



LEGENDS IN THE LAW

RUFUS KING

INTERVIEW BY KATHRYN ALFISI

Rufus G. King III is a senior judge of the Superior Court of the District of Columbia where he served as chief judge from 2000 to 2008. He was appointed to the bench by President Ronald Reagan in 1984 and has served in the Civil, Criminal, and Family Court Operations divisions. In 2009 King joined the McCammon Group, a provider of mediation, arbitration, and related dispute resolution services. King is a graduate of Princeton University and Georgetown University Law Center.

Tell me a little about your childhood.

Weren't you born in Connecticut but raised in the Washington metropolitan area?

Yes, the first place I lived was New Haven, Connecticut, before moving at age four to suburban Maryland. My old house is still there and is now the headquarters for the Wheaton Regional Park. But I grew up mostly in Chevy Chase, Maryland.

Did the fact that your father was a lawyer influence your legal career?

Yes, in a funny way it did. For a long time I never thought about pursuing a law career, although I think my father probably assumed I would eventually. However, he never pressed me about it at all, and he would tell me to do what I wanted to do.

In the back of my head I was thinking about a career in medicine, so I went to Princeton and majored in biology. I decided late in the game that I would attend law school; I entered Georgetown Law about a year-and-a-half after graduating from college. By then, I had seen aspects of work in the law that were not apparent to a young son of a lawyer.

I wanted to pay for law school myself

since my father had paid for all my education up until that point. I went to law school at night and clerked for former Chief Judge William C. Pryor, who is now a senior judge on the D.C. Court of Appeals. It was a very interesting time because I read the law at night and helped apply it during the day.

Did you enjoy your time in law school?

Parts of it I liked. Going to law school, or any school, at night is like old age—it is not for the faint of heart. It is a grind to have to constantly budget and figure out how best to use your time. You need to know what you *can* do and what you *have* to do—good preparation for law practice.

You clerked for Judge Pryor at the old D.C. Court of General Sessions (now Superior Court). Were you interested in becoming a judge at that time?

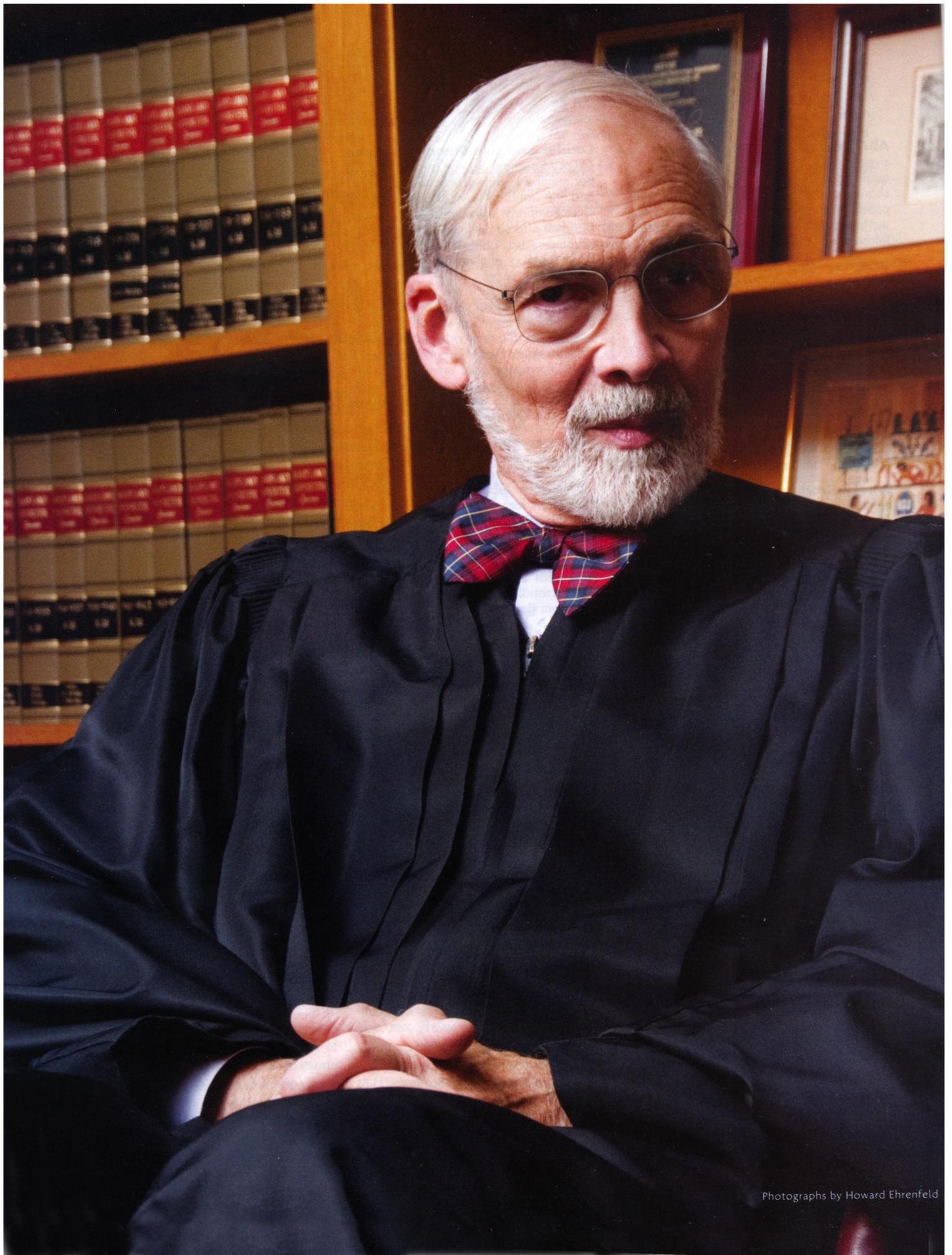
I clerked there in 1969, right before the Court of General Sessions was converted to the D.C. Superior Court in 1971. Judge Pryor then became a Superior Court judge before joining the Court of Appeals.

