

**Statement of Interest**  
**In the Position of Chief Judge**  
**of the Superior Court of the District of Columbia**

**Marisa Demeo**  
**Superior Court of the District of Columbia**

### **(a) Interest in Court Administration**

I have a deep interest in court administration aimed at better serving the residents of the District of Columbia, in a dynamic workplace with a diverse group of engaged and dedicated public servants. My interest in administration of our court system is fueled by my unwavering commitment to public service and predicated on the skills and experience gained through years of public work, across a range of positions of leadership both inside and outside the court.

To fully appreciate my interest in serving as the Chief Judge of the Superior Court of the District of Columbia, it is helpful to go back in time to understand how I developed my life-long personal connection to the city, as well as my deep commitment to civil rights and serving the disenfranchised through teamwork.

My mother was raised in a poor home in Puerto Rico, primarily by her mother. My father was raised by immigrants from Italy. His father arrived as a laborer and twenty-five dollars in his possession, and his mother arrived with little education. Both my parents made their way to Washington, D.C., for either educational or employment opportunities. My dad came to attend Georgetown University. My mom worked as a pharmacist at People's Drug Store. Their paths crossed in the early 1960's.

My parents married at the Shrine of the Sacred Heart on 16<sup>th</sup> Street, NW. It was the first Roman Catholic parish in the Columbia Heights/Mount Pleasant neighborhoods. The priest who married them was Monsignor Ralph Kuehner, who went on to be one of the co-founders of So Others Might Eat (SOME), an organization well-known for its work with those who are homeless. My family continued to support SOME even after my father's death.

Both my older brother and I were born in the mid-1960's at the Columbia Hospital for Women. While my parents eventually moved to raise their children in Dale City, Virginia, my parents always had a special connection to D.C., which I experienced throughout my life. At one point, my mom returned to work, in Washington, D.C. She worked as a pharmacist for the Veteran's Administration Hospital, commuting daily to its methadone clinic on Georgia Avenue, NW, to dispense methadone to veterans who had developed a heroin addiction.

When my mom first arrived to Washington, D.C., she connected with other Puerto Ricans through a non-profit organization called the Círculo de Puerto Rico. She remained active in the group for many years and would take us to their activities. Until his passing, my father attended many special Italian masses and events at Holy Rosary Catholic Church and Casa Italiana, on Third Street, NW, only a few blocks from the courthouse. I also have attended services there on occasion.

In the mid-1980's, I was attending college but had to work summers as part of my financial aid package. Back then, there were lots of summer opportunities for young people to work in federal government jobs. Two summers I commuted to D.C. to work – working as a clerk typist and a file clerk in federal agencies.

There was an emphasis in my upbringing in serving others, and, in particular, serving those who were disadvantaged or discriminated against. It led me to work after college for the Justice Department's Civil Rights Division Voting Section. During that time, I collected articles from the state archives in Jackson, Mississippi, documenting the Mississippi State Sovereignty Commission's efforts to create discriminatory voting practices against African Americans; I served subpoenas on the Eastern Shore of Maryland and assisted lawyers during trial in a lawsuit suing Wicomico County, challenging the method of electing County Council members which resulted in excluding African Americans from office; and I assisted lawyers in a lawsuit regarding the language rights of American Indians in New Mexico.

During law school, I continued to work in public service for migrant farmworkers in Texas, low wage workers in California, people living with AIDS in New York, and the lesbian, gay, bisexual, and transgender (LGBT) community on a national level. I also represented juveniles charged as juvenile delinquents in New York Family Courts through my law school clinic. After law school, I was drawn back to the place I considered home.

I returned to D.C. and worked as an Honors Program trial attorney in the Justice Department's Civil Rights Division Employment Litigation Section. This time around, I sued public employers around the country for discrimination practices in employment, focusing primarily on police departments, sheriff's departments, correctional departments, and fire departments. Two of my larger cases involved discrimination against African Americans, Hispanics, and women who had applied to be police officers in New Jersey, and discrimination against women in correctional officer positions in North Carolina. Of note, during this time, I worked with a colleague on issues surrounding the D.C. Metropolitan Police Department (MPD) as it related to the lack of Latino/a officers. I also helped co-found the DOJ Pride organization and served as its first President. A major accomplishment of our organization was to change how security background investigations were conducted for applicants who were LGBT.

Next, I worked at the Mexican American Legal Defense and Educational Fund (MALDEF), a national Latino legal civil rights organization, heading their national policy office. During this period, I lobbied Congress and advocated with federal agencies and commissions on a wide range of civil rights issues including immigration, employment, education, language rights, voting, and criminal justice issues. Mostly, I did this work in coalition with other national civil and human rights organizations. I received community service and leadership awards from, among others, the Hispanic Bar Association of the District of Columbia (HBA D.C.) and the Congressional Black Caucus. One of my accomplishments was to publish the first known analysis on voting disenfranchisement of Latinos who had criminal felony convictions. Another was to protect access to voting for minorities.

I had the opportunity to work with the Washington Lawyers' Committee for Civil Rights and Urban Affairs and various local leaders. We reported on the progress of Latinos in Washington, D.C. and what the local government was doing to better serve the community, after the Mount Pleasant disturbances precipitated by the shooting of a Salvadoran man in the Mount Pleasant neighborhood by an MPD officer. While at MALDEF, I was appointed to serve on the Access to Justice Commission, which was created by the District of Columbia Court of Appeals (DCCA) to help improve the ability of low- and moderate-income residents to access the civil justice system.

During these years, I was active with the D.C. Bar, serving as a member of the D.C. Bar Board of Governors Nominations Committee and the D.C. Bar Civility Implementation Committee. I also was active in the local community, serving on the board of Gente Latina de Ambiente, a local Latino/a LGBT organization that raised awareness surrounding health issues such as HIV/AIDS and breast cancer. I also served on the board of the GAYLAW organization and was a member of HBA D.C.

