



DISTRICT OF
COLUMBIA
COMMISSION
ON JUDICIAL
DISABILITIES
AND TENURE



**ANNUAL
REPORT**

1989

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GOVERNMENT OF THE
DISTRICT OF COLUMBIA

133519

**ANNUAL REPORT
OF THE
DISTRICT OF COLUMBIA COMMISSION
ON JUDICIAL DISABILITIES AND TENURE
(October 1988 - September 1989)**

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I. INTRODUCTION

This fourteenth annual report of the District of Columbia Commission on Judicial Disabilities and Tenure covers activities during the fiscal year ended September 30, 1989.

There were no changes in the Commission's membership. Charles R. Work, Esquire, the designee of the President of the United States, submitted his resignation to President Ronald Reagan on January 6, 1989, but the appointment of his successor was pending at the end of the fiscal year. Mr. Work has continued as an active member, and the Commission is grateful that he has agreed to do so until his successor is appointed.

Bette L. Catoe, M.D. was re-elected as Chairperson of the Commission, and Patrick M. Rahe, Esquire, was elected as Vice Chairperson for the 1990 fiscal year.

The Commission had no public actions this fiscal year.

This annual report is designed to set forth the statutory authority and procedures of the Commission and to summarize its activities as well as particular developments that occurred during fiscal year 1989. There were no statutory changes affecting the Commission's functions or responsibilities; however, legislation pending in the House of Representatives at the end of the fiscal year proposes to enlarge the Commission's membership from seven to nine members. The legislation would empower the Chairman of the City Council for the District of Columbia, and the Delegate to the House of Representatives from the District of Columbia to each appoint one member.* Final House action on the legislation is anticipated during fiscal year 1990.

* The Chairman of the City Council will have appointing authority for one member in addition to the Council's authority to appoint one member.

II. THE COMMISSION'S AUTHORITY AND PROCEDURES

The District of Columbia Commission on Judicial Disabilities and Tenure was created by the District of Columbia Court Reorganization Act of July 29, 1970. The Commission was reorganized, and its jurisdiction significantly enlarged, by the District of Columbia Self-Government and Governmental Reorganization Act of December 24, 1973, known as the Home Rule Act. The Commission's jurisdiction was enlarged further by the District of Columbia Retired Judge Service Act of October 30, 1984, and certain Commission procedures were modified by the District of Columbia Judicial Efficiency and Improvement Act of October 28, 1986.

The Commission consists of seven members. One is appointed by the President of the United States. Two are appointed by the Board of Governors of the District of Columbia Bar. Two are appointed by the Mayor of the District of Columbia. One is appointed by the City Council of the District of Columbia. One is appointed by the Chief Judge of the United States District Court for the District of Columbia. The term of office of the President's appointee is five years. All others serve six year terms.*

The Commission staff consists of a full-time Executive Secretary and Staff Assistant, and a Special Counsel, who provides legal and investigative services to the Commission.*

The Commission's jurisdiction extends to all active and senior judges of the Superior Court of the District of Columbia and the District of Columbia Court of Appeals.

The Commission has the authority to remove a judge of the District of Columbia Courts for willful misconduct in office, for willful and persistent failure to perform judicial duties, and for conduct prejudicial to the administration of justice or which

* Biographical sketches of the Commission members and staff are published in Appendix D of this annual report.

brings the judicial office into disrepute. The Commission also has the authority to retire involuntarily a judge of the District of Columbia Courts if the Commission determines that the judge suffers from a mental or physical disability which is or is likely to become permanent and which prevents, or seriously interferes with, the proper performance of judicial duties. In addition, the Commission may, under appropriate circumstances, censure or reprimand a judge publicly or privately.

The Commission reviews complaints concerning the misconduct of judges, it does not, however, have jurisdiction to review judicial decisions or errors of law. It does not provide legal advice to citizens or represent clients. Further, it does not provide advisory ethics opinions to judges, however, the Commission is available to assist judges in determining applicable canons and precedent affecting the questions they raise.

In considering claims of misconduct, the Commission looks to the American Bar Association Code of Judicial Conduct as adopted by the District of Columbia Joint Committee on Judicial Administration, along with the opinions of the Advisory Committee on Judicial Activities of the Judicial Conference of the United States regarding the Code of Conduct for U.S. Judges. Judges under its jurisdiction are deemed to be on notice of the Commission's published actions as well.

Although the Commission has no prescribed form or format for lodging a complaint, it does have a suggested complaint form citizens may use. A copy of the complaint form is reprinted under Appendix C. The Commission will consider information concerning possible misconduct from any source or on its own initiative. The Commission prefers, but does not require, that a complaint be in writing and be as specific as possible. Receipt of a complaint is acknowledged.

The Commission conducts its proceedings pursuant to rules which appear in 28 District of Columbia Municipal Regulations Chapter 20, amended April 3, 1987. The regulations are set forth in Appendix B.

The Commission normally meets once a month to review all new complaints that have been received as well as any other matters within its jurisdiction. If the Commission determines that a matter falls within its jurisdiction, it may order an investigation. If the investigation substantiates the complaint, the Commission can initiate formal disciplinary action against a judge. Each complaint is considered individually and decisions are reached on the merits.

All of the Commission's disciplinary proceedings and investigations are confidential. Under certain circumstances, however, a decision or action by the Commission may be made public. The Commission takes no action on complaints which (a) are frivolous on their face, (b) are not within its jurisdiction, or which (c) even if true, do not allege matters which would constitute grounds for removal.

In addition to its disciplinary function, the Commission has the responsibility to determine whether or not a sitting judge whose term is expiring and who seeks a new term is to be reappointed. The Home Rule Act requires that the Commission file with the President a written evaluation of the judicial candidate's performance during the term of office and his or her fitness for reappointment to another term. Under the Judicial Efficiency and Improvement Act, the Commission in its evaluation is required to place a judge in one of three categories. If the Commission evaluates a sitting judge as "well qualified", the judge is automatically reappointed for a new term of fifteen years. If the Commission evaluates the judge as "qualified", the President may, if he chooses, renominate the judge subject to Senate confirmation; if the Commission evaluates the judge as "unqualified", the judge is ineligible for reappointment.

The Retired Judge Service Act further enlarged the Commission's jurisdiction and added the responsibility of recommending a judge for appointment as a senior judge subsequent to retirement. The Commission is required to submit a written report of its findings to the appropriate Chief Judge and to make a recommendation concerning a judge's fitness and qualifications to continue judicial service. If the Com-

mission makes a favorable recommendation, the Chief Judge determines if the judge is to be appointed a senior judge. If the Commission makes an unfavorable recommendation, the requesting judge is ineligible for appointment. The recommendation of the Commission and the decision of the Chief Judge regarding appointment are final. A senior judge must be recommended for reappointment every four years, unless the judge has reached age seventy-four, in which case a recommendation and reappointment are required every two years.

