

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

July 2011

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”).

The Administrative Order re-establishing the Panel appointed attorneys to different statuses including (1) Full Panel Members for a one-year term, (“Full, One-Year Term Members”) who were required to reapply for Full Term, after expiration of one year, and (2) Provisional Members who were required to apply for Full Member status after one year. In addition, the Court allows attorneys to apply for the Panel at any time, and, consequently, the Committee considered applications from new applicants who applied and former applicants who re-applied.

Pursuant to the Administrative Order, the Committee considered attorneys who filed applications on or before February 15, 2011. All applications filed after that date will be considered in the future.

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 for new and former applicants consists of 20 questions and requests information concerning the applicant’s educational background, work experience, relevant training, 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 by the applicant. Applicants are 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 application for Full, One-Year Term Members seeking to extend their terms and Provisional Members seeking Full Member status was shorter and asked about relevant information concerning the attorney’s work as a Panel Member.

The Committee considered a total of 111 applications from Full, One-Year Term Members and Provisional Members, and from new and former applicants.

The Committee

Eleven Associate Judges and two Magistrate Judges participated in the Committee deliberations. The vast majority of the Committee members have more than ten years of judicial experience. Several members of the Committee had extensive experience as criminal defense counsel before their appointments to the Court. 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 essentially 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 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; (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 05-03 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 June 10 and 17, 2011 to discuss each application. In general, the Committee made decisions by consensus. Any initial Committee decision was subject to reconsideration upon request by any member.

a. Full, One-Year Term Members:

As set forth in the Committee's previous Report concerning the reasons for Full, One-Year Term Members:

One group of attorneys presented a unique challenge to the Committee. For the most part, these were applicants who are current members of the Panel, many of whom have provided representation in appointed cases for years, if not decades. More specifically, [these] applicants received support from a number of judicial officers, but at the same time a significant (usually greater) number of judicial officers expressed reservations or concerns about the applicant with respect to competence, ethics, voucher practices, timeliness to court hearings, or some combination of those factors. If the only option were to appoint these applicants for a four-year term, the Committee may very well have recommended against Panel membership. But because of the prior service of many in this group of applicants, the Committee recommends their appointment to the CJA Panel for a one-year term.

. . . The Committee recommends that the Chief Judge notify them by separate correspondence of their one-year appointment, with a requirement that they re-apply, if they so wish, after the completion of their one-year term. . . . In this way, the attorneys will be given a year in which to either improve the quality of their representation or transition into other employment.

Pursuant to the Committee's initial recommendation, the Chief Judge sent a notification to each Full, One-Year Term Member of his or her status. In order to remain on the Panel for the full four-year term, these Members were required to apply for full-term status.

Not all Full, One-Year Term Members applied to extend their terms. With respect to those who sought to extend their term, the Committee reviewed the applications, considered whether the applicant was active in accepting appointments (including traffic matters), whether the applicant participated in continuing legal education, whether the applicant complied with Administrative Orders setting annual voucher income limits, the vouchering practices of the applicant, and the evaluations of judicial officers. For the most part, if the applicant was an active Panel member, and an applicant's evaluations showed improvement from previous evaluations, the Committee looked favorably on the applicant. However, if an applicant was not active in accepting appointments or the applicant's evaluations showed a decline or did not show significant improvement, the Committee did not recommend that the applicant's term be extended.

As in the past, the Committee has only identified Full, One-Year Term Members to the Chief Judge. The Committee recommends that the Court maintain this practice and publish a consolidated list of Full Panel Members.

b. Provisional Members:

Pursuant to the Administrative Order, Provisional Members are appointed for one year, with the condition that they only represent persons charged in misdemeanor cases and that they apply to be appointed as Full Members. In making its recommendations as to whether a Provisional Member should be appointed as a Full Member, the Committee considered whether the applicant was active in accepting appointments (including traffic matters), whether the applicant participated in continuing legal education, whether the applicant complied with Administrative Orders setting annual voucher income limits, the vouchering practices of the applicant, and the evaluations of judicial officers. Unless there was good cause, if applicants were not active in accepting appointments, including traffic matters, the Committee did not recommend appointment as a Full Member.

c. New and Former Applicants:

In making its recommendations with regard to new applicants, the Committee looked for the most highly qualified new attorneys who would, at the very least, be able to handle a Felony II case capably. The Committee recommended for the Provisional Panel attorneys who had excellent credentials but less Superior Court experience, had a demonstrated interest in representing indigent persons in criminal law, and were willing to serve on the Provisional Panel.