Subsequently, I worked for three years as an Assistant United States Attorney in Washington, D.C., during which time, I only worked on local cases affecting the residents of the District. I worked closely with victims and witnesses of violent crimes, all of whom were indigent persons of color. Many of my cases involved domestic violence. I traveled to all parts of the city to do the work of a prosecutor for the community. I strived to obtain outcomes that were fair for both defendants and victims, recognizing that crime leaves an indelible mark on all the parties involved, including the community at large, and understanding that too often tragedy stems from poverty and neglect.

Since 1994, I have lived in D.C. During the 1990's and early 2000's, I moved every few years due to limited income and other circumstances – living at 11<sup>th</sup> and R Streets, NW (Logan Circle); 9<sup>th</sup> & R Streets, NW (Shaw); 12<sup>th</sup> & V Streets, NW (Cardozo/Shaw); 9<sup>th</sup> & O Streets, NW (Shaw); and 8<sup>th</sup> & O Streets, NW (Shaw). With the anticipated construction of the new convention center, I could not afford to buy a home in the Shaw neighborhood. So, in 2004, I moved to 14<sup>th</sup> & Franklin Streets, NE, one block off Rhode Island Avenue (Brookland). And, in 2020, I moved to the Shepherd Park neighborhood in NW. My wife, who emigrated from Colombia, and I have been raising our kids in the city since the time I became an Associate Judge in 2010. As a result, I have had the opportunity to have a wide variety of lived experiences in the 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> Districts of the city, which helps me better serve as a judge in my community.

Since 2007, I have served as either a Magistrate Judge or an Associate Judge, serving the residents of the District of Columbia to my utmost capabilities. Beyond my service as a judge, I always have looked for what more could I do on a personal level to help at the court. For example, after visiting the Supervised Visitation Center, which provides supervised visitation services for court-referred domestic relations and domestic violence cases, I spent many years providing donations of children's toys to the center. I also have joined Judges Laura Cordero and Kenia Seoane Lopez to collect money from the entire court campus for the cleaning staff during the holidays.

The consistent thread to which I have always held onto is to seek opportunities where I can be a part of the process to create a fairer society – whether it be through litigating in the courts, lobbying the legislature, petitioning the executive branch, or serving as a judge. I hope it is now more apparent that my interest in serving as Chief Judge is deeply rooted in my commitment to our community. I am interested in continuing to pursue my passion for serving the residents of the District of Columbia and doing so with the judges, administrators, and staff so together we can fulfill the mission of the court: open to all, trusted by all, and justice for all.

## **(b) Administrative Ability and Experience**

As a lifelong public servant working across local and national sectors in a broad array of forums, I have developed my administrative abilities and gained valuable experience that has prepared me well to take on greater and more challenging administrative roles. Much of my experience has been through the court system, but I also have gained valuable administrative experience in other contexts outside the court. Below are some of the key experiences I have had in administration, leading change through consensus building.

### The Joint Committee on Judicial Administration in the District of Columbia

In 2021, the Chief Judge appointed me to The Joint Committee on Judicial Administration in the District of Columbia (Joint Committee), which is the financial and policy-making body for the District of Columbia Courts. During this time, I have had the opportunity to regularly review budget items, discuss modifications to the operation of the court as supported by sound financial decisions, and to vote on the court's overall budget that is submitted to the United States Office of Management and Budget, and, ultimately, the United States Congress for approval. I have been involved with analysis, review, and adoption of personnel matters – both court-wide policies with implications on the lives of the broader court family, as well as some high-level positions at the court. I have been given the responsibility to help develop policies to ensure a safe working environment, such as the mask policy changes at the court as part of the pandemic safeguards.

### D.C. Courts Strategic Planning Leadership Council

The Chief Judge appointed me to the D.C. Courts Strategic Planning Leadership Council (SPLC) in 2021. Every five years, a group of knowledgeable and dedicated judges, managers, and employees from the Superior Court, the DCCA, and the Court System come together to develop a five-year strategic plan, which is then submitted to the Joint Committee for approval. I had the honor of serving as the Co-Chair of SPLC alongside DCCA Senior Judge Phyllis D. Thompson as my fellow Co-Chair. For over a year, SPLC conducted extensive outreach among stakeholders as well as the broader court family. With the benefit of their insights, SPLC deliberated over many hours to reach the proposed plan that would guide the court. At the end of the process, the Joint Committee voted to approve the 2023-2027 Strategic Plan which consists of six goals: 1) Access to Justice for All; 2) Public Trust and Confidence; 3) A Great Place to Work; 4) Effective Court Administration; 5) Fair and Timely Case Resolution; and 6) Racial Equity and Cultural Competence. SPLC also identified clear and succinct strategies to address each goal.

### Criminal Division – Presiding Judge

In the fall of 2021, in the midst of the pandemic, Chief Judge Anita Josey-Herring appointed me to become the Presiding Judge of the Criminal Division, working alongside Deputy Presiding Judge Rainey Brandt and Criminal Division Director Willie Agosto. The Criminal Division currently operates with seventeen (17) Associate Judges, seven (7) rotating Magistrate Judges, sixteen (16) rotating Senior Judges, and scores of court staff. As a result of chronic and

longstanding judicial vacancies, the Criminal Division is currently operating with three less Associate Judges.

The Criminal Division was the division most affected by the pandemic in 2020. While the court never stopped operations during the pandemic, criminal cases were particularly affected by the pandemic as it was not safe to convene large numbers of litigants, lawyers, witnesses, and especially even larger numbers of community members to serve on juries. The Chief tasked Judge Brandt and me with the charge to get the jury trials back on track to address the ever-growing backlog of criminal cases, particularly for detained defendants - while doing so in a safe manner. As it related to putting systems in place, progress already had been made prior to our taking on the leadership positions through the hard work of prior leadership, the IT division, the pandemic working group, and criminal division administrative leaders. Judge Brandt and I were able to build on that solid foundation and finally forge ahead with putting the jury trials back on track full steam. We did so through a lot of collaboration internally and externally – often having tough conversations that took patience, creativity, extensive dialogue, and a willingness to compromise.