III. SUMMARY OF COMMISSION ACTION: OCTOBER 1988 - SEPTEMBER 1989

The summary of the Commission's activities is as follows:

1. Reappointment Proceedings	0
2. Senior Judge Recommendations	4
3. Formal Disciplinary Proceedings	0
4. Complaints Regarding Conduct	367
5. Misconduct Investigations	11
6. Investigations Pending At Year End	3
7. Health Investigations	0
8. Commission Meetings	11
9. Special Meetings With Superior Court Liaison Committee	1

In fiscal year 1989 the Commission received three hundred sixty-seven complaints, a substantial and quite significant increase over the number of complaints received in the previous fiscal year. It should be noted however, that three hundred forty-five of the complaints concerned the same case, issues, and judge. Including three matters raised on the Commission's own initiative, there were twenty-one matters receiving attention by the Commission.

In ten cases, the Commission determined that no further inquiry was warranted, and dismissed the matters for lack of jurisdiction or because the allegations

lacked substance and merit. The Commission investigated eleven matters, and after preliminary investigations, it was concluded that no further action was warranted on eight of the matters. Three investigations commenced during the fiscal year were pending as of September 30, 1989. In addition, one complaint filed with the Commission was withdrawn by the complainant immediately prior to Commission review.

Two matters pending at the end of fiscal year 1988 were dismissed for lack of jurisdiction. The Commission also continued to monitor the progress of a judge who was the subject of a health investigation.

The twenty-one matters reviewed by the Commission this fiscal year involved allegations of inappropriate courtroom demeanor and injudicious temperament, administrative delays, bias and prejudice, abuse of judicial discretion, judicial incompetence, and racism and anti-semitism. Most of these allegations can be attributed to complainants who were dissatisfied with the findings, rulings, or other discretionary acts of a judge. Twenty judges were identified in complaints filed, with some complaints naming more than one judge. All except two of the complaints, which involved Court of Appeals judges, involved active and senior judges of the Superior Court. Four complaints were filed by attorneys, fourteen complaints were filed by litigants or their relatives, and three hundred forty-six complaints were filed by citizens who were not parties to the case in question. The complaints concerned nine criminal matters, seven civil matters, and five domestic/family matters.

Other Commission activities during the fiscal year included a judicial conduct and ethics session which the Chairperson, Vice Chairperson and Special Counsel presented at the annual Judicial Training Seminar for Court of Appeals and Superior Court judges.

IV. SENIOR JUDGE RECOMMENDATIONS

The Commission did not conduct any reappointment evaluations for active judges this fiscal year, but did begin the review process for thirteen senior judges

who were eligible for reappointment to senior status, as well as one recently retired Court of Appeals judge who requested a recommendation for appointment as a senior judge.

The Commission had completed four of the reviews as of September 30, 1989, and recommended the reappointment of each of the four judges to the Chief Judge of their respective Courts. The Commission was advised by both Chief Judges that Senior Judges Margaret Haywood and Samuel Block of the Superior Court and George Gallagher and Gerard Reilly of the Court of Appeals have been reappointed to senior status. The Commission will complete its reviews of the remaining ten judges in fiscal year 1990.

Subsequent to Congressional approval of the Retired Judge Service Act of 1984, thirteen retired judges requested and received recommendations for appointment as senior judges. Notably twelve of the original thirteen judges requested recertification this year, and expressed a willingness and desire to continue their judicial service. During their respective interviews with the Commission, several judges described how enjoyable and rewarding an experience it has been for them to serve as senior judges. It is particularly admirable that some senior judges continue performing judicial duties each year beyond the period where they can receive additional compensation for their service. This is due to the statutory limitation on judicial salaries. In addition, both Chief Judges praised the senior judges for the many contributions they have made to the Courts over the past four years.

V. RELATIONS WITH THE COURT OF APPEALS AND THE SUPERIOR COURT

The Commission appreciates the continued assistance and cooperation it has received from Chief Judge Judith Rogers of the Court of Appeals and Chief Judge Fred Ugast of the Superior Court.

Chief Judge Rogers, who was appointed to the post of Chief Judge during the fiscal year, has continued the efforts of her predecessor to maintain a cordial working relationship with the Commission. This fiscal year, upon Judge Rogers' invitation, the Commission met with the Board of Judges of the Court of Appeals. The informal meeting was mutually beneficial. The judges gained a greater understanding of the Commission's authority and procedures, and the Commission became better acquainted with the activities of the Court.

The Commission also met once with Chief Judge Ugast and the Superior Court Liaison Committee to discuss matters of mutual concern. Meetings with the Committee, which were begun on a regular basis in 1980, continue to be extremely productive and enlightening.

As noted in the previous section of this annual report, the Commission interviewed both Chief Judges concerning the senior judges of their respective Courts who were seeking reappointment to senior status.

VI. REVISIONS TO THE CODE OF JUDICIAL CONDUCT

In 1986, the Standing Committee on Ethics and Responsibility of the American Bar Association began a comprehensive review of the ABA Code of Judicial Conduct. In 1987, the Committee concluded that a thorough reassessment and revision to the current Code was desirable. The Committee sought input from all levels of the judiciary and from others engaged in the field of judicial conduct, as to how the Code could be improved.

In submitting its comments to the Committee, the Commission suggested expanding the commentary sections of the Code, to incorporate illustrative examples that might offer enhanced guidance to judges. The Commission has observed over the years that judges do not fully understand the extent to which their extra-judicial

activities, and some activities of their spouses, are restricted and subject to scrutiny by the Code.

Of particular note is the Appendix to the proposed revised Code which recommends the establishment, in jurisdictions where none exists, of an advisory committee to interpret the Code and issue opinions on judicial ethics. The Commission has discussed establishing a judicial ethics advisory committee with the Chief Judges, and they have agreed to consider the idea. The need for such a committee in our jurisdiction is very real. Neither the Commission, nor any other body, issues advisory ethics opinions to judges of the District of Columbia Courts. The Commission only assists judges in determining applicable canons concerning the questions they raise. An ethics advisory committee would fill the void that currently exists. Judges occasionally need assistance in interpreting and applying the Code. The advantages of establishing an advisory ethics committee are twofold: judges will have a forum where their ethical questions can be officially addressed; and opinions issued by the committee may prevent judges from engaging in activity that would warrant the Commission's attention.

The Committee issued a final report and a proposed revised Code prior to the end of the fiscal year that will be submitted to the ABA House of Delegates for action in August, 1990.

