2017 ANNUAL REPORT

DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

COMMISSION MEMBERS

JEANNINE C. SANFORD, ESQ., CHAIRPERSON

ANTHONY T. PIERCE, ESQ., VICE CHAIRPERSON

HON. JOAN L. GOLDFRANK

HON. COLLEEN KOLLAR-KOTELLY

WILLIAM P. LIGHTFOOT, ESQ.

DAVID P. MILZMAN, M.D.

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TABLE OF CONTENTS

INTRODUCTION TO THE 2017 ANNUAL REPORT

The District of Columbia Commission on Judicial Disabilities and Tenure is an independent agency established by Congress in 1970 to review complaints of misconduct against judges of the District of Columbia Courts. In 1973 and again in 1984 Congress expanded the Commission's jurisdiction and authority to include the reappointment evaluations of Associate Judges and performance and fitness reviews of Senior Judges.

The Commission's mission is to maintain public confidence in an independent, impartial, fair, and qualified judiciary and to enforce the high standards of conduct judges must adhere to both on and off the bench. Fifty individuals have served on the Commission since its inception, representing a diverse group of members from the legal community, the Federal judiciary, and the community at large. All have been steadfast in their commitment to the Commission fulfilling its mission and ensuring the public's confidence in the judicial system. Though the majority of the Commission's work and deliberations are confidential, the Commission makes its determinations only after a careful and thorough review of the issues presented. Confidentiality not only protects complainants from possible judicial retaliation, but also protects judges and the integrity of the judicial process from complaints lacking in merit and jurisdiction.

In fiscal year 2017 there were two changes in the Commission's membership. Chief Judge Beryl A. Howell of the United States District Court appointed Judge Colleen Kollar-Kotelly to succeed Judge Gladys Kessler whose term expired during the fiscal year, and Mayor Muriel E. Bowser appointed Ms. Nikki Sertsu to succeed Professor Michael Fauntroy whose term expired during fiscal year 2016.

The Commission elected Jeannine C. Sanford, Esq., Chairperson, and elected Anthony T. Pierce, Esq., Vice Chairperson, for fiscal year 2017.

The Commission wishes to acknowledge its outstanding staff, Executive Director, Cathaee J. Hudgins, Administrative Support Specialist, April Jenkins, and Special Counsel, Henry F. Schuelke, III, Esq. who continue to provide the Commission with invaluable assistance and advice.

The number of complaints received annually by the Commission over the past 11 years indicates a steady increase, with the exception of a low in fiscal year 2008, when the Commission received 25 complaints. In total since 1970, the Commission has reviewed over

2,600 complaints, conducted 92 reappointment evaluations of Associate Judges, and performed 86 fitness reviews of retiring judges who requested recommendations for initial appointments as Senior Judges.

Each year since 1976 the Commission has published an Annual Report to keep the judges of the District of Columbia Courts, the legal community, and the general public informed of its activities consistent with the confidentiality restrictions of the Commission's governing statute. This year marks the publication of the Commission's 41st Annual Report reviewing its activities during the fiscal year ended September 30, 2017. It also discusses the Commission's statutory authority and procedures.

The Commission's public action for this fiscal year, the Commission's enabling statutes and Rules, the 2012 Code of Judicial Conduct for the District of Columbia Courts, and the Commission's complaint form, appear under the noted appendices.

We welcome your comments.

I. COMMISSION MEMBERS

The Commission consists of seven members. One is appointed by the President of the United States. Two are appointed by the Board of Governors of the District of Columbia Bar. Two are appointed by the Mayor of the District of Columbia, one of whom shall not be a lawyer. One is appointed by the City Council of the District of Columbia. One is appointed by the Chief Judge of the United States District Court for the District of Columbia. The term of office of the President's appointee is five years, and all others serve six year terms.

The Commission usually meets once a month, except the month of August. The members elect a Chairperson and Vice Chairperson annually, at the beginning of each fiscal year. Commission members do not receive a salary or an expense allowance.

In fiscal year 2017 the Commission's membership was as follows: Jeannine C. Sanford, Esq., Chairperson, appointed by the D.C. Bar; Anthony T. Pierce, Esq., Vice Chairperson, appointed by the President; Hon. Joan L. Goldfrank, appointed by the D.C. Bar; Hon. Colleen Kollar-Kotelly, appointed by the Chief Judge of the United States District Court; William P. Lightfoot, Esq., appointed by the Mayor; David P. Milzman, M.D., appointed by the Council of the District of Columbia; and Nikki Sertsu, appointed by the Mayor.

Commission Members' Biographies

HON. JOAN L. GOLDFRANK, graduated cum laude from Emory University, and received her J.D. from Emory University School of Law. Following graduation Judge Goldfrank began her legal career as a Trial Attorney with the United States Department of Energy from 1976-1979. She served as Associate Chief Counsel for President Jimmy Carter's Commission on the Accident at Three Mile Island. She was an associate at the law firm of Collier, Shannon, Rill & Scott from 1980-1983, and she served as an attorney in the Office of Legal Advisor for Saint Elizabeths Hospital from 1983-1985. Judge Goldfrank became the Executive Attorney for the D.C. Board on Professional Responsibility in 1985. In 1994, she accepted a position as an Attorney at the United States Department of Justice where she worked in the Professional Responsibility Advisory Office, the Environment and Natural Resources Division, and the Office of Professional Responsibility until her appointment as a Magistrate Judge of the Superior Court of the District of Columbia in 2002. During her tenure as a Magistrate Judge she also served as Chair of the Superior Court's Commission on Mental Health. Judge Goldfrank retired after more than ten years of service on the Court. She continues to participate in various Bar activities, and she was appointed to the Commission in 2014 by the Board of Governors of the D.C. Bar.

HON. COLLEEN KOLLAR-KOTELL Y was appointed to the United States District Court in May 1997. She received a B.A. in 1965 from the Catholic University of America and a J.D. in 1968 from Columbus School of Law, The Catholic University of America. Following law school, she served as law clerk to Judge Catherine B. Kelly of the District of Columbia

Court of Appeals. From 1969 to 1972, Judge Kollar-Kotelly was an attorney in the Criminal Division of the U.S. Department of Justice and then served as the chief legal counsel to Saint Elizabeths Hospital until 1984. She was appointed Associate Judge of the D.C. Superior Court in October 1984, and served as Deputy Presiding Judge of the Criminal Division from 1995 until her appointment to the federal bench. Judge Kollar-Kotelly has been a Fellow of the American Bar Association, a founding member of the Thurgood Marshall Inn of Court, an adjunct professor at Georgetown University School of Medicine in a joint teaching program on mental health and the law, and chair of the Board of the Art Trust for Superior Court. Judge Kollar-Kotelly was appointed by former Chief Justice William Rehnquist to serve as a member of the Judicial Conference Committee on Financial Disclosure from June 2000 through May 2002, and in May 2002 Chief Justice Rehnquist appointed Judge Kollar-Kotelly to serve a 7-year appointment as Presiding Judge of the United States Foreign Intelligence Surveillance Court. Judge Kollar-Kotelly was appointed to the Commission in 2017 by the Chief Judge of the United States District Court for the District of Columbia.

WILLIAM P. LIGHTFOOT, ESQ., is a graduate of Howard University, and Washington University School of Law in St. Louis, Missouri. A partner in the law firm of Koonz, McKenney, Johnson, DePaolis & Lightfoot, he has practiced law for over thirty years, specializing in personal injury litigation. He is a frequent lecturer to attorneys about personal injury cases and trial advocacy. Mr. Lightfoot is a former Councilmember at Large for the District of Columbia where he chaired the Committee on the Judiciary. He was appointed to the Commission in 2001 by Mayor Anthony A. Williams, reappointed by Mayor Adrian Fenty in 2008, and reappointed by Mayor Muriel E. Bowser in 2015. Mr. Lightfoot served as Commission Chairperson from 2004-2009, and as Commission Vice Chairperson from 2009-2013.

DAVID P. MILZMAN, M.D., currently serves in multiple roles at the Georgetown University School of Medicine where he specializes in emergency medicine. He is an Assistant Dean for Student Research, Professor of Emergency Medicine, Research Director in the Department of Emergency Medicine at the Washington Hospital Center of Georgetown University Hospital, and an Associate Professor of Clinical Emergency Medicine. Dr. Milzman is also an Adjunct Professor of Biology at Georgetown University. In addition, he is an Attending Emergency Physician at the Indian Health Service in Gallup, New Mexico, and at Children's Hospital National Medical Center in Washington, D.C. Dr. Milzman received his B.S. from the University of Maryland, and his Doctor of Medicine from Georgetown University School of Medicine, and he completed his residency training in Emergency and Internal Medicine at Eastern Virginia Graduate School of Medicine. He has served on several community and public service organizations, as well as government commissions tasked with the study and improvement of various health care issues, such as the D.C. EMS Task Force, the D.C. EMS Commission, the Advisory Board on Health and Safety Services of the American Red Cross, and the D.C. Continuum of Care Task Force to name a few. Dr. Milzman has also served as the Medical Officer for professional sports teams and sporting arenas, and has been an invited expert appearing before private organizations, and local government and Congressional Committees. He is a member of many professional societies namely, the American College of Emergency Medicine, the Society for Academic Emergency Medicine, the Eastern Society and the American Association for the Surgery of Trauma. Dr. Milzman was appointed to the Commission in 2014 by the Council of the District of Columbia to fill an unexpired term, and was reappointed in 2017 by the Council to a full six-year term.

ANTHONY T. PIERCE, ESQ. is a litigator whose practice focuses on complex commercial disputes in state and federal courts, including commercial and regulatory litigation, class actions, intellectual property, employment matters and internal investigations. His practice covers a diverse group of industries, including technology and telecommunications, health care, energy, entertainment and media, financial services and government contracting. He is the partner in charge of the Washington, D.C. office of Akin Gump Strauss Hauer & Feld LLP, a global law firm with 20 offices worldwide and more than 900 lawyers, as well as a member of the firm's management committee. Mr. Pierce joined Akin Gump in 1987. From 1984 to 1987, he served as an evaluator for the U.S. General Accounting Office. In addition to his service on the D.C. Commission on Judicial Disabilities and Tenure, he is past president and a member of the Board of Trustees of the Legal Aid Society of the District of Columbia and serves on the U.S. District Court for the District of Columbia's Indigent Civil Litigation Fund. Mr. Pierce is past Chair of the Greater Washington Board of Trade and serves on the boards of the Economic Club and the Greater Washington Partnership and is a member of the Federal City Council. He was also a member of the Leadership Greater Washington Class of 2002. Mr. Pierce has been honored with numerous awards for his litigation skills and business community involvement. Mr. Pierce received his J.D. from the Georgetown University Law Center and his B.S. from George Mason University. Mr. Pierce is an appointee of President Barack Obama and was elected Commission Vice Chairperson in 2017.

JEANNINE C. SANFORD, ESQ., is the Chief Operating Officer of Bread for the City, a non-profit organization that provides food, clothing, medical care, legal and social services to nearly 10,000 low income District of Columbia residents each month. Ms. Sanford began her career with Bread for the City in 1993, serving as the first official Legal Clinic Director, who fostered the development of the organization's volunteer program into a professional civil legal services practice. The Clinic received the 1998 Frederick B. Abramson Award due to her leadership and direction. Ms. Sanford was appointed Deputy Director of Bread for the City in 1999, and served in that capacity until her appointment as COO. Ms. Sanford is a graduate of The Ohio State University College of Law and moved to the District of Columbia to accept a staff attorney position with the Neighborhood Legal Services Program where she worked for several years. She has served on the Board of Governors of the D.C. Bar, and on several occasions, she has Co-Chaired the Consortium of Legal Services Providers. Ms. Sanford also served on the Board of the D.C. Employment Justice Center, assisting with its transition to becoming a part of the Washington Lawyers' Committee for Civil Rights and Urban Affairs in 2017. In 2005, Ms. Sanford received the Jerrold Scoutt Prize in recognition of her contributions and long-standing commitment to civil legal services. She was appointed to the Commission in 2012 by the Board of Governors of the D.C. Bar, was elected Commission Vice Chairperson in 2014, and elected Commission Chairperson in 2017.

NIKKI DEJESUS SERTSU, is an independent cultural resource management consultant whose firm DeJesus and Associates, was established in 2003 to meet the growing and complex needs of a broad range of non-profit cultural organizations. Ms. Sertsu collaborates with clients and creative teams to develop solutions that help cultural organizations become more responsive to the communities they serve. Ms. Sertsu has worked with such clients as the Smithsonian National Museum of African American History and Culture, the Mississippi Arts and Entertainment Experience, the B.B. King Museum and Delta Interpretive Center, the National Museum of the American Latino, the White House Visitors Center, and the Historical Society of Washington, D.C. where she served as Interim Director from 2011-2013. Prior to starting her own firm Ms. Sertsu served as the Senior Project Manager from 1993-1998 for the Maryland Historical Trust, State Preservation Office, and from 1998-2003 she served as the CEO and

Founding Executive Director of the Reginald F. Lewis Museum of Maryland African American History and Culture. Ms. Sertsu is a graduate of Tuskegee University, and she received her M.S. in Management and Policy Analysis from the New School for Social Research. She was appointed to the Commission in 2017 by Mayor Muriel E. Bowser.

II. LEGAL AUTHORITY AND COMMISSION PROCEDURES

Commission History

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

Commission Jurisdiction

The Commission's jurisdiction extends to all Associate and Senior Judges of the District of Columbia Court of Appeals and the Superior Court of the District of Columbia. Its jurisdiction embraces four areas: (1) a judge's conduct warranting disciplinary action; (2) involuntary retirement of a judge for reasons of health; (3) evaluation of a judge who seeks reappointment upon the expiration of his or her term; and (4) evaluation of a judge who retires and wishes to continue judicial service as a Senior Judge.

The Commission does not have jurisdiction over Magistrate Judges of the Superior Court or Administrative Law Judges.

Legal Authority

The Commission has the authority to remove a judge for willful misconduct in office, for willful and persistent failure to perform judicial duties, and for conduct prejudicial to the administration of justice or which brings the judicial office into disrepute; the Commission may in appropriate circumstances impose lesser sanctions such as censure or reprimand. The Commission also has the authority to involuntarily retire a judge if the Commission determines that the judge suffers from a mental or physical disability which is or is likely to become permanent and which prevents, or seriously interferes with, the proper performance of judicial duties.

Complaint Review and Investigations

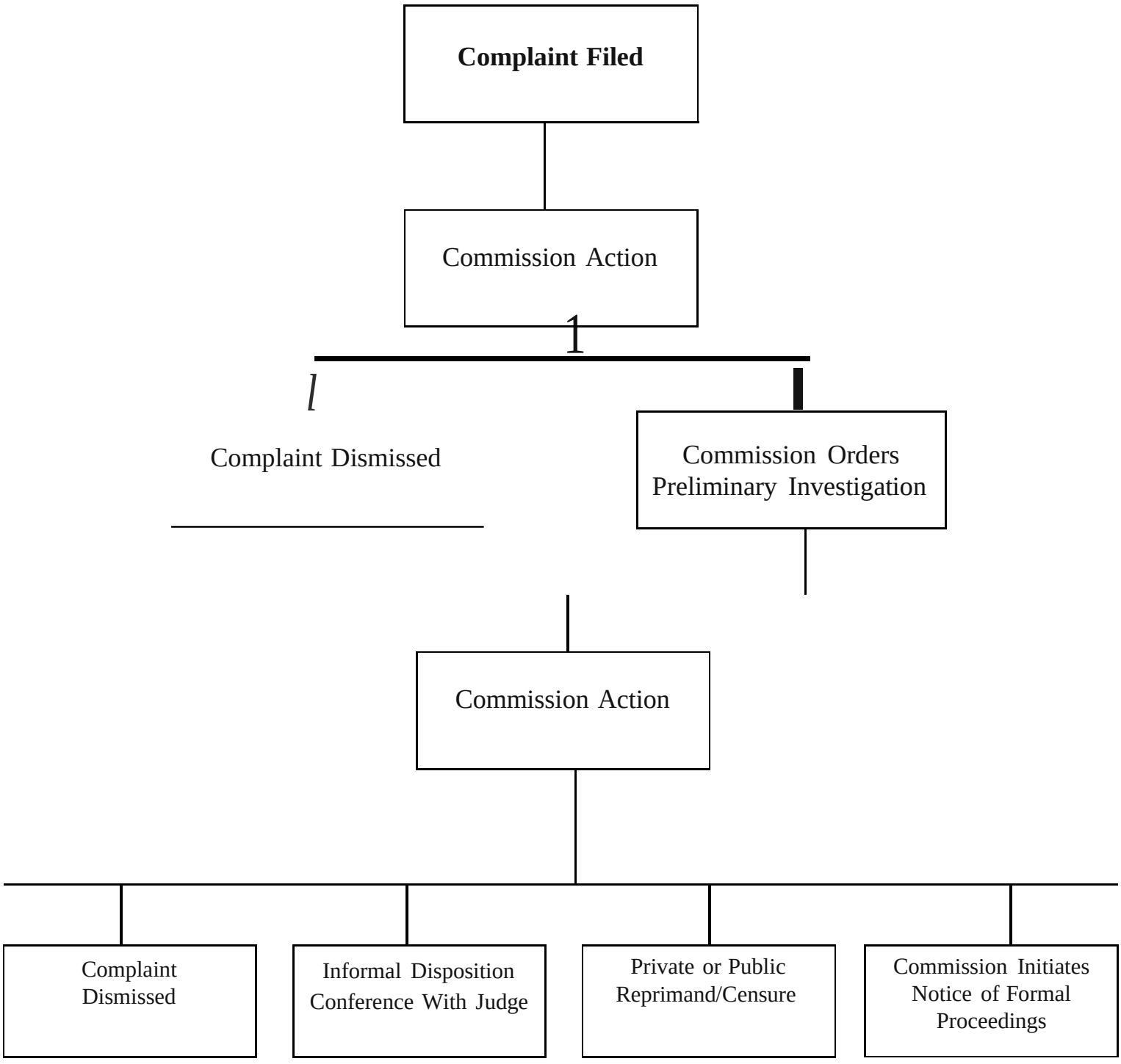
The Commission reviews complaints written or oral, concemmg the misconduct of judges; it does not, however, have jurisdiction to review judicial decisions or errors of law. Examples of judicial misconduct include: rude, abusive and improper treatment of lawyers, witnesses, jurors, Court staff or others, showing bias toward anyone in the courtroom based on gender, race, ethnicity, religion, etc., and sleeping or drunkenness or other improper conduct while on the bench. Judicial misconduct also may involve improper off-the-bench conduct such as: criminal behavior including for example the giving or receiving of bribes or favors, improper use of a judge's authority, publicly commenting on a pending or expected lawsuit, and communicating with only one side in a court case or proceeding unless permitted by law.