On the Court of General Sessions,

judges only had one clerk, so my clerkship was really hands-on. I did research and I also ran the courtroom, scheduling all the calendars and getting the lawyers in for meetings. It was a great experience, and right from the beginning I thought that if I ever had the opportunity to go on the bench, I would take it. I had worked a little bit in the clerk's office when Judge Pryor came on as a new appointee, so in some areas I was able to tell him how you got things done. Judge Pryor displayed a great legal mind and was a model of firmness, compassion, and sensitivity. From the first days of my clerkship, he has been a mentor and an inspiration to me.

Did you know what kind of law you wanted to practice?

I had a general practice in mind, which is what my father had done for many years. It is much harder to do that now because the profession has become much more specialized. Recently, I was talking with people about Charlie Horsky, who was a legal giant in Washington, and, as I thought of my father, he was brilliant



at everything he undertook. That was my vision, though it was more a dream than a reality for me.

A few years after graduating from law school, you went into practice as King and King with your father. How was that experience?

It turned out to be a wonderful evolution of my relationship with my father, who was a terrific lawyer. It was a great experience for both of us to be at the office analyzing and working through legal problems.

We were in practice together for 13 years. We would debate legal issues, sometimes pretty vigorously, but we usually would come to an understanding on the important objectives in a case. We might not always agree, but we were always talking the same language.

Are there any cases you took on as a lawyer that are particularly memorable for you?

Well, I always kept a criminal docket as a way to keep in touch with the court. One of these cases was a monthlong homicide trial in 1975, in which several members of a motorcycle gang became embroiled in an exchange of curses and epithets that led to a gun and knife fight and ended in a fatal stabbing. Four of the motorcycle gang members were charged with murder, and I was retained by the youngest and newest gang member's family. The trial was hard-fought, and everyone was convicted. I then discovered that my job as defense lawyer was only half done, because there remained a very important part of my effort in preparing for sentencing and then working with the parole commission as an advocate and in negotiations.

Did you still have a desire to become a judge at this time?

Yes, I maintained a practice that kept me in touch with people at the court and was active in Divisions 4 and 18 of the Bar [now the D.C. Bar Courts, Lawyers and the Administration of Justice Section and the Litigation Section], which were most closely involved with the courts. I was working hard to keep my clients out of court, but I also wanted to make sure that if I had to go to court, I kept those relationships alive.

What was the appeal of becoming a judge?

The unique problem-solving opportunities. A number of years ago, Jake Stein

[former president of the D.C. Bar] said that when most lawyers showed up in the old assignment court for assignment out to trial on Monday morning, they did not really want to be there because most lawyers are problem-solvers, and this was definitely true for me. I knew my way around a courtroom, but what I really wanted to do was fix or solve problems by helping to strategize issues with a client, explaining what the law required and what it would allow, and then helping the client to exploit the opportunities in a particular situation.

The court also involves an interesting and challenging public responsibility. It is important to have public servants who are thoughtful, imaginative, and who think beyond the immediate problem as well as about its context.

Was the transition from attorney to judge an easy one for you?