APPENDIX A

ACCRUED EXPENSES
OCTOBER 1988 THROUGH SEPTEMBER 1989

1. Commission Members' Compensation	
For Meetings	\$18,576.02
For Additional Service	0
2. Staff Salaries	73,116.04
3. Personnel Benefits	8,564.96
4. Legal And Investigative Fees	8,102.30
5. Purchase Of Office Equipment	2,547.00
6. Rental Of Office Equipment	1,759.30
7. Postage	1,703.82*
8. Printing	1,689.40
9. Center For Judicial Conduct Organizations Subscription Fee	1,250.00
10. Out Of Town Travel, And Registration Fees	1,127.14
11. Supplies And Materials	1,066.46
12. Answering Service	873.10
13. Telephone Charges	831.27
14. Repair Of Office Machines	388.00
15. Court Reporting Services	375.00
16. Local Travel	196.80
17. Purchase Of Office Furniture	155.00
18. Messenger Service	153.00
19. Miscellaneous Expenses	127.43
20. Subscriptions To Periodicals	113.00
	TOTAL \$122,706.04

* The Commission received reimbursement in the amount of \$336.12 from the Association of Judicial Disciplinary Counsel for postage expenses.

APPENDIX B

CHAPTER 20 JUDICIAL DISABILITIES AND TENURE

2000 COMMISSION ON JUDICIAL DISABILITIES AND TENURE

- 2000.1 The Commission on Judicial Disabilities and Tenure (also referred to in this chapter as "the Commission") is established and shall be operated in accordance with the provisions of Pub. L. 91-368 (D.C. Code, §11-1521, et seq.).
- 2000.2 The Chairperson of the Commission shall be elected annually by the members of the Commission from among the members of the Commission.
- 2000.3 The annual election of the Chairperson shall be held not later than the first day of October.
- 2000.4 The Commission may select a Vice Chairperson and other officers as the Commission, from time to time, may deem appropriate.
- 2000.5 The Chairperson shall preside at each meeting of the Commission.
- 2000.6 Officers, special counsel, and other personnel who are selected by the Commission shall perform the duties assigned to them by the Commission.
- 2000.7 The Commission may retain medical or other experts to assist it.

2001 TRANSACTION OF COMMISSION BUSINESS

- 2001.1 The Commission shall act only at a meeting. The actions of the Commission may be implemented by any appropriate means directed by the Commission.
- 2001.2 Meetings of the Commission shall be held at times agreed upon by the members of the Commission, or upon call by the Chairperson, or by a majority of the members of the Commission and after notice to all members of the Commission.
- 2001.3 Minutes shall be kept of each meeting of the Commission. The minutes shall record the names of those present, the actions taken, and any other matters that the Commission may deem appropriate.

- 2001.4 A quorum for Commission action shall consist of four (4) members.
- 2001.5 Commission action shall be taken only upon concurrence of four (4) members; Provided, that the concurrence of five (5) members shall be required to suspend a judge from all or part of his or her judicial duties pursuant to §432(c)(3) of the Self-Government Act.
- 2001.6 The Chairperson, Vice Chairperson, Acting Chairperson, or a member designated by one of them may carry out the routine of Commission business (such as the granting of postponements pursuant to this chapter, authorization of preliminary inquiry into complaints or information regarding a judge's conduct or health, and authorization of informal and non-determinative communications with a judge or the judge's counsel).

2002 PHYSICAL EXAMINATIONS AND MEDICAL INFORMATION

- 2002.1 At the Commission's request, a judge shall submit to a physical or mental examination by a physician designated by the Commission after consultation with the judge. The examination and report shall be made at the Commission's expense.
- 2002.2 The physician's report shall be given in writing to the Commission.
- 2002.3 At the Commission's request, a judge shall provide the Commission with all waivers and releases necessary to authorize the Commission to receive all medical records, reports, and information from any medical person, medical institution, or other facility regarding the judge's physical or mental condition.
- 2002.4 The failure of a judge to submit to a physical or mental examination or to provide waivers and releases required under this section may be considered by the Commission adversely to the judge.
- 2002.5 Copies of all medical records, reports, and information received by the Commission shall be provided to the judge at his or her request.

2003 FINANCIAL REPORTS

- 2003.1 Each judge shall file with the Commission on or before the first (1st) day of June of each year, on forms provided by the Commission, the reports of personal financial interest required by D. C. Code, §11-1530 for the preceding calendar year.
- 2003.2 The Commission from time to time may require a judge to file pertinent supplemental information.

D.C. COMMISSION ON JUDICIAL DISABILITIES AND TENURE

NOTICE OF FINAL RULEMAKING

The District of Columbia Commission on Judicial Disabilities and Tenure (the Commission) hereby amends its Rules, Title 28, D.C.M.R., Chapter 20, in order to reflect clarifying changes with respect to its procedures for confidentiality and for the evaluation and reappointment of active and retired judges under the District of Columbia Judicial Efficiency and Improvement Act, P.L. 99-573 (October 28, 1986). These amendments to the Commission's Rules are promulgated pursuant to D.C. Code §11-1525(a) (1981) and §431(d)(3), of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198, but they do not purport to restate all applicable procedural and substantive provisions of the pertinent statute. They shall be effective immediately upon publication in the D. C. Register.

2004 CONFIDENTIALITY

2004.1 Commission records shall not be available for public inspection, except the following:

- (a) Time and attendance data reported pursuant to the provisions of D.C. Code, §§11-709 and 11-909; and
- (b) Financial data reported pursuant to the provisions of D.C. Code, §11-1530(a)(2) and (a)(7).

2004.2 Information received by the Commission pursuant to §§2002 and 2003 of this chapter, other than the financial data referred to in §2004.1(b), shall be confidential except as follows:

- (a) When disclosed to a party in a proceeding or in a Commission decision in a proceeding;
- (b) When disclosed in a Commission evaluation of a judge who has been a candidate for renomination;
- (c) When disclosed, to the extent required, on judicial review of a Commission decision or on the prosecution of a witness for perjury; or
- (d) When disclosed by the Commission to the President of the United States at his or her request when it concerns a judge evaluated by the Commission as "qualified" whose possible renomination the President is considering.
- (e) When disclosed, upon request, on a privileged and confidential basis, to the District of Columbia Judicial Nomination Commission, concerning a judge being considered by such nomination commission for elevation to the District of Columbia Court of Appeals or for chief judge of a District of Columbia court.

- 2004.3 The Commission may receive information or a complaint from an individual or organization regarding a judge's conduct or health.
- 2004.4 Unless disclosure is consented to by the individual or organization submitting a complaint or information to the Commission, the source of the information or complaint shall be kept confidential, except as follows:
- (a) When disclosed in a proceeding where an individual or person connected with the organization is called as a witness;
 - (b) When disclosed, to the extent required, on judicial review of a Commission decision or on the prosecution of a witness for perjury;
 - (c) When disclosed by the Commission to the President of the United States at his or her request when it concerns a judge evaluated by the Commission as "qualified" whose possible renomination the President is considering; or
 - (d) When disclosed, upon request, on a privileged and confidential basis, to the District of Columbia Judicial Nomination Commission, concerning a judge being considered by such nomination commission for elevation to the District of Columbia Court of Appeals or for chief judge of a District of Columbia court.