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

The Commission usually meets once a month to review all new complaints that have been received, to discuss the progress of investigations, and address any other matters within its jurisdiction. Each complaint is considered individually. If the Commission determines that a matter falls within its jurisdiction, it may order an investigation. Commission investigations are conducted by the staff and may include contacting witnesses, reviewing court records and other documents, and observing courtroom proceedings. If the investigation substantiates the complaint, the Commission may resolve a matter through an informal conference with the judge involved, or the Commission may initiate formal disciplinary action against a judge. All of the Commission's disciplinary proceedings and investigations are confidential. Under certain circumstances, however, a decision or action by the Commission may be made public.

If the allegations are found to be untrue or the investigation reveals that the matter is not within the Commission's jurisdiction, the Commission will dismiss the complaint and advise the complainant or source accordingly. Complainants are also notified, though the nature of the action taken is not divulged, when the Commission has resolved a matter.

COMPLAINT PROCESS



Codes of Conduct and Commission Rules

In considering claims of misconduct, the Commission looks to the American Bar Association Code of Judicial Conduct (2012) as adopted by the District of Columbia Joint Committee on Judicial Administration, along with the advisory opinions of the Committee on Codes of Conduct of the Judicial Conference of the United States regarding the Code of Conduct for U.S. Judges, and the advisory opinions of the District of Columbia Courts' Advisory Committee on Judicial Conduct. Judges under its jurisdiction are deemed to be on notice of the Commission's published actions as well.

The Commission conducts its proceedings pursuant to Rules which appear in 28 District of Columbia Municipal Regulations Chapter 20, amended July 7, 2017. The regulations are set forth in Appendix C.

Reappointment Evaluations

Aside from its disciplinary function, the Commission also has the responsibility to determine whether or not a sitting judge whose term is expiring, and who seeks a new term, is to be reappointed. The Home Rule Act requires that the Commission file with the President of the United States a written evaluation of the judicial candidate's performance during the term of office, and his or her fitness for reappointment to another term. Under the Judicial Efficiency and Improvement Act, the Commission in its evaluation is required to place a judge in one of three categories. If the Commission evaluates a sitting judge as "well qualified", the judge is automatically reappointed to a new term of 15 years. If the Commission evaluates the judge as "qualified", the President may, if he chooses, renominate the judge subject to Senate confirmation; if the Commission evaluates the judge as "unqualified", the judge is ineligible for reappointment. The Commission defines the evaluation categories as follows:

Well Qualified - The candidate's work product, legal scholarship, dedication, efficiency, and demeanor are exceptional, and the candidate's performance consistently reflects credit on the judicial system.

Qualified - The candidate satisfactorily performs the judicial function or, if there are negative traits, they are overcome by strong positive attributes.

Unqualified - The candidate is unfit for further judicial service.

At least six months prior to the expiration of the term of office, a judge who seeks reappointment must file a declaration of candidacy with the Commission. The judge must also

submit a written statement, including illustrative materials, reviewing the significant aspects of the judge's judicial activities during the term of office. In addition, a judicial medical form completed by the judge's physician must be submitted to the Commission attesting to the judge's mental and physical health.

Once the Commission receives the declaration of candidacy, it solicits comments from the bar, Court personnel, other judges, and the lay public concerning the candidate's qualifications and contributions to the Court and the community. The Commission also conducts interviews with attorneys who have regularly appeared before the judge, and Court personnel who have worked closely with the judge, to gain additional insight concerning the judge's performance and fitness. The Commission respectively interviews the Chief Judge of the judge's Court and the judge as well.

If the Commission, in the course of a reappointment evaluation, receives information that raises a substantial doubt that the judge is at least qualified, the Commission will provide in summary form the basis for doubt, and provide the judge an opportunity to confer with the Commission.

The final step in the reappointment evaluation process is the Commission's preparation of a written evaluation discussing the judge's performance during the present term of office and his or her fitness for reappointment to another term. The report must be submitted to the President at least 60 days prior to the expiration of the judge's term of office, is furnished simultaneously to the judge, and released to the public immediately thereafter.

Senior Judge Recommendations

In addition to evaluating the performance of Associate Judges who are eligible for and request reappointment, the Commission performs a virtually identical function for retiring judges who wish to continue their judicial service as Senior Judges. The Retired Judge Service Act requires a judge seeking senior status to request a recommendation for appointment from the Commission. Once a request is received, the Commission conducts a thorough review of a judge's physical and mental fitness, and evaluates the judge's ability to satisfactorily perform judicial duties. The Commission must submit a written report of its findings to the appropriate Chief Judge, and the report must include the Commission's recommendation concerning a judge's fitness and qualifications to continue judicial service. If the Commission makes a favorable recommendation, the Chief Judge determines if the judge is to be appointed a Senior Judge. If the Commission makes an unfavorable recommendation, the requesting judge is

ineligible for appointment. The recommendation of the Commission and the decision of the Chief Judge regarding appointment are final. A Senior Judge must be recommended for reappointment every four years, unless the judge has reached age 74, in which case a recommendation and reappointment are required every two years.

Retiring judges who wish to continue their judicial service as Senior Judges have one year from the date of retirement to request a recommendation from the Commission for an appointment to senior status. Contemporaneous with the filing of the request the judge must submit a written statement reviewing the significant aspects of his or her judicial activities, and the judge must submit a judicial medical form completed by his or her physician attesting to the judge's physical and mental health. The Commission solicits comments from the bar, Court personnel, other judges, and the lay public concerning the judge's qualifications and fitness for appointment as a Senior Judge. The Commission also conducts interviews with attorneys who have regularly appeared before the judge, and Court personnel who have worked closely with the judge over the 4 to 5 year period before the judge's retirement. The Commission respectively interviews the Chief Judge of the judge's court and the judge as well.

If the Commission, in the course of its fitness evaluation, receives information that raises a substantial doubt that the judge is fit for further judicial service, the Commission will provide in summary form the basis for doubt, and provide the judge an opportunity to confer with the Commission.

The Commission has 180 days from receipt of the judge's request to submit its report and make a favorable or unfavorable recommendation to the appropriate Chief Judge. The recommendation standards are as follows:

Favorable - The judge is physically and mentally fit and able satisfactorily to perform judicial duties.

Unfavorable - The judge is unfit for further judicial service.

The Chief Judge notifies the Commission and the judge of the decision regarding appointment within 30 days of receipt of the Commission's report.

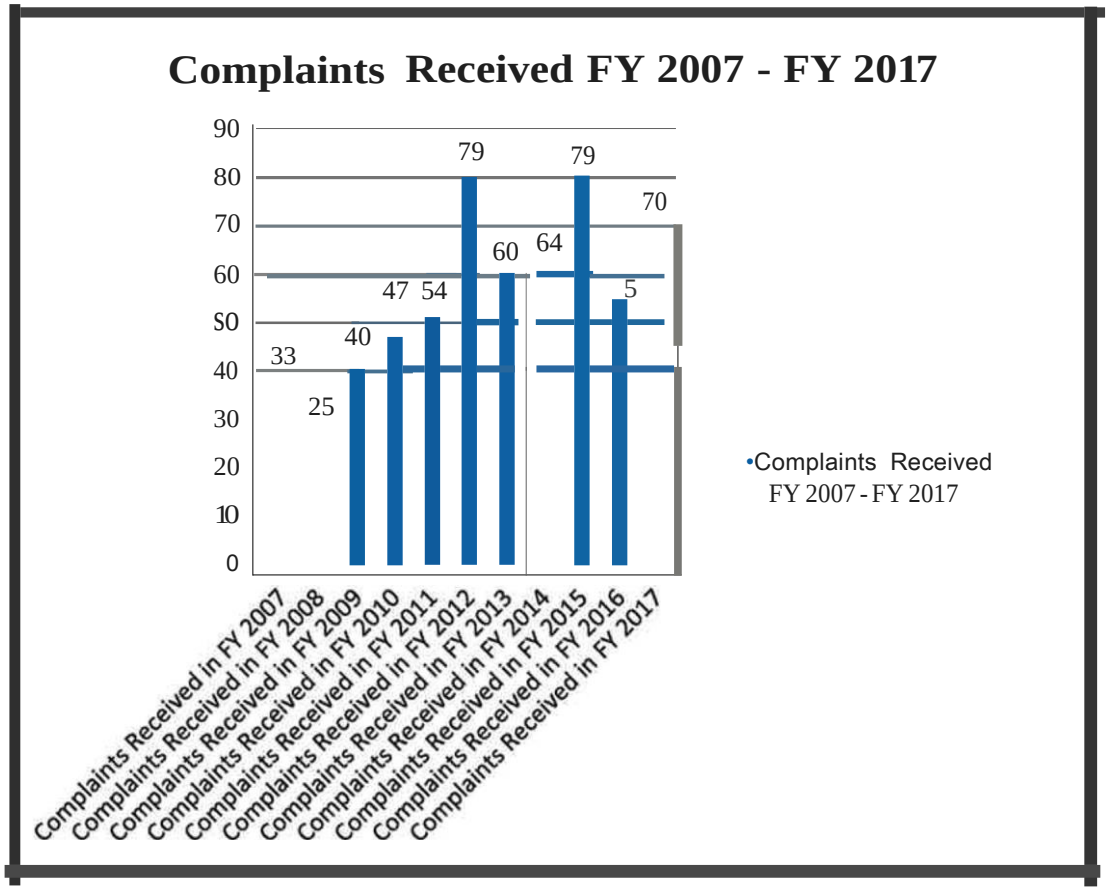
III. 2017 STATISTICS

Summary of Commission Activities	
1. Complaints Regarding Conduct	70
2. Misconduct Investigations	31
3. Complaints Pending At Beginning of Year	2
4. Complaints Pending At Year End	3
5. Formal Disciplinary Proceedings	0
6. Involuntary Retirement Matters	0
7. Reappointment Proceedings	1
8. Senior Judge Recommendations	10
9. Commission Meetings	11

Complaints Received and Investigated

In fiscal year 2017, the Commission received 70 misconduct complaints. The great majority of complaints coming to the Commission this fiscal year as in previous years, were either unsubstantial or had to do with matters beyond the Commission's jurisdiction, rather than misconduct. In 28 cases the Commission determined after the initial review that no further inquiry was warranted and dismissed 21 matters for lack of jurisdiction, and dismissed seven matters for lack of merit. Three complaints were dismissed when the complainants failed to provide additional information requested by the Commission and one complaint was withdrawn by the complainant before the Commission took any action. Of the 31 matters investigated, 11 were dismissed for lack of merit, 10 were dismissed for lack of jurisdiction, two were disposed of with informal conferences with each of the two judges involved, two complaints were disposed of informally with a letter to each of the two judges concerned, and one matter initiated by the Commission was resolved with a letter to Chief Judge Robert E. Morin that concerned and was circulated to the Senior Judges of his Court. Three complaints were pending at the end of the fiscal year, two of which were initiated by the Commission and concerned two judges with health related issues.

There were two complaints pending at the end of fiscal year 2016. The Commission completed its investigations of the two complaints in fiscal year 2017, and dismissed one for lack of jurisdiction and dismissed one for lack of merit.



Complaint Allegations

The 70 matters reviewed by the Commission concerned allegations of incorrect/unlawful judicial rulings, abuse of discretion, administrative delays, inappropriate demeanor and injudicious temperament, bias/prejudice, violation of constitutional rights, obstruction of justice, health related issues, ex parte communications, falsifying records (off the bench), conflicts of interest, abuse of the prestige of judicial office, and an inappropriate charitable fundraising issue. Some complaints contained multiple allegations, four complaints named more than one judge, 40 judges were identified, and more than one complaint was filed against 16 judges. The complaints concerned 27 Associate Judges and five Senior Judges of the Superior Court, and six Associate Judges and two Senior Judges of the Court of Appeals.

Complaint Allegations

1. Dissatisfaction With Legal Rulings	15
2. Intemperate Demeanor/Injudicious Temperament	12
3. Abuse of Discretion	9
4. Administrative Delays	9
5. Bias/Prejudice	9
6. Violation of Constitutional Rights	7
7. Due Process Issues	4
8. Obstruction of Justice	4
9. Health Related Issues	2
10. Abuse of the Prestige of Office	1
11. Ex Parte Communications	1
12. Charitable Fundraising Issues	1
13. Conflicts of Interest	1
14. Falsifying Records (Off the Bench)	1

Source of Complaints

Litigants or their relatives filed 61 complaints, four complaints were filed by one attorney, two complaints were filed by an Administrative Law Judge, and three complaints were initiated by the Commission.

The complaints concerned 29 civil matters, 13 domestic relations matters, 11 criminal matters, six probate matters, three off the bench matters, two family matters, two appellate matters, two health related matters, and two administrative hearing proceedings.

Complaint Dispositions

The Commission disposed of 42 complaints in 30 days, 19 complaints were disposed of in 60 days, five complaints were disposed of in 90 days, 1 matter was before the Commission for five months before it was resolved, and three matters took over 120 days to resolve.

Judicial Positions
As **of September 30, 2017**

Court of Appeals	
Chief Judge and Associate Judges	9
Senior Judges	9
Superior Court	
Chief Judge and Associate Judges	61
Senior Judges	34
Total	113

Associate Judge Reappointment

The fifteen-year terms of Superior Court Associate Judges Jeanette Clark and Robert Rigsby expired during the fiscal year. Judge Clark opted to retire and requested a recommendation for an initial appointment as a Senior Judge, and Judge Rigsby requested reappointment to another fifteen-year term.

The Commission carefully evaluated Judge Rigsby's qualifications and reviewed his record as an Associate Judge. The Commission conducted confidential interviews with attorneys who had regularly appeared before the Judge, interviewed Superior Court personnel who had worked with the Judge, reviewed comments from the bar and the general public, and the Commission reviewed its own record concerning Judge Rigsby.

As required by the Commission's Rules, the Judge submitted a written statement with illustrative materials summarizing his judicial activities and assignments and his contributions to the Court and to the community. In addition, Judge Rigsby submitted a Judicial Medical Form completed by his personal physician. The Commission interviewed the Judge to discuss his record, as well as the information the Commission had received during the course of its evaluation. The Commission also met with Chief Judge Robert E. Morin to discuss Judge Rigsby's judicial performance and qualifications.

The Commission determined Judge Rigsby to be well qualified for reappointment and he automatically received another fifteen-year term. The Commission's evaluation report to President Donald Trump appears under Appendix A.

Senior Judge Recommendations

The terms of Court of Appeals Judges Michael W. Farrell, John M. Ferren, Warren R. King, Theodore R. Newman, Jr., William C. Pryor, and John M. Steadman, and the terms of Superior Court Judges A. Franklin Burgess, Jr., Frederick D. Dorsey, Rufus G. King, III, Linda D. Turner, and Susan R. Winfield expired during the fiscal year, and all requested a recommendation for reappointment to senior status, except Judges Warren King, Newman, Burgess, Dorsey, and Rufus King. Each Judge submitted a written statement discussing their judicial and non-judicial activities since their last reappointment to senior status, and each submitted a Judicial Medical Form completed by their personal physician. The Commission met with the Chief Judges to discuss the contributions and qualifications of the Senior Judges from their respective Court, and the Commission met with each Senior Judge candidate. The Commission concluded the fitness evaluations of the six Judges, and recommended each of the six for reappointment to senior status. The Commission was advised by Chief Judge Eric T. Washington that Judges Farrell, Ferren, Pryor, and Steadman were reappointed to senior status on the Court of Appeals, and Chief Judge Robert E. Morin advised the Commission that he had reappointed Judges Turner and Winfield to senior status.

During the fiscal year, Court of Appeals Judge John A. Terry whose request for a recommendation for reappointment to senior status had been pending, advised the Commission of his decision to retire and withdrew his request from further consideration.

Also during the fiscal year, Court of Appeals Chief Judge Eric T. Washington, and Superior Court Chief Judge Lee F. Satterfield, and Superior Court Associate Judges Jeanette Clark and Gregory Jackson retired and requested recommendations for initial appointments as Senior Judges. The four Judges each submitted a written statement with illustrative materials discussing their judicial activities during the present term of office, and each submitted a satisfactory Judicial Medical Form. The Commission interviewed attorneys who had appeared before the four Judges, as well as Court personnel who had worked with them individually over the past few years, reviewed comments from the bar and the general public, and the Commission reviewed its own records concerning the Judges. The Commission met with Court of Appeals Chief Judge Anna Blackburne-Rigsby who discussed the qualifications and contributions of Judge Washington, and the Commission met with Chief Judge Robert E. Morin who discussed the qualifications and contributions of Judges Clark, Jackson, and Satterfield. The Commission

met with Judges Washington, Satterfield, Clark, and Jackson respectively to discuss their requests for senior status. Upon completing the fitness evaluations, the Commission recommended the four Judges for initial appointments to senior status. Chief Judge Blackburne-Rigsby advised the Commission of her appointment of Judge Washington to a four-year term as a Senior Judge, and Chief Judge Morin advised the Commission of his appointment of Judges Satterfield, Clark, and Jackson to four-year terms as Senior Judges.

In addition, Superior Court Judges Zoe Bush, Russell F. Canan, and Thomas J. Motley advised the Commission of their intentions to retire in the early part of FY 2018, and each requested an initial appointment as a Senior Judge. The Commission did not complete its fitness evaluation of each of the three Judges before the end of FY 2017.

IV. **RESOLUTION**

WHEREAS, Michael K. Fauntroy, Ph.D. was appointed to the District of Columbia Commission on Judicial Disabilities and Tenure on September 21, 2009, by Mayor Adrian Fenty; and was reappointed by Mayor Fenty to a full six-year term on February 24, 201O; and

WHEREAS, the term of Michael K. Fauntroy, Ph.D. expired on February 24, 2016, and he notably continued to serve on the Commission until his successor was appointed several months later, and

WHEREAS, Dr. Fauntroy contributed to the administration of justice in the District of Columbia as a member of the Commission for over seven years;

NOW, THEREFORE, it is hereby RESOLVED that the Commission takes this opportunity to express its appreciation and gratitude to Michael K. Fauntroy, Ph.D. for all of the contributions he made to the Commission's work.