When I first came on the bench, I was assigned to a misdemeanor calendar that had nothing but jury trials. One of my first trials had five codefendants, which means that there is a lot going on in the courtroom. What I discovered was that it was like putting on a familiar coat—it just felt right and made sense.

You have been assigned to several divisions of the court.

Was there a division where you felt most comfortable?

The only place I have not been assigned to is probate court, although I have handled some probate cases. When I first came on the court, I read a book of English essays about judges, and one observation that stuck with me is that the judge's role is best served by generalists, which I have found to be true. Judges who are able to do everything without previous special knowledge are far more likely to be trusted as authority figures than are those who bring to the bench special knowledge of a science or other field, which they may be thinking about regardless of what they are hearing in a particular case. That was certainly the case for me. I have enjoyed every assignment—civil motions and trials, the major domestic relations calendar, and criminal misdemeanors and felonies. I spent most of my time as a judge in the Civil Division and became the presiding judge there, but throughout my time on the court, I almost always came to work happy to be here.

I would think family court might be difficult for some judges.

What can be hard about family court is that everything about the law teaches you how to analyze problems to solve them, and logic is important, though it is only part of the process. In family court, there is a breakdown of psychological relationships, which do not follow logical rules very well.

Some people cannot work in that type of environment or find it troubling to be in a situation where there is a lot of emotion and a lot of irrationality. I never found this to be a problem because I kept thinking that while the problems can be troubling, the people's stories are always interesting, and I was able to say, OK, what can I do here to make this work?

Were you involved in any high-profile cases as a judge?

The most highly publicized case I worked on was one I never tried. The Haft family (owners of an empire of shopping centers and businesses, including Crown Books, Dart Drug, and Trak Auto) came to legal blows in the early '90s. They had a divorce case going on in Washington and a divorce and a business case in Montgomery County Circuit Court in Rockville, Maryland. What we did was arrange a meeting of the Rockville Circuit Court judges and Superior Court judges so we could be aware of what was happening in each of the cases. I transferred my divorce case to Judge Harriet Taylor, who already had another one, and I tried to settle the cases in mediation. There was a lot of activity, thoroughly covered in the media, but we ended up settling it because of the impending trial date. I could say to them in mediation, You could waste time doing this, but remember that on November 1 you have got to be before Judge Taylor for trial. The case was an historic battle. One time I had to go to the office for a mediation session on a Sunday afternoon wearing blue jeans. It was a major mediation effort that took about six months, which is about how long the settlement lasted before it fell apart.

Is it more difficult to work on high-profile cases?

It can take some discipline. You have to try it the way you would any other case and not let the fact that there is interest in it influence your decision making. You have to concentrate, and it takes some effort to keep things in perspective.

When did you become interested in becoming chief judge?

I can pin that down to one day. When I was in the Civil Division, one of the projects I was involved in was improving the technology system for the court. I was a founding chair of the Judges' Technology Committee, which gave the perspective of judges as end-users in buying computers and developing new ways of doing things. I attended a technology conference in Los Angeles, and one of the people I talked to there was telling me about all these great ideas that might be helpful to the court. The conversation made me realize that if I were chief judge, I could just point these talented court administrators who were sitting next to me in the right general direction and stay out of their way, and I would be a reasonably successful chief judge. I decided that I would try for the position when the next opportunity came along.

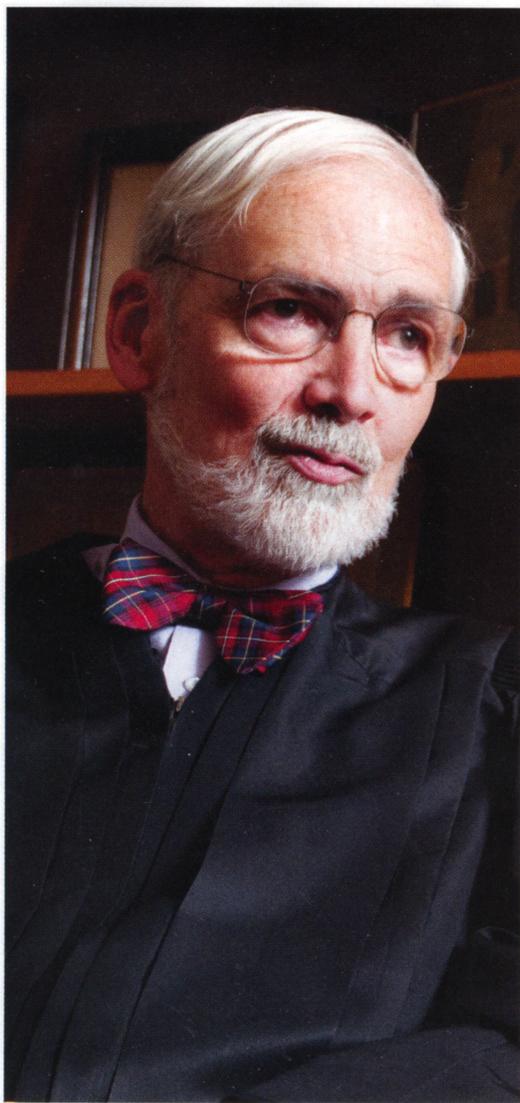
What were the main challenges facing the Superior Court when you became chief judge?

