

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
ADMINISTRATIVE ORDER 15-18**

Re-establishment of the Probate Fiduciary Panel

WHEREAS, by Administrative Order 04-06, issued on April 28, 2004, the Probate Fiduciary Panel (the “Panel”) was established as a permanent, standing panel of attorneys from which judicial officers of the Superior Court of the District of Columbia select attorneys for appointment in any capacity in guardianship, conservatorship, and all other Probate Division proceedings; and

WHEREAS, on February 12, 2015, finding that it is in the best interest of the administration of justice, Administrative Order 15-01 was issued to establish a regular and ongoing process for re-establishing the Panel; and

WHEREAS, pursuant to Administrative Order 15-01, all attorneys interested in serving as a member of the Panel, whether they are current members of the Panel or new applicants, were required to submit an application as well as supporting documentation on or before March 20, 2015; and

WHEREAS, on February 12, 2015, Administrative Order 15-02 was issued, establishing the Probate Panel Implementation Committee (the “Committee”) and directed the Committee to review the applications of all interested attorneys and submit a report determining which applicants should be permitted to serve as members of the Panel; and

WHEREAS, the Committee submitted its Final Report on its procedures for evaluating applications and the recommended names of attorneys to be appointed to the Panel as Full and Provisional Members; and

WHEREAS, the Chief Judge is satisfied that the recommendations of the Committee with respect to the attorneys to be placed on the Panel have been made after careful study and consideration of each attorney eligible to be considered and should be accepted in their entirety without change; and

WHEREAS, it is in the best interest of the administration of justice for the Panel to be re-established at this time;

NOW, THEREFORE, it is, by the Court,

ORDERED, that the attached list shall constitute the Probate Fiduciary Panel from this day forward, and attorneys listed are appointed as Full or Provisional Members as set forth in the attached list; and it is further

ORDERED, that, absent suspension or removal, and except as otherwise stated hereafter, the attorneys listed are appointed to the Panel for a period of four (4) years, at which time they must submit an application for reappointment, pending the determination of which they may remain Panel members; and it is further

ORDERED, that newly-appointed Provisional Attorneys are appointed for a term not to exceed one year, during which time they must apply to be a Full Member provided that the Committee, in consultation with the Probate Panel Advisory Committee, recommends the attorney for appointment as a Full Member; and it is further

ORDERED, that an attorney's membership on the Panel is conditioned upon his or her compliance with all Administrative Orders setting an annual cap for attorney compensation for appointed representation; and it is further

ORDERED, that newly-appointed attorneys are eligible to receive Court appointments upon notification by the Probate Panel Advisory Committee to the Chair of the Probate Panel Implementation Committee that the attorney has received the necessary training; and it is further

ORDERED, that any eligible attorney who filed an application to be considered for re-establishment of the Panel and who was not appointed to the Panel must wait either (1) one year from the date of this Order, or (2) until the date of re-establishment of the Panel, whichever is shorter, to reapply to the Panel; and it is further

ORDERED, that, as of the date of this Order, and unless otherwise determined to be appropriate, when making appointments of counsel under Titles 18, 19, 20 and 21 of the Code of the District of Columbia, judicial officers of the Superior Court shall appoint only attorneys listed on the Panel for new cases entering the Superior Court, and for existing cases when the judicial officer presiding in the case has entered an order which otherwise requires the appointment of an independent member of the bar to serve as a fiduciary; and it is further

ORDERED, that, absent any further orders from the judicial officer presiding in a given case, attorneys appointed prior to this date to represent a client, or serving as a fiduciary for an incapacitated individual, estate, or trust, shall continue with such representation and shall be compensated for such representation; and it is further

ORDERED, that an individual judge may appoint an attorney who is not on the Panel in those exceptional circumstances when the judge deems such appointment to be necessary because of unique or extraordinary circumstances and shall set forth the reasons for appointment in a written order complying with the requirements set forth below; and it is further