To give some sense of the progress made, below are the number of jury trials held from 2019-2023. We have returned to pre-pandemic levels of trying felony cases. The year 2019 was the last full year of trials before the pandemic struck. In the year 2020, most of the jury trials occurred before the pandemic hit. The year 2021 was a transition year as the pandemic was still affecting defendants at the jail who were put on quarantine on a frequent basis, and, at the same time, judges, staff, and jurors regularly contracted COVID, disrupting trials. We coordinated with the Chief to lift the tolling of deadlines set, during COVID, in a staggered manner in 2022, starting with the lifting of the tolling of indictment and trial deadlines on detained cases in March and April of 2022 and the lifting of the tolling of indictment deadlines on non-detained cases in September of 2022. This placed the court in a position to resume to full, normal operations by 2023. A comparison of 2019 jury trial to 2023 jury trial statistics, demonstrates not only the full return to pre-pandemic operations, but also a reduction in the backlog.

2019: 191  
2020: 27  
2021: 14  
2022: 94  
2023: 184.<sup>1</sup>

The data demonstrating that the criminal division has fully returned to pre-pandemic operations has been documented in the latest annual report from the District of Columbia Sentencing Commission, which states:

Throughout 2023, the Commission observed sentencing trends stabilize as the Superior Court resumed pre-pandemic levels of operation, processing both new cases and the backlog accumulated during 2020 and 2021. In 2023, there were

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<sup>1</sup> District of Columbia Courts Statistical Summary for years 2019, 2020, 2021, & 2022. Data for 2023 provided by the Criminal Division Director.

1,007 adult individuals sentenced for felony offenses in a total of 1,046 cases, which were comprised of 1,473 distinct felony counts...<sup>2</sup>

Another data point that demonstrates the reduction of the pandemic-related backlog is the pending caseload at the beginning of each year from 2019 – 2024. The total number of pending criminal cases at the beginning of 2019 reflects the pre-pandemic numbers while the total number of pending criminal cases at the beginning of 2023 and 2024 reflect the extraordinary work involved in reducing the backlog as we came out of the pandemic.

2019: 6,734  
2020: 5,791  
2021: 9,421  
2022: 7,422<sup>3</sup>  
2023: 4,470  
2024: 5,064.<sup>4</sup>

In addition to successfully reducing the backlog and returning to pre-COVID operations notwithstanding judicial vacancies, we have had other accomplishments, such as:

- **Reimagined Criminal Division.** As we began to emerge from the pandemic and return to pre-COVID operations, the Chief charged all Presiding and Deputy Presiding Judges to work with our division directors to propose a reimagined Superior Court with a view to making the court more accessible. We took a close look at how we changed operations during COVID and examined which of those changes were working well and which we should keep as we returned to a post-COVID era. We spoke with judges, court staff, and many outside stakeholders. Their comments and concerns informed the implementation of a reimagined criminal division, which includes a fully remote citations courtroom, a remote Department of Behavioral Health (DBH) courtroom for defendants being treated at St. Elizabeths, and hybrid (in person & remote options) for all the remaining courtrooms. All misdemeanor courts operate only virtually every Friday. Allowing the remote option for defendants has meant that people who have jobs or school for which they cannot take the whole day off, people who have children for whom they cannot find/pay for daycare, and people who cannot afford transportation to court, have a more positive and accessible court experience. Also, for those defendants being treated at St. Elizabeths, this remote option is less disruptive on their mental health, because they do not have to be transported to court and be taken away from their treatment environment for most

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<sup>2</sup> District of Columbia Sentencing Commission, 2023 Annual Report (April 26, 2024) at viii.

<sup>3</sup> The pending total at the beginning of 2022 reflects not only cases disposed by judges but also over 3,300 cases disposed by dismissals when USAO and OAG reviewed older cases in the context of a virtual Safe Surrender program, which occurred in July of 2021. Judge Rainey Brandt chaired the COVID Safe Surrender Working Group, and other members included Judge Steve Wellner, Magistrate Judge Lloyd Nolan, and me. While only sixty-one cases were handled during the virtual Safe Surrender, the program was still considered a success in light of the large number of dismissals.

<sup>4</sup> District of Columbia Courts Statistical Summary 2022 (for 2019-2023). Data for 2024 provided by the Criminal Division Director.

of the day. These remote options also have been welcomed by attorneys and judges who find this is a better path toward work-life balance.

- **New Criminal Laws.** In the summer of 2023, the D.C. Council passed the Prioritizing Public Safety Emergency Amendment Act of 2023. In the spring of 2024, the Council passed the emergency version of the Secure D.C. Omnibus Emergency Amendment Act of 2024. We successfully provided trainings to all the criminal judges on these new laws, with the assistance of stakeholders, such as Public Defender Service (PDS) and the United States Attorney’s Office (USAO).

- **Special Education Attorneys for Emerging Adult Defendants. [an Access to Justice initiative]** The D.C. Council passed D.C. Law 24-344, enacted as D.C. Code § 16-714, which required that the Superior Court designate a panel of special education attorneys to represent indigent emerging adult defendants (up to 22 years old) with educational and disability rights needs in criminal proceedings. Deputy Presiding Judge Brandt and I have worked in collaboration with the School Justice Project (SJP), a legal services and advocacy organization serving older students with special education needs who are involved in DC's juvenile and criminal legal systems. Understanding the importance of this unmet need and based on our work, the Chief Judge issued Administrative Order 23-21, which authorizes the appointment of special education attorneys in the criminal division. In order to enhance awareness and understanding of the special needs, we recently arranged for attorneys from SJP and PDS to conduct a training of all criminal judges regarding the needs of indigent emerging adults with special education needs, most of whom are African American, the services that can be performed by special education attorneys, and the difference these special education services can make in the life of a young person. Securing special education services is a critical access to justice issue for court involved youth, both in the juvenile delinquency system and the adult criminal justice system.