2005 PRECEDENTS

- 2005.1 The provisions of this section shall apply to determinations by the Commission of grounds for removal under §432(a)(2) of the Self-Government Act, and to evaluations by the Commission of judges who are candidates for renomination.
- 2005.2 Each judge shall be deemed to be on notice of the following; Provided, that copies of the decisions, evaluations, reports, or communications have been filed by the Commission with the Chief Judge of each court:
- (a) The Commission's decisions in proceedings;
 - (b) The Commission's evaluations of judges who have been candidates for renomination;
 - (c) The annual reports of the Commission; and
 - (d) Any communication by the Commission to either of the Chief Judges of the courts of the District of Columbia specifying that the judges are to take notice of the communication.
- 2005.3 Expressions by the Commission in the decisions, evaluations, and

communications listed in §2005.2 shall be pertinent precedents to be taken into account by the Commission.

2005.4 Each judge shall be deemed to be on notice of provisions promulgated by the Advisory Committee on Judicial Activities of the Judicial Conference of the United States regarding the Code of Judicial Conduct for United States Judges.

2005.5 Insofar as the opinions of the Advisory Committee on Judicial Activities deal with provisions of the Code of Judicial Conduct that are similar to requirements applicable to judges of District of Columbia courts, the Commission shall regard them as persuasive.

§§2006 - 2009: RESERVED

2010 INVESTIGATIONS

2010.1 The Commission may investigate to determine whether a proceeding should be instituted on charges of misconduct, failure to perform judicial duties, or disability, upon receiving information regarding the following by complaint or otherwise:

- (a) That a judge may have been guilty of willful misconduct in office or willful and persistent failure to perform his or her judicial duties; or
- (b) That a judge engaged in other conduct prejudicial to the administration of justice or which brings the judicial office into disrepute; or
- (c) That a judge may have a mental or physical disability (including habitual intemperance) which is or is likely to become permanent and which prevents, or seriously interferes with, the proper performance of his or her judicial duties.

2010.2 The investigation may be carried out in a manner that the Commission deems appropriate, including the taking of evidence at Commission meetings or by deposition.

2010.3 After investigation, if the Commission determines that a proceeding should not be instituted, the Commission shall so inform the judge if he or she was previously informed of the pendency of the complaint by either the complainant or the Commission and shall give notice to the complainant either that there is insufficient cause to proceed or that the complaint poses a legal issue over which the Commission has no jurisdiction, as appropriate.

2011 NOTICE OF A PROCEEDING

2011.1 If, after investigation, the Commission determines that a proceeding is warranted, the Commission, except for good reason, shall notify the judge of its determination.

2011.2 If immediately requested by a judge who has been notified under §2011.1, the Commission, or a member of the Commission, or a special counsel may, if the circumstances warrant, confer with the judge for the purpose of considering whether the matter may be disposed of without a proceeding.

- 2011.3 If the matter is disposed of without a proceeding, notice shall be given to the complainant that the matter has been resolved.
- 2011.4 If notification under §2011.1 is not given or, if given, if a disposition without a proceeding does not result, the Commission shall issue a written notice to the judge advising him or her of the institution of a proceeding to inquire into the charges.
- 2011.5 Each proceeding shall be titled as follows:

BEFORE THE DISTRICT OF COLUMBIA COMMISSION
ON JUDICIAL DISABILITIES AND TENURE

Inquiry Concerning A Judge, No. _____

- 2011.6 The notice of proceeding shall specify concisely the charges and the alleged basis for the charges, and shall advise the judge of the following rights:
- (a) The right to counsel; and
 - (b) The right to file a written answer to the notice within twenty (20) days after service of the notice.
- 2011.7 The notice shall be served by personal service upon the judge.
- 2011.8 If it appears to the Chairperson of the Commission upon affidavit that, after reasonable effort for a period of ten (10) days, personal service could not be made, service may be made upon the judge by mailing the notice by registered or certified mail, addressed to the judge at his or her chambers or at his or her last known residence.
- 2012 OFFICIAL RECORD AND CONFIDENTIALITY
- 2012.1 The Commission shall keep a complete record of each proceeding.
- 2012.2 Each proceeding, including the hearing and all papers filed in connection with the proceeding, shall be confidential, except as follows:
- (a) The record of a proceeding shall be disclosed, to the extent

required, on prosecution of a witness for perjury or on judicial review of the decision of the Commission;

- (b) The hearing may be public or the record of the proceeding, or portions of the record, may be disclosed if authorized by the judge;
- (c) The record of the proceeding shall be disclosed as provided in this chapter; and
- (d) Any portion of the record of the proceeding may be disclosed to the President of the United States at his or her request when it involves a judge evaluated by the Commission as "qualified" whose possible renomination the President is considering; and
- (e) When disclosed, upon request, on a privileged and confidential basis, to the District of Columbia Judicial Nomination Commission, concerning any judge being considered by such nomination commission for elevation to the District of Columbia Court of Appeals or for chief judge of a District of Columbia court.

2013 ANSWER AND HEARING DATE

- 2013.1 Within twenty (20) days after service of a notice of proceeding, the judge may file an answer with the Commission.
- 2013.2 Upon the filing of an answer, unless good reason to the contrary appears in the answer, or if no answer is filed within the time for its filing, the Commission shall order a hearing to be held before it concerning the matters specified in the notice of proceeding.
- 2013.3 The Commission shall set a time and place for the hearing and shall mail a notice of the hearing time and place to the judge by registered or certified mail addressed to the judge at his or her chambers at least thirty (30) days prior to the date set.
- 2013.4 The Chairperson may extend the time either for filing an answer or for the commencement of a hearing for periods not to exceed thirty (30) days in the aggregate.
- 2013.5 The notice of proceeding and the answer shall constitute the pleadings. No further pleadings or motions shall be filed.
- 2013.6 The judge shall include in the answer all procedural and substantive defenses and challenges which the judge desires the Commission to consider.
- 2013.7 The Commission may rule on the defenses and challenges at the outset of the hearing or may take them under advisement to be determined during, at the close of, or at a time subsequent to the hearing.

2014 AMENDMENT OF NOTICE OF PROCEEDING

2014.1 The Commission at any time prior to its final decision in a proceeding may amend the notice of proceeding to conform to proof or otherwise.

2014.2 The judge shall be given a reasonable time to answer an amendment and to present his or her defense against any matter charged in an amendment.