Dr. Fauntroy's service confirmed the wisdom of the Commission's enabling statute requiring the appointment of two non-lawyer members, who bring a different yet very important viewpoint concerning the public's perception of a fair and impartial judiciary. He provided the insight and judgment of a concerned citizen and the discipline and preparation of a college professor. Dr. Fauntroy will be missed, and we, the remaining members, will always appreciate his years of service to the Commission.

V. RESOLUTION

The District of Columbia Commission on Judicial Disabilities and Tenure hereby acknowledges and expresses its deepest gratitude to one of its members, Hon. Gladys Kessler, for her fourteen years of exemplary service. Judge Kessler was initially appointed to the Commission on May 14, 2001, by Chief Judge Norma Holloway Johnson of the United States District Court, and was twice reappointed to the Commission, first by Chief Judge Thomas Hogan in 2005, and later by Chief Judge Royce Lamberth in 2011. Her term on the Commission expired December 31, 2016.

Judge Kessler served as Vice Chairperson of the Commission from 2002 to 2009. In 2009 she was elected Commission Chairperson, and brilliantly served in that capacity until October 26, 2016. Her tenure as Chairperson was remarkable. Judge Kessler provided the guidance, leadership, and support the Commission needed, especially when it was presented with challenging and sometimes difficult matters to resolve. Her distinguished career as a trial judge on the District of Columbia Superior Court not only made her sensitive to the pressures of judicial office, but also made her intuitive about how judges could and should avoid impropriety and the appearance of such. Judge Kessler's commitment to the highest standards of professional and official conduct was strong and unwavering.

Judge Kessler led by example. She gave generously of her time, was always prepared, never declined special assignments, and as Chairperson attended annual government budget and oversight hearings relevant to the Commission. She encouraged all members to actively participate in the Commission's deliberations, and believed that a thorough discussion of the issues presented was essential. Judge Kessler was also an advocate of the Commission counseling judges to assist them in maintaining the highest standards of judicial and personal conduct. She was a champion of fairness for the public and the bench.

The Commission is indebted to Judge Gladys Kessler for her outstanding and commendable service as a member, Vice Chairperson, and Chairperson. Her contributions to the Commission, the Courts, and the community will be praised and remembered for years to come.

VI. FY 2017 EXPENDITURES

OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2017

Staff Salaries.....	$222,836.24
Personnel Benefits.	25,086.02
Legal and Investigative Services.....	24,666.00
Communication Services.....	6,251.73
District of Columbia Government (IT and Web Service Maintenance)	5,804.53
Printing...	4,187.51
Office Supplies.....	3,765.38
Out of City Travel..	3,736.89
Office Support...	2,055.99
Membership Dues...	2,050.00
Maintenance Service Agreement..	1,943.76
Court Reporting Services...	1,682.65
Local Messenger/Delivery Services.	1,176.81
Postage Meter Rental.	848.92
Medical Expert.....	750.00
Conference Fees.....	955.00
Subscriptions to Periodicals....	479.88
Staff Training...	425.00
Local Travel.....	123.01
TOTAL	**$308,825.32**

APPENDIX A

COMMISSION PUBLIC ACTIONS

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

May 24, 2017

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

Re: Evaluation of the Honorable Robert Ray Rigsby

Dear Mr. President:

The fifteen-year term of the Honorable Robert Ray Rigsby, an Associate Judge of the Superior Court of the District of Columbia, expires on July 28, 2017. 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 Rigsby'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 his 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 his term of office and shall be filled by appointment as provided in subsections (a) and (b). 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 his present term of office and his 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 the 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, he shall nominate another candidate for such position only in accordance with the provisions of subsections (a) and (b). 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.

Judge Rigsby filed a timely declaration of candidacy for reappointment with the Commission on January 6, 2017. In evaluating Judge Rigsby's qualifications for reappointment, the Commission carefully reviewed the detailed written statement and supporting materials Judge Rigsby submitted describing his services on the Court. The statement and attached materials described the significant aspects of his judicial,

professional, and community activities during the past 15 years. The Commission considered an analysis of his record on appeal. The Commission reviewed Judge Rigsby's time reports and annual financial statements.

In addition, the Commission reviewed a confidential statement from Judge Rigsby's physician attesting to his health.

The Commission interviewed many people concerning Judge Rigsby's performance as a Judge, including Court personnel, Superior Court judges, and attorneys who had appeared before him representing the Government and individuals. The Commission met with Chief Judge Robert Morin to discuss Judge Rigsby's request to be reappointed. The Chief Judge recommended Judge Rigsby's reappointment, stating that Judge Rigsby is "doing well" in his current assignment and is "fully motivated and engaged." Chief Judge Morin also recently reappointed him to Court committees, considering committee member reports that Judge Rigsby is a "substantial contributor" to the work of the committees. Judge Rigsby met personally with the Commission on April 12, 2017, to discuss his reappointment, including the information that he filed with the Commission, as well as information the Commission had received during the course of its evaluation.

At this time, Judge Rigsby serves in the Civil Division of the Superior Court. During his tenure, he has served in all the Divisions of the Superior Court, except for the Probate and Tax Division. Specifically, Judge Rigsby has served in the Family Court, the Criminal Division, the Domestic Violence Branch, and the Civil Division. His judicial

demeanor is good. His decisions are fair. He treats *pro se* litigants with respect. His record on appeal is sound.

Judge Rigsby also provides service to the Court off the bench. He has served on several Court committees. He is a member of two significant committees: the Committee on the Selection and Tenure of Magistrate Judges; and the Judicial Education and Training Committee. He previously has served as a member of the Family Court Panels Subcommittee and Implementation Committee.

Judge Rigsby is engaged in extra judicial activities. He was a member of the Judge Advocate General Corps, retiring in May 2014. During 2009 he was deployed for six months to Kuwait, Iraq and Afghanistan. Judge Rigsby has taught at local universities and law schools. In addition, he has instructed military judges and lawyers in the Democratic Republic of the Congo and judges from several Caribbean countries. Finally, Judge Rigsby participates in community activities that benefit underprivileged youth. He serves as the Chairman of the Board of the District of Columbia National Guard Youth Challenge Foundation. He served on the Board of the National Capitol Area Council for the Boy Scouts of America. Significantly, he founded Law Camp to provide youth with the opportunity to understand the legal system and government.

The Commission received several adverse comments from judges, staff and attorneys concerning Judge Rigsby's serious untimeliness, impacting the efficient administration of justice, the attorneys and the parties. This issue arose during Judge Rigsby's assignments in two Court Divisions. His lack of timeliness caused attorneys and parties to wait significant periods for his appearance, causing court to extend beyond

the end of the court day, which consequently impacted court staff. We were informed that Court management discussed this issue with him. The Commission also discussed the significance of these concerns with Judge Rigsby. We understand that he responded to the constructive criticism and appropriately modified his behavior. Most importantly, there are no reports concerning his lack of timeliness and its negative impact on the administration of justice since his assignment in the Civil Division. The Commission concludes that Judge Rigsby is aware of how his conduct impacted the fair and efficient operation of the judicial system. Based on all of the information before it, the Commission is confident that Judge Rigsby seriously addressed the Commission's concerns regarding the administration of justice and appropriately changed his behavior.

In light of Judge Rigsby's record of judicial performance, his dedication to the Court and the community, and after a careful and thorough evaluation of all the information received and compiled, it is the view of the Commission that Judge Rigsby should continue his judicial service. The Commission considered Judge Rigsby's positive response to constructive criticism. He acknowledged that he matured as a judicial officer. The Commission is confident that he will continue to develop as a judicial officer. For all these reasons, the Commission finds Judge Rigsby well qualified for reappointment, and his term shall be automatically extended for a full term of fifteen years from July 28, 2017.

Report on Judge Robert Ray Rigsby

Respectfully submitted,

DISTRICT OF COLUMBIA COMMISSION
ON JUDICIAL DISABILITIES AND TENURE

Jeannine C. Sanford, Esq.
Chairperson

Anthony T. Pierce, Esq.
Vice Chairperson

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Hon. Co ar !fd14

William P. Lightfoot, Esq.

David P. Milzman, M.D.

Nikki Sertsu

cc: The Honorable Robert Ray Rigsby

APPENDIX B

GOVERNING PROVISIONS

STATUTE CREATING THE COMMISSION
D.C. CODE TITLE 11 §11-1521

§ 11-1521. Establishment of Commission.

There shall be a District of Columbia Commission on Judicial Disabilities and Tenure (hereafter in this subchapter referred to as the "Commission"). The Commission shall have power to suspend, retire, or remove a judge of a District of Columbia court, as provided in this subchapter.

(July 29, 1970, 84 Stat. 492, Pub. L. 91-358, title I, § 111.)

§ 11-1522. Membership.

(a) The Commission shall consist of five members appointed as follows:

(1) The President of the United States shall appoint three members of the Commission. Of the members appointed by the President –

(A) at least one member must be a member of the District of Columbia bar who has been actively engaged in the practice of law in the District of Columbia for at least five of the ten years immediately before appointment; and

(B) at least two members must be residents of the District of Columbia.

(2) The Commissioner [Mayor] of the District of Columbia shall appoint one member of the Commission. The member appointed by the Commissioner [Mayor] must be a resident of the District of Columbia and not an attorney.

(3) The chief judge of the United States District Court for the District of Columbia shall appoint one member of the Commission. The member appointed by the chief judge shall be an active or retired Federal judge serving in the District of Columbia.

The President shall designate as Chair of the Commission one of the members appointed pursuant to paragraph (1) who is a member of the District of Columbia bar who has been actively engaged in the practice of law in the District of Columbia for at least five of the ten years before the member's appointment.

(b) There shall be three alternate members of the Commission, who shall serve as members pursuant to rules adopted by the Commission. The alternate members shall be appointed as follows:

(1) The President shall appoint one alternate member, who shall be a resident of the District of Columbia and a member of the bar of the District of Columbia who has been actively engaged in the practice of law in the District of Columbia for at least five of the ten years immediately before appointment.

(2) The Commissioner [Mayor] shall appoint one alternate member who shall be a resident of the District of Columbia and not an attorney.

(3) The chief judge of the United States District Court for the District of Columbia shall appoint one alternate member who shall be an active or retired Federal judge serving in the District of Columbia.

(c) No member or alternate member of the Commission shall be a member, officer, or employee of the legislative branch or of an executive or military department of the United States Government (listed in section 101 or 102 of title 5, United States Code); and no member or alternate member (other than a member or alternate member appointed by the chief judge of the United States District Court for the District of Columbia) shall be an officer or employee of the judicial branch of the United States Government. No member or alternate member of the

Commission shall be an officer or employee of the District of Columbia government (including its judicial branch).

(July 29, 1970, 84 Stat. 492, Pub. L. 91-358, title I, § 111; June 13, 1994, Pub. L. 103-266, §§ **1**(b)(25)-(27), 108 Stat. 713.)

§ 11-1523. Terms of office; vacancy; continuation of service by a member.

(a)(l) Except as provided in paragraph (2), the term of office of members and alternate members of the Commission shall be six years.

(2) Of the members and alternate members first appointed to the Commission --

(A) one member and alternate member appointed by the President shall be appointed for a term of six years, one member appointed by the President shall be appointed for a term of four years, and one such member shall be appointed for a term of two years, as designated by the President at the time of appointment;

(B) the member and alternate member appointed by the chief judge of the United States District Court for the District of Columbia shall be appointed for a term of four years; and

(C) the member and alternate member appointed by the Commissioner [Mayor] of the District of Columbia shall be appointed for a term of two years.

(b) A member or alternate member appointed to fill a vacancy occurring before the expiration of the term of that member's predecessor shall serve only for the remainder of that term. Any vacancy on the Commission shall be filled in the same manner as the original appointment was made.

(c) If approved by the Commission, a member may serve after the expiration of that member's term for purposes of participating until conclusion in a matter, relating to the suspension, retirement, or removal of a judge, begun before the expiration of that member's term. A member's successor may be appointed without regard to the member's continuation in service, but that member's successor may not participate in the matter for which the member's continuation in service was approved.

(July 29, 1970, 84 Stat. 493, Pub. L. 91-358, title I, § 111; June 13, 1994, Pub. L. 103-266, §§ 1(b)(28), (29), 108 Stat. 713.)

§ 11-1524. Compensation.

Members of the Tenure Commission shall serve without compensation for services rendered in connection with their official duties on the Commission.

(July 29, 1970, 84 Stat. 493, Pub. L. 91-358, title I, § 111; Apr. 26, 1996, 110 Stat. [210], Pub. L. 104-134, § 133(a).)

§ 11-1525. Operations; personnel; administrative services.

(a) The Commission may make such rules and regulations for its operations as it may deem necessary, and such rules and regulations shall be effective on the date specified by the Commission. The District of Columbia Administrative Procedure Act (D.C. Official Code, secs. 2-501 to 2-510) shall be applicable to the Commission only as provided by this subsection. For the purposes of the publication of rules and regulations, judicial notice, and the filing and compilation of rules, sections 5, 7, and 8 of that Act (D.C. Official code, secs. 2-504, 2-505, and 2-507), insofar as consistent with this subchapter, shall be applicable to the Commission; and for purposes of those sections, the Commission shall be deemed an independent agency as defined in

section 3(5) of that Act (D.C. Official Code, sec. 2-502). Nothing contained herein shall be construed to require prior public notice and hearings on the subject of rules adopted by the Commission.

(b) The Commission is authorized, without regard to the provisions governing appointment and classification of District of Columbia employees, to appoint and fix the compensation of, or to contract for, such officers, assistants, reporters, counsel, and other persons as may be necessary for the performance of its duties. It is authorized to obtain the services of medical and other experts in accordance with the provisions of section 3109 of title 5, United States Code, but at rates not to exceed the daily equivalent of the rate provided for GS-18 of the General Schedule.

(c) The District of Columbia is authorized to detail, on a reimbursable basis, any of its personnel to assist in carrying out the duties of the Commission.

(d) Financial and administrative services (including those related to budgeting and accounting, financial reporting, personnel, and procurement) shall be provided to the Commission by the District of Columbia, for which payment shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed upon by the Chair of the Commission and the District of Columbia government. Regulations of the District of Columbia for the administrative control of funds shall apply to funds appropriated to the Commission.

(July 29, 1970, 84 Stat. 493, Pub. L. 91-358, title I, § 111; June 13, 1994, Pub. L. 103-266, § 1(b)(30), 108 Stat. 713.)

§ 11-1526. Removal; involuntary retirement; proceedings.

(a)(l) A judge of a District of Columbia court shall be removed from office upon the filing in the District of Columbia Court of Appeals by the Commission of an order of removal certifying the entry, in any court within the United States, of a final judgment of conviction of a crime which is punishable as a felony under Federal law or which would be a felony in the District of Columbia.

(2) A judge of a District of Columbia court shall also be removed from office upon affirmance of an appeal from an order of removal filed in the District of Columbia Court of Appeals by the Commission (or upon expiration of the time within which such an appeal may be taken) after a determination by the Commission of –

(A) willful misconduct in office,

(B) willful and persistent failure to perform judicial duties, or

(C) any other conduct which is prejudicial to the administration of justice or which brings the judicial office into disrepute.

(b) A judge of a District of Columbia court shall be involuntarily retired from office when (1) the Commission determines that the judge suffers from a mental or physical disability (including habitual intemperance) which is or is likely to become permanent and which prevents, or seriously interferes with, the proper performance of the judge's judicial duties, and (2) the Commission files in the District of Columbia Court of Appeals an order of involuntary retirement and the order is affirmed on appeal or the time within which an appeal may be taken from the order has expired.

(c)(1) A judge of a District of Columbia court shall be suspended, without salary –

(A) upon --

(i) proof of conviction of a crime referred to in subsection (a)(l) which has not become final, or

(ii) the filing of an order of removal under subsection (a)(2) which has not become final; and

(B) upon the filing by the Commission of an order of suspension in the District of Columbia Court of Appeals.

Suspension under this paragraph shall continue until termination of all appeals. If the conviction is reversed or the order of removal is set aside, the judge shall be reinstated and shall recover salary and all rights and privileges pertaining to the judge's office.

(2) A judge of a District of Columbia court shall be suspended from all judicial duties, with such retirement salary as the judge may be entitled to pursuant to subchapter III of this chapter, upon the filing by the Commission of an order of involuntary retirement under subsection (b) in the District of Columbia Court of Appeals. Suspension shall continue until termination of all appeals. If the order of involuntary retirement is set aside, the judge shall be reinstated and shall recover the judge's judicial salary less any retirement salary received and shall be entitled to all the rights and privileges of office.

(3) A judge of a District of Columbia court shall be suspended from all or part of judicial duties, with salary, if the Commission, upon the concurrence of three members, (A) orders a hearing for the removal or retirement of the judge pursuant to this subchapter and determines that suspension is in the interest of the administration of justice, and (B) files an order of suspension in the District of Columbia Court of Appeals. The suspension

shall terminate as specified in the order (which may be modified, as appropriate, by the Commission) but in no event later than the termination of all appeals.

(July 29, 1970, 84 Stat. 494, Pub. L. 91-358, title I, § 111; June 13, 1994, Pub. L. 103-266, §§ l(b)(31)-(35), 108 Stat. 713.)

§ 11-1527. Procedures.

(a)(l) On its own initiative, or upon complaint or report of any person, formal or informal, the Commission may undertake an investigation of the conduct or health of any judge. After such investigation as it deems adequate, the Commission may terminate the investigation or it may order a hearing concerning the health or conduct of the judge. No order affecting the tenure of a judge based on grounds for removal set forth in section 11-1526(a)(2) or 11- 1530(b)(3) shall be made except after a hearing as provided by this subchapter. Nothing in this subchapter shall preclude any informal contacts with the judge, or the chief judge of the court in which the judge serves, by the Commission, whether before or after a hearing is ordered, to discuss any matter related to its investigation.