- **Writ Process.** The pandemic also paused the transport of large numbers of persons serving sentences in jurisdictions outside D.C. for court proceedings in our court. Due to limitations raised by the United States Marshal and the Department of Corrections (DOC) in staffing and resources for handling large numbers of persons being transported on writs, we worked jointly with our partner stakeholder agencies to set up a protocol for the handling and prioritization of writ requests. To ensure full access to the court for all, we also worked on providing virtual options. Many petitioners at Bureau of Prisons’ (BOP) facilities have preferred the virtual option so as to not disrupt programming in which they are participating.

- **Incarceration Reduction Amendment Act (IRAA) Process. [an Access to Justice initiative]** The D.C. Council has passed several versions of the Incarceration Reduction Amendment Act in 2016, 2018, and 2020. With the passage of each version, the legislature has expanded significantly the number of convicted felons serving long sentences in the BOP who are eligible for a reduction in their sentence. To ensure the timely resolution of increased filings, we established procedures for how these requests would be assigned and enhanced procedures for judges throughout the court to assist in processing these cases. Also, we formed a working group consisting of PDS, a Criminal Justice Act (CJA) representative, The Second



Look Project, and USAO to identify cases of defendants serving the longest sentences, and we appointed attorneys to assist those defendants as prioritized under the IRAA statute.

### Probate and Tax Divisions – Deputy Presiding Judge

In the fall of 2018, then Chief Judge Robert Morin appointed me to become the Deputy Presiding Judge of the Probate Division and the Tax Division. I worked alongside Presiding Judge Alfred Irving, Jr., Register of Wills and Probate Division Director Nicole Stevens, and Tax Division Director Karla Saguil. The Probate Division consisted of four (4) Associate Judges, one (1) Magistrate Judge, and several Senior Judges.

A major and unexpected challenge we faced in the spring of 2020 was to figure out how to keep probate cases moving despite the pandemic. Particularly exigent was the fact that the division is responsible for Intervention (INT) proceedings for adults who are incapacitated and need assistance with physical health, safety, habilitation, or therapeutic needs. These were decisions that could not wait for months to resolve. Many of these wards are persons battling chronic ailments, such as Alzheimer’s disease or dementia, or young adults with developmental disabilities. We prioritized the INT matters to ensure any incapacitated resident of the city would continue to have access to the court for appointment of a guardian despite the pandemic, including on an emergency basis. We also monitored the INT cases already pending as many of the persons who already had guardians were living in nursing homes, which were being hit hard by the pandemic. After triaging the INT cases, Judge Irving and I successfully set up systems so that the probate division could continue to process the estate cases for those who had passed away.

Aside from navigating probate cases in the pandemic, we had other accomplishments, such as:

- **Self-Help Center. [an Access to Justice initiative]** Following the closure of the D.C. Bar Probate Resource Center, litigants were left with no access to legal information and guidance navigating the court. Left with this vacuum, the court opened The Probate Self-Help Center in November 2018, staffed with court personnel to assist self-represented persons with small estate petitions, large estate petitions, and general proceeding petitions for the appointment of a guardian. The Division also created an Information Portal. In ten months from its opening, in FY2019, the Center had assisted 3,364 individuals. The Information Portal had served approximately 570 users. Another 962 people had been “triated” and provided checklists and annotated petitions and other materials. Self-Help Center specialists had conducted 1,366 interviews. The Probate Self-Help Center became a vital service for many unrepresented litigants in need of guidance and assistance navigating the court.

- **George Washington University Law School’s Partnership with the Probate Division. [an Access to Justice initiative]** Understanding that the Probate Self-Help Center is limited to providing legal information, and the provision of legal advice was lost with the closing of the D.C. Bar’s Probate Resource Center, we developed a program that provided GW law students the opportunity to provide legal information and, in a limited capacity, legal advice to unrepresented litigants in the Probate Division. In September 2019, the Division provided training to the students to assist Personal Representatives appointed by the court to address any

delinquencies cited in Probate Summary Hearings and to provide Pro Bono services in the Probate Self-Help Center.

- **Forms. [an Access to Justice initiative]** The Probate Division updated forms across the Division, using simple language, while ensuring consistency with the pertinent statutory requirements. Forms initiating a case are in both English and Spanish.
- **Reconstitution of Probate Fiduciary Panel of Attorneys.** By Administrative Order No. 20-05, the Probate Panel of Attorneys was established and is required to be reconstituted every four years. The reconstituted Panel of Attorneys had to be formally trained before meeting the qualifications to take appointments. I oversaw the program for new (and returning) members to receive the required training in July 2020.

### Other Boards

In addition to administrative roles at the court, I have served on other boards, which have provided me additional opportunities to expand my administrative abilities. Since 2021, I have served on the Princeton University Board of Trustees. I am a member of various committees of the Board, including the committees of Audit and Compliance, Grounds and Building, and Public Affairs. Since 2021, I have served on the Lowell School Board of Trustees. Prior to joining the Board, I served as a co-chair of the Learning Differences and Neurodiversity Parent Affinity Group (LDN).

I served as Chair (2015-2016) and Vice Chair (2012-2015) of the HBA D.C. Judicial Council, which consists of Latino/a judges who serve in various local and federal courts in the District of Columbia. I have also served on the Boards of GAYLAW (later renamed The DC LGBTQ+ Bar Association), as well as Federal GLOBE (Federal Gay, Lesbian, or Bisexual Employees), a government-wide organization representing LGBT federal employees with chapters at many agencies.

### Management Programs

In addition to the wide variety of leadership opportunities I have had, I also attended several leadership training programs.