2015 HEARINGS

2015.1 At the time and place set for hearing, the Commission shall proceed with the hearing whether or not the judge has filed an answer or appears at the hearing.

2015.2 The failure of the judge to answer or to appear at the hearing shall not, standing alone, be taken as evidence of the truth of facts alleged to constitute grounds for removal or involuntary retirement.

2015.3 The hearing shall be held before the Commission.

2015.4 Evidence at a hearing shall be received only when a quorum of the Commission is present.

2015.5 A verbatim record of each hearing shall be kept.

2016 PROCEDURAL RIGHTS OF JUDGES

2016.1 In a proceeding the judge shall be admitted to all hearing sessions.

2016.2 A judge shall be given every reasonable opportunity to defend himself or herself against the charges, including the introduction of evidence, representation by counsel, and examination and cross-examination of witnesses.

2016.3 A judge shall have the right to the issuance of subpoenas for attendance of witnesses at the hearing to testify or produce material evidentiary matter.

2016.4 A copy of the hearing record of a proceeding shall be provided to the judge at the expense of the Commission.

2016.5 If it appears to the Commission at any time during a proceeding that the judge is not competent to act for himself or herself, the Commission shall seek the appointment of a guardian ad litem unless the judge has a legal representative who will act for him or her.

2016.6 The guardian ad litem or legal representative may exercise any right and privilege and make any defense for the judge with the same force and effect as if exercised or made by the judge, if he or she were competent. Whenever the provisions of this chapter provide for notice to the judge, that notice shall be given to the guardian ad litem or legal representative.

2017 OATHS OR AFFIRMATIONS

2017.1 Each witness who appears before the Commission in an investigation or proceeding shall swear or affirm to tell the truth and not to disclose the nature of the investigation or of the proceeding or the identity of the judge involved unless or until the matter is no longer confidential under the provisions of this chapter.

2017.2 The provisions of §2017.1 shall apply to witnesses at Commission meetings or testifying by deposition. Individuals interviewed by a member of the Commission or its staff shall be requested to keep the matter confidential.

2017.3 Each member of the Commission shall be authorized to administer oaths or affirmations to all witnesses appearing before the Commission.

2018 SUBPOENAS AND ORDERS FOR INSPECTION OF DOCUMENTS

2018.1 In aid of any investigation or proceeding, the Commission may order and otherwise provide for the inspection of papers, books, records, accounts, documents, transcriptions, and other physical things, and may issue subpoenas for attendance of witnesses and for the production of papers, books, records, accounts, transcriptions, documents, or other physical things, and testimony.

2018.2 Whenever a person fails to appear to testify or to produce any papers, books, records, accounts, documents, transcriptions, or other physical things, as required by a subpoena issued by the Commission, the Commission may petition the United States District Court for the district in which the person may be found for an order compelling him or her to attend, testify, or produce the writings or things required by subpoena, pursuant to D.C. Code, §11-1527(c)(3).

2019 DEPOSITIONS

- 2019.1 The Commission may order the deposition of any person in aid of any investigation or proceeding.
- 2019.2 The deposition shall be taken in the form prescribed by the Commission, and shall be subject to any limitations prescribed by the Commission.
- 2019.3 To compel a deposition, the Commission may petition the Superior Court of the District of Columbia requesting an order requiring a person to appear and testify and to produce papers, books, records, accounts, documents, transcriptions, or other physical things before a member of the Commission or a special counsel or other officer designated by the Commission.
- 2019.4 The petition to the Superior Court shall state, without identifying the judge, the general nature of the pending matter, the name and residence of the person whose testimony or other evidence is desired, and any special directions the Commission may prescribe.
- 2019.5 Depositions shall be taken and returned in the manner prescribed by law for civil actions.

2020 GRANTS OF IMMUNITY

- 2020.1 Whenever a witness refuses, on the basis of his privilege against self-incrimination, to testify or produce papers, books, records, accounts, documents, transcriptions, or other physical things and the Commission determines that his or her testimony, or production of evidence, is necessary, it may order the witness to testify or to produce the evidence under a grant of immunity against subsequent use of the testimony or evidence, as prescribed by D.C. Code, §11-1527(c)(2).

2021 COMPENSATION OF WITNESSES

- 2021.1 Each witness, other than an officer or employee of the United States or the District of Columbia, shall receive for his or her attendance the fees prescribed by D.C. Code, §15-714 for witnesses in civil cases.
- 2021.2 All witnesses shall receive the allowances prescribed by D.C. Code, §15-714 for witnesses in civil cases.

2022 FINDINGS OF FACT AND DECISIONS

- 2022.1 Within ninety (90) days after the conclusion of the hearing or the conclusion of any reopened hearing in a proceeding, the Commission shall make written findings of fact, conclusions of law, and a determination regarding the conduct or health of the judge.
- 2022.2 The findings, conclusions, and determination shall be set forth in an order, as the Commission deems appropriate. A copy of the order shall be sent to the judge and his or her counsel, if any.
- 2022.3 If the Commission determines that grounds for removal or involuntary retirement of the judge have been established and orders removal or retirement, the Commission shall file its decision, including a transcript of the entire record, with the District of Columbia Court of Appeals.
- 2022.4 If the Commission determines that grounds for removal or involuntary retirement of the judge have been established, but that removal or retirement should not be ordered, it shall include in its decision a statement of reasons for not so ordering, and, as it deems appropriate under the circumstances, shall order that the record of the proceeding either shall be made public or shall remain confidential.
- 2022.5 If the record of the proceedings remains confidential under §2022.4, and if the judge within ten (10) days after a copy of the decision is sent to him or her requests that the record be made public, the Commission shall so order.
- 2022.6 If the record is to be made public, the Commission shall file its decision, including a transcript of the entire record, with the District of Columbia Court of Appeals.
- 2022.7 When a decision and transcript of the record are filed with the District of Columbia Court of Appeals pursuant to §§2022.3 or 2022.6, the Commission shall provide the judge with a copy of the entire record at the expense of the Commission except for those portions that it previously may have provided to him or her, and it shall notify the Chief Judge of the judge's court of its decision.
- 2022.8 If the Commission determines that grounds for removal or involuntary retirement of a judge have not been established, it shall ask the judge whether he or she desires the Commission to make public disclosure of information pertaining to the nature of its investigation, its hearing, findings, determination, or other facts related to its proceedings.

2022.9 If the judge, in writing, requests disclosure under §2022.8, the Commission shall make the information available to the public except for the identity of an informant or complainant other than a witness at the hearing.

2023 CONVICTION OF A FELONY

2023.1 The Commission shall not file in the District of Columbia Court of Appeals an order of removal certifying the entry of a judgment of a criminal conviction, as provided in §432(a)(1) of the Self-Government Act, without giving to the judge concerned at least ten (10) days notice of its intention to do so.

§§ 2024 - 2029: RESERVED

2030 EVALUATION OF CANDIDATES FOR RENOMINATION

2030.1 Not less than six (6) months prior to the expiration of his or her term of office, a judge seeking reappointment shall file with the Commission a declaration in writing of candidacy for reappointment.

2030.2 Judges shall be urged to file the declaration well in advance of the six (6) month minimum, and shall, if possible, file the declaration nine (9) months prior to the expiration of his or her term.

2030.3 Not less than six (6) months prior to expiration of his or her term, the candidate shall submit to the Commission a written statement, including illustrative materials, reviewing the significant aspects of his or her judicial activities that the judge believes may be helpful to the Commission in its evaluation of his or her candidacy.

2031 EVALUATION STANDARDS

2031.1 A judge declaring candidacy for reappointment shall be evaluated by the Commission through a review of the judge's performance and conduct during the judge's present term of office.

2031.2 The evaluation categories shall include the following:

- (a) Well Qualified - The candidate's work product, legal scholarship, dedication, efficiency, and demeanor are exceptional, and the candidate's performance consistently reflects credit on the judicial system.
- (b) Qualified - The candidate satisfactorily performs the judicial function or, if there are negative traits, they are overcome by strong positive attributes.
- (c) Unqualified - The candidate is unfit for further judicial service.

2032 COMMUNICATIONS FROM INTERESTED PERSONS

2032.1 The lay public, the bar, court personnel, and other judges may communicate to the Commission, preferably in writing, any information they may have that is pertinent to the candidacy of a judge for renomination.

2033 INTERVIEWS WITH INFORMED PERSONS

2033.1 Ordinarily the Commission shall interview the Chief Judge of the candidate's court.

2033.2 In addition, the Commission may seek pertinent information by interviews with others conducted by the full Commission, by one (1) or more members, or by a special counsel or others of its staff.

2034 DISCLOSURE OF TAX INFORMATION

2034.1 At the Commission's request, the candidate shall execute all waivers and releases necessary for the Commission to secure tax information concerning him or her, including copies of tax returns.

2034.2 The failure of a candidate to provide the waivers and releases required under §2034.1 may be considered by the Commission adversely to the candidate.

2034.3 Copies of all records received from the taxing authorities shall be provided to the candidate.

2035 CONFERENCES WITH CANDIDATES

2035.1 At the Commission's request, the candidate shall confer with the Commission in person and in private on reasonable notice.

2035.2 At the candidate's request, the Commission shall confer with him or her in person and in private on reasonable notice.

2035.3 At any conference with the candidate, the Commission may allow attendance by one (1) or more special counsel or others of its staff. The candidate may be accompanied by counsel.

2035.4 All members of the Commission shall endeavor to be present at any conference with a candidate, but the failure of a member to attend shall not prevent the Commission member from participating in the Commission's evaluation.

2035.5 If the Commission has information which, if uncontroverted, the Commission feels would raise a substantial doubt that the candidate is at least qualified, it shall inform the candidate of the nature of the questions raised.

2035.6 To the extent feasible, subject to the limitations of §§2004 and 2036, the Commission shall provide to the candidate in summary form the basis for doubt under §2035.5.

2035.7 Prior to concluding its evaluation, the Commission shall afford the candidate a reasonable opportunity to confer with it, in accordance with the provisions of §§2035.1 through 2035.4, regarding the doubt, and to submit to the Commission any material information not previously presented bearing on the candidacy.

2036 PRIVACY OF INFORMATION

2036.1 The identity of any person furnishing information to the Commission bearing on a candidacy shall not be disclosed to anyone, including the candidate, unless the person furnishing the information agrees to the disclosure.

2036.2 The substance of any information furnished to the Commission bearing on a candidacy shall not be revealed to anyone other than the candidate or his or her counsel, except as may be set forth in the Commission's evaluation report to the President of the United States.

2036.3 If the Commission has evaluated a candidate as "qualified" whose renomination the President is considering, the Commission may, at the President's request, disclose to the President the identity of a person who has furnished information or any information furnished by that person.

2037 EVALUATION REPORTS

2037.1 The Commission shall prepare and submit to the President a written evaluation of the candidate's performance during his present term and his fitness for reappointment to another term, not less than sixty (60) days prior to the expiration of the candidate's term of office.

2037.2 The Commission's evaluation report to the President of the United States shall be furnished, simultaneously, to the candidate.

2037.3 The Commission's evaluation report shall be made public immediately after it has been furnished to the President and the candidate.

2038 EVALUATION OF RETIRED JUDGES REQUESTING RECOMMENDATION FOR APPOINTMENT AS SENIOR JUDGES

2038.1 At any time prior to or not later than one (1) year after retirement, a judge seeking favorable recommendation for appointment as a Senior Judge shall file with the Commission a request in writing for such recommendation. The term of such appointment shall

be for a term of four (4) years unless the judge has reached his or her seventy-fourth birthday in which case the appointment shall be for a term of two (2) years.

- 2038.2 Contemporaneous with the filing of the request, such judge shall submit to the Commission a written statement, including illustrative materials, reviewing such significant aspects of his or her judicial activities as he or she believes may be helpful to the Commission in its evaluation of his or her request.
- 2038.3 A judge requesting recommendation for appointment as a Senior Judge not more than four (4) years subsequent to the date of his or her appointment or reappointment as a judge of a District of Columbia Court pursuant to §433 of the Self-Government Act shall submit a written statement as prescribed by §2038.2 but may limit the matters addressed in his or her statement to those judicial activities performed since the date of such appointment or reappointment.
- 2038.4 A retired judge who did not file a request for an initial recommendation from the Commission prior to April 29, 1985, and who is now willing to perform judicial duties shall file with the Commission not later than April 27, 1987, a request in writing for a recommendation for appointment as a Senior Judge and, contemporaneous with such request, shall submit a written statement, as prescribed by §2038.2.
- 2038.5 Not more than one hundred eighty (180) days nor less than ninety (90) days prior to the expiration of each term, a Senior Judge willing to continue to perform judicial duties shall file with the Commission a request in writing for recommendation for reappointment to an additional term.
- 2038.6 Contemporaneous with the filing of the request prescribed by §2038.5, such judge shall submit to the Commission a written statement reviewing such significant aspects of his or her judicial activities performed since the date of his or her last appointment or reappointment as he or she believes may be helpful to the Commission in its evaluation of his or her request.
- 2038.7 A judge who does not file a request within the time periods prescribed in §§2038.1, 2038.4 and 2038.5 shall not be eligible for appointment as a Senior Judge at any time thereafter.
- 2039 PHYSICAL EXAMINATION AND MEDICAL INFORMATION
- 2039.1 A judge seeking favorable recommendation for appointment or reappointment as a Senior Judge shall, contemporaneous with his or her request, submit on a form provided by the Commission a report

of an examination by a physician together with a statement of such physician which attests to the physical and mental fitness of the judge to perform judicial duties.

- 2039.2 When deemed appropriate by the Commission, a judge seeking favorable recommendation for appointment or reappointment to a term as a Senior Judge shall submit to a physical or mental examination by a physician designated by it after consultation with the judge. The physician's report shall be given in writing to the Commission. Such examination and report shall be at the Commission's expense.
- 2039.3 At the Commission's request, a judge required to submit to a medical examination as prescribed in §§2039.1 and 2039.3 shall provide the Commission with all waivers and releases necessary to authorize the Commission to receive all medical records, reports, and information from any medical person, medical institution or other facility regarding the judge's physical or mental condition.
- 2039.4 The failure of a judge to submit to a physical or mental examination or to provide waivers and releases as required by §§2039.1, 2039.2, and 2039.3 may be considered by the Commission adversely to the judge.
- 2039.5 Copies of all medical records, reports, and information received by the Commission shall be provided to the judge at his or her request.

2040 RECOMMENDATION STANDARDS

- 2040.1 A retired judge seeking a favorable recommendation for appointment or reappointment to a term as a Senior Judge shall be evaluated by the Commission through a review of the judge's physical and mental fitness and his ability to perform judicial duties.
- 2040.2 The recommendation standards are as follows:
- (a) Favorable - The judge is physically and mentally fit and able satisfactorily to perform judicial duties.
 - (b) Unfavorable - The judge is unfit for further judicial service.

2041 COMMUNICATIONS FROM INTERESTED PERSONS

- 2041.1 The lay public, the bar, court personnel, and other judges are invited to communicate to the Commission, preferably in writing, any information they may have that is pertinent to a request for recommendation for appointment or reappointment as a Senior Judge.

2042 INTERVIEWS WITH INFORMED PERSONS

- 2042.1 The Commission shall interview the Chief Judge of the requesting judge's court.
- 2042.2 The Commission may seek pertinent information by interviews with others conducted by the full Commission, by one or more members, or by a special counsel or others of its staff.

2043 CONFERENCES WITH THE CANDIDATE

- 2043.1 At the Commission's request, the judge shall confer with it in person and in private on reasonable notice; and, at the judge's request, the Commission shall confer with the judge in person and in private on reasonable notice.
- 2043.2 At any such conference the Commission may allow attendance by one or more special counsel or others of its staff.
- 2043.3 The judge may be accompanied by counsel.
- 2043.4 All members of the Commission will endeavor to be present at any such conference, but the failure of a member to attend will not prevent his or her participation in the Commission's evaluation.

2044 NOTICE OF SPECIAL CONCERN AND OPPORTUNITY TO CONFER

- 2044.1 In the event the Commission has information which the Commission feels, if uncontroverted, would raise a substantial doubt that the judge is fit for further judicial service, it shall inform the judge of the nature of the questions raised and, to the extent feasible and subject to the limitation of §§2004.4 and 2045.1, the Commission shall provide to the judge in summary form the basis for doubt.
- 2044.2 Prior to concluding its evaluation the Commission shall afford the judge a reasonable opportunity to confer with it, in accordance with §2043.1, regarding the doubt, and to submit to the Commission any material information not previously presented bearing on the request.

2045 PRIVACY OF INFORMATION

2045.1 The identity of any person furnishing information to the Commission bearing on a request shall not be disclosed to anyone, including the requesting judge, unless such person agrees to such disclosure.

2045.2 The substance of any such information shall not be revealed to anyone other than the judge or his or her counsel, except as may be set forth in the Commission's evaluation report to the appropriate Chief Judge.

2099 DEFINITIONS

2099.1 When used in this chapter, the following terms shall have the meanings ascribed:

Chairperson - The Chairperson of the Commission, or the Vice Chairperson or Acting Chairperson designated by the Commission when acting as Chairperson.

Investigation - an inquiry to determine whether a proceeding should be instituted.

Judge - a judge of the District of Columbia Court of Appeals or a judge of the Superior Court of the District of Columbia.

Proceeding - a formal proceeding, initiated by a Notice of Proceeding, to hear and determine charges as to a judge's conduct or health pursuant to § 432(a)(2) or (b) of the Self-Government Act.

Self-Government Act - the District of Columbia Self-Government and Governmental Reorganization Act of 1973, Pub. L. 93-198.

Special counsel - any member of the District of Columbia Bar retained by the Commission to assist it.

APPENDIX C

**DISTRICT OF COLUMBIA COMMISSION
ON JUDICIAL DISABILITIES AND TENURE
Building A, Room 312 515 Fifth Street, N.W.
Washington, D.C. 20001
(202) 727-1363**

In response to your request, we are providing this form for your use in making a complaint about a judge of the District of Columbia Courts.

COMPLAINT ABOUT A JUDGE OF THE DISTRICT OF COLUMBIA COURTS

Confidential under D.C. Code §11-1528(a)

PLEASE TYPE OR PRINT ALL INFORMATION

Your Name: _____

Your Telephone: (Day) _____ (Home) _____

Your Address: _____

_____ Zip Code _____

Name And Telephone Of Your Attorney (if any): _____

Name Of Judge(s): _____

Court Of Appeals [] Superior Court []

Case Name And Number: _____

Date Of Action Which Forms Basis Of This Complaint: _____

Please specify exactly, in your own words, what action or behavior of the judge is the reason(s) of your complaint. Please provide relevant dates, the name of others present, and copies of any papers or pleadings which may assist the Commission in its review of your complaint. Use the back of this form and additional sheets if necessary.

FOR OFFICE USE ONLY	
Complaint No. _____	_____
Reviewed _____	_____
Investigation _____	_____
Disposition _____	_____

APPENDIX D

BIOGRAPHIES OF COMMISSION MEMBERS

BETTE L. CATOE, M.D., is a graduate of the Howard University College of Liberal Arts and College of Medicine. She is a Pediatrician who has been in private practice since 1955. She is a member of the District of Columbia Medical Society, the District of Columbia Medico-Chirurgical Society, the National Medical Association, Inc., the American Academy of Pediatrics-D.C. Chapter, and the American Medical Women's Association, Inc. She is a former President of the District of Columbia Health and Welfare Council and she also served as Chairman of the District of Columbia Health Planning Advisory Council and the District of Columbia Development Disabilities Advisory Council. She has also served as the Secretary of the National Council of Development Disabilities, and served as a member of the Mayor's Commission on Food and Nutrition. She has been listed in the International Who's Who in Community Service and the Who's Who of American Women. She was appointed by the City Council and has been a member of the Commission since 1977.