(2) A judge whose conduct or health is to be the subject of a hearing by the Commission shall be given notice of such hearing and of the nature of the matters under inquiry not less than thirty days before the date on which the hearing is to be held. The judge shall be admitted to such hearing and to every subsequent hearing regarding the judge's conduct or health. The judge may be represented by counsel, offer evidence in his or her own behalf, and confront and cross-examine witnesses against the judge.

(3) Within ninety days after the adjournment of hearings, the Commission shall make findings of fact and a determination regarding the conduct or health of a judge who was the subject of the hearing. The concurrence of at least four members shall be required for

a determination of grounds for removal or retirement. Upon a determination of grounds for removal or retirement, the Commission shall file an appropriate order pursuant to subsection (a) or (b) of section 11-1526. On or before the date the order is filed, the Commission shall notify the judge, the chief judge of the court in which the judge serves, and the President of the United States.

(b) The Commission shall keep a record of any hearing on the conduct or health of a judge and one copy of such record shall be provided to the judge at the expense of the Commission.

(c)(l) In the conduct of investigations and hearings under this section the Commission may administer oaths, order and otherwise provide for the inspection of books and records, and issue subpenas [subpoenas] for attendance of witnesses and the production of papers, books, accounts, documents, and testimony relevant to any such investigation or hearing. It may order a judge whose health is in issue to submit to a medical examination by a duly licensed physician designated by the Commission.

(2) Whenever a witness before the Commission refuses, on the basis of the witness's privilege against self-incrimination, to testify or produce books, papers, documents, records, recordings, or other materials, and the Commission determines that the testimony or production of evidence is necessary to the conduct of its proceedings, it may order the witness to testify or produce the evidence. The Commission may issue the order no earlier than ten days after the day on which it served the Attorney General with notice of its intention to issue the order. The witness may not refuse to comply with the order on the basis of the witness's privilege against self-incrimination, but no testimony or other information compelled under the order (or any information directly or indirectly derived from the testimony or production of evidence) may be used against the witness

in any criminal case, nor may it be used as a basis for subjecting the witness to any penalty or forfeiture contrary to constitutional right or privilege. No witness shall be exempt under this subsection from prosecution for perjury committed while giving testimony or producing evidence under compulsion as provided in this subsection.

(3) If any person refuses to attend, testify, or produce any writing or things required by a subpena [subpoena] issued by the Commission, the Commission may petition the United States district court for the district in which the person may be found for an order compelling that person to attend and testify or produce the writings or things required by subpena [subpoena]. The court shall order the person to appear before it at a specified time and place and then and there shall consider why that person has not attended, testified, or produced writings or things as required. A copy of the order shall be served upon that person. If it appears to the court that the subpena [subpoena] was regularly issued, the court shall order the person to appear before the Commission at the time or place fixed in the order and to testify or produce the required writings or things. Failure to obey the order shall be punishable as contempt of court.

(4) In pending investigations or proceedings before it, the Commission may order the deposition of any person to be taken in such form and subject to such limitation as may be prescribed in the order. The Commission may file in the Superior Court a petition, stating generally, without identifying the judge, the nature of the pending matter, the name and residence of the person whose testimony is desired, and directions, if any, of the Commission requesting an order requiring the person to appear and testify before a designated officer. Upon the filing of the petition the Superior Court may order the person to appear and testify. A subpena [subpoena] for such deposition shall be issued by

the clerk of the Superior Court and the deposition shall be taken and returned in the manner prescribed by law for civil actions.

(d) It shall be the duty of the United States marshals upon the request of the Commission to serve process and to execute all lawful orders of the Commission.

(e) Each witness, other than an officer or employee of the United States or the District of Columbia, shall receive for attendance the same fees, and all witnesses shall receive the allowances, prescribed by section 15-714 for witnesses in civil cases. The amount shall be paid by the Commission from funds appropriated to it.

(July 29, 1970, 84 Stat. 495, Pub. L. 91-358, title I, § 111; June 13, 1994, Pub. L. 103-266, §§ l(b)(36)-(41), 108 Stat. 713.)

§ 11-1528. Privilege; confidentiality.

(a)(l) Subject to paragraph (2), the filing of papers with, and the giving of testimony before, the Commission shall be privileged. Subject to paragraph (2), hearings before the Commission, the record thereof, and materials and papers filed in connection with such hearings shall be confidential.

(2)(A) The judge whose conduct or health is the subject of any proceedings under this chapter may disclose or authorize the disclosure of any information under paragraph (1).

(B) With respect to a prosecution of a witness for perjury or on review of a decision of the Commission, the record of hearings before the Commission and all papers filed in connection with such hearing shall be disclosed to the extent required for such prosecution or review.

(C) Upon request, the Commission shall disclose, on a privileged and confidential basis, to the District of Columbia Judicial Nomination Commission any information under

paragraph **(1)** concerning any judge being considered by such nomination commission for elevation to the District of Columbia Court of Appeals or for chief judge of a District of Columbia court.

(b) If the Commission determines that no grounds for removal or involuntary retirement exist it shall notify the judge and inquire whether the judge desires the Commission to make available to the public information pertaining to the nature of its investigation, its hearings, findings, determinations, or any other fact related to its proceedings regarding the judge's health or conduct. Upon receipt of such request in writing from the judge, the Commission shall make such information available to the public.

(July 29, 1970, 84 Stat. 497, Pub. L. 91-358, title I, § 111; Oct. 28, 1986, 100 Stat. 3228, Pub. L. 99-573, § 11; June 13, 1994, Pub. L. 103-266, § l(b)(42), 108 Stat. 713.)

§ 11-1529. Judicial review.

(a) A judge aggrieved by an order of removal or retirement filed by the Commission pursuant to subsection (a) or (b) of section 11-1526 may seek judicial review thereof by filing notice of appeal with the Chief Justice of the United States. Notice of appeal shall be filed within 30 days of the filing of the order of the Commission in the District of Columbia Court of Appeals.

(b) Upon receipt of notice of appeal from an order of the Commission, the Chief Justice shall convene a special court consisting of three Federal judges designated from among active or retired judges of the United States Court of Appeals for the District of Columbia Circuit and the United States District Court for the District of Columbia.

(c) The special court shall review the order of the Commission appealed from and, to the extent necessary to decision and when presented, shall decide all relevant questions of law and interpret constitutional and statutory provisions. Within 90 days after oral argument or

submission on the briefs if oral argument is waived, the special court shall affirm or reverse the order of the Commission or remand the matter to the Commission for further proceedings.

(d) The special court shall hold unlawful and set aside a Commission order or determination found to be --

(1) arbitrary, capricious, and abuse of discretion, or otherwise not in accordance with law;

(2) contrary to constitutional right, power, privilege, or immunity;

(3) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;

(4) without observance of procedure required by law; or

(5) unsupported by substantial evidence.

In making the foregoing determinations, the special court shall review the whole record or those parts of it cited by the judge or the Commission, and shall take due account of the rule of prejudicial error.

(e) As appropriate and to the extent consistent with this chapter, the Federal Rules of Appellate Procedure governing appeals in civil cases shall apply to appeals taken under this section.

(t) Decisions of the special court shall be final and conclusive.

(July 29, 1970, 84 Stat. 497, Pub. L. 91-358, title I, § 111.)

§ 11-1530. Financial statements.

(a) Pursuant to such rules as the Commission shall promulgate, each judge of the District of Columbia courts shall, within one year following the date of enactment of the District of Columbia Court Reorganization Act of 1970 and at least annually thereafter, file with the Commission the following reports of the judge's personal financial interests:

(1) A report of the judge's income and the judge's spouse's income for the period covered by the report, the sources thereof, and the amount and nature of the income received from each such source.

(2) The name and address of each private foundation or eleemosynary institution, and of each business or professional corporation, firm, or enterprise in which the judge was an officer, director, proprietor, or partner during such period;

(3) The identity of each liability of $5,000 or more owed by the judge or by the judge and the judge's spouse jointly at any time during such period.

(4) The source and value of all gifts in the aggregate amount or value of $50 or more from any single source received by the judge during such period, except gifts from the judge's spouse or any of the judge's children or parents.

(5) The identity of each trust in which the judge held a beneficial interest having a value of $10,000 or more at any time during such period, and in the case of any trut in which the judge held any beneficial interest during such period, the identity, if known, of each interest in real or personal property in which the trust held a beneficial interest having a value of $10,000 or more at any time during such period. lfthe judge cannot obtain the identity of the trust interest, the judge shall request the trustee to report that information to the Commission in such manner as the Commission shall by rule prescribe.

(6) The identity of each interest in real or personal property having a value of $10,000 or more which the judge owned at any time during such period.

(7) The amount or value and source of each honorarium of $300 or more received by the judge during such period.

(8) The source and amount of all money, other than that received from the United States Government, received in the form of an expense account or as reimbursement for expenditures during such period.

(b)(l) Except as provided in paragraph (2) of this subsection the content of any report filed under this section shall not be open to inspection by anyone other than (A) the person filing the report, (B) authorized members, alternate members, or staff of the Commission to determine if this section has been complied with or in connection with duties of the Commission under this subchapter, or (C) a special court convened under section 11-1529 to review a removal order of the Commission.

(2) Reports filed pursuant to paragraphs (2) and (7) of subsection (a) shall be made available for public inspection and copying promptly after filing and during the period they are kept by the Commission, and shall be kept by the Commission for not less than three years.

(3) The intentional failure by a judge of a District of Columbia court to file a report required by this section, or the filing of a fraudulent report, shall constitute willful misconduct in office and shall be grounds for removal from office under section 11-1526(a)(2).

(July 29, 1970, 84 Stat. 498, Pub. L. 91-358, title I, § 111; June 13, 1994, Pub. L. 103-266, §§ l(b)(43)-(50), 108 Stat. 713.)

STATUTE REESTABLISHING THE COMMISSION AND ENLARGING ITS JURISDICTION TO INCLUDE THE REAPPOINTMENT OF ASSOCIATE JUDGES D.C. CODE TITLE 1 §1-204.31(d)(l)

§ 1-204.31. Judicial powers

(d)(l) There is established a District of Columbia Commission on Judicial Disabilities and Tenure (hereinafter referred to as the "Tenure Commission"). The Tenure Commission shall consist of seven members selected in accordance with the provisions of subsection (e). Such members shall serve for terms of six years, except that the member selected in accordance with subsection (e)(3)(A) shall serve for five years; of the members first selected in accordance with subsection (e)(3)(B), one member shall serve for three years and one member shall serve for six years; of the members first selected in accordance with subsection (e)(3)(C), one member shall serve for a term of three years and one member shall serve for five years; the member first selected in accordance with subsection (e)(3)(D) shall serve for six years; and the member first appointed in accordance with subsection (e)(3)(E) shall serve for six years. In making the respective first appointments according to subsections (e)(3)(B) and (e)(3)(C), the Mayor and the Board of Governors of the unified District of Columbia Bar shall designate, at the time of such appointments, which member shall serve for the shorter term and which member shall serve for the longer term.

(2) The Tenure Commission shall act only at meetings called by the Chairman or a majority of the Tenure Commission held after notice has been given of such meeting to all Tenure Commission members.

(3) The Tenure Commission shall choose annually, from among its members, a Chairman and such other officers as it may deem necessary. The Tenure Commission may adopt

such rules of procedures not inconsistent with this chapter as may be necessary to govern the business of the Tenure Commission.

(4) The District government shall furnish to the Tenure Commission, upon the request of the Tenure Commission, such records, information, services, and such other assistance and facilities as may be necessary to enable the Tenure Commission properly to perform its functions. Information so furnished shall be treated by the Tenure Commission as privileged and confidential.

(e)(l) No person may be appointed to the Tenure Commission unless such person --

(A) is a citizen of the United States;

(B) is a bona fide resident of the District and has maintained an actual place of abode in the District for at least ninety days immediately prior to appointment; and

(C) is not an officer or employee of the legislative branch or of an executive or military department or agency of the United States (listed in sections 101 and 102 of title 5 of the United States Code); and (except with respect to the person appointed or designated according to paragraph (3) (E)) is not an officer or employee of the judicial branch of the United States, or an officer or employee of the District government (including its judicial branch).

(2) Any vacancy on the Tenure Commission shall be filled in the same manner in which the original appointment was made. Any person so appointed to fill a vacancy occurring other than upon the expiration of a prior term shall serve only for the remainder of the unexpired term of such person's predecessor.

(3) In addition to all other qualifications listed in this section, lawyer members of the Tenure Commission shall have the qualifications prescribed for persons appointed as judges of the District of Columbia courts. Members of the Tenure Commission shall be appointed as follows:

(A) One member shall be appointed by the President of the United States.

(B) Two members shall be appointed by the Board of Governors of the unified District of Columbia Bar, both of whom shall have been engaged in the practice of law in the District for at least five successive years preceding their appointment.

(C) Two members shall be appointed by the Mayor, one of whom shall not be a lawyer.

(D) One member shall be appointed by the Council, and shall not be a lawyer.

(E) One member shall be appointed by the chief judge of the United States District Court for the District of Columbia, and such member shall be an active or retired Federal judge serving in the District.

No person may serve at the same time on both the District of Columbia Judicial Nomination Commission and on the District of Columbia Commission on Judicial Disabilities and Tenure.

(f) Any member of the Tenure Commission who is an active or retired Federal judge shall serve without additional compensation. Other members shall receive the daily equivalent at the rate provided by grade 18 of the General Schedule, established under section 5332 of title 5 of the United States Code, while actually engaged in service for the Commission.

(g) The Tenure Commission shall have the power to suspend, retire, or remove a judge of a District of Columbia court as provided in § 1-204.32 and to make recommendations regarding

the appointment of senior judges of the District of Columbia courts as provided in § 11-1504. (Dec. 24, 1973, 87 Stat. 792, Pub. L. 93-198, title IV, § 431; Oct. 13, 1977, 91 Stat. 1155, Pub. L. 95-131, § 3(a); Oct. 30, 1984, 98 Stat. 3142, Pub. L. 98-598, § 2(b); Oct. 28, 1986, 100 Stat. 3228, Pub. L. 99-573, § 4; June 13, 1994, Pub. L. 103-266, §§ 2(b)(l), 2(b)(2), 2(b)(3), 108 Stat. 713.)

§ 1-204.32. Removal, suspension, and involuntary retirement.

(a)(l) A judge of a District of Columbia court shall be removed from office upon the filing in the District of Columbia Court of Appeals by the Tenure Commission of an order of removal certifying the entry, in any court within the United States, of a final judgment of conviction of a crime which is punishable as a felony under Federal law or which would be a felony in the District.

(2) A judge of a District of Columbia court shall also be removed from office upon affirmance of an appeal from an order of removal filed in the District of Columbia Court of Appeals by the Tenure Commission (or upon expiration of the time within which such an appeal may be taken) after a determination by the Tenure Commission of--

(A) willful misconduct in office,

(B) willful and persistent failure to perform judicial duties, or

(C) any other conduct which is prejudicial to the administration of justice or which brings the judicial office into disrepute.

(b) A judge of a District of Columbia court shall be involuntarily retired from office when (1) the Tenure Commission determines that the judge suffers from a mental or physical disability (including habitual intemperance) which is or is likely to become permanent and which prevents, or seriously interferes with, the proper performance of judicial duties, and (2) the Tenure

Commission files in the District of Columbia Court of Appeals an order of involuntary retirement and the order is affirmed on appeal or the time within which an appeal may be taken from the order has expired.

(c)(1) A judge of a District of Columbia court shall be suspended, without salary --

(A) upon --

(i) proof of conviction of a crime referred to in subsection (a)(l) which has not become final, or

(ii) the filing of an order of removal under subsection (a)(2) which has not become final; and

(B) upon the filing by the Tenure Commission of an order of suspension in the District of Columbia Court of Appeals.

Suspension under this paragraph shall continue until termination of all appeals. If the conviction is reversed or the order of removal is set aside, the judge shall be reinstated and shall recover any salary and all other rights and privileges of office.

(2) A judge of a District of Columbia court shall be suspended from all judicial duties, with such retirement salary as the judge may be entitled, upon the filing by the Tenure Commission of an order of involuntary retirement under subsection (b) in the District of Columbia Court of Appeals. Suspension shall continue until termination of all appeals. If the order of involuntary retirement is set aside, the judge shall be reinstated and shall recover judicial salary less any retirement salary received and shall be entitled to all the rights and privileges of office.

(3) A judge of a District of Columbia court shall be suspended from all or part of the judge's judicial duties, with salary, if the Tenure Commission, upon concurrence of five

members, (A) orders a hearing for the removal or retirement of the judge pursuant to this part and determines that such suspension is in the interest of the administration of justice, and (B) files an order of suspension in the District of Columbia Court of Appeals. The suspension shall terminate as specified in the order (which may be modified, as appropriate, by the Tenure Commission) but in no event later than the termination of all appeals.

(Dec. 24, 1973, 87 Stat. 794, Pub. L. 93-198, title IV, § 432; June 13, 1994, Pub. L. 103-266, *§§* 2(b)(4), (5), 108 Stat. 713.)

§ **1-204.33. Nomination and appointment of judges.**

(a) Except as provided in *§* 1-204.34(d)(l), the President shall nominate, from the list of persons recommended by the District of Columbia Judicial Nomination Commission established under § 1-204.34, and, by and with the advice and consent of the Senate, appoint all judges of the District of Columbia courts.

(b) No person may be nominated or appointed a judge of a District of Columbia court unless the person --

(1) is a citizen of the United States;

(2) is an active member of the unified District of Columbia Bar and has been engaged in the active practice of law in the District for the five years immediately preceding the nomination or for such five years has been on the faculty of a law school in the District, or has been employed as a lawyer by the United States or the District of Columbia government;

(3) is a bona fide resident of the District of Columbia and has maintained an actual place of abode in the District for at least ninety days immediately prior to the nomination, and shall retain such residency while serving as such judge, except judges appointed prior to the effective date of this part who retain residency as required by § 11-1501(a) shall not be required to be residents of the District to be eligible for reappointment or to serve any term to which reappointed;

(4) is recommended to the President, for such nomination and appointment, by the District of Columbia Judicial Nomination Commission; and

(5) has not served, within a period of two years prior to the nomination, as a member of the Tenure Commission or of the District of Columbia Judicial Nomination Commission.

(c) 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.