The technology challenge was an ongoing one. It involved working through an endless process of producing studies and getting things worked out—deciding what we needed, learning what was out there, how to fund it, and that sort of thing. By the time I became chief judge, we had the funding, so the question became, How was the court going to implement a major technology installation?

At that time, the court also was involved in working with the corrections trustee to close down the Lorton prison. While that transition was still being completed, I became involved in the Criminal Justice Coordinating Council, which was an effort to bring together the major players in the criminal justice field—the court, prosecutors, law enforcement, the Federal Bureau of Prisons, and the D.C. Department of Corrections—to work on common problems. We strategized how we could develop a criminal justice technology system for the city and how we could coordinate sentencing issues with the Department of Corrections, things like that.

Probably the biggest challenge facing

the court at that time was the reorganization of the Family Division. Everything started when former Representative Tom Delay (then Majority Whip) heard about a case involving a child who had been killed after being under court supervision and returned to his mother. About three weeks after I became chief judge, a group of us at the court were summoned to go



to Delay's office where he asked, "Well, what's your plan for redoing the Family Division?" I told him that judges would work with the Bar and with committees we would appoint to investigate and implement a revision, to which he replied that in his view, this was not a plan, and he was going to separate the family court from the rest of the court if we did not quickly come up with an acceptable solution. Right from the beginning of my first term, I worked to completely restruc-

ture the Family Division to prevent the breakup of the court. Breaking up the court and establishing a separate family court would have been a very unfortunate direction to go in; all the best thinking among court administrators around the country is that unified courts work better in terms of resolving cases promptly and providing better service in cases of all different kinds.

For the first year of my term, we were in an all-out confrontation on that issue, and there was a huge effort put into it, at least a full day a week and sometimes every day. Delegate Eleanor Holmes Norton (D-D.C.) worked with us and was very helpful in keeping it on a track. I started as chief judge in the fall of 2000, and in January 2001 the District of Columbia Family Court Act went into effect. To expand the court, I appointed nine new magistrate judges and three new judges. We ended up with a much better developed family court with the resources to do what was needed.

The only thing that was done that has not worked so well was the rule that all new judges who go into the Family Division have to stay there for five years, which is too long. The court needs judges to be in a division long enough to become familiar with the process and the players, but five years can lead to burnout. Also, the rule makes it harder to interest new judges in taking on a family court assignment. A judge who is not interested in family court will be willing to be there for two years, but not five. It is especially a shame because sometimes people who were not initially interested in family court become so after being assigned there and go on to become fine family court judges. In fact, the subsequent presiding judge of the family court never would have thought of

volunteering had I not persuaded him to try it for what we anticipated would be a shorter period.

Do you think the Family Division reorganization was a success?

I think it was a very successful outcome in a situation where the reorganization could have easily been unsuccessful. Now we have some outstanding magistrate judges who have the time to devote to the cases, develop an expertise in the

area, and work with the families as much as necessary. Many judges have remained longer than the new law required and have rendered outstanding service.

What did you want to see accomplished with the Superior Court's technology efforts?

By the time I became chief judge, the technology support for the court had grown to 19 different unconnected systems. Every office had its own technology system, and to go from one system to another meant you had to close down one before you could open another. We undertook to combine all 19 into one unified system where it would be easy to access all the different case records at once. It was hugely difficult and involved three years of very intense effort that has resulted in a substantially improved data management system.

Was improving the morale at the court also important to you?

I always knew that we had a tremendous staff and a very good group of judges—just an excellent group of people working together. My job as an administrator was to see that people were encouraged to do their best, to work happily, and to work constructively. I thought that one important way to do that was to reach out to people and let them be responsibly involved in the design and planning of improvements.

