

REPORT
OF THE
SUPERIOR COURT
CRIMINAL JUSTICE ACT
PANEL IMPLEMENTATION COMMITTEE
TO
CHIEF JUDGE LEE F. SATTERFIELD
JANUARY 2010

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, Section 11-2601 to 2609 (2001), in connection with criminal cases prosecuted by the United States and the District of Columbia. The Court added attorneys to the Panels in 2004 and 2007.

On June 12, 2009, Chief Judge Lee F. Satterfield issued Administrative Order 09-07, which directed that the CJA and Family Court Panels be re-established by January 15, 2010, based on recommendations from the CJA Panel Implementation and Family Court Panel Oversight Committees. In addition, as set forth in the Administrative Order, the Chief Judge determined that it is in the best interest of the administration of justice that the Court (a) re-establish the Panels every four years, alternating between the CJA Panel and the Family Court Panels every two years on a fixed schedule, (b) consider applications from qualified attorneys at any time, (c) consolidate the CJA Panels into one Panel to ensure uniform representation, and (d) require all attorneys who become members of the CJA Panel to accept appointment in D.C.-prosecuted and Traffic Calendar matters.

The Application Process

The application period commenced on June 15, 2009, and closed on September 15, 2009. Prior to the announcement of the re-establishment process, the Chief Judge and Chairs of the CJA and Family Court Panels Committees met with representatives from the Superior Court Trial Lawyers Association (“SCTLA”) and the Family Court Trial Lawyers Association and provided them with information to share with their members.

Information about the re-establishment process, including the application forms, was posted on the D.C. Superior Court’s website throughout the application period. Information was also made available to interested attorneys through The Daily Washington Law Reporter, the D.C. Bar magazine, and The Washington Lawyer, and was distributed to members of the SCTLA. The Chairs of the CJA Panel and Family Court Panels Committee, moreover, attended

a meeting organized by the District of Columbia Bar on July 10, 2009, to provide an additional opportunity for prospective applicants to learn about the process and ask questions.

Unlike in the past, the applicants were invited to apply only to a unified CJA Panel for representation of persons charged with any offense in Superior Court, whether prosecuted by the Office of the United States Attorney or the Office of the Attorney General. In addition, Applicants were asked to state whether they were interested in being considered for the Provisional Panel, designed for persons who were not members of the current "U.S." CJA Panel. Provisional Panelists are appointed for one year, during which they represent defendants only in misdemeanor cases, and after which they are required to apply to become full CJA Panel Members.

The CJA Committee made only minor modifications to the application form previously utilized, mostly to ensure that attorneys were aware of their obligation to accept representation in traffic and D. C.-prosecuted matters and to commit to complying with the annual compensation limits. Thus the format presumably was familiar to returning applicants.

The application 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 Committee received a total of 431 applications by the September 15, 2009, due date. During its deliberations, several applicants notified the Committee that they were withdrawing their application because they had accepted employment elsewhere. Any application received after the due date was considered untimely, but may be considered by the Committee in due course, under the recently established rolling admissions procedure. In several instances, the Committee did accept supplementary information, such as Certificates Concerning Discipline, from applicants after the September 15 deadline because the provision of such information was dependent on offices over which the applicant had no control.

Evaluation of Applicants by Judicial Officers

The Committee solicited electronic comments from all current D.C. Superior Court Associate and Magistrate Judges, as well as Senior Judges, on the qualifications and abilities of each applicant based upon that judicial officer's own observations and experience. In addition, some Committee members contacted individual judicial officers directly for comments about a specific applicant who cited them as familiar with the applicant's work.

The Committee

Twelve Associate Judges ¹ and one Magistrate Judge participated in the Committee deliberations and recommendations. 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. Thus, not only does the Committee as a whole have vast experience observing and evaluating attorneys, but it also has considerable experience 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 who responded to the solicitation from the CJA Panel Implementation Committee for information about the applicants;
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 were provided by the applicants.

Consideration of Applicants by the Committee

The Administrative Order requires that no attorney will be considered for the Panels 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.