HON. NORMA HOLLOWAY JOHNSON, is a graduate of the District of Columbia Teachers College and Georgetown University Law Center. She was appointed to the bench of the United States District Court for the District of Columbia in 1980. She served as an Associate Judge of the Superior Court of the District of Columbia from 1970—1980. Prior to her appointment to the Superior Court she served as an Assistant Corporation Counsel, District of Columbia, and a trial attorney, Civil Division, U.S. Department of Justice. She is a member of the American Judicature Society, the American, National, Washington, and Women's Bar Associations, the National Association of Women Judges, and the National Association of Black Women Attorneys. She is also a Fellow of the American Bar Foundation. Judge Johnson has served as a member of the Board of Directors of the American Judicature Society, the Washington Bar Association, the National Association of Women Judges, and the National Institute for Citizen Education in the Law. She currently serves as a member of the Board of Directors of the Council for Court Excellence, the National Children's Center, the American Inns of Court Foundation, and as Treasurer of the National Association of Women Judges. She was appointed to the Commission in 1985 by the Chief Judge of the United States District Court for the District of Columbia.

RICHARD K. LYON, ESQ., is a graduate of Dartmouth College, and Georgetown University Law School. He has been in private practice in the District of Columbia since 1936, and is a member of the District of Columbia Bar, and the Bar Association of the District of Columbia. He served as General Counsel of the Better Business Bureau of Metropolitan Washington from 1954 to 1989, and is now Counsel Emeritus. He has served as President of the Jewish Community Council of Greater Washington, and of the Washington Home Rule Committee; was Chairman of the D.C. Commissioner's Youth Council; and General Counsel, and Chairman of the Law and Legislation Committee, of the Johnson-Humphrey Inaugural Committee. He has been very active in the Bar Association of the District of Columbia, chairing the D.C. Affairs Section, and a number of its committees. He has been a member of the Commission since 1975, being appointed and reappointed by Mayor Washington, and appointed by Mayor Barry in 1984.

MRS. EVALINA P. MITCHELL, attended LeMoyne College, and is a graduate of the Henderson Business College of Memphis, Tennessee. She has worked with the Veterans Administration, the Treasury Department, the General Accounting Office, the Central Intelligence Agency and the Mitchell Realty Company and

Law Office. She is a life member of the NAACP, and a member of the Urban League, NAACP Legal Defense Fund Committee, the Hospitality Information Services for Diplomats (THIS), and the Women's National Democratic Club. She is a former member of the Friends of Juvenile Court. She was appointed to the Commission in 1983, and was reappointed in 1986, by Mayor Barry.

PATRICK M. RAHER, ESQ., a partner in the firm of Hogan & Hartson, is a 1969 graduate of the University of Notre Dame, and received his J.D. from Georgetown University Law School in 1972. Prior to entering private practice, he served as a law clerk to Judge Roger Robb, of the United States Court of Appeals for the District of Columbia Circuit. He is a member of the District of Columbia and Virginia Bars. Mr. Raher served as Chairman of Hearing Committee III, of the District of Columbia Board of Professional Responsibility, and currently serves as Co-Chairman of the ABA Committee on Government Lawyers, Section of Corporation, Banking and Business Law. He has been active in the District of Columbia Bar, chairing the Nominations Committee, and Ad Hoc Committee for Revisions to the Fee Conciliation Committee, and the Ad Hoc Committee on Specific Grievances. He is also the founder of the District of Columbia Bar Fee Conciliation Service. He was appointed to the Commission in 1987 by the D.C. Bar.

THOMAS S. WILLIAMSON, JR., ESQ., is a 1968 graduate of Harvard College, and he received his J.D. from Boalt Hall of the University of California, Berkeley in 1974 where he was the Note and Comment Editor for the California Law Review. He attended Balliol College at Oxford University as a Rhodes Scholar from 1968-1969. He is a member of the District of Columbia and California Bars, and he is a partner in the firm of Covington & Burling where he is also chairman of the firm's Public Service Committee. From late 1978 until early 1981 he served as the Deputy Inspector General of the U.S. Department of Energy. He is currently a member of the D.C. Bar Board of Governors, the Executive Committee of the D.C. Lawyers Committee for Civil Rights Under Law, and the Board of Directors of the Washington Council of Lawyers. He was appointed to the Commission in 1986 by the D.C. Bar.

CHARLES R. WORK, ESQ., is a graduate of Wesleyan University and the University of Chicago Law School. He has been the Partner-in-Charge of the Washington office of the firm of McDermott, Will & Emery since 1983. Prior to entering private practice, Mr. Work served as the Deputy Administrator of the Law Enforcement Assistance Administration, and as the Chief of the Superior Court Division for the Office of the United States Attorney for the District of Columbia. He served as President of the District of Columbia Bar and was the co-recipient of the 1978 Rockefeller Public Service Award. He is a member of the District of Columbia and Utah Bars. He was appointed to the Commission by the President of the United States in 1985.

BIOGRAPHIES OF STAFF MEMBERS

GLORIA J. ANDREWS, currently has 17 years of service with the District of Columbia Government. Prior to coming to the Commission she served as an Examination Technician at the Occupational and Professional Licensure Division, of the Office of Consumer and Regulatory Affairs, where she also chaired the Women's Program Managers Committee for that agency. She attends the University of the District of Columbia, and is pursuing a Bachelors Degree in Public Administration. Ms. Andrews also has been active with the Boy/Girl Scouts of America, Nation's Capital Chapter.

CATHAEE J. HUDGINS, is a graduate of Mount Vernon Junior College and George Washington University, and has served as the Executive Secretary to the Commission since 1976. She has been a member of the Board of Directors of the Association of Judicial Disciplinary Counsel since its inception in 1980, and has served as Chairperson of the Board since 1984. Ms. Hudgins was appointed to a one-year term on the Advisory Committee of the Center for Judicial Conduct Organizations from 1987—1988, served on the Board of Trustees of The Studio Theatre from 1986—1989, and was selected as a Nominator for the Washington Theatre Awards Society in 1987. She has been a member of the Board of Directors of the Washington, D.C. Chapter of Executive Women International since 1986.

HENRY F. SCHUELKE, III, ESQ., is a graduate of St. Peter's College and the Villanova University Law School. Prior to entering private practice he served as a Military Judge in the United States Army Judiciary, and from 1972—1979 served as an Assistant United States Attorney for the District of Columbia. He is a member of the District of Columbia Bar, and a partner in the firm of Janis, Schuelke & Wechsler. Mr. Schuelke has been General Counsel to the National Society for Autistic Children since 1980, and has served as Special Counsel to the Commission since 1982. He is a member of the Judicial Administration Division—Criminal Justice Section of the American Bar Association, the National Association of Criminal Defense Lawyers, the American Judicature Society, and the Association of Trial Lawyers of America.