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

The Committee's Recommendations

As set forth in the attached Appendix, the Committee recommends that that the terms of twelve (12) Full One-Year Term Members be extended for the term of the Panel. In addition, the Committee recommends that thirty-four (34) Provisional Members and other new applicants be appointed as Full Members for the term of the Panel.

The Committee recommends that two attorneys be approved as Conditional Members. As in the past, the Committee recognizes that applicants can be currently employed in positions that make them unable to accept immediate appointments. Under previous Administrative Orders, such conditional membership does not entitle the attorneys to accept appointments. Attorneys conditionally approved may become Full or Provisional Members by notifying the Chairperson of the CJA Panel Committee that (a) they are now available to accept appointments; (b) they are still members in good standing of the Bar; and (c) no disciplinary action or investigation has been instituted against them since the filing of the application. Upon such notification, the attorneys will become Full Members of the Panel and may accept appointments. Attorneys who fail to make such a notification within nine months of the date of their conditional appointment are no longer eligible to become members of the Panel based on their conditional membership.

The Committee recommends seven (7) new attorneys for appointment as Provisional Members who have a demonstrated special interest in criminal law and/or in representing indigent persons, who have excellent credentials or who have experience working in the Court,

and who have shown great potential. Finally, the Committee recommends that three (3) attorneys be maintained as Provisional Members because there was good cause for their inability to fulfill a full term as a Provisional Member.

Recommendations of the CJA Panels Committee for Future Considerations

1. Provisional Members

With regard to Provisional Members, the Committee recognizes that the one-year term may not, in some cases, be sufficient time for attorneys to demonstrate their trial skills. In addition, because they are limited to representing persons in misdemeanor cases, there is no guarantee that Provisional Members will have the opportunity to represent a client in a jury trial before they are required to apply for Full Member Status. Thus, the Committee recommends that the terms of future Provisional Members be extended to two years and that they participate as second chair in two felony trials (including jury selection) before applying to become a Full Member. The Committee further recommends, however, that a Provisional Member may apply to become a Full Member at any time during the two-year term, provided that (1) the attorney has participated as a second chair in two felony trials (including jury selection), 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.

2. Compliance with Panel obligations

In their applications, the applicants specifically affirmed their commitment to accept appointment in D.C.-prosecuted matters, including matters on the Traffic Calendar. In the future, in determining whether an attorney will be recommended for future participation on the Panel, the Committee anticipates giving significant weight to whether attorneys have been active members of the Panel and, in particular, whether they have fulfilled their obligations in connection with accepting 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 and to the appropriateness of Panelists' vouchering practices.

3. Training and necessary actions

It is the responsibility of Panel Members to take all actions necessary to become familiar with the appointment and vouchering process. As in the past, the Committee recommends that all new Panel members contact the SCTLTA, which has in the past 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 SCTLTA and the Public Defender Service to confirm that the member received the necessary training prior to becoming eligible to accept appointments.

4. Re-application time period

To bring regularity to the process and to ensure that an attorney re-applying to the Panel has sufficient time to demonstrate new circumstances warranting reconsideration of his or her application, the Committee recommends that, in the future, any eligible applicant who is not appointed to the Panel must wait at least eighteen (18) months after the issuance of the Administrative Order before re-applying to the Panel.

5. Effective date

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.