Some applicants had not been admitted to the D. C. Bar either because they were awaiting results of the Bar exam or because they were waiting for their application for waiver to be decided. As set forth in the Administrative Order, if an applicant is not a member of the D.C. Bar, he or she is not eligible for appointment to the CJA Panel. Therefore, the Committee did

¹ The Honorable Jerry S. Byrd participated as a Committee member until his retirement on December 11, 2009, after which he did not participate in the deliberations or decisions of the Committee. In addition, one Committee member recused himself from and did not participate in the discussion of or decision on one applicant because of a family relationship.

not consider any applicant who was pending admittance to the Bar, unless the applicant notified the Committee he or she had been sworn in as a member of the D.C. Bar. The Committee recommends that after being admitted to the D.C. Bar, persons re-apply under the new rolling admissions procedure, and their applications will be considered in due course.

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

Each member of the CJA Panel Committee was assigned responsibility for approximately 30-35 applicants. Committee members reviewed the applications; interviewed applicants, if appropriate; contacted references; and then presented a summary to the full Committee.

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. At the Advisory Committee’s request, only copies of applications from applicants not currently serving on any Panel, numbering approximately 166, were provided to the Advisory Committee for review and comment.

On December 2, 2009, the Advisory Committee submitted its recommendations to the Committee. The Advisory Committee recommended the addition of 18 attorneys to the Full Panel and 12 attorneys to the Provisional Panel, with reasons for each of its recommendations. The Committee gave great weight to the Advisory Committee recommendations, with many of which it agreed. The Committee thanks the Advisory Committee for its work.

The Committee met on November 13 and 20, December 11 and 13, 2009, for approximately three hours each meeting. Each applicant was discussed individually, with the assigned Committee member summarizing the applicant’s background and experience, highlighting any special features of the application, summarizing the results of any interviews, and summarizing the evaluations of the applicant by the judicial officers. After discussion, a tentative recommendation was made about whether the applicant should be invited to be a Full Member or Provisional Member of the CJA Panel. Usually there was a consensus about whether an applicant should be accepted to the Panel as a Full or Provisional Member. In a relatively few instances, a formal vote was needed. In the end, any decision by the Committee was subject to a request for reconsideration by any Committee member.

Recommendations of the CJA Panels Committee

1. Panel Members

The attached list represents the recommendations of the CJA Panels Committee with respect to Full and Provisional Panel Members.

In summary, the Committee recommends 222 attorneys be appointed as Full Panel members, 46 attorneys be appointed as Provisional Members, and 5 attorneys be appointed as

Conditional Panel members. (The Conditional Panel is described below.) In total, the Committee recommends 273 attorneys become members of the Panel.

While every applicant was given individual consideration by the Committee, some general principles guided the Committee's recommendations. Assuming a current Panel member, whether U.S. or D.C. Panel, was eligible for the CJA Panel, the Committee recommended that applicant for membership on the unified Panel if the applicant had a significant number of judicial evaluations that were overall positive. Conversely, the Committee recommended against Panel membership if a current Panel member had a significant number of judicial evaluations that were overall negative.

While the Committee was not required to recommend any specific number of attorneys, it took into account information from the Finance Office about the number of attorneys who had filed vouchers in cases in the last two years and the percentage of time applicants indicated they would devote to representing persons in appointed cases. The Committee determined that, based on the current information, the number of attorneys it has recommended for the Panel is sufficient to meet the Court's needs. Although there were other applicants who may have been qualified for appointment to the Panel, the Committee recommended the number of attorneys it deemed appropriate at this time.

2. Terms of Full Members – 1 year or 4 years

The Administrative Order directing the re-establishment of the Panel requires that it be re-established every four years. Consequently, in making its recommendations the Committee took into account that any applicant who was approved would remain on the Panel for four years, absent suspension or removal. 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, 24 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.