(Dec. 24, 1973, 87 Stat. 795, Pub. L. 93-198, title IV, § 433; Oct. 28, 1986, 100 Stat. 3228, Pub. L. 99-573, *§§* 12, 13; June 13, 1994, Pub. L. 103-266, *§§* 2(b)(6), 2(b)(7), 2(b)(8), 108 Stat.713; Sept. 9, 1996, 110 Stat. 2369, Pub. L. 104-194, *§* 131(b); Apr. 26, 1996, 110 Stat. 1321 [210], Pub. L. 104-134, *§* 133(b).)

STATUTE ENLARGING THE COMMISSION'S JURISDICTION TO INCLUDE REVIEWS AND RECOMMENDATIONS OF RETIRED AND SENIOR JUDGES D.C. CODE TITLE 11 §11-1504

§ **11-1504.** Services **of retired judges.**

(a)(l) A judge, retired for reasons other than disability, who has been favorably recommended and appointed as a senior judge, in accordance with subsection (b), may perform such judicial duties as such senior judge is assigned and willing and able to undertake. A senior judge shall be subject to reappointment every four years, unless the Senior Judge has reached his or her seventy-fourth birthday, whereupon review shall be at least every two years, in accordance with subsection (b). Except as provided under this section, retired judges may not perform judicial duties in District of Columbia courts.

(2) At any time prior to or not later than one year after retirement, a judge may request recommendation from the District of Columbia Commission on Judicial Disabilities and Tenure (hereinafter in this section referred to as the "Commission") to be appointed as a senior judge in accordance with this section; except that any retired judge shall have not less than 180 days from the effective date of this Act to file a requst for an initial recommendation from the Commission.

(b)(l) A retired judge willing to perform judicial duties may request a recommendation as a senior judge from the Commission. Such judge shall submit to the Commission such information as the Commission considers necessary to a recommendation under this subsection.

(2) The Commission shall submit a written report of its recommendations and findings to the appropriate chief judge and the judge requesting appointment within 180 days of the date of the request for recommendation. The Commission, under such criteria as it

considers appropriate, shall make a favorable or unfavorable recommendation to the appropriate chief judge regarding an appointment as senior judge. The recommendation of the Commission shall be final.

(3) The appropriate chief judge shall notify the Commission and the judge requesting appointment of such chief judge's decision regarding appointment within 30 days after receipt of the Commission's recommendation and findings. The decision of such chief judge regarding such appointment shall be final.

(c) A judge may continue to perform judicial duties upon retirement, without appointment as a senior judge, until such judge's successor assumes office.

(d) A retired judge, actively performing judicial duties as of the date of enactment of the District of Columbia Retired Judge Service Act, may continue to perform such judicial duties as he or she may be willing and able to assume, subject to the approval of the appropriate chief judge, for a period not to exceed one year from the date of enactment of such Act, without appointment as a senior judge.

(July 29, 1970, 84 Stat. 491, Pub. L. 91-358, title I, § 111; Oct. 30, 1984, 98 Stat. 3142, Pub. L. 98-598, § 2(a); Oct. 28, 1986, 100 Stat. 3228, Pub. L. 99-573, §§ 14(a), (b).)

STATUTE AMENDING FINANCIAL REPORTING REQUIREMENTS
D.C. CODE TITLE 11 §11-1530

§ 11-1530. Financial statements.

(a) Pursuant to such rules as the Commission shall promulgate, each judge of the District of Columbia courts shall, within 1 year following the date of enactment of the District of Columbia Court Reorganization Act of 1970 and at least annually thereafter, file with the Commission a report containing the following information:

(1) (A) The source, type and amount of the judge's income which exceeds $ 200 (other than income from the United States government and income referred to in subparagraph (C)) for the period covered by the report.

(B) The source and type of the judge's spouse's income which exceeds $ 1,000 (other than income from the United States government and income referred to in subparagraph (C)) for the period covered by the report.

(C) The source and type of income which consists of dividends, rents, interest, and capital gains received by the judge and the judge's spouse during such period which exceeds $ 200 in amount or value, and an indication of which of the following categories the amount or value of such item of income is within--

(i) not more than $ 1,000;

(ii) greater than $1,000 but not more than $ 2,500;

(iii) greater than $ 2,500 but not more than $ 5,000;

(iv) greater than $ 5,000 but not more than $ 15,000;

(v) greater than $ 15,000 but not more than $ 50,000;

(vi) greater than $ 50,000 but not more than $ 100,000;

(vii) greater than $ 100,000 but not more than $ 1,000,000;

(viii) greater than $ 1,000,000 but not more than $ 5,000,000; or

(ix) greater than $ 5,000,000.

(2) The name and address of each private foundation or eleemosynary institution, and of each business or professional corporation, firm, or enterprise in which the judge was an officer, director, proprietor, or partner during such period.

(3) The identity and category of value (as set forth in subsection (b)) of each liability of $10,000 or more owed by the judge or by the judge and the judge's spouse jointly at any time during such period.

(4) The source and value of all gifts in the aggregate amount or value of $250 or more from any single source received by the judge during such period, except gifts from the judge's spouse or any of the judge's children or parents.

(5) The identity of each trust in which the judge held a beneficial interest having a value of $10,000 or more at any time during such period, and in the case of any trust in which the judge held any beneficial interest during such period, the identity, if known, of each interest in real or personal property in which the trust held a beneficial interest having a value of $ 10,000 or more at any time during such period. If the judge cannot obtain the identity of the trust interest, the judge shall request the trustee to report that information to the Commission.

(6) The identity and category of value (as set forth in subsection (b)) of each interest in real or personal property having a value of $ 10,000 or more which the judge owned at any time during such period.

(7) The amount or value and source of each honorarium of $ 250 or more received by the judge and the judge's spouse during such period.

(8) The source and amount of all money, other than that received from the United States government, received in the form of an expense account or as reimbursement for expenditures from any source aggregating more than $ 250 during such period.

(9) The source and amount of all waivers or partial waivers of fees or charges accepted by the judge on behalf of the judge or the judge's spouse, domestic partner, or guest during such period.

(b) For purposes of paragraphs (3) and (6) of subsection (a), the categories of value set forth in this subsection are --

(1) not more than $ 15,000;

(2) greater than $ 15,000 but not more than $ 50,000;

(3) greater than $ 50,000 but not more than $ 100,000;

(4) greater than $ 100,000 but not more than $ 250,000;

(5) greater than $ 250,000 but not more than $ 500,000;

(6) greater than $ 500,000 but not more than $ 1,000,000;

(7) greater than $ 1,000,000 but not more than $ 5,000,000;

(8) greater than $ 5,000,000 but not more than $ 25,000,000;

(9) greater than $ 25,000,000 but not more than $ 50,000,000; and

(10) greater than $ 50,000,000.

(c) (1) Reports filed pursuant to this section shall, upon written request, and notice to the reporting judge for purposes of making an application to the Commission for a redaction pursuant to paragraph (2), be made available for public inspection and copying within a reasonable time after filing and during the period they are kept by the Commission (in accordance with rules promulgated by the Commission), and shall be kept by the Commission for not less than 3 years.

(2) This section does not require the public availability of reports filed by a judge if upon application by the reporting judge, a finding is made by the Commission that revealing personal and sensitive information could endanger that judge or a family member of that judge, except that a report may be redacted pursuant to this paragraph only--

(A) to the extent necessary to protect the individual who filed the report or a family member of that individual; and

(B) for as long as the danger to such individual exists.

(d) The intentional failure by a judge of a District of Columbia court to file a report required by this section, or the filing of a fraudulent report, shall constitute willful misconduct in office and shall be grounds for removal from office under section 11-1526(a)(2).

(b) EFECTIVE DATE. **–** The amendment made by subsection (a) shall apply with respect to reports filed under section 11-1530, D.C. Official Code, that cover periods during or after 2016.

HISTORY: (July 29, 1970, 84 Stat. 498, Pub. L. 91-358, title I, § 111; June 13, 1994, 108 Stat. 713, Pub. L. 103-266, §§ l(b)(43)-(50); Dec. 14, 2016, 130 Stat. 1350, Pub. L. 114-257, §2(a).)

APPENDIX C

COMMISSION RULES

COMMISSION ON JUDICIAL DISABILITIES AND TENURE

NOTICE OF FINAL RULEMAKING

The District of Columbia Commission on Judicial Disabilities and Tenure (the Commission) hereby amends its Rules, Title 28, D.C.M.R., Chapter 20. This amendment to the Commission's Rules is promulgated pursuant to D.C. Official Code, §11-1525(a)(2001) and §431(d)(3), of the District of Columbia Self Government and Governmental Reorganization Act, P.L. 93-198, but does not purport to restate all applicable procedural and substantive provisions of the pertinent statutes. The amended section is §2003 Financial Reports, which incorporates the provisions of D.C. Official Code, §11-1530, as amended. It shall be effective immediately upon publication in the D.C. Register. D.C. Official Code §11-1525(a)(2001) provides that the Commission is an independent agency, therefore, prior public notice and hearings are not required on the subject of rules adopted by the Commission.

2000 COMMISSION ON JUDICIAL DISABILITIES AND TENURE

2000.1 The Commission on Judicial Disabilities and Tenure (also referred to in this chapter as "the Commission") is established and shall be operated in accordance with the provisions of Pub. L. 91-368 (D.C. Code, §11-1521, et seq.).

2000.2 The Chairperson of the Commission shall be elected annually by the members of the Commission from among the members of the Commission.

2000.3 The Commission may select a Vice Chairperson and other officers as the Commission, from time to time, may deem appropriate.

2000.4 The Chairperson shall preside at each meeting of the Commission.

2000.5 Officers, special counsel, and other personnel who are selected by the Commission shall perform the duties assigned to them by the Commission.

2000.6 The Commission may retain medical or other experts to assist it.

2001 TRANSACTION OF COMMISSION BUSINESS

2001.1 The Commission shall act only at a meeting. The actions of the Commission may be implemented by any appropriate means directed by the Commission.

2001.2 Meetings of the Commission shall be held at times agreed upon by the members of the Commission, or upon call by the Chairperson, or by a majority of the members of the Commission and after notice to all members of the Commission.

2001.3 Minutes shall be kept of each meeting of the Commission. The minutes shall record the names of those present, the actions taken, and any other matters that the Commission may deem appropriate.

2001.4 A quorum for Commission action shall consist of four (4) members.

2001.5 Commission action shall be taken only upon concurrence of four (4) members; Provided, that the concurrence of five (5) members shall be required to suspend a judge from all or part of his or her judicial duties pursuant to §432(c)(3) of the Self-Government Act.

2001.6 The Chairperson, Vice Chairperson, Acting Chairperson, or a member designated by one of them may carry out the routine of Commission business (such as the granting of postponements pursuant to this chapter, authorization of preliminary inquiry into complaints or information regarding a judge's conduct or health, and authorization of informal and non-determinative communications with a judge or the judge's counsel).

2001.7 A member shall disqualify himself or herself from consideration of matters before the Commission in the following circumstances:

(a) when involved as a litigant or an attorney in a proceeding pending before a judge who is both the subject of and is aware of a complaint before the Commission;

(b) when involved as a litigant or attorney in a proceeding pending before an associate judge seeking reappointment, a retiring judge requesting a favorable recommendation for appointment as a senior judge, or a senior judge seeking favorable recommendation for reappointment to senior status.

2002 PHYSICAL EXAMINATIONS AND MEDICAL INFORMATION

2002.1 At the Commission's request, a judge shall submit to a physical or mental examination by a physician designated by the Commission after consultation with the judge. The examination and report shall be made at the Commission's expense.

2002.2 The physician's report shall be given in writing to the Commission.

2002.3 At the Commission's request, a judge shall provide the Commission with all waivers and releases necessary to authorize the Commission to receive all medical records, reports, and information from any medical person, medical institution, or other facility regarding the judge's physical or mental condition.

2002.4 The failure of a judge to submit to a physical or mental examination or to provide waivers and releases required under this section may be considered by the Commission adversely to the judge.

2002.5 Copies of all medical records, reports, and information received by the Commission shall be provided to the judge at his or her request.

2003 FINANCIAL REPORTS

2003.1 Each judge shall file with the Commission on or before the first Monday in June of each year, on forms provided by the Commission, the reports of personal financial interest required by D.C. Code §11-1530, as amended, for the preceding calendar year.

2003.2 The Commission from time to time may require a judge to file pertinent supplemental information.

2003.3 These Rules govern access to the Annual Financial Reports filed by judges of the District of Columbia Courts, as required by D.C. Code §11-1530, as amended.

2003.4 These Rules apply to the processing of all requests for copies of the Annual Financial Reports of judges of the District of Columbia Courts, maintained by the D.C. Commission on Judicial Disabilities and Tenure (the Commission).

2003.5 The Commission's responsibility for monitoring the release of the Annual Financial Reports includes the following:

(a) The Commission will monitor and grant or deny the release of copies of all Annual Financial Reports to ensure compliance with the statute and the Commission's Rules.

(b) The Commission will monitor and grant or deny requests for viewing all Annual Financial Reports at the office of the Commission, to ensure compliance with the statute and the Commission's Rules.

(c) As provided by D.C. Code §11-1530(a)(1c)(a)(c)(1), as amended, the Commission will review and, within the Commission 's discretion, grant or deny any requests for the redaction of statutorily mandated information where the release of the information could endanger a judge or a member of the judge's family. It will review, and grant or deny any requests for waiver of costs associated with a request for the release of an Annual Financial Report. It will also provide guidance when questions not covered in these Rules arise.

(d) The Commission will not permit public access to any Annual Financial Report unless all of the Reports due for a calendar year have been received by the Commission. If extensions of time have been requested by judges in which to file Reports, none of the Reports for that calendar year will be available until all extension deadlines have expired and all Reports have been received by the Commission.

2003.6 The Annual Financial Reports filed by judges are maintained by the Commission, and in accordance with the statute and the Commission Rules, the Reports are kept for three years subsequent to filing.

2003.7 All requesters who wish to review or obtain a copy of an Annual Financial Report must submit a Form CJDT lOA to the staff of the Commission. The form must be in writing and contain the following information:

(a) the requester's name, occupation, telephone number, e-mail, and mailing address;

(b) the name and address of any other person or organization on whose behalf the inspection or copy is requested; and

(c) that the requester is aware of the prohibitions with regard to obtaining or viewing the Report.

(d) a list of the judges whose Reports are being requested.

2003.8 Requesters will be notified in writing of the Commission's decision to grant or deny a request for viewing or copying Reports. If the Commission grants a request, the requester will also be advised of the total reproduction cost for the Reports ordered.

2003.9 Requesters will be charged 25 cents per page to cover costs. Only entire Reports will be reproduced, requests for particular pages or sections will not be honored. The Commission only accepts checks or money orders, which must be made payable to the D.C. Treasurer.

2003.10 Requesters must provide a copy of the CJDT 1OA form with the check or money order to the Commission. Once the form and payment are received the requester will be notified of the date when the requested Report(s) can be collected from the Commission office.

2003.11 Each CJDT 1OA form received that results in the release or viewing of a Report will be filed and will be made available to the public throughout the period during which the Report is made available to the public.

2003.12 Annual Financial Reports may be viewed in the Commission office by appointment. Appointments must be made at least five working days in advance. Commission staff will provide the requester with a copy of the Report(s) requested, which may be redacted, if so approved by the Commission. In no case will the original file be removed from the Commission office for review by a member of the public. Requesters wishing to view Reports must also complete a CJDT 1OA and provide all of the information requested, and will be notified in writing of the Commission's decision to grant or deny the request.

2003.13 A copy of the requested Reports may be furnished without charge or at a reduced charge if it is determined that waiver or reduction of the fee is in the public interest. Requests for waivers must be presented in writing to the Commission.

2003.14 Annual Financial Reports will not be released to any individual who fails to properly complete a CJDT 1OA form or pay costs.

(a) Commission staff will take every step to ensure that the Reports are maintained securely.

(b) Commission staff will not release or allow the viewing of any Report until the Commission has approved the requester's CJDT 1OA form, and until written notice has been given to the judge.

(c) In accordance with the Commission's direction, Commission staff will minimize security risks by redacting information not required by the statute including without limitation:

(1) spouse's and dependents' names;

(2) home addresses;

(3) social security numbers;

(4) financial account and bank account numbers;

(5) street addresses of personal properties, financial institutions, and business properties;

(6) ownership codes; and

(7) judge's signature.

2003.15 The Commission will immediately notify the judge in writing and by e-mail when a Form CJDT l OA is received requesting the release of the judge's Annual Financial Report(s) and will provide each judge with a copy of the requester's CJDT 1OA form. A judge will have 10 days from receipt of the Commission's notification, to request a redaction.

2003.16 A Report that may be disseminated to the public after release to a requester, may be redacted pursuant to D.C. Code §l l-1530(c)(1)(2), as amended, to prevent public disclosure of personal or sensitive information that could endanger the judge or a member of the judge's family, directly, or indirectly, if possessed by a member of the public hostile to the judge or a member of the judge's family.

2003.17 The procedure for determining whether redaction is appropriate will be as follows:

(a) When an Annual Financial Report is filed, the judge may request redaction(s) believed to be appropriate before release of a Report that may be disseminated to the public. Requests for redaction may also be made after a judge receives a notification of a request to view or copy a Report.

(b) The judge must state with specificity what material is sought to be redacted. The judge must also state in detail the reasons justifying redaction. These reasons may include, but are not limited to:

(1) the purposes and need for an ongoing protective detail provided by the United States Marshals Service, or the D.C. Courts Security Division;

(2) particular threats or inappropriate communications;

(3) involvement in a high threat trial or appeal; or

(4) certain information on the form that could endanger the judge or a member of the judge's family directly or indirectly if possessed by a member of the public hostile to the judge or a member of the judge's family.

2003.18 The Commission will determine, whether information sought to be redacted could, if disseminated to the public, endanger the judge or a member of the judge's family directly or indirectly and grant or deny the request accordingly. Information that could facilitate the financial harassment of a judge or a member of the judge's family, such as identity theft, may be deemed information that could endanger a judge or a member of the judge's family.

2003.19 No redactions will be granted that eliminate disclosure of the existence, rather than extent, of an interest in an entity that would disqualify the judge from serving as a judge in litigation involving that entity, unless disclosure of that interest would reveal the location of a residence of the judge or a member of the judge's family, reveal the place of employment of the judge or a member of the judge's family.

