

**DISTRICT OF COLUMBIA COMMISSION
ON JUDICIAL DISABILITIES AND TENURE**

515 FIFTH STREET, N.W., BUILDING A, ROOM 246
WASHINGTON, D.C. 20001
(202) 727-1363

August 29, 2018

The Honorable Donald J. Trump
President of the United States
The White House
Washington, D.C. 20500

Re: Evaluation of the Honorable J. Michael Ryan

Dear Mr. President:

The fifteen-year term of the Honorable J. Michael Ryan, an Associate Judge of the Superior Court of the District of Columbia, expires on November 4, 2018. He is seeking reappointment to another term.

Pursuant to Section 433(c) of the District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 744, as amended by the District of Columbia Judicial Efficiency and Improvement Act of 1986, P.L. 99-573, 100 Stat. 3228, the District of Columbia Commission on Judicial Disabilities and Tenure (“the Commission”) hereby submits this evaluation of Judge Ryan’s performance during his present term of office and his fitness for reappointment. Section 433(c) provides:

Not less than six months prior to the expiration of the judge’s term of office, any judge of the District of Columbia courts may file with the Tenure Commission a declaration of candidacy for reappointment. If a declaration is not so filed by any judge, a vacancy shall result from the expiration of the term of office and shall be filled by appointment as provided in subsections (a) and (b) of this section. If a declaration is so filed, the Tenure Commission shall, not less than sixty days prior to the expiration of the declaring candidate’s term of office, prepare and submit to the President a written evaluation of the declaring candidate’s performance during the present term of office and the candidate’s

fitness for reappointment to another term. If the Tenure Commission determines the declaring candidate to be well qualified for reappointment to another term, then the term of such declaring candidate shall be automatically extended for another full term, subject to mandatory retirement, suspension, or removal. If the Tenure Commission determines the declaring candidate to be qualified for reappointment to another term, then the President may nominate such candidate, in which case the President shall submit to the Senate for advice and consent the renomination of the declaring candidate as judge. If the President determines not to so nominate such declaring candidate, the President shall nominate another candidate for such position only in accordance with the provisions of subsections (a) and (b) of this section. If the Tenure Commission determines the declaring candidate to be unqualified for reappointment to another term, then the President shall not submit to the Senate for advice and consent the renomination of the declaring candidate as judge and such judge shall not be eligible for reappointment or appointment as a judge of a District of Columbia court.

The Commission reserves the term “well qualified” for those judges whose work product, legal scholarship, dedication, efficiency, and demeanor are exceptional on the bench, and the candidate’s performance consistently reflects credit on the judicial system. The Commission will determine a judge is “qualified” if he or she satisfactorily performs his or her assigned duties or whose strong positive attributes are materially offset, but not overborne, by negative traits. A finding of “unqualified” means the Commission has found the judge to be unfit for judicial service.

In evaluating Judge Ryan’s qualifications for reappointment, the Commission has carefully reviewed his performance and activities as a sitting judge, including his demeanor on the Bench; his treatment of counsel, litigants, witnesses, and Court personnel; the opinions and Orders he has authored addressing difficult and complex legal issues; the management of his Calendars in the various Divisions of the Court in which he has served; his cooperation with, and willingness to assist his judicial

colleagues with their calendars; and his contributions to the Court through his service on various Subcommittees and Committees of the Superior Court.

Judge Ryan filed his declaration of candidacy for reappointment with the Commission on March 23, 2018. He submitted a comprehensive and reflective written statement on April 27, 2018, discussing his service on the Court and to the community, and describing what he believed to be his greatest and most relevant contributions to both, during the past 15 years. Judge Ryan's submission also included several judicial opinions, Orders, and findings of fact he authored, concerning a variety of criminal, domestic relations, and juvenile cases, all of which addressed very interesting and substantive legal issues.

The Commission reviewed the Judicial Medical Form submitted by Judge Ryan's physician finding him physically and mentally fit to perform judicial duties and attesting to his "excellent health". The Judge's monthly time reports and Annual Financial Reports, which are statutorily required to be filed by every judge were reviewed. As part of its evaluation, the Commission also reviewed its own record of complaints concerning the Judge, and found nothing that would preclude his automatic reappointment.

The Commission met with Chief Judge Robert E. Morin on June 27, 2018, who furnished additional information concerning Judge Ryan's judicial performance and qualifications. On July 11, 2018, Judge Ryan met with the Commission for an interview concerning his record.

The Commission interviewed persons concerning Judge Ryan's qualifications and performance, including Court personnel who had worked with the Judge, and attorneys who regularly had appeared before him. In addition, the Commission considered the

responses it received to its website survey and to the D.C. Bar Judicial Evaluation Surveys concerning Judge Ryan's qualifications for reappointment.