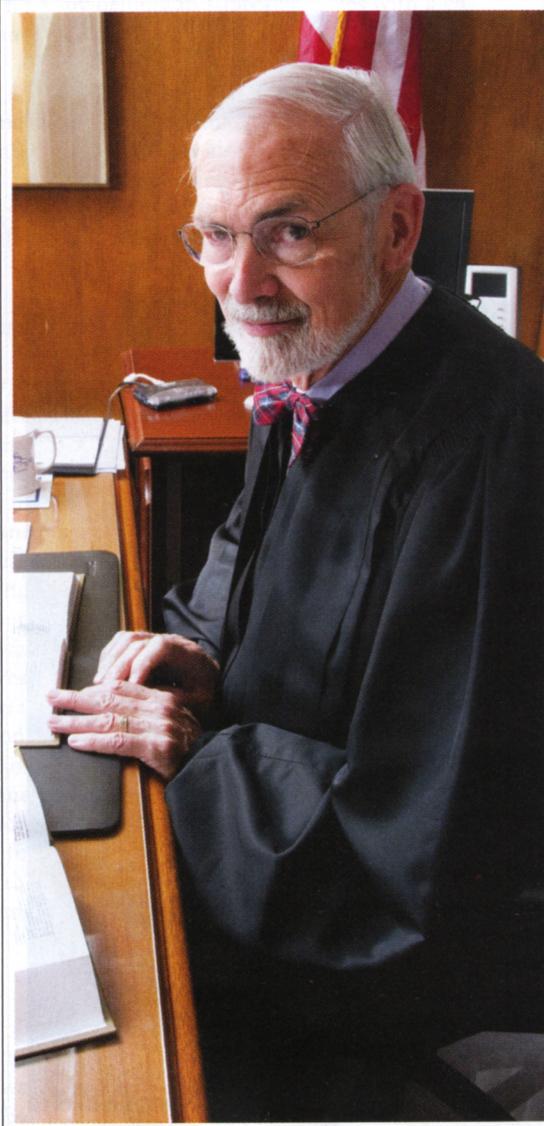
You also had an open-door policy during your term as chief judge.

The idea came from former chief judge Carl Moultrie, who let it be known he would be in his office at 7:30 every morning, and if you wanted to talk to him, you could just show up without an appointment. I decided that I did not need to do this every day, but I did have my office open Monday mornings at eight so anybody in or outside the court who wanted to talk with me could. There was a lot of favorable reaction to it that was out of proportion to the amount it was actually used. I originally thought of it as an effort to bring out people with ideas and suggestions, but it often turned out to be employees who were unhappy about something, which unfortunately I could not do much about. Despite this,

I think the open-door policy was widely appreciated and successful for the court.

Are you pleased with what you were able to accomplish as chief judge?

Yes, I think of it as a time when we moved ahead on a lot of fronts. In addition to the technology improvements, I thought it was important to work with the divisions



to encourage their efforts to improve calendars or try different systems. All of the divisions underwent some major improvements. In addition to the Family Division reorganization, we reorganized parts of the Civil Division, improved the landlord and tenant and small claims courts, and improved the Criminal Division and Probate Division.

It also was very important to establish relationships with the organizations that fund us on the Hill or the City Council

or other city agencies. A complex organization such as the court depends on open and reliable communication with Congress and the city. I worked to encourage relationships between court staff and congressional and city staff, and I think there was a level of trust preserved and built up that serves the court well.

I also take pride in having left these and other issues in reasonable condition for my successor. Chief Judge Lee F. Satterfield has taken the court in a number of new and continued directions that bode well for the future, and I am happy to have contributed to what he is doing.

How did you feel upon leaving the court in September 2008?

It was a momentous event, closing the door for the last time as chief judge. My time as chief judge had been eight challenging and rewarding years, and suddenly, when the door closed, it was over. So with a feeling of optimism about the court's future under new leadership, there was a feeling of sadness at having reached the end.

How are you spending your time since you stepped down as chief judge?

The first thing I did was apply for senior judge status, which means that I am still a judge and can sit in court from time to time and try to help out, which I have done. I also joined the McCammon Group, a private ADR service, with which I do mediations and arbitrations a few days a month. The difference between private mediation and the mediation I used to do on the court's civil calendars is that private mediation allows you to devote more time, resources, and energy to each case than when you are mediating for all civil legal cases, or even when you don't mediate every one, and you have two trials a week and 25 motions coming at you.

So I am enjoying mediation and arbitration. I am also happily spending more time with my wife, Barbara, and we are traveling to visit family and to see new venues—California, Maine, Massachusetts, and Spain. There is life after court.

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