(a) Information may be redacted from a Report in accordance with such findings to the extent necessary to protect the judge who filed the Report and his or her family, and the redactions will remain in effect for 3 years.

(b) The Commission staff will notify a judge in writing and by e-mail when a Report is actually released or reviewed and provide the judge with a copy of the released Report with any redactions. The staff will maintain a copy of the redacted material for as long as the original Report is maintained.

(c) A request for redaction and its supporting documents, except for copies of the Annual Financial Report and any amendments thereto, are considered confidential and will only be used to determine whether to grant a request for redaction.

2004 COMPLAINTS

2004.1 Subject to the confidentiality provisions of §2044, the Commission may receive information or a complaint from an individual or an organization regarding a judge's conduct or health.

2005 PRECEDENTS

2005.1 The provisions of this section shall apply to determinations by the Commission of grounds for removal under §432(a)(2) of the Self-Government Act, and to evaluations by the Commission of judges who are candidates for renomination.

2005.2 Each judge shall be deemed to be on notice of the following; Provided, that copies of the decisions, evaluations, reports, or communications have been filed by the Commission with the Chief Judge of each court:

(a) The Commission's decisions in proceedings;

(b) The Commission's evaluations of judges who have been candidates for re-nomination;

(c) The annual reports of the Commission; and

(d) Any communication by the Commission to either of the Chief Judges of the courts of the District of Columbia specifying that the judges are to take notice of the communication.

2005.3 Expressions by the Commission in the decisions, evaluations, and communications listed in §2005.2 shall be pertinent precedents to be taken into account by the Commission.

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

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

§§2006 - 2009: RESERVED

2010 INVESTIGATIONS

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

(a) That a judge may have been guilty of willful misconduct in office or willful and persistent failure to perform his or her judicial duties; or

(b) That a judge engaged in other conduct prejudicial to the administration of justice or which brings the judicial office into disrepute; or

(c) That a judge may have a mental or physical disability (including habitual intemperance) which is or is likely to become permanent and which prevents, or seriously interferes with, the proper performance of his or her judicial duties.

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

2010.3 (a) A respondent judge shall cooperate with the Commission in the course of its investigation and shall, within such reasonable time as the Commission may require, respond to any inquiry concerning the conduct of the judge, whether the questioned conduct occurred during the course of a concluded case or matter, a pending case or matter or in an extrajudicial context. The failure or refusal of the judge to respond may be considered a failure to cooperate.

(b) The failure or refusal of a judge to cooperate in an investigation, or the use of dilatory practices, frivolous or unfounded responses or argument, or other uncooperative behavior may be considered a violation of Canon 1 of the Code of Judicial Conduct and, therefore, an independent ground for disciplinary action.

2010.4 After investigation, if the Commission determines that a proceeding should not be instituted, the Commission shall so inform the judge if he or she was previously informed of the pendency of the complaint by either the complainant or the Commission and shall give notice to the complainant either that there is insufficient cause to proceed or that the complaint poses a legal issue over which the Commission has no jurisdiction, as appropriate.

2011 NOTICE OF A PROCEEDING

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

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

2011.3 If the matter is disposed of without a proceeding, notice shall be given to the complainant that the matter has been resolved.

2011.4 If notification under §2011.1 is not given or, if given, if a disposition without a proceeding does not result, the Commission shall issue a written notice to the judge advising him or her of the institution of a proceeding to inquire into the charges.

2011.5 Each proceeding shall be titled as follows:

BEFORE THE DISTRICT OF COLUMBIA COMMISSION
ON JUDICIAL DISABILITIES AND TENURE

Inquiry Concerning A Judge, No._____

2011.6 The notice of proceeding shall specify concisely the charges and the alleged basis for the charges, and shall advise the judge of the following rights:

(a) The right to counsel; and

(b) The right to file a written answer to the notice within twenty (20) days after service of the notice.

2011.7 The notice shall be served by personal service upon the judge.

2011.8 If it appears to the Chairperson of the Commission upon affidavit that, after reasonable effort for a period of ten (10) days, personal service could not be made, service may be made upon the judge by mailing the notice by registered or certified mail, addressed to the judge at his or her chambers or at his or her last known residence.

2012 OFFICIAL RECORD

2012.1 The Commission shall keep a complete record of each proceeding.

2013 ANSWER AND HEARING DATE

2013.1 Within twenty (20) days after service of a notice of proceeding, the judge may file an answer with the Commission.

2013.2 Upon the filing of an answer, unless good reason to the contrary appears in the answer, or if no answer is filed within the time for its filing, the Commission shall order a hearing to be held before it concerning the matters specified in the notice of proceeding.

2013.3 The Commission shall set a time and place for the hearing and shall mail a notice of the hearing time and place to the judge by registered or certified mail addressed to the judge at his or her chambers at least thirty (30) days prior to the date set.

2013.4 The Chairperson may extend the time either for filing an answer or for the commencement of a hearing for periods not to exceed thirty (30) days in the aggregate.

2013.5 The notice of proceeding and the answer shall constitute the pleadings. No further pleadings or motions shall be filed.

2013.6 The judge shall include in the answer all procedural and substantive defenses and challenges which the judge desires the Commission to consider.

2013.7 The Commission may rule on the defenses and challenges at the outset of the hearing or may take them under advisement to be determined during, at the close of, or at a time subsequent to the hearing.

2014 AMENDMENT OF NOTICE OF PROCEEDING

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

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

2015 HEARINGS

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

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

2015.3 The hearing shall be held before the Commission.

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

2015.5 A verbatim record of each hearing shall be kept.

2016 PROCEDURAL RIGHTS OF JUDGES

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

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

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

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

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

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

2017 OATHS OR AFFIRMATIONS

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

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

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

2018 SUBPOENAS AND ORDERS FOR INSPECTION OF DOCUMENTS

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

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

2019 DEPOSITIONS

2019.1 The Commission may order the deposition of any person in aid of any investigation or proceeding.

2019.2 The deposition shall be taken in the form prescribed by the Commission, and shall be subject to any limitations prescribed by the Commission.

2019.3 To compel a deposition, the Commission may petition the Superior Court of the District of Columbia requesting an order requiring a person to appear and testify and to produce papers, books, records, accounts, documents, transcriptions, or other physical things before a member of the Commission or a special counsel or other officer designated by the Commission.

2019.4 The petition to the Superior Court shall state, without identifying the judge, the general nature of the pending matter, the name and residence of the person whose testimony or other evidence is desired, and any special directions the Commission may prescribe.

2019.5 Depositions shall be taken and returned in the manner prescribed by law for civil actions.

2020 GRANTS OF IMMUNITY

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

2021 COMPENSATION OF WITNESSES

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

2021.2 All witnesses shall receive the allowances prescribed by D.C. Code, §15-714 for witnesses in civil cases.

2022 FINDINGS OF FACT AND DECISIONS

2022.1 Within ninety (90) days after the conclusion of the hearing or the conclusion of any reopened hearing in a proceeding, the Commission shall make written findings of fact, conclusions of law, and a determination regarding the conduct or health of the judge.

2022.2 The findings, conclusions, and determination shall be set forth in an order, as the Commission deems appropriate. A copy of the order shall be sent to the judge and his or her counsel, if any.

2022.3 If the Commission determines that grounds for removal or involuntary retirement of the judge have been established and orders removal or retirement, the Commission shall file its decision, including a transcript of the entire record, with the District of Columbia Court of Appeals.

2022.4 If the Commission determines that grounds for removal or involuntary retirement of the judge have been established, but that removal or retirement should not be ordered, it shall include in its decision a statement of reasons for not so ordering, and, as it deems appropriate under the circumstances, shall order that the record of the proceeding either shall be made public or shall remain confidential.

2022.5 If the record of the proceedings remains confidential under §2022.4, and if the judge within ten (10) days after a copy of the decision is sent to him or her requests that the record be made public, the Commission shall so order.

2022.6 If the record is to be made public, the Commission shall file its decision, including a transcript of the entire record, with the District of Columbia Court of Appeals.

2022.7 When a decision and transcript of the record are filed with the District of Columbia Court of Appeals pursuant to §§2022.3 or 2022.6, the Commission shall provide the judge with a copy of the entire record at the expense of the Commission except for those portions that it previously may have provided to him or her, and it shall notify the Chief Judge of the judge's court of its decision.

2022.8 If the Commission determines that grounds for removal or involuntary retirement of a judge have not been established, it shall ask the judge whether he or she desires the Commission to make public disclosure of information pertaining to the nature of its investigation, its hearing, findings, determination, or other facts related to its proceedings.

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

2023 CONVICTION OF A FELONY

2023.1 The Commission shall not file in the District of Columbia Court of Appeals an order of removal certifying the entry of a judgment of a criminal conviction, as provided in §432(a)(l) of the Self-Government

Act, without giving to the judge concerned at least ten (10) days notice of its intention to do so.

§§2024 - 2029: RESERVED

2030 EVALUATION OF CANDIDATES FOR RENOMINATION

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

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

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

2031 EVALUATION STANDARDS

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

2031.2 The evaluation categories shall include the following:

(a) Well Qualified – The candidate's work product, legal scholarship, dedication, efficiency, and demeanor are exceptional, and the candidate's performance consistently reflects credit on the judicial system.

(b) Qualified – The candidate satisfactorily performs the judicial function or, if there are negative traits, they are overcome by strong positive attributes.

(c) Unqualified – The candidate is unfit for further judicial service.

2032 COMMUNICATIONS FROM INTERESTED PERSONS

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

2033 INTERVIEWS WITH INFORMED PERSONS

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

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

2034 DISCLOSURE OF TAX INFORMATION

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

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

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

2035 CONFERENCES WITH CANDIDATES

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

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

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

2035.4 All members of the Commission shall endeavor to be present at any conference with a candidate, but the failure of a member to attend shall not

prevent the Commission member from participating in the Commission's evaluation.

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

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

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

2036 EVALUATION REPORTS

2036.1 The Commission shall prepare and submit to the President a written evaluation of the candidate's performance during his or her present term and his or her fitness for reappointment to another term, not less than sixty (60) days prior to the expiration of the candidate's term of office.

2036.2 The Commission's evaluation report to the President of the United States shall be furnished, simultaneously, to the candidate.

2036.3 The Commission's evaluation report shall be made public immediately after it has been furnished to the President and the candidate.

2037 EVALUATION OF RETIRED JUDGES REQUESTING RECOMMENDATION FOR APPOINTMENT AS SENIOR JUDGES

2037.1 At any time prior to or not later than one (1) year after retirement, a judge seeking favorable recommendation for appointment as a senior judge shall file with the Commission a request in writing for such recommendation. The term of such appointment shall be for a term of four (4) years unless the judge has reached his or her seventy-fourth birthday in which case the appointment shall be for a term of two (2) years.

2037.2 Contemporaneous with the filing of the request, such judge shall submit to the Commission a written statement, including illustrative materials, reviewing such significant aspects of his or her judicial activities as he or

she believes may be helpful to the Commission in its evaluation of his or her request.

2037.3 A judge requesting recommendation for appointment as a senior judge not more than four (4) years subsequent to the date of his or her appointment or reappointment as a judge of a District of Columbia Court pursuant to §433 of the Self-Government Act shall submit a written statement as prescribed by §2037.2 but may limit the matters addressed in his or her statement to those judicial activities performed since the date of such appointment or reappointment.

2037.4 A retired judge who did not file a request for an initial recommendation from the Commission prior to April 29, 1985, and who is now willing to perform judicial duties shall file with the Commission not later than April 27, 1987, a request in writing for a recommendation for appointment as a senior judge and, contemporaneous with such request, shall submit a written statement, as prescribed by §2037.2.

2037.5 Not more than one hundred eighty (180) days nor less than ninety (90) days prior to the expiration of each term, a senior judge willing to continue to perform judicial duties shall file with the Commission a request in writing for recommendation for reappointment to an additional term.

2037.6 Contemporaneous with the filing of the request prescribed by §2037.5, such judge shall submit to the Commission a written statement reviewing such significant aspects of his or her judicial activities performed since the date of his or her last appointment or reappointment as he or she believes may be helpful to the Commission in its evaluation of his or her request.

2037.7 A judge who does not file a request within the time periods prescribed in §§§2037.1, 2037.4 and 2037.5 shall not be eligible for appointment as a senior judge at any time thereafter, except for good cause shown.

2038 PHYSICAL EXAMINATION AND MEDICAL INFORMATION

2038.1 A judge seeking favorable recommendation for appointment or reappointment as a senior judge shall, contemporaneous with his or her request, submit on a form provided by the Commission a report of an examination by a physician together with a statement of such physician which attests to the physical and mental fitness of the judge to perform judicial duties.

2038.2 When deemed appropriate by the Commission, a judge seeking favorable recommendation for appointment or reappointment to a term as a senior judge shall submit to a physical or mental examination by a physician designated by it after consultation with the judge. The physician's report

shall be given in writing to the Commission. Such examination and report shall be at the Commission's expense.

2038.3 At the Commission's request, a judge required to submit to a medical examination as prescribed in §§2038.1 and 2038.2 shall provide the Commission with all waivers and releases necessary to authorize the Commission to receive all medical records, reports, and information from any medical person, medical institution or other facility regarding the judge's physical or mental condition.

2038.4 The failure of a judge to submit to a physical or mental examination or to provide waivers and releases as required by §§§2038.1, 2038.2 and 2038.3 may be considered by the Commission adversely to the judge.

2038.5 Copies of all medical records, reports, and information received by the Commission shall be provided to the judge at his or her request.

2039 RECOMMENDATION STANDARDS

2039.1 A retired judge seeking a favorable recommendation for appointment or reappointment to a term as a senior judge shall be evaluated by the Commission through a review of the judge's physical and mental fitness and his or her ability to perform judicial duties.

2039.2 The recommendation standards are as follows:

(a) Favorable – The judge is physically and mentally fit and able satisfactorily to perform judicial duties.

(b) Unfavorable – The judge is unfit for further judicial service.

2040 COMMUNICATIONS FROM INTERESTED PERSONS

2040.1 The lay public, the bar, court personnel, and other judges are invited to communicate to the Commission, preferably in writing, any information they may have that is pertinent to a request for recommendation for appointment or reappointment as a senior judge.

2041 INTERVIEWS WITH INFORMED PERSONS

2041.1 The Commission shall interview the Chief Judge of the requesting judge's court.

2041.2 The Commission may seek pertinent information by interviews with others conducted by the full Commission, by one or more members, or by a special counsel or others of its staff.

2042 CONFERENCES WITH THE CANDIDATE

2042.1 At the Commission's request, the judge shall confer with it in person and in private on reasonable notice; and, at the judge's request, the Commission shall confer with the judge in person and in private on reasonable notice.

2042.2 At any such conference the Commission may allow attendance by one or more special counsel or others of its staff.

2042.3 The judge may be accompanied by counsel.

2042.4 All members of the Commission will endeavor to be present at any such conference, but the failure of a member to attend will not prevent his or her participation in the Commission's evaluation.

2043 NOTICE OF SPECIAL CONCERN AND OPPORTUNITY TO CONFER

2043.1 In the event the Commission has information which the Commission feels, if uncontroverted, would raise a substantial doubt that the judge is fit for further judicial service, it shall inform the judge of the nature of the questions raised and, to the extent feasible and subject to the limitation of §§2044.2 and 2044.3, the Commission shall provide to the judge in summary form the basis for doubt.

2043.2 Prior to concluding its evaluation the Commission shall afford the judge a reasonable opportunity to confer with it, in accordance with §2042.1, regarding the doubt, and to submit to the Commission any material information not previously presented bearing on the request.

2044 CONFIDENTIALITY

2044.1 Commission records shall not be available for public inspection, except the following;

(a) Time and attendance data reported pursuant to the provisions of D.C. Code §§11-709 and 11-909; and

(b) Financial data reported pursuant to the provisions of D.C. Code §11-1530, as amended.

2044.2 The record of investigations, proceedings, evaluations, and recommendations conducted or made by the Commission, as well as all financial and medical information received by the Commission pursuant to this chapter, other than the financial data referred to in §2044.1, shall be confidential, except:

(a) when disclosed, in the Commission's discretion or as provided by this chapter, to the judge who is the subject of the information, investigation, proceeding, evaluation, or recommendation; or

(b) where the judge who is the subject of the information, investigation, proceeding, evaluation, or recommendation, consents to disclosure; or

(c) when disclosed in a proceeding, or in a Commission decision in a proceeding; or

(d) when disclosed in a Commission evaluation of a judge who is a candidate for reappointment, or to the President of the United States in connection therewith; or

(e) when disclosed to the Chief Judge of a District of Columbia court in connection with a judge who has requested the Commission's recommendation for appointment as a senior judge; or

(f) when disclosed, on a privileged and confidential basis, to the District of Columbia Judicial Nomination Commission in response to a request concerning a judge whose elevation to the District of Columbia Court of Appeals or for Chief Judge of a District of Columbia court is being considered; or

(g) when disclosed, to the extent required, on judicial review of a Commission decision or in the prosecution of a witness for perjury.

For purposes of this Rule, the record of an investigation, proceeding, evaluation, or recommendation shall include all papers filed or submitted and all information furnished to or considered by the Commission in connection therewith (including, but not limited to, the substance of any complaint by or communications with individuals or organizations, financial and medical information obtained pursuant to this chapter, depositions, grants of immunity, and the notice and transcript of proceedings, if any).

2044.3 Notwithstanding any provision of §2044.2, the identity of any individual or organization submitting a complaint, or furnishing information to the Commission in connection with an investigation, proceeding, evaluation of a candidacy for reappointment, or request for recommendation for appointment as a senior judge, shall not be disclosed to anyone, including the judge who is the subject of the complaint or information, except:

(a) where the individual or organization consents to such disclosure; or

(b) when disclosed in a proceeding where the individual or a person connected with the organization is called as a witness; or

(c) when disclosed by the Commission to the President of the United States at his or her request when it concerns a judge evaluated by the Commission as "qualified" whose possible renomination the President is considering; or

(d) when disclosed, upon request, on a privileged and confidential basis, to the District of Columbia Judicial Nomination Commission, concerning a judge being considered by such Nomination Commission for elevation to the District of Columbia Court of Appeals or for Chief Judge of a District of Columbia Court; or

(e) when disclosed, to the extent required, on judicial review of a Commission decision or in the prosecution of a witness for perjury.