Respectfully Submitted:

CJA Panel Implementation Committee

Judge Robert E. Morin, Chair
Judge Jennifer Anderson
Judge Ronna L. Beck
Judge Erik P. Christian
Judge Natalia M. Combs Greene
Judge Harold L. Cushenberry
Judge Todd Edelman
Judge Wendell P. Gardner
Judge Andrea Harnett
Judge Brian Holeman
Judge William Jackson
Judge Robert I. Richter
Judge Richard Ringell

Date: July 2011

CJA IMPLEMENTATION RECOMMENDATIONS FOR CJA PANEL

July 2011

Full Panel Members:

1. Ahmed, Atiq
2. Alfaro, Hugo
3. Ali, Khadijah
4. Allen, Charles
5. Allen, Nancy
6. Amato, Elita
7. Anthony, John Patrick
8. Antonelli, Andrea
9. Auerbach, Kenneth
10. Baer, Mitchell
11. Balarezo, Eduardo
12. Baldwin, Todd
13. Ballester, Betty
14. Baringer, John
15. Baron, Gregg
16. Beasley, Donna
17. Benowitz, David
18. Bernard, Joseph
19. Bethel, Thecla
20. Bikoff, Russell
21. Blitzer, Abraham
22. Blume, Carol
23. Bogash, Samuel
24. Bond, Ferris
25. Braddock, Dennis
26. Bratter, Diane
27. Brennwald, Stephen
28. Briley, John
29. Brown, Bryan
30. Burka, Sharon
31. Caldwell, Larry
32. Caleb, Joseph
33. Cannon, Molly
34. Carney, John
35. Carney, Veta
36. Chan, Ada
37. Chapple, Kevin
38. Christen, Lee
39. Clayton, Aleta
40. Clemons, Marvin
41. Clennon, Cary

42. Cohen, Brett
43. Conte, Joseph
44. Cook, Moses
45. Cooper, Bruce
46. Copacino, John
47. Copeland, Gregory
48. Cotter, Gregory
49. Crane, Bernard
50. Cresta-Savage, Patricia
51. Cumberbatch, David
52. D'Antuono, Frances
53. Daum, Charles
54. Davidson, Joel
55. Dorsey, Daniel
56. Downs, April
57. Dunham, Colin
58. Duru, John
59. Dworsky, Donald
60. Ellis, Susan
61. Engle, Thomas
62. English, Gregory
63. Escoto, Henry
64. Evans, Ferguson
65. Fahey, Anthony Kevin
66. Feeney, Robert
67. Fleckinger, Clark
68. Floyd, John
69. Frecker, David
70. Freeman-Watkins, Cherlyn
71. Frucci, Eleanor
72. Galarowicz, Dennis
73. Goldstone, Mark
74. Green, Denise
75. Gutterman, Herbert
76. Hairston, Russell
77. Hakimzadeh, Kiumars
78. Haldane, Marie
79. Hamlin, Barney
80. Harden, Brandi
81. Harn, Daniel
82. Harris, Geoffrey
83. Harvey, John
84. Henderson, Gloria
85. Heslep, Thomas
86. Hewett, Willie
87. Holliday, Richard

88. Holt, Veronice
89. Ipyana, Aminata
90. Irving, Kevin
91. Iverson, Frederick
92. Jackson, Stephen
93. Jacques, Tammy
94. Jarvis, Pamela Carlotta
95. Jenkins, Theresa
96. Johnson, Stuart
97. Jones, Dorsey
98. Jorgens, II, Joseph
99. Joseph, Edward
100. Key, Thomas
101. Khan, Azhar
102. Khater, Tony
103. Kiersh, Steven
104. King, Marnitta
105. Kiyonaga, Paul
106. Kleiman, Teresa
107. Knight, Webster
108. Knight, Patrick
109. Kopecki, Sara
110. Kunnirickal, Isaac
111. Lane, George
112. Lasley, Michael
113. Lawrence, Geralyn
114. Lepley, Diane
115. Lewis, Richard
116. Long, Leonard
117. Machado, John
118. Madden, Michael
119. Mahasa, Andre
120. Malech, Lloyd
121. Maloney, James
122. Masonson, Nina
123. McDaniel, John
124. McEachern, Howard
125. McGonical, Kyle
126. McKinney, Jr., Rufus
127. Mendoza, Maria
128. Mohsen, Arya
129. Molina, Joseph
130. Moore, Craig
131. Mosley, Kevin
132. Murdter, Charles
133. Newton, Patricia