- Harvard University John F. Kennedy School of Government National Hispana Leadership Institute Fellows Program
- Center for Creative Leadership Program
- National Hispana Leadership Institute (NHLI)'s Executive Leadership Program

### **(c) Ability to Lead the Court and to Promote a Sense of Cooperation and Collegiality Among the Judges, the Court Staff, and Other Entities**

I have had the privilege of successfully serving in a variety of leadership roles, which demonstrate my ability to lead the court. Each of these appointments have charged me with great responsibilities – starting with the Judicial Education Committee Chair position (described more

fully in section (e) below), then Deputy Presiding Judge of the Probate and Tax Divisions, Chair of the Committee on Jury Management, Presiding Judge of the Criminal Division, a member of the Joint Committee, a member of SPLC, and a member of the District of Columbia Sentencing Commission. Many of these responsibilities I have handled simultaneously and in addition to my caseload, demonstrating my ability to manage a wide variety of issues across the court impacting staff, judges, partner stakeholders, and the community.

Successful leadership requires garnering the trust and respect of others. I believe my leadership style, focused on engendering collegiality and building consensus is essential. I always view my position as a joint leadership position. As a deputy presiding judge, I provided input and ideas and helped share the burden of the workload. As a presiding judge, I have always made joint decisions with the deputy presiding judge, seeking her input at every stage. In every aspect of planning – whether it was drafting agendas, conducting meetings, or drafting policies – it has always been a shared leadership role. In terms of collegiality more broadly, I view and talk about the judges in the criminal division as fellow teammates, all working together toward one common goal to serve the public by resolving our cases fairly and impartially in a timely fashion. We have established a Felony 1 team, a Felony 2 team, and a misdemeanor team. Each team meets regularly to coordinate their hearings and trials and work more efficiently. The Felony 2 and misdemeanor teams have their own team leaders, in whom I have full confidence, and with whom I consult for solutions to issues that arise.

In each position I have held where I either chaired a committee or presided over a division, I have worked hand-in-hand with division directors and other court managers, recognizing that the administrative staff of the court must always be part of the discussion in solving problems or setting up procedures or protocols. Without their input and joint planning, the various plans put into place could not be successful. As Presiding Judge of the Criminal Division, the Deputy Presiding Judge and I have regularly scheduled meetings with the Criminal Division managers, and we also communicate on a regular basis whenever questions or issues arise.

Collegiality and consensus building is equally important in working with outside stakeholders. I have regularly scheduled meetings with the leadership of our most common partners – CJA, PDS, USAO, Office of the Attorney General (OAG), DBH, United States Marshals Service, and DOC – as well as make myself available to meet with any stakeholders when issues arise, whether or not a meeting is scheduled. The Deputy Presiding Judge attends all these meetings with me.

#### **(d) Ability to Promote Confidence in the Court and the Judicial System**

A major challenge facing courts across the nation, including the Superior Court, is a decrease in public confidence in the judicial system. “Recent polling indicates staggering declines in public confidence in federal courts. Public confidence in state courts likewise appears to be dropping to new lows, with substantially more individuals now viewing those courts unfavorably as providers of equal justice to all.”<sup>5</sup> Adding another layer of deep concern is the fact that communities of color, especially African Americans are more likely to believe that the courts are biased against them.

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<sup>5</sup> Carol Funk, Public Confidence and the Courts: Pillars of the Rule of Law (Feb. 17, 2023) ([https://www.americanbar.org/groups/judicial/publications/appellate\\_issues/2023/winter/public-confidence-and-the-courts/](https://www.americanbar.org/groups/judicial/publications/appellate_issues/2023/winter/public-confidence-and-the-courts/)) (last visited May 8, 2024).

“Bias is still a major concern with Black voters – 50% disagree that state courts are unbiased in their case decisions, while only 39% agree. And Black voters are also considerably less likely to say the courts are protecting rights and treating people with dignity and respect...”<sup>6</sup>

The question for our court is how we address the challenge to promote more confidence among all residents of the District, and how do we particularly focus on African American residents’ concerns. The court’s strategic plan has as one of its six major goals to build public trust and confidence and the four strategies to accomplish this goal are: 1) enhance community outreach and engagement; 2) improve the customer service experience; 3) collaborate with city and community partners to advance justice; and 4) identify and publish performance data to promote transparency and accountability. In light of the racial disparity in confidence and trust in the court, this goal must be achieved concurrently with the goals of access to justice for all, racial equity and cultural competence.

### Connecting with the Community

“[J]ust 40% [of voters] believe judges in their state courts reflect the values of our communities and understand the challenges facing the people who appear in their courtrooms while 44% say too many judges don’t understand the challenges facing people who appear in their courtrooms and need to do a better job of getting out into the community and listening to the people. On both measures, doubts are greatest among younger voters and communities of color.”<sup>7</sup>

Chief Judge Josey-Herring created the Committee on Public Education and Court Independence, co-chaired by Judges Rainey Brandt and Yvonne Williams. This initiative has been warmly received by the community. This committee has arranged to have judges and staff go out to the community to attend large community gatherings. I had the chance to spend some time at the court’s booth at the H Street Festival, speaking with members of the community. The committee has also brought hundreds of middle school students from schools in Southeast to meet judges and staff, and to learn more about the work of the court. During one of these visits, I met with students from Kramer Middle School, which is in the Anacostia neighborhood, and took them on a tour of the court. Their questions and comments were very insightful. These types of initiatives are measures that help build more trust and confidence in the court.

