison E.
82. Holliday, Richard E.
83. Holt, Veronice A.
84. Houston, Linda M.
85. Hunter, Adam R.
86. Ipyana, Aminata
87. Irving, Kevin D
88. Iverson, Frederick, D
89. Jacques, Tammy S
90. Jarvis, Carlotta, P
91. Jean-Baptiste, Chantal
92. Jenkins, Theresa Y.
93. Johnson, Stephanie L.
94. Johnson, Stuart
95. Jones, Dorsey G.
96. Jorgens, Joseph

97. Joseph, Edward D.
98. Judkins, Quo Mieke S.
99. Kamara, Louis
100. Katkish, Cynthia
101. Key, Thomas
102. Khan, M Azhar
103. Khater, Tony
104. Kiersh, Steven, R.
105. King, Marnitta, L.
106. Kleiman, Teresa G.
107. Kopecki, Sara E.
108. Kunnirickal, Isaac K.
109. Lawrence, Geralyn, R
110. Lester, Thomas E
111. Lewis, Richard
112. Littlejohn, Shai A.
113. Machado, John L.
114. Madden, Michael
115. Maddox-Levine, T. Gail
116. Madhure, Shridevi
117. Malech, Lloyd A.
118. Maloney, James T.
119. McDonald, Randy E.
120. McEachern, Howard, X.
121. McGonigal, Kyle, A.
122. McGough, Kristin L.
123. McKinney Jr., Rufus William
124. Miller, Cedric D.
125. Minor, Karen L
126. Molina, Joseph A.
127. Moore, Craig N.
128. Mosley, Kevin Louis
129. Murdter, Charles P.
130. Mykytiuk, Jay P.

131. Murphy, Sean, B
132. Neptune, Kelli
133. Newton, Patricia
134. Nicholas, Lauckland A.
135. Nichols, Archie M.
136. O'Bryant, Jr., Adgie
137. Ogolo Chidi A
138. Okezie, Justin A.
139. Oliver, Kevin
140. Opaigbeogu, Chiemeka C.
141. Perrone, June
142. Phillips, Kimberly J
143. Pinckney, Heather
144. Polin, Steven G.
145. Powell, Clarence K.
146. Price, Aaron E.
147. Queen, Elliott
148. Quillin Daniel W
149. Ramsay, Angela T.
150. Redmon-Reid, Chantaye
151. Reed, Janai C.
152. Regunathan, Ravi
153. Richter, David
154. Riddell, Stephen W.
155. Rist, Matthew, C.
156. Robertson, Kevin, C.
157. Robinson, Ralph D.
158. Rollins, Mark M
159. Rosendorf, Martin W.
160. Russell, Stephen O.
161. Rudasill, James
162. Sample, John
163. Sapirstein, Lisbeth
164. Scanlon, Anna B.

165. Schragger Seth L
166. Schultz, Corinne
167. Scialpi, Errin R.
168. Scrofano, Joseph A.
169. Serrano, Miguel, A.
170. Shaner, Heather
171. Sherrod-Ali, Gilda L.
172. Sidbury, David a.
173. Signet, Paul A.
174. Slaughter, Joanne D
175. Smith, Anthony E
176. Smith, Jerry R.
177. Smith, Lee A.
178. Solomon, Alan S.
179. Sulton, Patrice A.
180. Teasley, Van
181. Thomas, Alvin H.
182. Thompson Everal F
183. Towe, Reginald M.
184. Vaughan, Courtney, M
185. Vega, David
186. Wall, Charles, M.
187. Walton, Anne Keith
188. Weathers, Sharon M
189. Weletz, Carrie A.
190. Weller, Elizabeth J
191. Williams, Ian A.
192. Williams, James
193. Williams, Kanita
194. Williams, Larry D.
195. Williams, McGennis
196. Willmott, Jonathan P.
197. Yallery-Arthur, Winston
198. Yamashita, Bruce I.

199. Ziadie, Lola, M.
200. Zucker, Jonathan

Provisional Member:

1. Cassidy, Margaret M. ⁴
2. Gilmore, Jack
3. Gnocchi, Paolo A. ⁵
4. Goemann, Richard⁶
5. Goldberg, Richard P.
6. McCoy, Joseph E⁷
7. Medearis, Caleb C. ⁸
8. Mutimer, Christopher J. ⁹
9. Ogilvie, Steven J¹⁰
10. Peed, Matthew J.
11. Pembroke Christine R¹¹
12. Phipps, Kelsey D. ¹²
13. Puttagunta, Rupa
14. Scott, Donna L. ¹³
15. Stevens, Gemma M.
16. Williams, Jacqueline R. ¹⁴
17. Zahara, Nicole D. ¹⁵

⁴ Term expires September 2015.

⁵ Term expires March 2015.

⁶ Term expires September 2015.

⁷ Term expires September 2015.

⁸ Term expires September 2015.

⁹ Term expires September 2015.

¹⁰ Term expires March 2015.

¹¹ Term expires September 2015.

¹² Term expires September 2015.

¹³ Term expires September 2015.

¹⁴ Term expires September 2015.

¹⁵ Term expires March 2015.