134. Nicholas, Lauckland
135. Nichols, Archie
136. Nieves-Fernandez, Frank
137. Norman, Jane
138. O'Bryant, Jr., Adgie
139. Ogolo, Chidi
140. O'Keefe, Michael
141. Okezie, Justin
142. Oliver, Kevin
143. Olshonsky, Michael
144. Opaigbeogu, Chiemeka
145. Pascale, Jon
146. Perrone, June
147. Perry, Belinda K.
148. Pinckney, Heather
149. Polin, Steven
150. Powell, Clarence
151. Price, Aaron
152. Queen, Elliott
153. Quillin, Daniel
154. Racer, David
155. Ramsay, Angela
156. Raskin, Christina
157. Redmon-Reid, Chantaye
158. Reed, Janai
159. Resnick, Marc
160. Riddell, Stephen
161. Riley, Paul
162. Robertson, Kevin
163. Robinson, Ralph
164. Rollins, Mark
165. Rosendorf, Martin
166. Rudasill, Jr., James
167. Russell, Stephen
168. Sample, John
169. Sapirstein, Lisbeth
170. Schiff, Steven
171. Schoenfeld, Henry
172. Schrager, Seth
173. Schultz, Corinne
174. Seltzer, Mitchell
175. Sherrod-Ali, Gilda
176. Sidbury, David
177. Sidell, Gary
178. Signet, Paul
179. Silver, Nathan

180. Slaight, Joanne
181. Smith, Anthony
182. Smith, Greg
183. Smith, Jerry
184. Solomon, Alan
185. Spillan, Lawrence
186. Sroufe, Linda
187. Staples, Sean
188. Stewart, Anthony
189. Teasley, Van
190. Thomas, Alvin
191. Thompson, Everaldo
192. Toth, Richard
193. Towe, Reginald
194. Twist, Russell
195. Vega, David
196. Virgilio, Joseph
197. Wade, Lydia
198. Waldman, Ivan
199. Wall, Charles
200. Weathers, Sharon
201. Weatherspoon, Gladys
202. Wicks, Jenifer
203. Williams, Ian
204. Williams, James
205. Williams, Larry
206. Wilmott, Jonathan
207. Word, James
208. Yallery-Arthur, Winston
209. Yamashita, Bruce
210. Zack, Earle
211. Ziadie, Lola
212. Zucker, Jonathan

Conditional Full Members including New Applicants:

1. Cooper, Peter
2. Gardner, Grey A.
3. Hiltzheimer, Benjamin J.

Provisional Members and New Applicants recommended to be appointed as Full Members:

1. Athanas, Robert
2. Barsoumian, Alicia
3. Bookhard, Bryan
4. Borecki, Susan E.
5. Bruckheim, Michael
6. Cade, Anthony
7. Canty, Charles
8. Carlyle, Cory
9. Catacalos, Damon
10. Colt, James
11. Connor, Jennifer
12. Falodun, Oluwole
13. Gardner, Gregory
14. Goodson, Laura
15. Hamlin, Derrick
16. Hertz, Matthew
17. Hill, Grandison Ernest
18. Houston, Linda
19. Jean-Baptiste, Chantal
20. Kassees, Kevin
21. Kokesch, Duane
22. Lacey, Francis
23. Lester, Thomas
24. Littlejohn, Shai
25. Maddox-Levine, T. Gail
26. Madhure, Shridevi
27. Martin, Harold
28. Mascoll, Dawn
29. McDonald, Randy
30. Miller, Cedric
31. Regunathan, Ravi
32. Ricard, Craig
33. Richter, David
34. Riley, Sean
35. Rist, Matthew
36. Serrano, Miguel
37. Smith, Abbe
38. Spiggle, Thomas
39. Walton, Anne
40. Weller, Elizabeth

Provisional Members including New Applicants:

1. Allburn, Megan
2. Gain, Edward F.
3. Grisset-Morton, Nycole
4. Harris, Reginald S.
5. Jackson (Bouchet), Rahkel
6. Kamara, Louis
7. Margulies, Howard
8. McGough, Kristin Leigh
9. Minor, Karen L.
10. Mykytiuk, Jay P.
11. Noma, Arian E.
12. Pellegrin, Michael B.
13. Scanlon, Ann
14. Scrofano, Joseph
15. Smith, Lee
16. Sulton, Patrice
17. Williams, Kanita