In my capacity as a court leader, I have sought other ways to engage with the community we serve. In the Criminal Division, most of those charged with crimes in our city are poor and Black.<sup>8</sup> Violent crime is disproportionately affecting those who live in the 5<sup>th</sup>, 6<sup>th</sup>, and 7<sup>th</sup> police districts.<sup>9</sup> Fifty-six percent (56%) of violent crimes in the city in 2022 occurred in these three districts.<sup>10</sup>

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<sup>6</sup> GBAO, 2023 State of the State Courts – National Survey Analysis (Dec. 18, 2023) ([https://www.ncsc.org/\\_data/assets/pdf\\_file/0039/96879/2023-SoSC-Analysis-2023.pdf](https://www.ncsc.org/_data/assets/pdf_file/0039/96879/2023-SoSC-Analysis-2023.pdf)) (last visited May 8, 2024).

<sup>7</sup> *Id.*

<sup>8</sup> See, e.g., Andrea Miller, Ph.D., J.D., National Center for State Courts District of Columbia Courts Racial Equity Project, Final Report (NCSC Report), Part 4 of 7: Review of Court Rules, at 6.

<sup>9</sup> Metropolitan Police Department (MPD), 2022 Annual Report, at 12-13 ([https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/AR\\_2022\\_lowres.pdf](https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/AR_2022_lowres.pdf)) (last visited May 12, 2024).

<sup>10</sup> *Id.*

Victims of violent crime in our city are disproportionately Black as well.<sup>11</sup> For example, ninety-three percent (93%) of victims of homicides in 2022 were African American.<sup>12</sup> “Stakeholders recognize that the D.C. bench is more racially diverse than in many other jurisdictions, but many believe that judges (of all races) tend to come from very different backgrounds than defendants do and struggle to understand defendants’ experiences.”<sup>13</sup>

During the time I have served on the court, the necessity of connecting with the community has been very important. Admittedly, the pandemic put a stop to going out in the community for a number of years. The pandemic-created backlogs and the high judicial vacancy rate left judges with little flexibility in their schedules to do more as all their time is usurped with handling burgeoning caseloads. Even so, I prioritized the importance of taking our judges out of the courthouse and into the community, particularly East of the River.

In 2022, Criminal Division judges visited two of the locations where many of the defendants are housed – the D.C. Jail and St. Elizabeths. During the visits, we heard from defendants who were placed there, and had the opportunity to have a first-hand look at the housing and programs offered. We also traveled to Anacostia High School, which has a ninety-eight percent (98%) African American student population with eighty-five percent (85%) of the students identified as “at-risk” and thirty-three percent (33%) identified with special education needs.<sup>14</sup> While there, we had the opportunity to have an engaging conversation with the principal, William “Roc” Haith, who grew up in Ward 8 and has devoted his career to educating D.C. students in the public schools. These visits offered a powerful listening and learning experience.

In 2023, Criminal Division judges visited two different sites, East of the River, operated by the Court Services and Offender Supervision Agency (CSOSA). We visited the Engagement and Intervention Center (EIC) SE field office, located at 2101 Martin Luther King Avenue, SE, and the CSOSA Reentry and Sanctions Center (RSC), located at 1900 Massachusetts Ave, SE. The EIC offers an array of programs for high-risk offenders, including one-on-one and group counseling, cognitive-behavioral interventions, skill-building, vocational training, and other support services. RSC offers a residential intensive assessment and reintegration programming for high-risk offenders. We also had the opportunity to meet, just across from the Big Chair in SE, with several violence interrupters who work for the District’s Cure the Streets Program. The violence interrupters shared with us their personal stories, how they became involved in violence interruption work, and explained how the program works in several targeted neighborhoods that have experienced some of the highest rates of violent crime. Again, the dialogue offered an opportunity to better understand the challenges so many face daily.

Prior to being in leadership, when I was presiding over the third district misdemeanor community court, I was invited to meet with several community groups and members after business hours in the evenings. For example, I met community members with or at the Meridian Hill Neighborhood Association, the Kalorama Recreation Center, the Advisory Neighborhood

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<sup>11</sup> MPD, 2022 Annual Report, at 16.

<sup>12</sup> *Id.*

<sup>13</sup> Miller, NCSC Report, at 6.

<sup>14</sup> District of Columbia Public Schools, Anacostia High School (<https://profiles.dcps.dc.gov/Anacostia+High+School>) (last visited May 12, 2024).

Commission 1A, and the 3D Citizens Advisory Council. I also have looked for opportunities to go into schools. For example, I presented to students at Oyster-Adams Bilingual School for their Bilingual School Law Day, and I spoke to students at Bell Multicultural High School. When students have come to the court, I also have taken the opportunity to meet with them. I helped co-plan and co-host visits from hundreds of immigrant students to the court through Liberty's Promise, an organization that supports low-income immigrant youth, ages 15-21.

Both inviting community members to the court and going into the community and listening to residents are vital experiences which will help the judges better understand the limitations and barriers so many people face, who appear in our courtroom, and bridge the gap of trust between the community and the court. If selected as the next Chief Judge, I will look for ways to regularize judges going out into the communities that we serve.

#### Collaborating with City and Community Partners to Advance Justice

Throughout my time at the court, I have consistently looked for opportunities to collaborate with outside stakeholders and partners to advance justice. I have also looked for ways to encourage my colleagues to connect with our partners as well.

As was mentioned above, the Deputy Presiding Judge of the Criminal Division and I have standing meetings with CJA, PDS, USAO, OAG, DBH, United States Marshals Service, and DOC. At every meeting, we discuss issues that are raised at the court or by our partner agency and require our attention. We work collaboratively to find solutions to ensure that every person who interacts with the court's criminal division has access to our justice system – including being treated with dignity and respect, having an opportunity to have their voice heard, removing barriers that may impede access to services, and having a timely resolution of the case.