2044.4 Hearings in proceedings shall be conducted in closed session, unless the judge who is the subject of the proceeding shall consent to make the hearing open to the public.

2099 DEFINITIONS

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

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

Evaluation – The process whereby the Commission, pursuant to §433(c) of the Self-Government Act, prepares and submits to the President of the United States a written report evaluating the performance and fitness of a candidate for reappointment to a District of Columbia court.

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

Judge – a judge, senior judge, or retired judge of the District of Columbia Court of Appeals or of the Superior Court of the District of Columbia.

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

Recommendation – The process whereby the Commission, pursuant to D.C. Code, Title 11, §11-1504, prepares and submits a written report of its recommendation and findings to the chief judge of a District of Columbia court regarding the appointment of senior judges to the court.

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

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

APPENDIX D

CODE OF CONDUCT FOR THE DISTRICT OF COLUMBIA COURTS

PREFACE

The Code of Judicial Conduct of the District of Columbia was adopted by the Joint Committee on Judicial Administration of the District of Columbia Courts on November 15, 2011, with an effective date of January 1, 2012. The 2012 Code replaces the 1995 Code of Judicial Conduct.

The 2012 Code is based on the American Bar Association's 2007 Model Code of Judicial Conduct. At the request of the Chief Judges of the District of Columbia Court of Appeals and the Superior Court of the District of Columbia, the Advisory Committee on Judicial Conduct reviewed the ABA Model Code to recommend whether (and, if so, with what modifications) it should be adopted by the District of Columbia Courts. In doing so, the Advisory Committee followed procedures similar to those followed in studying the ABA's 1990 Model Code, on which the now-superseded 1995 Code of Judicial Conduct for District of Columbia judges was based.

The Advisory Committee's review of the 2007 Model Code spanned three-and-a-half years, from mid-2007 through 2011. The Committee undertook a thorough comparison of the Model Code with the 1995 Code and considered the reasons for the various stylistic and substantive changes proposed by the ABA after extensive deliberations and public hearings. A guiding principle of the Committee's deliberations was to hew to the Model Code insofar as practicable to further consistency and ease of interpretation and implementation. As part of its line-by-line review, however, the Advisory Committee considered modifications that would be necessary or advisable to adapt the Model Code to the particular laws and circumstances of the District of Columbia. Following this review, the Committee prepared a draft Code based on the 2007 Model Code.

In May 2011, the Advisory Committee held meetings in both courts and sought and received comments on the proposed draft Code from all active and senior judges and magistrate judges of the District of Columbia Courts, and from the Auditor-Master. The Advisory Committee also solicited comments from the District of Columbia Commission on Judicial Disabilities and Tenure and the District of Columbia Access to Justice Commission. The comments garnered from these sources led the Advisory Committee to revise the draft Code in significant respects. The Advisory Committee then forwarded the draft to the Joint Committee, which directed that it be released for public comment. To that end, the draft was published to the courts and the public at large in various print and electronic media in September, with a request that any comments be submitted by October 31, 2011. Comments were received from sections of the District of Columbia Bar Association, the Access to Justice Commission, several legal services organizations, and one member of the public. After considering those comments, the Advisory Committee further revised the draft Code and recommended to the Joint Committee that it be approved. The Joint Committee accepted that recommendation on November 15, 2011.

CODE OF JUDICIAL CONDUCT
DISTRICT OF COLUMBIA COURTS
2012

TABLE OF CONTENTS

CODE OF JUDICIAL CONDUCT

DISTRICT OF COLUMBIA COURTS
2012

Preamble

[1] An independent, fair and impartial judiciary is indispensable to our system of justice. The United States legal system is based upon the principle that an independent, impartial, and competent judiciary, composed of men and women of integrity, will interpret and apply the law that governs our society. Thus, the judiciary plays a central role in preserving the principles of justice and the rule of law. Inherent in all the Rules contained in this Code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system.

[2] Judges should maintain the dignity of judicial office at all times, and avoid both impropriety and the appearance of impropriety in their professional and personal lives. They should aspire at all times to conduct that ensures the greatest possible public confidence in their independence, impartiality, integrity, and competence.

[3] The Code of Judicial Conduct establishes standards for the ethical conduct of judges and judicial candidates. It is not intended as an exhaustive guide for the conduct of judges and judicial candidates, who are governed in their judicial and personal conduct by general ethical standards as well as by the Code. The Code is intended, however, to provide guidance and assist judges in maintaining the highest standards of judicial and personal conduct, and to provide a basis for regulating their conduct through disciplinary agencies.

Scope

[1] The Code of Judicial Conduct consists of four Canons, numbered Rules under each Canon, and Comments that generally follow and explain each Rule. Scope and Terminology sections provide additional guidance in interpreting and applying the Code. An Application section establishes when the various Rules apply to a judge or judicial candidate.

[2] The Canons state overarching principles of judicial ethics that all judges must observe. Although a judge may be disciplined only for violating a Rule, the Canons provide important guidance in interpreting the Rules. Where a Rule contains a permissive term, such as "may" or "should," the conduct being addressed is committed to the personal and professional discretion of the judge or candidate in question, and no disciplinary action should be taken for action or inaction within the bounds of such discretion.

[3] The Comments that accompany the Rules serve two functions. First, they provide guidance regarding the purpose, meaning, and proper application of the Rules. They contain explanatory material and, in some instances, provide examples of permitted or prohibited conduct. Comments neither add to nor subtract from the binding obligations set forth in the Rules. Therefore, when a Comment contains the term "must," it does not mean that the Comment itself is binding or enforceable; it signifies that the Rule in question, properly understood, is obligatory as to the conduct at issue.

[4] Second, the Comments identify aspirational goals for judges. To implement fully the principles of this Code as articulated in the Canons, judges should strive to exceed the standards of conduct established by the Rules, holding themselves to the highest ethical standards and seeking to achieve those aspirational goals, thereby enhancing the dignity of the judicial office.

[5] The Rules of the Code of Judicial Conduct are rules of reason that should be applied consistent with constitutional requirements, statutes, other court rules, and decisional law, and with due regard for all relevant circumstances. The Rules should not be interpreted to impinge upon the essential independence of judges in making judicial decisions.

[6] Although the black letter of the Rules is binding and enforceable, it is not contemplated that every transgression will result in the imposition of discipline. Whether discipline should be imposed should be determined through a reasonable and reasoned application of the Rules, and should depend upon factors such as the seriousness of the transgression, the facts and circumstances that existed at the time of the transgression, the extent of any pattern of improper activity, whether there have been previous violations, and the effect of the improper activity upon the judicial system or others.

[7] The Code is not designed or intended as a basis for civil or criminal liability. Neither is it intended to be the basis for litigants to seek collateral remedies against each other or to obtain tactical advantages in proceedings before a court.

Terminology

The first time any term listed below is used in a Rule in its defined sense, it is followed by an asterisk (*).

"Appropriate authority" means the authority having responsibility for initiation of disciplinary process in connection with the violation to be reported. See Rules 2.14 and 2.15.

"Contribution" means both financial and in-kind contributions, such as goods, professional or volunteer services, advertising, and other types of assistance, which, if obtained by the recipient otherwise, would require a financial expenditure. See Rules 3.7 and 4.1.

"De minimis," in the context of interests pertaining to disqualification of a judge, means an insignificant interest that could not raise a reasonable question regarding the judge's impartiality. See Rule 2.11.

"Domestic partner" means a person with whom another person maintains a household and an intimate relationship, other than a person to whom he or she is legally married. See Rules 2.11, 2.13, 3.13, and 3.14.

"Economic interest" means ownership of more than a de minimis legal or equitable interest. Except for situations in which the judge participates in the management of such a legal or equitable interest, or the interest could be substantially affected by the outcome of a proceeding before a judge, it does not include:

(1) an interest in the individual holdings within a mutual or common investment fund;

(2) an interest in securities held by an educational, religious, charitable, fraternal, or civic organization in which the judge or the judge's spouse, domestic partner, parent, or child serves as a director, an officer, an advisor, or other participant;

(3) a deposit in a financial institution or deposits or proprietary interests the judge may maintain as a member of a mutual savings association or credit union, or similar proprietary interests; or

(4) an interest in the issuer of government securities held by the judge.

See Rules 1.3 and 2.11.

"Fiduciary" includes relationships such as executor, administrator, trustee, or guardian. See Rules 2.11, 3.2, and 3.8.

"Impartial," "impartiality," and **"impartially"** mean absence of bias or prejudice in favor of, or against, particular parties or classes of parties, as well as maintenance of an open mind in considering issues that may come before a judge. See Canons 1, 2, and 4, and Rules 1.2, 2.2, 2.10, 2.11, 2.13, 3.1, 3.12, 3.13, and 4.1.

"Impending matter" is a matter that is imminent or expected to occur in the near future. See Rules 2.9, 2.10, 3.13, and 4.1.

"Impropriety" includes conduct that violates the law, court rules, or provisions of this Code, and conduct that undermines a judge's independence, integrity, or impartiality. See Canon **1** and Rule 1.2.

"Independence" means a judge's freedom from influence or controls other than those established by law. See Canons 1 and 4, and Rules 1.2, 3.1, 3.12, 3.13, and 4.2.

"Integrity" means probity, fairness, honesty, uprightness, and soundness of character. See Canons 1 and 4 and Rules 1.2, 3.1, 3.12, and 3.13.

"Judicial candidate" means any person, including a sitting judge, who is seeking selection for or retention in judicial office. A person becomes a candidate for judicial office as soon as he or she makes a public announcement of candidacy, declares or files as a candidate with the appointment authority, authorizes or, where permitted, engages in solicitation or acceptance of support, or is nominated for appointment to office. See Rules 2.11, 4.1, and 4.3

"Knowingly," "knowledge," "known," and **"knows"** mean actual knowledge of the fact in question. A person's knowledge may be inferred from circumstances. See Rules 2.11, 2.13, 2.15, 2.16, 3.6, and 4.1.

"Law" encompasses court rules as well as statutes, constitutional provisions, and decisional law. See Rules 1.1, 2.1, 2.2, 2.6, 2.7, 2.9, 3.1, 3.4, 3.6, 3.9, 3.12, 3.13, 3.14, 4.1, and 4.5.

"Member of the candidate's family" means a spouse, domestic partner, child, grandchild, parent, grandparent, or other relative or person with whom the candidate maintains a close familial relationship.

"Member of the judge's family" means a spouse, domestic partner, child, grandchild, parent, grandparent, or other relative or person with whom the judge maintains a close familial relationship. See Rules 3.7, 3.8, 3.10, and 3.11.

"Member of a judge's family residing in the judge's household" means any relative of a judge by blood or marriage, or a person treated by a judge as a member of the judge's family, who resides in the judge's household. See Rules 2.11 and 3.13.

"Nonpublic information" means information that is not available to the public. Nonpublic information may include, but is not limited to, information that is sealed by statute or court order

or impounded or communicated in camera, and information offered in grand jury proceedings, presentencing reports, dependency cases, or psychiatric reports. See Rule 3.5.

"Pending matter" is a matter that has commenced. A matter continues to be pending through any appellate process until final disposition. See Rules 2.9, 2.10, 3.13, and 4.1.

"Political organization" means a political party or other group sponsored by or affiliated with a political party or candidate, the principal purpose of which is to further the election or appointment of candidates for political office. See Rules 4.1 and 4.3.

"Retired Judge" means a former judge of the Superior Court or of the Court of Appeals who is no longer performing or eligible to perform judicial duties upon retirement, pursuant to D.C. Code § 11-1504 (2001). See Application Section l(B).

"Senior Judge" means a former active judge of the Superior Court or of the Court of Appeals who has retired from active service and has been favorably recommended by the Commission on Judicial Disabilities and Tenure and appointed as senior judge by the appropriate chief judge, pursuant to D.C. Code § 11-1504 (a) and (b) (2001). See Application Section I(C) and (D).

"Third degree of relationship" includes the following persons: great-grandparent, grandparent, parent, uncle, aunt, brother, sister, child, grandchild, great-grandchild, nephew, and niece. See Rule 2.11.

Application

The Application section establishes when the various Rules apply to a judge or judicial candidate.

I. Applicability of This Code

(A) All active and senior judges, judges who continue to serve pursuant to D.C. Code § 11-1504 (c) (2001), magistrate judges and the Auditor-Master shall comply with this Code except as provided below. Canon 4 applies also to judicial candidates.

(B) Retired Judge.* A retired judge is not required to comply with this Code.

(C) Senior Judge.* A senior judge:

(1) is not required to comply with Rules 3.4 (Appointments to Governmental Positions), 3.8(A) (Appointments to Fiduciary Positions), 3.9 (Service as Arbitrator or Mediator), 3.10 (Practice of Law), and 3.ll(B) (Financial, Business or Remunerative Activities); and

(2) shall not practice law in the court on which the judge serves or in any court or administrative agency subject to the appellate jurisdiction of the court on which the judge serves, and shall not act as a lawyer in a proceeding in which the judge has served as a judge or in any other proceeding related thereto.

(D) Senior Judge, Inactive. For purposes of application of this code:

(1) A senior judge may declare himself or herself "inactive" from the date of initial appointment or reappointment as a senior judge, or at any time thereafter, by notifying the appointing chief judge and the Commission on Judicial Disabilities and Tenure, in writing, of that decision before the inactive status is to take effect;

(2) While a senior judge is inactive pursuant to section (D)(l), he or she shall comply with section (C)(2) but shall not otherwise be required to comply with this code.

(3) A senior judge in inactive status may not perform judicial duties. An inactive senior judge may resume active senior judge status by furnishing evidence satisfactory to the Commission on Disabilities and Tenure, as well as to the chief judge of the court on which the judge serves, that the judge has discontinued all activities that would be ethically proscribed for an active senior judge.

Comment

[1] While a retired judge continues to serve as a judge pursuant to D.C. Code § 11-1504 (c) (2001), until the retired judge's successor assumes office, the judge shall fully comply with the Code. Thereafter, the retired judge, who by definition is not permitted to perform further judicial service, shall no longer be required to comply with this code unless he or she is appointed a senior judge, in which case the rules applicable to senior judges shall apply for as long as the appointment is in effect.

[2] When a person is a retired judge who no longer serves under D.C. Code § 11-1504 (c) (2001), or who has been a continuing part-time senior judge but is no longer under appointment as a continuing part-time senior judge, including a retired judge no longer subject to recall, that person may act as a lawyer in the District of Columbia in a proceeding in which he or she has served as a judge or in any other proceeding related thereto only with the express consent of all parties pursuant to Rule 1.12 (a) of the District of Columbia Rules of Professional Conduct. However, a person who is under appointment as a senior judge but has elected inactive senior judge status shall fully comply with section (C)(2), as more fully set forth in section (D).

[3] The exceptions under section (C)(l) making Rules 3.9 and 3.10 inapplicable and thereby permitting a senior judge to act as an arbitrator or mediator and to practice law are subject to Advisory Opinion No. 3 (June 25, 1992), "When Senior Judges May Act As Arbitrators," and Advisory Opinion No. 10 (March 28, 2002), "'Practice of Law' by Senior Judges," issued by the Advisory Committee on Judicial Conduct of the District of Columbia Courts.

[4] In accordance with the reporting requirements of Rule 3.15, senior judges shall file financial statements with the Commission on Judicial Disabilities and Tenure as required by D.C. Code § 11-1530 (2001) and the regulations of such Commission.

[5] The creation of "Senior Judge, Inactive" status is intended to help meet a very important need: to encourage retiring judges to take senior status. Senior judges perform invaluable service to the Superior Court and the Court of Appeals, often handling regular calendars for substantial periods of time, as well as filling in for active judges who are temporarily absent. And yet some judges who retire may be unsure whether they want to remain available to serve from time to time as senior judges – with the attendant ethical restrictions on their other activities – or instead desire to embark on another career or on other activities that are incompatible with the ethical restrictions on senior judges.

The "Senior Judge, Inactive" category, therefore, is intended to provide an almost ethically unfettered opportunity for a retired judge, sooner or later, to embark on alternative career or activity explorations, without becoming forever barred thereafter from sitting as a senior judge. The inactive senior judge, however, like all senior judges, must comply with section (C)(2) precluding, among other things, the practice of law in any court on which the judge has served. See Advisory Opinion No. 10 (March 28, 2002), "'Practice of Law' by Senior Judges."

A practical reason for creating this inactive senior judge status is the fact that, according to D.C. Code § 11-1504 (2001), a retiring judge must apply for senior judge status within one year from retirement. The Commission on Disabilities and Tenure must act on the application within 180 days thereafter, and the appropriate chief judge must make a decision on the Commission's recommendation within 30 days after its receipt. Accordingly, a retiring judge must elect to pursue – and as a result must receive – senior judge status relatively soon after retirement or forever lose that opportunity. If inactive senior status is not available, therefore, a retiring judge will not be able to pursue a full range of options for a temporary alternative career or other activity, unless the judge elects not to seek senior judge status, with its ethical limitations. If, on the other hand, inactive senior status is available, a retiring judge will not have to choose between limiting temporary alternative career choices and electing senior status; the opportunity for beginning or resuming active senior judge status at an appropriate time will remain.

The judicial system of the District of Columbia will significantly benefit from the availability of as many active senior judges as possible. This goal is likely to be achieved, therefore, only if the inactive senior status – call it a sabbatical option – is permitted without significant limitation, as an incentive to retiring judges to seek senior status upon retirement.

II. [Not Adopted] [Retired Judge Subject to Recall]

III. [Not Adopted] [Continuing Part-Time Judge]

IV. [Not Adopted] [Periodic Part-Time Judge]

V. [Not Adopted] [Pro Tempore Part-Time Judge]

VI. Time for Compliance

A person to whom this Code becomes applicable shall comply immediately with its provisions, except that those judges to whom Rules 3.8 (Appointments to Fiduciary Positions) and 3.11 (Financial, Business, or Remunerative Activities) apply shall comply with those Rules as soon as reasonably practicable, but in no event later than one year after the Code becomes applicable to the judge.