Rather than naming these attorneys on a separate list, the Committee has identified them to the Chief Judge. 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. During the interim period, the Committee recommends that judicial officers be notified of attorneys who have received a one-year appointment so that they can pay particular attention to the attorneys' performance in the upcoming year, knowing that they will be asked to provide an evaluation of the attorneys at the end of the year. In this way, the attorneys will be given a year in which either to improve the quality of their representation or to transition into other employment.

Not every attorney who has provided years of representation was recommended for a one-year appointment with an opportunity for further evaluation. If a long-serving present

member of a Panel was not recommended, it was primarily, if not solely, because of a significant number of negative judicial evaluations such that the Committee could not justify a recommendation of Panel membership for any additional period.

3. Conditional Members

The Committee recommends that 5 attorneys be approved as either a Conditional Full Member or a Conditional Provisional Member of the Panel. As in the past, the Committee recognizes that some applicants are currently employed in positions that make them unable to accept immediate appointments. The Committee recommends that these applicants, who the Committee has concluded are otherwise qualified, be conditionally approved for the Panel. Such conditional membership does not entitle the attorneys to accept appointments. Rather, 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 a notification, the attorneys will become Full or Provisional Members of the Panel and may accept appointments. Attorneys who fail to make such a notification within nine (9) months of the date of their conditional appointment are no longer eligible to become members of the Panel based on their conditional membership.

4. Future considerations

The Committee recognizes that coordination between the Court and SCTLA will be necessary to ensure that representation is provided for persons charged in D.C.- prosecuted matters on a daily basis. The unification of the Panel will require that the Court and SCTLA institute new appointment processes for the daily sign-up of D. C.- prosecuted matters to ensure that a sufficient number of attorneys make themselves available for such appointments.

In their applications, each applicant specifically affirmed his or her 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 Panelists have complied with all Administrative Orders concerning annual compensation limits and other vouchering practices.

5. Training and necessary actions

It is the responsibility of Panelists to take all actions necessary to become familiar with respect to the appointment and vouchering process. As in the past, the Committee recommends that all new panel members contact the SCTLA, 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.

6. 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.

On behalf of the District of Columbia Superior Court, the Committee thanks all attorneys who applied to the CJA Panels, particularly those who have previously served on a Panel, but who are not recommended for inclusion at this time.

Respectfully Submitted:

CJA Panel Implementation Committee

Judge Robert E. Morin, Chair
Judge Jennifer Anderson
Judge Ronna L. Beck
Judge James E. Boasberg
Judge Erik P. Christian
Judge Natalia M. Combs Greene
Judge Harold L. Cushenberry
Judge Wendell P. Gardner
Judge Brian Holeman
Judge Judith E. Retchin
Judge Robert I. Richter
Judge Richard Ringell

Date: January 2010

RECOMMENDATIONS OF THE CJA PANEL IMPLEMENTATION COMMITTEE OF
ATTORNEYS TO BE THE CJA PANEL

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. Arthur, Errol
10. Auerbach, Kenneth
11. Baer, Mitchell
12. Balarezo, Eduardo
13. Baldwin, Todd
14. Ballester, Betty
15. Baringer, John
16. Baron, Gregg
17. Beasley, Donna
18. Benowitz, David
19. Bernard, Joseph
20. Bethel, Thecla
21. Bikoff, Russell
22. Blitzer, Abraham
23. Blume, Carol
24. Bogash, Samuel
25. Bond, Ferris
26. Braddock, Dennis
27. Bratter, Diane
28. Brennwald, Stephen
29. Briley, John
30. Brown, Bryan
31. Burka, Sharon
32. Caldwell, Larry
33. Cannon, Molly
34. Carney, John
35. Carney, Veta
36. Carr, David
37. Chan, Ada
38. Chapple, Kevin
39. Christen, Lee
40. Clayton, Aleta
41. Clemons, Marvin
42. Clennon, Cary