The last few months have been particularly challenging for both PDS and the CJA Panel as a result of the increasing caseloads, CJA losing panel members due to retirement and leaving for other career opportunities - all while having to fill the gap left by PDS' inability to represent additional defendants due to attorney staff shortages and an announced partial furlough due to a budget shortfall. To work through this challenging period, we have met regularly with PDS, CJA leadership, and the judges. We have been transparent throughout the process, doing more listening than talking to learn what are the challenges and what we can do to support them. This effort included holding a town hall with all CJA Panel members to ensure we gave everyone an opportunity to express their frustrations and to consider their proposed solutions. As a result, we are about to launch a pilot project incorporating suggestions made by the CJA Panel members, which they believe will help alleviate some of the most difficult aspects of taking on additional cases. Working in this collaborative manner will best serve not just the court, but, more importantly, protect the rights of indigent defendants, most of whom are African American, accused of crimes in our city. At the same time, we are working on a longer-term solution with CJA leadership to recruit more applicants from both the law clerk staff as well as through outreach to law schools.

We also meet with the Pretrial Services Agency (PSA) and CSOSA. A focus of my work with PSA and CSOSA during my time in the Criminal Division has been to find ways that they can

share their expertise with judges so that we can make decisions regarding release or detention guided by the law and the facts, in the case of PSA, and we can set conditions of probation to maximize rehabilitation and reduce recidivism, in the case of CSOSA.

### Ensuring a Diverse Workforce with Diversity Reflected at All Levels of the Court

“Judges, court personnel, and juries should reflect the communities they serve across sociodemographic categories to ensure not only that courts are inclusive but also that staff understand the needs of court users. When court staff are diverse and locally representative, court users, witnesses, and others are likely to feel more comfortable engaging with the court.”<sup>15</sup>

During my time as Presiding Judge of the Criminal Division, I have set as a goal to ensure that all judges, including judges from diverse backgrounds, have opportunities that develop the skill sets and exposure that will lead to higher levels of positions of responsibility at the court. I have taken specific steps to meet that goal. For example, understanding it is an important experience for a magistrate judge, who wishes to be considered in the future for an associate judge position, to rotate through a trial court - I have made recommendations to the Chief Judge which resulted in more magistrate judges having the chance to serve on the D.C. misdemeanor trial court. In addition, in inviting judges to provide internal trainings, I have rotated those opportunities among all the judges – associate and magistrate judges – so that every judge has an opportunity to gain that valuable experience.

Diversity and inclusion are important to the overall mission of the court. As a member of the Committee on Selection and Tenure of Magistrate Judges, I have worked to promote highly qualified candidates who are reflective of the community that we serve. I am a member of the Racial Equity Working Group, which works with court staff to develop strategies to assess the Superior Court’s processes, policies, and procedures through a racial equity lens.

Through the HBA D.C., I have spoken on countless panels to discuss career opportunities – whether they be becoming a law intern, a law clerk, or a judge. I have spoken on similar topics for a broad array of other organizations, such as at the Robert E. Wone Judicial Clerkship and Internship Conference and for the Washington Bar Association’s Young Lawyers Division. I also have been on the working group of the HBA D.C. Judicial Council for over a decade, recruiting, selecting, and hosting Latino/a and other diverse law interns in a summer program to provide for opportunities that can lead to law clerkships. Furthermore, I co-chaired the HBA D.C.’s Judicial Pipeline Project for two years, providing training and guidance to Latinos/as interested in becoming judges. In my own hiring of law clerks, I have consistently hired highly qualified candidates who are African American, Latino/a, Asian American, and white, as well as male and female, and straight and LGBT.

As the Chair of the Committee on Jury Management, after we made it through the critical period of providing a safe space for jurors to return, even when the pandemic was ongoing (which

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<sup>15</sup> Erika Rickard & Ruth Rosenthal, How to Create Courts That Reflect the Diversity of the Communities They Serve: Steps for making civil courts more equitable (Jan. 24, 2024) (<https://www.pewtrusts.org/en/research-and-analysis/fact-sheets/2024/01/24/how-to-create-courts-that-reflect-the-diversity-of-the-communities-they-serve>) (last visited May 8, 2024).

was no small feat), the committee turned its attention to the manner in which jurors' names and addresses are collected and updated to ensure that we are doing both what is required by the Jury System Plan, as well as implementing best practices to achieve a large and diverse jury list.

#### **(e) Ability to Provide Intellectual Leadership**

Providing intellectual leadership means sharing knowledge, expanding opportunities, contributing to transparency, promoting creativity, mentoring, and ensuring a welcoming space for dynamic learning.

I reviewed in the previous section numerous consistent efforts I made as the Presiding Judge of the Criminal Division to expand opportunities for judges serving in the division. Deputy Presiding Judge Brandt and I have run two meetings a month for the criminal judges and law clerks. We have generally alternated those meetings. We hold substantive meetings where either a judge presents on a legal topic or a partner agency, like PSA or CSOSA, share the services they provide so that judges can make more informed decisions for the defendants who appear before us. We also have opened our space to partners with whom the court has not historically worked. For example, I invited Lamont Carey, Director of the Mayor's Office on Returning Citizen Affairs (MORCA) to share the work of his office with us and ideas on how we can work better together. We also hold administrative meetings to discuss issues affecting the division, to be transparent about what is happening and what approaches are being considered, and to seek input from the judges at these meetings, encouraging suggestions.

I believe this welcoming space, which promotes creativity, led to one of our judges, Judge Craig Iscoe, to propose a significant change in how the criminal division "has always handled" search warrant returns. Believing that it was a great idea, we arranged for Judge Iscoe to present the topic and proposed change to all judges interested in weighing in on the legal issue and proposed change. It was a proposal overwhelmingly supported by the bench. We then asked anyone interested in helping to implement the idea to work with Judge Iscoe, including division staff. The changes in process will significantly streamline the process, saving valuable time for both law enforcement and judges to handle other responsibilities and will soon be going into effect.