ORDERED, that in all instances when a non-Panel attorney is appointed, the judge making the appointment shall set forth the unique or exceptional circumstances requiring appointment of a non-Panel attorney in the case; and it is further

ORDERED, that, without such Order detailing the particular circumstances requiring the appointment of a non-Panel attorney in the case, a fee petition shall not be reviewed and payment shall not be made for work on the case, but rather the attorney shall be deemed to have done the work *pro bono public*; and it is further

ORDERED, that an exception to the rule precluding the appointment of attorneys who are not on the Panel shall be made for attorneys appointed by the Court of Appeals in a pending appeal as determined at the Court of Appeals discretion; and it is further

ORDERED, that this Order shall take effect on September 14, 2015.

SO ORDERED.

BY THE COURT.

DATE: September 14, 2015

/s/

Lee F. Satterfield
Chief Judge

Copies to:

Judges
Senior Judges
Magistrate Judges
Executive Officer
Clerk of the Court
Division Directors
Library
Daily Washington Law Reporter
District of Columbia Bar Webmaster
Register of Wills

REPORT OF THE SUPERIOR COURT PROBATE PANEL IMPLEMENTATION COMMITTEE TO CHIEF JUDGE LEE F. SATTERFIELD

August 25, 2015

The Probate Fiduciary Panel (the “Panel”) was originally created by Administrative Order 04-06, issued on April 28, 2004. The Panel was established as a permanent, standing panel of attorneys from which judicial officers of the Superior Court of the District of Columbia (the “Superior Court”) could select attorneys for appointment in any capacity in guardianship, conservatorship, and all other proceedings before the Probate Division of the Superior Court (the “Probate Division”).

On February 12, 2015, the Honorable Lee F. Satterfield, Chief Judge for the Superior Court, issued Administrative Order 15-01, through which the Superior Court established a process for reviewing members of the Panel. Administrative Order 15-01 required the re-establishment of the Panel in 2015. Pursuant to the Administrative Order, applicants were required to submit an application, which was included as an attachment to the Administrative Order. Administrative Order 15-01 also required the Superior Court to re-establish the Panel every four (4) years thereafter.

Additionally, on February 12, 2015, Chief Judge Satterfield issued Administrative Order 15-02, through which the Superior Court established the Probate Panel Implementation Committee (the “Committee”). The Committee was charged with reviewing all applications for membership on the Panel and presenting to the Chief Judge the qualified applicants for the Panel.

The Committee received 123 applications from attorneys seeking to become members of the Panel. This Report summarizes the Committee’s process and recommendations.

The Application Process

Information about the application process and a copy of the application were included as part of Administrative Order 15-01. A copy of the application was also included on the Superior Court’s website.

The application 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 Good Standing from the District of Columbia Bar. In addition, because the applicants would potentially serve as fiduciaries over the property of incapacitated or deceased individuals, the application requested current credit scores and evidence of malpractice insurance as required by the Guardianship Amendment Act of 2014 and the 2013 National Probate Court Standards.

The Committee

Ultimately, five Associate Judges and one Senior Judge participated in the Committee deliberations. Each member of the committee had extensive experience in the Probate Division, including interactions with the attorneys seeking appointment as members of the Panel:

1. The Honorable Erik P. Christian is the current Presiding Judge of the Probate and Tax Divisions of the Superior Court, and previously served as Deputy Presiding Judge of the Probate and Tax Divisions. Judge Christian has served in the Probate Division since January 1, 2013, after previously serving in the Civil and Criminal Divisions, and the Domestic Violence Unit. Judge Christian has been serving as an Associate Judge for the Superior Court since his appointment in 2001.
2. The Honorable Gerald I. Fisher is the current Deputy Presiding Judge of the Probate and Tax Divisions of the Superior Court, and previously served as an Associate Judge in the Probate Division. Judge Fisher has served in the Probate Division since January 1, 2013, after previously serving in the Civil and Criminal Divisions. Judge Fisher has been serving as an Associate Judge for the Superior Court since his appointment in 2001.
3. The Honorable Russell F. Canan has served as an Associate Judge in the Probate and Tax Divisions of the Superior Court since January 1, 2015, after serving on the Felony One calendar from January 1, 2013, until December 31, 2014. Judge Canan previously served as Presiding Judge of the Criminal Division of the Superior Court from January 1, 2009, until December 31, 2012. Judge Canan has been serving as an Associate Judge for the Superior Court since his appointment in 1993.
4. The Honorable Rhonda Reid Winston currently serves as an Associate Judge for the Criminal Division of the Superior Court. She previously served as Deputy Presiding Judge of the Probate and Tax Divisions from January 1, 2007, until December 31, 2009. On January 1, 2010, she was elevated to the position of Presiding Judge, where she served until December 31, 2012. Judge Winston has been serving as an Associate Judge for the Superior Court since her appointment in 1994.
5. The Honorable Wendell P. Gardner, Jr., has served as an Associate Judge in the Probate Division since January 1, 2010. Judge Gardner had previously served as Deputy Presiding and Presiding Judge of the Probate and Tax Divisions from August 1994 until December 1995. Judge Gardner has been serving as an Associate Judge for the Superior Court since his appointment in 1991. Over the course of his tenure, Judge Gardner presided over trials in every division of the Superior Court, including the Criminal and Civil Divisions and the Family Division, known now as the Family Court. Judge Gardner has also served in the Domestic Violence Unit.
6. The Honorable Henry F. Greene presently serves as a Senior Judge in the Probate Division. Judge Greene was an Associate Judge with the Superior Court from May 1981 until April 2000, when he assumed the position of Senior Judge. Over the course of his tenure, Judge Greene presided over trials in the Criminal and Civil Divisions and the Family Division, now known as the Family Court.

The Committee greatly utilized previous procedures used for establishing and reconstituting other Superior Court panels. The Committee reviewed the following materials for each attorney applicant:

1. The responses provided by the applicants to the questions set out in the application form;
2. Any attachments that accompanied the application;
3. Input from Superior Court judicial officers including those whom the applicant identified as references;
4. Input from references outside of the Superior Court whose names the applicant provided;
5. Knowledge of the applicants derived from the Committee members themselves; and
6. Input from the Probate Panel Advisory Committee (the “Advisory Committee”), hereafter described.

Consideration of Applicants by the Committee

Administrative Order 15-01 requires that no attorney will be considered for the Panel unless he or she has the following qualifications:

- (a) An office within the Washington Metropolitan Area;
- (b) A commitment to complete six hours of Fiduciary Credits towards the Fiduciary Panel Education Requirements each year as may be required by the Court;
- (c) A commitment to comply with all applicable Administrative Orders setting an annual cap on attorney compensation for appointed representation; and
- (d) A commitment to comply with Superior Court Attorney Practice Standards.

Pursuant to Administrative Order 15-02, the Committee was permitted to seek out the recommendations of other judicial officers. Further, the Committee was directed to seek the views of the members of the Advisory Committee. The Advisory Committee is an independent committee of attorneys familiar with the Panel and the operations of the Probate Division. The members of the Advisory Committee also served on the Probate Education Committee. The Advisory Committee was provided with the names and redacted applications (removing credit scores and criminal history background checks) of the applicants to the Panel. The Committee gave substantial weight to the Advisory Committee’s recommendations, many of which the Committee followed. The Committee appreciates and thanks the Advisory Committee for its hard work.

Size of the Panel

At the outset of deliberations, the Committee considered the size of the Panel relative to the needs of the Probate Division. Prior to the issuance of Administrative Order 15-01, the Panel consisted of 131 attorneys. The Committee proposes that the present number of 110 accepted attorneys from the 123 applicants is appropriate, although the number may increase as the needs of the Probate Division increase.

Recommendation of Full Panel Members

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 incapacitated individuals and in appointments in the administration of decedent's estates.

Applicants seeking to be appointed as conservator, special conservator, personal representative, guardian of the estate of a minor, or trustee were required to provide a copy of the declarations page of the applicant's current malpractice insurance policy. Some applicants indicated they would not be seeking appointment in these cases. Nevertheless, the Committee recommends that the applicants that did not submit the declarations page be considered Full Panel Members, with the limitation that they not serve as conservator, special conservator, personal representative, guardian of the estate of a minor, or trustee.

Recommendation of New and Provisional Attorneys

Pursuant to the application materials, applicants were asked to indicate if they would be interested in being named as a Provisional Member of the Panel. As outlined in Administrative Order 15-01, the Committee may recommend an attorney with excellent credentials but less Superior Court experience if they have demonstrated an interest in representing persons in need of fiduciary assistance and are willing to serve as a Provisional Member of the Panel. The Committee advocates the addition of 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 a significant commitment to representing underserved populations an opportunity to contribute to the work of the Court. With respect to Provisional Members, the Committee recommended only attorneys with excellent credentials, who had a demonstrated interest in representing incapacitated persons in guardianship proceedings and who were willing to serve on the Provisional Panel. As the needs of the Panel arise, the Committee may request that the Provisional Members be named Full Members of the Panel.

The Committee's Recommendations

The Committee recommends ninety-three (93) attorneys as Full Members as set forth in the Appendix. In addition, the Committee recommends seventeen (17) attorneys as Provisional Members.

1. Compliance with Panel Obligations

In their applications, the applicants specifically affirmed their commitment to accept appointments to assist incapacitated individuals. Current members of the Panel were asked to provide an approximate number of times the applicant was offered an appointment by the Superior Court and the approximate number of times the person declined the appointment. The Committee also asked for an explanation for the declination.

The applicants also specifically affirmed their commitment to comply with the annual cap on attorney compensation for payment from the Guardianship Fund. Pursuant to the Probate Division Case Management Plan, as adopted by Administrative Order 14-13, lawyers serving as guardians, visitors, conservators, guardians ad litem, and counsel may only seek a rate of \$90/hour from the Guardianship Fund. Pursuant to Administrative Order 04-29, which has been made applicable to the Probate Division, attorneys seeking compensation from the Superior Court are only permitted to receive \$135,200 combined from the Guardianship Fund, CJA vouchers, CCAN vouchers, and other funds of the Superior Court.

The applicants also specifically affirmed their commitment to timely satisfy their Fiduciary Panel Education Requirements. Pursuant to Administrative Order 15-01, members of the Panel are expected to satisfy six (6) hours of Fiduciary Credits towards the Fiduciary Panel Education Requirements. The applicants also informed the Committee as to their availability to serve as volunteers at the Probate Resource Center. Finally, the applicants also informed the Committee as to their availability for emergency appointments on weekends and holidays.

The Committee anticipates that it will consider these requirements during future periods of re-establishment, giving greater weight to those that are in compliance with these requirements and have offered to assist the Probate Division with emergency appointments and volunteerism.

2. Training and Necessary Actions

It is the responsibility of members of the Panel to take all actions necessary to become familiar with the appointment and fee petition processes. The Committee recommends that all new members of the Panel participate in the Guardianship Orientation Seminar, the Getting Started Seminar, and the Probate Practice Institute. Members of the Panel have, in the past, been required to participate in these seminars in order to receive appointments. The Committee will consult with the Office of the Register of Wills to confirm that new members of the Panel receive this necessary training prior to becoming eligible to accepting appointments.

Pursuant to Administrative Order 15-01, Provisional Members of the Panel shall serve as a Provisional Member for one year, at which time the Committee shall determine whether the Provisional Member is qualified for full panel membership.

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 one year 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 changes to the Panel be the date of the issuance of the Administrative Order, or as soon thereafter as practicable.

Respectfully Submitted:

The Members of the Probate Panel Implementation
Committee

Judge Erik P. Christian, Chair
Judge Gerald I. Fisher
Judge Russell F. Canan
Judge Wendell P. Gardner, Jr.
Judge Rhonda Reid Winston
Judge Henry F. Greene

Date: August 25, 2015

PROBATE PANEL IMPLEMENTATION COMMITTEE RECOMMENDATIONS
FOR PROBATE FIDUCIARY PANEL

August 25, 2015

Full Panel Member:

1. Aelion, Jeanne
2. Allen, William David
3. Alvarado, Allison Rafawn Hunter
4. Antoine-Belton, Gemma
5. Armfield, Sonya
6. Barikor, Francis
7. Batra, Ashok
8. Belton, Gerald
9. Boddie, Deborah
10. Braggs, Dominique
11. Brown, Christopher
12. Buck, Montague
13. Bunn, Robert
14. Caldwell, Richard
15. Christian, Tamara McDowell
16. Cohen, Brett
17. Concino, Jennifer
18. Cooper, Bruce
19. Cramer, Herman
20. Daniel, Deborah Cason
21. Davidson, Joel
22. Davis, Sherry
23. Dixon, Ronald
24. Elabanjo, Abisola
25. Ellison-Blue, Sheryl
26. Eshman, Dennis

27. Evans, Rachel
28. Evans, Rhonda
29. Fahrenholz, Kimberly
30. Feezor, Charles
31. Fein, Leslie
32. Forbes, Christina
33. Fradkin, Robin
34. Fykes, Leroy
35. Gardner, Bruce
36. Goldberg, Elizabeth Forgotson
37. Gordon, Marilyn
38. Greene, Kibian Adams
39. Guest, Christopher
40. Guiterman, Eli
41. Haney, Dorene Mary
42. Hertz, Matthew
43. Heyliger, Victoria
44. Hom, Frances
45. Horrell, Patrick
46. Hughes, Elizabeth
47. Hunter, Jerry
48. Hymes, Clark J.
49. Iremiren, Margaret
50. Isicson, Anita
51. Jeri, Rocquelle
52. Johnson, Ray
53. Jones-Moon, Bonita
54. Kass, Brian
55. Labelle, Robert Michael
56. Lanyi, Jonathan
57. Lappen, Arthur

58. Lasso, Gilma
59. Lee, Linda
60. Levadas, Paule
61. Long, Rachell
62. Mancusi, Kathy
63. Moye, Marquita
64. Neal, Nathan
65. Nordone, Cynthia
66. Orlow, Lisa
67. Oshtry, Daniel
68. Parker, Ara
69. Parker, Darrel
70. Plotkin, Robert
71. Price, Aaron
72. Randolph, Charles
73. Raphael, Rachelle
74. Richardson, Andrew
75. Riley, Paul
76. Schamest, Joanne
77. Schiff, Steven
78. Scott, Robert
79. Singh, Sarabjit
80. Sloan, Andrea
81. Solomon, Alan
82. Tappan, Richard
83. Terrell, Julius
84. Thorpe, Robyn
85. Toney, Causton
86. Toulouse, Paul
87. Turner, James G.
88. Walker, Karen

89. Watsky, Stephen
90. Whitlatch, Morgan
91. Wiedmann, Katherine
92. Wright-Smith, Vickey
93. Zimmerman, Ira

Provisional Member:

1. Carter, Jehan
2. Cenatus, Natasha
3. Clarke, John
4. Crawford-Abbensetts, Lillian
5. Dawson, Diann
6. Elder, Edward
7. Jefferson, Cynthia
8. Judd, Kevin
9. Khalsa, Sat Nam
10. Kittner, Gerald
11. Lofty, Sabina
12. Nieves-Fernandez, Frank
13. Owusu, Theresa
14. Somerville, Aretha
15. Tonkins, Wayne
16. Williams, Mary
17. Willingham, Gloria