Comment

[1] If serving as a fiduciary when selected as judge, a new judge may, notwithstanding the prohibitions in Rule 3.8, continue to serve as fiduciary, but only for that period of time necessary to avoid serious adverse consequences to the beneficiaries of the fiduciary relationship and in no event longer than one year. Similarly, if engaged at the time of judicial selection in a business activity, a new judge may, notwithstanding the prohibitions in Rule 3.11, continue in that activity for a reasonable period but in no event longer than one year.

Canon 1

A JUDGE SHALL UPHOLD AND PROMOTE THE INDEPENDENCE, INTEGRITY, AND IMPARTIALITY OF THE JUDICIARY, AND SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY.

Rule 1.1: Compliance with the Law

A judge shall comply with the law,* including the Code of Judicial Conduct.

Rule 1.2: Promoting Confidence in the Judiciary

A judge shall act at all times in a manner that promotes public confidence in the independence,* integrity,* and impartiality* of the judiciary, and shall avoid impropriety* and the appearance of impropriety.

Comment

[1] Public confidence in the judiciary is eroded by improper conduct and conduct that creates the appearance of impropriety. This principle applies to both the professional and personal conduct of a judge.

[2] A judge should expect to be the subject of public scrutiny that might be viewed as burdensome if applied to other citizens, and must accept the restrictions imposed by the Code.

[3] Conduct that compromises or appears to compromise the independence, integrity, and impartiality of a judge undermines public confidence in the judiciary. Because it is not practicable to list all such conduct, the Rule is necessarily cast in general terms.

[4] Judges should participate in activities that promote ethical conduct among judges and lawyers, support professionalism within the judiciary and the legal profession, and promote access to justice for all.

[5] Actual improprieties include violations of law, court rules or provisions of this Code. The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge violated this Code or engaged in other conduct that reflects adversely on the judge's honesty, impartiality, temperament, or fitness to serve as a judge.

[6] A judge should initiate and participate in community outreach activities for the purpose of promoting public understanding of and confidence in the administration of justice. In conducting such activities, the judge must act in a manner consistent with this Code.

Rule 1.3: Avoiding Abuse of the Prestige of Judicial Office

A judge shall not abuse the prestige of judicial office to advance the personal or economic interests* of the judge or others, or allow others to do so.

Comment

[1] It is improper for a judge to use or attempt to use his or her position to gain personal advantage or deferential treatment of any kind. For example, it would be improper for a judge to allude to his or her judicial status to gain favorable treatment in encounters with traffic officials. Similarly, a judge must not use judicial letterhead to gain an advantage in conducting his or her personal business.

[2] A judge may provide a reference or recommendation for an individual based upon the judge's personal knowledge. The judge may use official letterhead if the judge indicates that the reference is personal and if there is no likelihood that the use of the letterhead would reasonably be perceived as an attempt to exert pressure by reason of the judicial office.

[3] Judges may participate in the process of judicial selection by cooperating with appointing authorities and screening committees, and by responding to inquiries from such entities concerning the professional qualifications of a person being considered for judicial office.

[4] Special considerations arise when judges write or contribute to publications of for-profit entities, whether related or unrelated to the law. A judge should not permit anyone associated with the publication of such materials to exploit the judge's office in a manner that violates this Rule or other applicable law. In contracts for publication of a judge's writing, the judge should retain sufficient control over the advertising to avoid such exploitation.

Canon 2

A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY, COMPETENTLY, AND DILIGENTLY.

Rule 2.1: Giving Precedence to the Duties of Judicial Office

The duties of judicial office, as prescribed by law,* shall take precedence over all of a judge's personal and extrajudicial activities.

Comment

[1] To ensure that judges are available to fulfill their judicial duties, judges must conduct their personal and extrajudicial activities to minimize the risk of conflicts that would result in frequent disqualification. See Canon 3.

[2] Although it is not a duty of judicial office unless prescribed by law, judges are encouraged to participate in activities that promote public understanding of and confidence in the justice system.

Rule 2.2: Impartiality and Fairness

A judge shall uphold and apply the law,* and shall perform all duties of judicial office fairly and impartially.*

Comment

[1] To ensure impartiality and fairness to all parties, a judge must be objective and open-minded.

[2] Although each judge comes to the bench with a unique background and personal philosophy, a judge must interpret and apply the law without regard to whether the judge approves or disapproves of the law in question.

[3] When applying and interpreting the law, a judge sometimes may make good-faith errors of fact or law. Errors of this kind do not violate this Rule.

[4] It is not a violation of this Rule for a judge to make reasonable accommodations to ensure litigants who do not have the assistance of counsel the opportunity to have their matters fairly heard.. See Comment [lA] to Rule 2.6, which describes the judge's affirmative role in facilitating the ability of every person who has a legal interest in a proceeding to be fairly heard.

Rule 2.3: Bias, Prejudice, and Harassment

(A) A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice.

(B) A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so.

(C) A judge shall require lawyers in proceedings before the court to refrain from manifesting bias or prejudice, or engaging in harassment, based upon attributes including but not limited to race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation, against parties, witnesses, lawyers, or others.

(D) The restrictions of paragraphs (B) and (C) do not preclude judges or lawyers from making legitimate reference to the listed factors, or similar factors, when they are relevant to an issue in a proceeding.

Comment

[l] A judge who manifests bias or prejudice in a proceeding impairs the fairness of the proceeding and brings the judiciary into disrepute.

[2] Examples of manifestations of bias or prejudice include but are not limited to epithets; slurs; demeaning nicknames; negative stereotyping; attempted humor based upon stereotypes; threatening, intimidating, or hostile acts; suggestions of connections between race, ethnicity, or nationality and crime; and irrelevant references to personal characteristics. Even facial expressions and body language can convey to parties and lawyers in the proceeding, jurors, the media, and others an appearance of bias or prejudice. A judge must avoid conduct that may reasonably be perceived as prejudiced or biased.

[3] Harassment, as referred to in paragraphs (B) and (C), is verbal or physical conduct that denigrates or shows hostility or aversion toward a person on bases such as race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation.

[4] Sexual harassment includes but is not limited to sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that is unwelcome.

Rule 2.4: External Influences on Judicial Conduct

(A) A judge shall not be swayed by public clamor or fear of criticism.

(B) A judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.

(C) A judge shall not convey or permit others to convey the impression that any person or organization is in a position to influence the judge.

Comment

[1] An independent judiciary requires that judges decide cases according to the law and facts, without regard to whether particular laws or litigants are popular or unpopular with the public, the media, government officials, or the judge's friends or family. Confidence in the judiciary is eroded if judicial decision making is perceived to be subject to inappropriate outside influences.

Rule 2.5: Competence, Diligence, and Cooperation

(A) A judge shall perform judicial and administrative duties competently and diligently.

(B) A judge shall cooperate with other judges and court officials in the administration of court business.

Comment

[1] Competence in the performance of judicial duties requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary to perform a judge's responsibilities of judicial office.

[2] A judge should seek the necessary docket time, court staff, expertise, and resources to discharge all adjudicative and administrative responsibilities.

[3] Prompt disposition of the court's business requires a judge to devote adequate time to judicial duties, to be punctual in attending court and expeditious in determining matters under submission, and to take reasonable measures to ensure that court officials, litigants, and their lawyers cooperate with the judge to that end.

[4] In disposing of matters promptly and efficiently, a judge must demonstrate due regard for the rights of parties to be heard and to have issues resolved without unnecessary cost or delay. A judge should monitor and supervise cases in ways that reduce or eliminate dilatory practices, avoidable delays, and unnecessary costs.

Rule 2.6: Ensuring the Right to Be Heard

(A) A **judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.***

(B) A judge may encourage parties to a proceeding and their lawyers to settle matters in dispute but shall not act in a manner that coerces any party into settlement.

Comment

[1] The right to be heard is an essential component of a fair and impartial system of justice. Substantive rights of litigants can be protected only if procedures protecting the right to be heard are observed.

[lA] The judge has an affirmative role in facilitating the ability of every person who has a legal interest in a proceeding to be fairly heard. Pursuant to Rule 2.2, the judge should not give self-represented litigants an unfair advantage or create an appearance of partiality to the reasonable person; however, in the interest of ensuring fairness and access to justice, judges should make reasonable accommodations that help litigants who are not represented by counsel to understand the proceedings and applicable procedural requirements, secure legal assistance, and be heard according to law. In some circumstances, particular accommodations for self-represented litigants may be required by decisional or other law. Steps judges may consider in facilitating the right to be heard include, but are not limited to, (1) providing brief information about the proceeding and evidentiary and foundational requirements, (2) asking neutral questions to elicit or clarify information, (3) modifying the traditional order of taking evidence, (4) refraining from using legal jargon, (5) explaining the basis for a ruling, and (6) making referrals to any resources available to assist the litigant in the preparation of the case.

[2] The judge plays an important role in overseeing the settlement of disputes, but should be careful that efforts to further settlement do not undermine any party's right to be heard according to law. The judge should keep in mind the effect that the judge's participation in settlement discussions may have, not only on the judge's own views of the case, but also on the perceptions of the lawyers and the parties if the case remains with the judge after settlement efforts are unsuccessful. Among the factors that a judge should consider when deciding upon an appropriate settlement practice for a case are (1) whether the parties have requested or voluntarily consented to a certain level of participation by the judge in settlement discussions, (2) whether the parties and their counsel are relatively sophisticated in legal matters, (3) whether the case will be tried by the judge or a jury, (4) whether the parties participate with their counsel in

settlement discussions, (5) whether any parties are unrepresented by counsel, and (6) whether the matter is civil or criminal.

[3] Judges must be mindful of the effect settlement discussions can have, not only on their objectivity and impartiality, but also on the appearance of their objectivity and impartiality. Despite a judge's best efforts, there may be instances when information obtained during settlement discussions could influence a judge's decision making during trial, and, in such instances, the judge should consider whether disqualification may be appropriate. See Rule 2.11(A)(l).

Rule 2.7: Responsibility to Decide

A judge shall hear and decide matters assigned to the judge, except when disqualification is required by Rule 2.11 or other law.*

Comment

[1] Judges must be available to decide the matters that come before the court. Although there are times when disqualification is necessary to protect the rights of litigants and preserve public confidence in the independence, integrity, and impartiality of the judiciary, judges must be available to decide matters that come before the courts. Unwarranted disqualification may bring public disfavor to the court and to the judge personally. The dignity of the court, the judge's respect for fulfillment of judicial duties, and a proper concern for the burdens that may be imposed upon the judge's colleagues require that a judge not use disqualification to avoid cases that present difficult, controversial, or unpopular issues.

Rule 2.8: Decorum, Demeanor, and Communication with Jurors

(A) A judge shall require order and decorum in proceedings before the court.

(B) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's direction and control.

(C) A judge shall not commend or criticize jurors for their verdict other than in a court order or opinion in a proceeding, but may express appreciation to jurors for their service to the judicial system and the community.

Comment

[1] The duty to hear all proceedings with patience and courtesy is not inconsistent with the duty imposed in Rule 2.5 to dispose promptly of the business of the court. Judges can be efficient and businesslike while being patient and deliberate.

[2] Commending or criticizing jurors for their verdict may imply a judicial expectation in future cases and may impair a juror's ability to be fair and impartial in a subsequent case.

[3] A judge who is not otherwise prohibited by law from doing so may meet with jurors who choose to remain after trial but should be careful not to discuss the merits of the case.

Rule 2.9: Ex Parte Communications

(A) A judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending* or impending matter,* except as follows:

(1) When circumstances require it, ex parte communication for scheduling, administrative, or emergency purposes, which does not address substantive matters, is permitted, provided:

(a) the judge reasonably believes that no party will gain a procedural, substantive, or tactical advantage as a result of the ex parte communication; and

(b) the judge makes provision promptly to notify all other parties of the substance of the ex parte communication, and gives the parties an opportunity to respond.

(2) A judge may obtain the written advice of a disinterested expert on the law applicable to a proceeding before the judge, if the judge gives advance notice to the parties of the person to be consulted and the subject matter of the advice to be solicited, and affords the parties a reasonable opportunity to object and respond to the notice and to the advice received.

(3) A judge may consult with court staff and court officials whose functions are to aid the judge in carrying out the judge's adjudicative responsibilities, or with other judges, provided the judge makes reasonable efforts to avoid receiving factual information that is not part of the record, and does not abrogate the responsibility personally to decide the matter.

(4) A judge may, with the consent of the parties, confer separately with the parties and their lawyers in an effort to settle matters pending before the judge.

(5) A judge may initiate, permit, or consider any ex parte communication when expressly authorized by law* to do so.

(B) If a judge inadvertently receives an unauthorized ex parte communication bearing upon the substance of a matter, the judge shall make provision promptly to notify the parties of the substance of the communication and provide the parties with an opportunity to respond.

(C) A judge shall not investigate facts in a matter independently, and shall consider only the evidence presented and any facts that may properly be judicially noticed.

(D) A judge shall make reasonable efforts, including providing appropriate supervision, to ensure that this Rule is not violated by court staff, court officials, and others subject to the judge's direction and control.

Comment

[1] To the extent reasonably possible, all parties or their lawyers shall be included in communications with a judge.

[2] Whenever the presence of a party or notice to a party is required by this Rule, it is the party's lawyer, or if the party is unrepresented, the party, who is to be present or to whom notice is to be given.

[3] The proscnpt10n against communications concerning a proceeding includes communications with lawyers, law teachers, and other persons who are not participants in the proceeding, except to the limited extent permitted by this Rule.

[4] This Rule applies to judges serving on therapeutic or problem-solving courts, including family treatment courts, drug courts, mental health courts, and community courts. Although judges of these non-traditional courts may assume a more interactive role with parties, treatment providers, and others than is usual for judges, they may not initiate, permit or consider ex parte communications unless expressly authorized to do so by law (including applicable court rules), as stated in Rule 2.9 (A)(5).

[4A] The Auditor-Master, to whom this rule also applies, may initiate, permit or consider ex parte communications, and may investigate facts, to the extent authorized by Rule 53 of the Superior Court Rules of Civil Procedure or other applicable court rule, or by any order of reference that the Auditor-Master is required to execute by D.C. Code § 11-1724 (2001).

[5] A judge may consult with other judges on pending matters, but must avoid ex parte discussions of a case with judges who have previously been disqualified from hearing the matter, and with judges who have appellate jurisdiction over the matter.

[6] The prohibition against a judge investigating the facts in a matter extends to information available in all mediums, including on-line databases and the Internet generally.

[7] A judge may consult ethics advisory committees, outside counsel, or legal experts concerning the judge's compliance with this Code. Such consultations are not subject to the restrictions of paragraph (A)(2).

Rule 2.10: Judicial Statements on Pending and Impending Cases

(A) A judge shall not make any public statement that might reasonably be expected to affect the outcome or impair the fairness of a matter pending* or impending* in any court, or make any nonpublic statement that might substantially interfere with a fair trial or hearing.

(B) A judge shall not, in connection with cases, controversies, or issues that are likely to come before the court, make pledges, promises, or commitments that are inconsistent with the impartial* performance of the adjudicative duties of judicial office.

(C) A judge shall require court staff, court officials, and others subject to the judge's direction and control to refrain from making statements that the judge would be prohibited from making by paragraphs (A) and (B).

(D) Notwithstanding the restrictions in paragraph (A), a judge may make public statements in the course of official duties, may explain court procedu res, and may comment on any proceeding in which the judge is a litigant in a personal capacity.

(E) Subject to the requirements of paragraph (A), a judge may respond directly or through a third party to allegations in the media or elsewhere concerning the judge's conduct in a matter. A judge shall not discuss the rationale for a decision in a pending case unless the judge is relating what was already made part of the public record.

Comment

[1] This Rule's restrictions on judicial speech are essential to the maintenance of the independence, integrity, and impartiality of the judiciary.

[2] This Rule does not prohibit a judge from commenting on proceedings in which the judge is a litigant in a personal capacity. In cases in which the judge is a litigant in an official capacity, such as a writ of mandamus, the judge must not comment publicly .

[3] A judge may respond to criticism by reiterating without elaboration what is set forth in the public record in a case, including pleadings, documentary evidence, and the transcript of proceedings held in open court. Depending upon the circumstances, the judge should consider whether it may be preferable for a third party, rather than the judge, to respond or issue statements in connection with allegations concerning the judge's conduct in a matter.

Rule 2.11: Disqualification

(A) A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality* might reasonably be questioned, including but not limited to the following circumstances:

(1) The judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge* of facts that are in dispute in the proceeding.

(2) The judge knows* that the judge, the judge's spouse or domestic partner,* or a person within the third degree of relationship* to either of them, or the spouse or domestic partner of such a person is:

(a) a party to the proceeding, or an officer, director, general partner, managing member, or trustee of a party;

(b) acting as a lawyer in the proceeding;

(c) a person who has more than a de minimis* interest that could be substantially affected by the proceeding; or

(d) likely to be a material witness in the proceeding.

(3) The judge knows that he or she, individually or as a fiduciary,* or the judge's spouse, domestic partner, parent, or child, wherever residing, or any other member of the judge's family residing in the judge's household,* has an economic interest* in the subject matter in controversy or in a party to the proceeding.

(4) [Not Adopted]

(5) The judge, while a judge or a judicial candidate,* has made a public statement, other than in a court proceeding, judicial decision, or opinion, that commits or appears to commit the judge to reach a particular result or rule in a particular way in the proceeding or controversy.

(6) The judge:

(a) served as a lawyer in the matter in controversy, or was associated with a lawyer who participated substantially as a lawyer in the matter during such association;

(b) served in governmental employment, and in such capacity participated personally and substantially as a lawyer or public official concerning the proceeding, or has publicly expressed in such capacity an opinion concerning the merits of the particular matter in controversy;

(c) was a material witness concerning the matter; or

(d) previously presided as a judge over the matter in another court.

(B) A judge shall keep informed about the judge's personal and fiduciary economic interests, and make a reasonable effort to keep informed about the personal economic interests of the judge's spouse or domestic partner and minor children residing in the judge's household.

(C) A judge subject to disqualification under this Rule, other than for bias or prejudice under paragraph (A)(l), may disclose on the record the basis of the judge's disqualification and may ask the parties and their lawyers to consider, outside the presence of the judge and court personnel, whether to waive disqualification. If, following the disclosure, the parties and lawyers agree, without participation by the judge or court personnel, that the judge should not be disqualified, the judge may participate in the proceeding. The agreement shall be incorporated into the record of the proceeding.

Comment

[1] