

CONTINUING TO ENSURE ACCESS TO
JUSTICE FOR ALL: CHALLENGES,
INNOVATIONS AND VISION FOR THE FUTURE
STATEMENT OF INTEREST AND VISION FOR THE DISTRICT
OF COLUMBIA COURT OF APPEALS AND THE DISTRICT OF
COLUMBIA COURTS SYSTEM

*For Consideration by the Judicial Nomination Commission in its Decision to
Re-Designate the Chief Judge of the District of Columbia Court of Appeals*

Submitted by Anna Blackburne-Rigsby
Chief Judge of the District of Columbia Court of Appeals

INTRODUCTION

It has been an honor and privilege to serve as Chief Judge of the District of Columbia Court of Appeals and Chair of the Joint Committee on Judicial Administration these past four years. I am proud of the many achievements that the District of Columbia Courts have made during my tenure, especially in the areas of further ensuring access to justice for all, technological innovation, and effective court administration. Despite unprecedented challenges, the Courts' never wavered from our commitment to ensure "Access to Justice for All", which is the number one goal of the 2018-2022 Strategic Plan of the District of Columbia Courts: 1) Access to Justice for All; 2) Fair and Timely Case Resolution; 3) A Professional and Engaged Workforce; 4) Resilient and Responsive Technology; and 5) Effective Court Management and Administration. I am especially proud of the hard work, professionalism, and dedication of our Judges, Executive Leadership Team, court managers, and dedicated court staff.

The Courts' achievements are all the more impressive when viewed against the backdrop of the unprecedented challenges we have faced in the past four years. These include the number of long-term judicial vacancies on the DC Court of Appeals and the DC Superior Court, significant budget reductions, a five-week government shutdown that suspended some court operations, and a public outcry for equal justice for all sparked by protests about racial inequality. Additionally, and perhaps most notably, we are facing a deadly global pandemic that continues to impact those who live, work and do business in the District of Columbia, those who come before our courts seeking justice, as well as our dedicated court employees, managers and judges. The COVID-19 pandemic has had a devastating impact on so many, particularly the most vulnerable people in our community. Although many of our court buildings had to close to protect members of the public, court staff and judges, the courts never closed. Promoting public trust and confidence in our courts and ensuring equal access to justice and equal justice under law is more important than ever in the face of these unprecedented challenges. Judges, court managers and court staff, rose to the challenge and continued to administer justice, operate the courts and handle cases.

When faced with each challenge, as Chief Judge of the DC Court of Appeals and Chair of the Joint Committee on Judicial Administration, I have always looked to the DC Courts' vision and Strategic Plan to guide my decision-making, especially the first goal of the strategic plan – *how do we continue to ensure access to justice for all during times of unprecedented challenges?* The Chief Judge of the DC Court of Appeals serves the dual roles of presiding over the administration of the DC Court of Appeals and Chairing the DC Courts Joint Committee on Judicial Administration, the policy body with oversight over the DC Courts, which includes the DC Court of Appeals, the DC Superior Court, and Court Systems, which supports both courts and all of the employees of the DC Courts. Court Systems includes the Budget and Finance Division, Capital Projects Division, Information and Technology Division, Human Resources Division and the Administrative Services Division.

In fulfilling my dual responsibilities as Chief Judge of the Court of Appeals and Chair of the Joint Committee on Judicial Administration, I have strived to lead collaboratively and to model my leadership style on the six values of the D.C. Courts "Living Our Values" initiative: integrity, fairness, respect, transparency, accountability and excellence. I believe that my collaborative, values-centered leadership style, has garnered the confidence and respect of my Judicial colleagues, the Senior Executive Leadership Team, court managers, and court employees. Further, my leadership has helped to build a strong and dynamic Judicial and Executive Leadership Team, with a shared vision that is aligned with the DC Courts' strategic goals. Likewise, my leadership of the Courts Judicial and Senior Executive Leadership Team has further strengthened the Courts' collaborative relationships with external stakeholders. These collaborative relationships with external stakeholders, who look to us for leadership, have fostered public trust and confidence in the DC Courts, during these challenging times.

I am proud of the DC Courts' professional, dedicated and engaged workforce and hard-working judges. With each challenge the Courts have faced, dedicated employees and judges have worked tirelessly to ensure that we adapt and innovate to ensure continued access to justice for the people that we serve.

In these times of unprecedented challenges, stable, steady, and experienced leadership is critical. Therefore, I am respectfully submitting my statement of interest for re-designation as Chief Judge of the District of Columbia Court of Appeals and Chair of the Joint Committee on Judicial Administration. It is my sincere hope that I will be given the opportunity to continue my service as Chief Judge for another term to further the Courts' vision and help ensure access to justice for all, regardless of any new challenges that we might face. In the next few pages,

I highlight some of the challenges the DC Courts have faced, as well as the new programs and innovations that have been initiated during my first term and their relation to the Courts' strategic plan. I will also discuss my vision for the future.

CHALLENGES, INITIATIVES, INNOVATIONS AND VISION FOR THE FUTURE

COVID-19 Response

Unexpectedly and without precedence, in March 2020, we were faced with confronting a global pandemic that significantly impacted the operations of the Courts. Within a matter of days of the pandemic first threatening the Washington, DC area, I convened the Joint Committee on Judicial Administration to invoke the Courts statutory authority to declare a Judicial Emergency authorizing the Chief Judges of both the DC Court of Appeals and the DC Superior Court the authority to toll or extend statutory and rules-based time limits during the emergency, consistent with the best interest of the administration of justice. I worked collaboratively with the Executive Leadership Team and the Chief Judge of the Superior Court to continue the administration of justice during the pandemic, in a manner that would ensure the health and safety of the public, court staff, attorneys, agency partners and stakeholders, while providing access to justice. The DC Courts implemented immediate measures limiting the number of people coming into court buildings and enabling the vast majority of court staff to work remotely. The Judicial and Executive Leadership Team utilized the expertise of the Chief Security Officer, and the Capital Projects and Administrative Services Divisions, and implemented enhanced cleaning and sanitization protocols and obtained personal protective equipment for those staff that needed to be present.

The DC Courts' Pandemic Working Group continues to meet on a weekly basis to discuss both the status of COVID-19 in the District of Columbia, as well as the surrounding jurisdictions (where a significant portion of our workforce reside). Additionally, the Pandemic Working Group reports out on any operational changes in the DC Court of Appeals and DC Superior Court. The DC Courts have contracted with an epidemiologist, and an environmental hygienist to consult with the DC Courts' Pandemic Working Group, regarding best practices associated with

mitigating the spread of the virus when the Courts return to increased on-site operations. Additionally, the DC Courts are preparing a COVID-19 video to inform the public and court employees of the steps the Courts have taken to mitigate the spread of the virus and to provide a safe operating environment.

Since the start of the pandemic, the Courts have pivoted to nearly 100% remote operations. We have leveraged technology and various virtual platforms such as Zoom, WebEx, and Google Teams for conducting remote meetings and hearings. The DC Court of Appeals began conducting remote oral arguments via Zoom in June, and live streaming the arguments for the public to view. The DC Superior Court outfitted courtrooms with the capacity to conduct hearings remotely, including establishing remote feeds for external agencies to mitigate the need for in-person appearances. We have revamped our website to provide rapid up-to-date information to the public and links to vital information about Court operations. The Information Technology Division's staff quickly set up trainings for judges and court employees to access their work computers from home. They also provided critical outreach and training on these new technologies and approaches to parties, attorneys, witnesses and other court users. We also recognized that a significant portion of the population that we serve did not have access to some of the technological tools and approaches that we have implemented to conduct remote oral arguments, trials and hearings. In response to that need, the Courts set up remote sites in all four quadrants of the city for users who did not have WiFi at home, did not have a computer or laptop, or did not feel comfortable participating in a court hearing from home.

The DC Courts' collaborative partnerships with many of our stakeholders, including the Mayor's Office, the Council of the District of Columbia, the DC Office of the Attorney General, the DC Public Defender Service, the United States Attorney's Office, the DC Bar and voluntary bars, the DC Access to Justice Commission and many others, has been vital to the DC Courts' response to the COVID -19 pandemic. I will strive to continue to foster and maintain these vitally important partnerships and collaborations.

Technology

I have focused on the importance of adopting new technologies to improve the DC Court of Appeals' business processes in accordance with Strategic Goal #4 of the DC Courts Strategic Plan-- Resilient and Responsive Technology. This

investment proved to be invaluable for our rapid and innovative response to the COVID-19 pandemic. Leveraging technology in a safe and secure manner has never been more important to ensure the continued orderly functioning of the court system. As Chief Judge, I have sought to apply technology in a holistic fashion – starting with the importance of having strong information technology leadership by creating the DC Court of Appeals Information Technology Steering Committee (“DCCA IT Steering Committee”) whose broad-based membership of judges and knowledgeable managers and staff is designed to provide the Court with quick, flexible, recommendations regarding technological solutions. The DCCA IT Steering Committee has been in place for three years and was well-positioned to provide innovative technology recommendations when the pandemic struck. Further, I led the reorganization of the DC Courts Information Technology Division (“IT Division”) so that the DC Court of Appeals could fully utilize and leverage the expertise of the DC Courts IT Division, reduce costs, and ensure more compatibility between the various software systems of the DC Court of Appeals, DC Superior Court and Court Systems. Additionally, we launched the Courts’ new website, which was designed with a focus on being more user friendly and easily navigable. Moreover, in 2018, the DC Court of Appeals adopted mandatory e-filing to streamline the filing process.

Some of the COVID-19-related technology initiatives that we have implemented include: remote oral arguments with live streaming for public access, the ability to review, process motions and issue court orders remotely, remote case processing, and a standardized work from home policy.

Court Administration

Effective Court Management and Administration, is Strategic Goal #5, and I have emphasized strengthening Court administration, both at the Court of Appeals and Courts-wide, by instituting regular, bi-weekly meetings with the Clerk and Deputy Clerk of the DC Court of Appeals, and regular meetings with the Executive Officer and Deputy Executive Officer, the Executive Leadership Team and the Chief Judge of the Superior Court. These standardized meetings with Court Judicial and Executive leadership, promote collegiality and ensure that our Judicial and Executive Leadership Team are informed of developments and initiatives within the DC Courts. Additionally, the collegial and collaborative sharing of information aligns with the DC Courts’ value of transparency, and provides our leadership team with the most up-to-date information to make decisions affecting the D.C. Courts

In October of 2019, I instituted the DC Court of Appeals Business Process Working Group. The purpose of the working group is to review and assess the Court of Appeals business processes to determine where our processes could be updated and benefit from technological innovations. The work of the Business Process Working Group, which began last year, laid an important foundation for the Court of Appeals' ability to rapidly develop innovations like remote oral arguments and the remote processing and issuance of court orders during the pandemic. Members of the Business Process Working Group have been pivotal to each of the innovations that have enabled the Court of Appeals to continue its operations remotely during this pandemic. We could not have achieved any of these innovations without the hard work and dedication of all employees.

Additionally, I have sought to diversify and delegate decision-making at the DC Court of Appeals by creating flexible, ad hoc committees around specific issues, such as COVID-19, the bar exam, business processes, and workplace conduct and racial equity. Within these committees, I have sought to increase opportunities for judges, managers and staff to participate and contribute, thereby increasing leadership opportunities for staff in furtherance of promoting "A Professional and Engaged Workforce", Strategic Goal #3. Additionally, I have supported expanded judicial education.

In addition, and in furtherance of the DC Courts' "Building A Great Place to Work" initiative, I have actively promoted the DC Courts' Values of integrity, respect, fairness, excellence, accountability, and transparency, and by organizing virtual Town Hall with DC Courts employees on diversity, COVID-19, and racial equity and equal justice. Most recently, following the tragic death of George Floyd, and in the wake of protests in the District of Columbia and around the country, I released a video statement addressing the importance of racial equity and the Courts' role of ensuring access to justice for all. I have also sought to promote the value of diversity in the DC Courts by supporting and participating in various staff-organized diversity groups, and organized celebrations for Black History Month, Hispanic Heritage Month, and the Asian American Pacific Islander Heritage Month, among others. Additionally, I championed the work of our DC Courts Standing Committee on Fairness and Access, to ensure fairness and access for LGBTQ+ litigants, persons with disabilities, employees, attorneys and others coming into our courts. The Courts also continue our important work in increasing access for pro se (unrepresented) litigants, and promoting access for individuals with limited English language experience.

The DC Courts are also collaborating with the District of Columbia Executive branch for a planned Justice Resource Center for Court users, designed to provide easier access to referral services and pro bono resources. The DC Courts have sought funds in the Courts FY 2022 Budget Request to renovate the historic Recorder of Deeds building, located in the heart of Judiciary Square across from both the DC Superior Court and the DC Court of Appeals, to house the Justice Resource Center. Initially, the Justice Resource Center will be located in the Moultrie Courthouse Building. The Justice Resource Center will further access to justice for Court users.

Bar Exam

The DC Court of Appeals has experienced a fourfold increase in the number of applicants taking the bar exam in the District of Columbia, as a result of the Court adopting the Uniform Bar Exam in 2016. To cope with this large increase in the number of bar exam takers and new admittees to the D.C. Bar, I led the Court's efforts in making several changes to the bar admissions process. Those changes were designed to ensure the sustainability of the Court's administration of the bar exam, with increasing numbers of people seeking admission to the DC Bar. The Court changed the bar admissions process by eliminating the requirement for in-person admission ceremonies, making them voluntary. This change reduced some of the delay in the admission process and provided greater flexibility to allow applicants to finalize their admissions paperwork before notaries, rather than having to travel to the District of Columbia for an in-person admissions ceremony. The formal admissions ceremony is still available for those applicants who wish to participate in a ceremony with their families. The Court is also exploring new technologies to assist in the bar applications process.

The COVID-19 pandemic resulted in unprecedented challenges in administering the bar exam and licensing attorneys to practice law in the District of Columbia. In the Spring, during the early days of the pandemic, I reached out to key stakeholders, to seek input and feedback regarding the challenges of administering the bar exam during the pandemic. The Court's priority was protecting the health and safety of bar examinees, exam administrators and court staff. I reached out to the leadership of the DC Bar, area law school deans, legal service providers, the Mayor's office, the Office of the DC Attorney General, the Council for the District of Columbia, the Chief Judge of DC Superior Court, the Chief Judges of the local federal courts, and my fellow Chief Justices from neighboring jurisdictions and from

the Conference of Chief Justices. The Court also sought to balance the concerns of recent law school graduates, who were ready to begin their careers, with our duty to protect the public by licensing qualified attorneys. The Court cancelled the July 2020 bar exam for public health reasons due to the pandemic, and a special September administration of the bar exam also had to be canceled due to public health and safety concerns. In October 2020, the DC Court of Appeals administered its first ever remote bar exam. Although this first remote bar exam did not offer the portability with thirty-seven other jurisdictions that the Uniform in person Bar Exam offers, our Committee on Admissions developed reciprocity agreements with twelve other jurisdictions. In light of COVID-19, the Court also adopted, on an emergency basis, new D.C. App. R. 49(c)(8A) (Emergency Temporary Practice by Recent Law School Graduates Under Supervision by a D.C. Bar Member) and new D.C. App. R. 46-A (Admission to the Bar Based on COVID-19 Emergency Examination Waiver). In February 2021, the Court will offer the newly available Remote Uniform Bar Exam.

Judicial Vacancies

I am proud to serve with such dedicated and hard-working colleagues on both the DC Court of Appeals and the DC Superior Court, who have risen to the challenge despite the number of vacancies on both courts. For most of the last four years, the DC Court of Appeals has had two judicial vacancies--a twenty-two percent reduction of active judges on the court. At the same time, the Court also faced a significant reduction in the number of senior judges, with four retirements from 2017 to 2019. These judicial vacancies, coupled with the loss of nearly half of the Court's senior judges who provided a wealth of institutional knowledge and critical assistance on panel decisions and motions, meant that the Court could not empanel as many merits panels to hear cases. It also meant that the Court risked reversing its trend of an increasing clearance rate, which is a measure of court efficiency, and decreasing the average number of days on appeal. To ensure Access to Justice for All (Strategic Goal #1) and Fair and Timely Case Resolution (Strategic Goal #2), I implemented a dual strategy to try to compensate for this shortage of judicial resources.

First, I strengthened existing policies and implemented new policies to assist our judges with their caseloads, such as providing additional law clerk resources to

our judges. I also supported the expansion of our Appellate Mediation Program, which was spearheaded by former Chief Judge Washington. The program provides that, with certain exceptions, all civil cases on appeal from the Superior Court, Office of Administrative Hearings and administrative agencies, boards, and commissions of the District of Columbia are eligible to be selected for mandatory mediation. Recognizing that this meant a large number of *pro se* litigants were ineligible to participate in the Appellate Mediation Program without counsel to represent them, in 2018, we created the *Pro Bono* Mediation Counsel Panel. We worked with the DC Bar Pro Bono Center to recruit and train volunteer attorneys to provide limited-scope representation of *pro se* parties in cases that have been selected for mediation. The Appellate Mediation Program provides *pro se* litigants increased access to justice by providing them with an attorney and a more informal forum for resolving their appeals. This approach also allows attorneys to gain experience and enhance their portfolios, while providing representation to litigants who otherwise would not be able to afford it.

Other organizational changes that have been implemented include the hiring of a new staff attorney in the Court of Appeals Legal Division and delegating additional duties to the experienced Central Legal Staff, whose role is to provide assistance to judges on motions and bar disciplinary matters. For example, working with Staff Counsel, we implemented a new process to resolve certain uncontested bar disciplinary cases by one-judge, rather than by a three-judge motions panel that significantly contributed to judges' increased workloads. As a result, although the Court's metrics have suffered somewhat due to the number of vacancies and senior judge retirements, they have remained relatively stable and still at a high level of performance.

Second, I reached out collaboratively to stakeholders to explain the impact of the vacancies on the Court's operations and most importantly on the public that the Courts serve. I have regular meetings with the leadership of the D.C. Bar, voluntary bar associations and local law school deans. Additionally, I have maintained open channels of communications with the White House Counsel's office, members of Congress, the Mayor, and the Council of the District of Columbia. I am pleased with the recent confirmation of Judge Joshua Deahl as an Associate Judge on the DC Court of Appeals, filling former Chief Judge Washington's vacancy, and the pending nominations to fill the seven-year-old vacancy created by Judge Kathryn Oberly's retirement and the recent vacancy created by Judge John Fisher's retirement. It is my hope that we will soon have a full complement of active judges on our court so that we can continue the work we began to reduce the time it takes to resolve appeals.

Civic Engagement

As Chief Judge, I have fostered greater engagement with the local community, especially with children. These engagement efforts have focused on civic education about the judicial branch of our democratic government and the importance of a fair and responsive court system in sustaining our democracy. The Historic Courthouse has hosted several student groups, including a group of eighty elementary school children from DC Public Schools for the “History Plunge”, where the student teams were mentored by DC Courts employees who assisted them in competing to answer questions about the courts, civics and history. The DC Courts also hosted the students from Howard University Middle School for a “DC Courts Jeopardy” tournament, where the student teams learned about the Courts in a fun and engaging way through educational games on the role of the courts. These outreach and engagement efforts also help students to see the Courts in a positive light and expose young people to careers in the law and court administration. Prior to the COVID-19 pandemic, the Court also continued its outreach and education efforts by holding oral arguments at local area law schools. Also, we recently celebrated of the 200th Anniversary of the DC Court of Appeals Historic Courthouse, with a video tribute.

In keeping with the DC Courts’ motto of being “Open to All...”, I have encouraged the voluntary bar associations to host forums, panels and seminars at the DC Court of Appeals Historic Courthouse, so that members of the bar and members of the community can come to the courthouse and participate in these informative programs.

National Judicial Leadership

I have continued my work with local and national legal organizations, bar associations and judicial organizations, such as the Conference of Chief Justices (“CCJ”), the National Consortium on Racial and Ethnic Fairness in the Courts and the National Association of Women Judges. Most recently, I served as a member of the CCJ’s Pandemic Rapid Response Team to provide national guidance and resources to support state courts in responding to COVID-19. I also chair the Conference of Chief Justices Public Engagement, Trust and Confidence in the Courts Committee. Additionally, this year I moderated a Conference of Chief Justices panel titled: “A Call to Action for State Court Leaders: Towards a Blueprint for Sustainable Reform and Equal Justice in the Courts”. Work with these various

organizations provides important forums to identify and share best practices for Court operations.

I have also been humbled and honored to receive of the American Bar Association Commission on Women in the Profession 2020 Margaret Brent Women Lawyers of Achievement Award and the Washington Bar Association's 2020 Charles Hamilton Houston Medallion of Merit.

Vision for the Future: Looking Ahead—Crises Lead to Opportunities

The twin crises of the global COVID-19 pandemic and the public's outcry for equal justice for all sparked by recent protests about racial inequalities, have prompted courts across the country to reassess court policies, procedures and practices to insure that they do not have a disparate racial impact. The COVID-19 pandemic has also further exposed racial and economic fault lines in our communities. Our judges and dedicated court staff take very seriously the important role of administering justice. I am proud of the many innovative programs our courts have developed to help people with cases in our courts. However, as judges, and court staff, we must constantly assess and evaluate our court processes, rules and procedures to ensure that they are free from unintended racial disparities and that they are fair and ensure access to justice for all. **We must re-double our efforts to ensure fairness and to promote public trust and confidence in our judiciary.**

The lessons learned during these crises will guide my vision for the future to reimagine the Courts by enhancing access to justice for all. My vision for the future is also guided by my work with the Conference of Chief Justices, which has been grappling on a national level with best practices to ensure racial equity in state courts. I played a key leadership role in the unanimous passage by the Conference of Chief Justices and Conference of State Court Administrators of **Resolution 1: "In Support of Racial Equality and Justice for All"**. I shared this resolution with the Joint Committee and recommended that the Joint Committee charge the DC Courts Standing Committee on Fairness and Access ("Standing Committee") with redoubling their efforts by examining policies, procedures and practices that may have a disparate impact on racial and ethnic groups. The DC Courts Standing Committee has worked tirelessly for nearly twenty years to examine and where necessary, recommend adjustments, to court policies and practices to ensure racial fairness in the Courts. For example, the Standing Committee has examined the racial and ethnic makeup of the jury pools, the diversity in hiring court employees and law

clerks. It has implemented implicit bias training for court employees. While much has been accomplished, recent crises underscore that more needs to be done. Under my leadership and with the commitment of all court employees we will do what needs to be done to ensure access to justice for all.

We learned many lessons from responding to the rapidly changing and evolving circumstances of the COVID-19 pandemic. One of the most valuable lessons learned was the many innovative ways to use technology to facilitate access to the Courts even when physical access was not possible. I envision that the DC Courts will in the future continue to utilize and build upon many of these technological innovations that have enhanced access to justice and timely case processing. For example, remote oral arguments, remote appellate mediation, and remote trial court hearings, are all innovations the courts will consider for certain proceedings going forward. In many instances, these technological innovations have increased participation in court proceedings. The Courts achieved one of the key strategies of Goal 4 of the DC Courts 2018-2022 Strategic Plan, “Resilient and Responsive Technology”, earlier than anticipated as a result of having to pivot rapidly in the face of the pandemic to enable the majority of the courts workforce, including judges, to work remotely. Similarly, a national effort is underway, spearheaded by the National Center for State Courts, to streamline court processes, which will result in more efficient and effective processes and enhanced services to the public.

As the Chief judge of the District of Columbia Court of Appeals, I pledge to continue to lead the efforts to ensure that our DC Courts provide equal access to justice for all who come before the courts. Carved on the plaza of our courthouse are the words of Dr. Martin Luther King, Jr. “Injustice anywhere, is a threat to justice everywhere....”

Justice is the cornerstone of our democracy and our courts must ensure equal rights and justice for all. Our Courts’ motto, “Open to all, trusted by all, justice for all”, must continue to inspire public trust and confidence in our courts.

Conclusion

I am enthusiastic about the opportunity to continue my service as Chief Judge of the DC Court of Appeals and Chair of the Joint Committee on Judicial Administration for a second term. You can be assured that I will continue to focus the DC Courts' on ensuring access to justice for all, should I have the honor of being designated for a second term.

Respectfully Submitted,

Chief Judge Anna Blackburne-Rigsby
District of Columbia Court of Appeals
November 15, 2020