After serving as a member of the Judicial Education Committee for two years, Chief Judge Lee Satterfield appointed me to serve as the Chair of the Judicial Education Committee in 2016 where I served for three years. While heading this committee, we successfully put on a two-day mandatory training for all judges and managers each spring with topics that cut across the court. Every December, we coordinated a plenary session for all judges. In addition, we organized onboarding training for all new associate and magistrate judges, training each fall for new law clerks, and numerous continuing education sessions for all judges throughout the year. Throughout all these training opportunities, I worked to meet the goals of providing opportunities to present for many different judges, including judges from diverse backgrounds, as well as continually providing a space where questions were encouraged, and listening was as important as speaking. I also focused on subjects that would empower judges and court staff to better serve our community.



Outside the court, I have taught various legal courses at local law schools. In 2014, 2015, and 2016, I co-taught a practicum seminar at Georgetown University School of Law as an Adjunct Professor. The class was entitled Problem Solving Justice: Developments in Diversion, Restorative and Community-based Courts. The course focused on problem solving courts such as drug courts, mental health courts, and community courts. In 2008, I taught at Howard University School of Law as an Adjunct Professor a criminal procedure class that covered Fourth, Fifth and Sixth Amendment issues. In 2003 and 2005, I also taught at Howard University School of Law a survey course on immigration law that covered the bases on which immigrants can enter the country legally and the bases on which immigrants can become deportable, including crime-related deportability grounds.

### **Conclusion**

I hope that my responses demonstrate my interest and abilities to serve as the Chief Judge of the Superior Court. While the areas of inquiry focused primarily on past education and experience to fulfill the duties and responsibilities of the Chief Judge position, I would be remiss not to mention a few of the top challenges that the next Chief Judge will be facing. This list is not meant to be exhaustive but is meant to highlight recurring themes mentioned by judicial leadership and court administrators.

**Case Management System:** The court had used the Courtview case management system for decades. In recent years, the court purchased a new case management system from Tyler Technologies, initially called Odyssey and now renamed Enterprise Justice. This new case management system had a Phase I launch on October 31, 2022, in the civil, probate, and tax divisions. The system has been saddled with performance challenges. Through the hard work of judges, managers, and staff much work already has occurred to improve the system to better serve internal and external stakeholders. The next Chief Judge will need to work closely with everyone involved to ensure that Phase II occurs as smoothly as possible.

**Artificial Intelligence (AI):** In March of this year, Chief Judges Anna Blackburne-Rigsby and Anita Josey-Herring, along with Executive Officer Dr. Cheryl Bailey, created the Artificial Intelligence Task Force of the District of Columbia Courts. Its purposes are listed as: 1) Examine best practices on the use of AI and help shape future best practices on the use of AI in the courts; 2) Develop a roadmap for the use of Artificial Intelligence (AI) in the D.C. Courts; 3) Examine the use of AI to make court operations more efficient and effective for judges and staff; 4) Understand the current implications of AI's evolution on the D.C. Courts; 5) Ensure that AI is used appropriately and the integrity of the court process is preserved and maintained; 6) Explore the use of AI to make court processes and services more accessible to the public considering the digital divide and equity issues; 7) Examine the potential use of AI to assist judicial officers in the development of orders, opinions and other court pleadings to ensure the fair and timely administration of justice and the integrity of the court process; and 8) Develop court rules with respect to disclosure, transparency, ethics, accuracy, authenticity and certification of AI use in court pleadings and proceedings. Court of Appeals Associate Judge John P. Howard III and Superior Court Associate Judge Donald W. Tunnage were named the Co-Chairs of the task force. Due to the rapidly evolving nature of AI, it is expected the next Chief Judge will need to keep abreast of this technology and assist in developing policies for the courts.

**Judicial Vacancies:** The long-term numerous judicial vacancies are having a negative impact on the court – both in terms of our ability to timely dispose of cases as well as the mental and physical well-being of judges and staff being asked for an extended period of time to perform all of the court’s work with about twenty percent (20%) less Associate Judges. Having worked in a national policy office previously and worked on judicial nominations specifically, I am well aware of the extensive work with the White House and the Senate needed to get judges confirmed. I would certainly put this experience to use on behalf of the court working with the appropriate staff and outside stakeholders. In the interim, I already have begun to think about what greater efficiencies we can adopt to ease the workload of the Associate Judges. For example, I would like to explore the court developing a post-conviction unit (similar to what the USAO, PDS, and OAG already have), where the court could hire attorneys who specialize in post-conviction issues so that the work can be centralized and done more quickly and more efficiently - rather than the long held practice of spreading the work among all divisions and all active Associate Judges throughout the court.

**Self-Represented Litigants:** There is no doubt that certain areas of the court’s business, such as landlord tenant, probate, domestic relations, and civil protection orders, to name a few, are dominated by litigants who are self-represented. These are high volume courts, where poor people of color have little understanding of the process so their access to justice is hampered. Further, the court’s ability to handle these matters is less efficient, thus affecting not just the court’s ability to resolve cases but also delaying resolution for the litigants causing more disruption in their lives. Chief Judge Josey-Herring created the Committee on Pro Bono and Affordable Counsel co-chaired by Associate Judges Carmen McLean and Robert Okun. Chief Judges Blackburne-Rigsby and Josey-Herring, along with Executive Officer Dr. Cheryl Bailey, established last year, the Civil Legal Regulatory Reform Task Force of the District of Columbia Courts. Court of Appeals Associate Judge Roy W. McLeese III and Superior Court Associate Judge Alfred Irving Jr. were named the Co-Chairs of the task force. The Court appointed Jodi Feldman as the Pro Bono Program Manager and Erin Larkin as the Director of the D.C. Courts’ newly established Access to Justice Unit (AJU). The next Chief Judge will need to work with these committees/task forces, managers, and many others to address the pressing need for civil litigants to have greater access to legal representation and other resources to provide greater access to justice.

I am fully committed to continuing to serve the court and to do all in my capabilities to work with the outstanding and dedicated judges and staff to ensure that the court lives up to its vision: *Open to All, Trusted by All, Justice for All*. I would use the court’s five-year strategic plan to guide my work. Thank you for the privilege of being considered for the Chief Judge position.