During his current term, Judge Ryan has served seven years in the Family Court, six years in the Criminal Division, and two years in the Domestic Violence Branch, where he is now serving on the Civil Protection Order Calendar. In each of these assignments, Judge Ryan has met the challenges presented and has gained the reputation for being a dedicated and hard-working judge, who takes his judicial duties seriously. The Commission received comments that describe Judge Ryan as "extremely fair and well prepared", "excellent judge", and, "very intelligent, yet humble, thoughtful in decision making yet not condescending, and just a wonderful judge to appear before".

Judge Ryan has consistently demonstrated a sense of fairness, impartiality, and compassion, and has been sensitive to the needs of the litigants who have appeared before him. For example, while assigned to the Domestic Relations II Calendar in Family Court, Judge Ryan chose not to continue the prevailing practice of judges issuing Orders from chambers and mailing them to litigants. Instead, he types Orders from the bench, hands them to the parties, and reviews the terms and conditions of the Orders before adjourning the proceedings. This has helped litigants, especially self-represented parties, to not only understand the Judge's decision, but also to hear the reasons why the Judge reached the conclusion that he did. In addition, Judge Ryan has been a champion for improving the quality of representation for indigent persons, regardless of the crime charged. He has worked hard to ensure that only the most competent and qualified attorneys will be eligible for such assignments.

Judge Ryan served in the Criminal Division from 2011 to 2016. He excelled in

that assignment trying both Felony 1 and Felony II cases. On many occasions he was requested to conduct training sessions for all of the Criminal Division judges, on new and emerging legal issues, and on the intersection of mental health with criminal activity. In addition, he was keenly aware of the importance of teamwork in the Criminal Division, and the need for judges to assist each other, and voluntarily accept additional cases, in order to facilitate the workload of the Division.

Judge Ryan's commendable service on the Superior Court far exceeds the trying of cases. He currently serves on the Criminal Justice Act Panels Committee, the Advisory Committee on Domestic Violence Rules, and the Judicial Education Committee. He chaired the Domestic Relations/Paternity & Support Subcommittee, which proposed now implemented procedures for Domestic Relations II judges concerning the scheduling and management of their caseloads; and he chaired the Mental Health/Mental Retardation Subcommittee and successfully had the name of the Branch changed to the Mental Health /Mental Habilitation Branch, recognizing the community's sensitivity to the term "retardation". Both of the Subcommittees are part of the Family Court Implementation Committee. In addition, Judge Ryan served on the Family Court Panels Oversight Subcommittee which addressed the problem of quality representation for indigent persons. In his written statement he noted, "I consider much of the panels work that I do and have done to be some of my most important contributions I make to the Court and the community."

Judge Ryan has also actively engaged in many community activities related to the administration of justice. He routinely is a guest speaker at the St. Elizabeths Hospital Forensic Psychiatry Fellows Program, a guest lecturer for attorney training for the Public


Defender Service and the Office of the Attorney General for the District of Columbia, and a lecturer and presenter at the Children's Law Center, the Neighborhood Legal Services, and D.C. Law Students In Court Program. In addition, Judge Ryan on several occasions has served on the faculty of the Winter Trial Advocacy Workshop at Harvard Law School, and the Defenders' Academy: Spring Session for the Bronx Defenders in New York. He also participates in annual moot court programs for area law schools. And, as noted earlier, Judge Ryan has also been actively involved in training Associate and Magistrate Judges of the Superior Court.

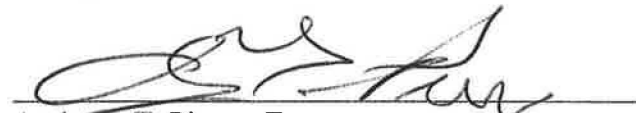
These are only the highlights of the many and varied contributions Judge Ryan has made to the Superior Court and to the administration of justice locally and in other jurisdictions. Judge Ryan noted in his written statement, "...since my appointment I have worked hard to be a fair, patient, and conscientious jurist, and seek reappointment to continue on this path, always trying to learn and do my job better." The Commission believes that Judge Ryan is the judge he had hoped to become, and the Commission is confident that he will continue to serve the Court and the community with distinction in the coming years.

In conclusion, the Commission is unanimous in finding Judge J. Michael Ryan well qualified for reappointment as an Associate Judge of the Superior Court of the District of Columbia, and his term shall be automatically extended for a full term of 15 years from November 5, 2018.

Respectfully submitted,

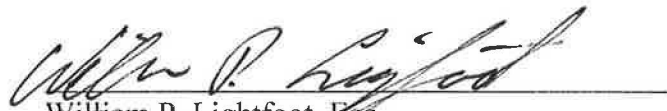
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cc: The Honorable J. Michael Ryan