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D.C. Superior Court Nominees Testify in the Senate

Two lawyers who spent most of their careers on opposite sides of a courtroom testified today before a U.S. Senate committee in the hopes of serving together on the District of Columbia Superior Court bench.

Washington solo practitioner Michael O'Keefe, whose practice is mostly in criminal defense and family law, and Robert Okun, chief of the special proceedings division at the U.S. attorney's office in D.C., were nominated by the White House in March. At today's hearing, they pitched their extensive history practicing in Superior Court and experience working with a variety of litigants, including those without a lawyer.



National Law Journal photo by Diego M. Radzinski, From left, Michael O'Keefe and Robert Okun

Neither nominee faced criticism. Sen. Mark Begich (D-Alaska), who chairs the subcommittee overseeing District of Columbia affairs, said they were "well-qualified" to serve. The nominees did face questions from Sen. Rand Paul (R-Ky.), the subcommittee's ranking member, about their views on the city's gun laws, which have been the subject of legal challenges; both said they would abide by rulings from the U.S. Supreme Court and District of Columbia Court of Appeals.

O'Keefe, a member of the D.C. Bar since 1994, said he was inspired to do trial work after serving on a Superior Court jury in a homicide case in 1994. He started accepting assignments from the court to represent indigent criminal defendants and said the work was so satisfying he left his firm in 1998 to start his own practice. If confirmed, O'Keefe would become one of only two judges on the bench to come directly from a solo practice.

Asked about his qualifications, O'Keefe said he had experience appearing before the court every day and representing clients from all walks of life, from a congressman to a homeless child. "I have a good sense of the various issues that are out there in the District of Columbia that are affecting the people," he said.

Okun has served with the U.S. attorney's office for more than 19 years. Besides practicing in Superior Court, he said presiding over attorney disciplinary matters as a member of the Board on Professional Responsibility gave him experience deciding cases. Being a judge, he said, "would give me a broader opportunity to make a difference in people's lives."

Okun and O'Keefe identified delays as a challenge facing the court. Okun said he'd like court officials to continue speeding up the time to decisions, while O'Keefe said he would push for more efficient scheduling so litigants and lawyers didn't waste time waiting. O'Keefe also said the court needed confidential meeting rooms where cooperating witnesses transported from the jail could safely meet with law enforcement; witnesses are currently taken to the U.S. attorney's office. That arrangement, O'Keefe said, made it clear who was cooperating.

Begich asked how the nominees would respond to litigants appearing without a lawyer. The majority of litigants appearing in the civil division's highest volume dockets are unrepresented, according to court data. O'Keefe said he had experience explaining the law to different types of clients and would direct pro se litigants to pro bono and other lawyers who could help. Okun said he often dealt with motions filed by pro se litigants – the special proceedings division handles post-conviction matters – and would try to strike a balance between helping pro se litigants understand proceedings and not giving them a special advantage.

Both lawyers said they were looking forward to hearing civil cases, an area neither had focused on in years. O'Keefe said he would probably find the transition out of solo practice more challenging than going from defense lawyer to judge. Okun, who said he was also looking forward to serving in Family Court, said he would draw on his experience with the Board on Professional Responsibility in shifting from attorney to decision-maker.

Sen. Tom Carper (D-Del.), the committee chair, asked what qualities the nominees thought were important in a judge. Okun and O'Keefe gave the same answer: good temperament.

National Law Journal photo by Diego M. Radzinski. From left, Michael O'Keefe and Robert Okun.

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