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

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

135. Mohsen, Arya
136. Molina, Joseph
137. Moore, Craig
138. Mosley, Kevin
139. Mosley (Lotze), Monica (Nikki)
140. Murdter, Charles
141. Newton, Patricia
142. Nicholas, Lauckland
143. Nichols, Archie
144. Nieves-Fernandez, Frank
145. Norman, Jane
146. O'Bryant, Jr., Adgie
147. Ogolo, Chidi
148. O'Keefe, Michael
149. Okezie, Justin
150. Oliver, Kevin
151. Olshonsky, Michael
152. Opaigbeogu, Chiemeka
153. Pascale, Jon
154. Peek, Harold
155. Perrone, June
156. Perry , Belinda K.
157. Pinckney, Heather
158. Polin, Steven
159. Powell, Clarence
160. Price, Aaron
161. Queen, Elliott
162. Quillin, Daniel
163. Racer, David
164. Ramsay, Angela
165. Raskin, Christina
166. Redmon-Reid, Chantaye
167. Reed, Janai
168. Resnick, Marc
169. Riddell, Stephen
170. Riley, Paul
171. Robertson, Kevin
172. Robinson, Ralph
173. Rollins, Mark
174. Rosendorf, Martin
175. Rudasill, Jr., James
176. Russell, Stephen
177. Sample, John
178. Sapirstein, Lisbeth
179. Schiff, Steven
180. Schoenfeld, Henry

181. Schragger, Seth
182. Schultz, Corinne
183. Seltzer, Mitchell
184. Sherrod-Ali, Gilda
185. Sidbury, David
186. Sidell, Gary
187. Signet, Paul
188. Silver, Nathan
189. Slaughter, Joanne
190. Smith, Anthony
191. Smith, Greg
192. Smith, Jerry
193. Solomon, Alan
194. Spillan, Lawrence
195. Sroufe, Linda
196. Staples, Sean
197. Stewart, Anthony
198. Teasley, Van
199. Thomas, Alvin
200. Thompson, Everaldo
201. Toth, Richard
202. Towe, Reginald
203. Twist, Russell
204. Vanderhorst, Geneva
205. Vega, David
206. Virgilio, Joseph
207. Wade, Lydia
208. Waldman, Ivan
209. Wall, Charles
210. Weathers, Sharon
211. Weatherspoon, Gladys
212. Wicks, Jenifer
213. Williams, Ian
214. Williams, James
215. Williams, Larry
216. Wilmott, Jonathan
217. Word, James
218. Yallery-Arthur, Winston
219. Yamashita, Bruce
220. Zack, Earle
221. Ziadie, Lola
222. Zucker, Jonathan

Provisional Members (Misdemeanor representation only)

1. Allburn, Megan
2. Athanas, Robert
3. Barnett, Louis
4. Barsoumian, Alicia
5. Bookhard, Bryan
6. Cade, Anthony
7. Canty, Charles
8. Catacalos, Damon
9. Colt, James
10. Duncan, Essita
11. Falodun, Oluwole
12. Farley, William
13. Gardner, Gregory
14. Gee, Harvey
15. Goode, Corlice
16. Goodson, Laura
17. Hamlin, Derrick
18. Hertz, Matthew
19. Houston, Linda
20. Ibe, Peter
21. Jean-Baptiste, Chantal
22. Kassees , Kevin
23. Kokesch, Duane
24. Lacey, Francis
25. Lester, Thomas
26. Lichtenfeld, Jennifer
27. Littlejohn, Shai
28. Maddox-Levine, T. Gail
29. Madhure, Shridevi
30. Martin, Harold
31. Mascoll, Dawn
32. McDonald, Randy
33. Miller, Cedric
34. Regunathan, Ravi
35. Ricard, Craig
36. Richter, David
37. Riley, Sean
38. Rist, Matthew
39. Serrano, Miguel
40. Shaw, James
41. Shirafkan, Makan
42. Siler, Joaquin
43. Walton, Anne

44. Weller, Elizabeth
45. Wood, Sheryl
46. Wright, Roberta

Conditional Full Members:

1. Caleb, Joseph
2. McAroy-Gray, Shirlimarie

Conditional Provisional Members:

1. Carlyle, Cory
2. Grisset, Nycole
3. Margulies, Howard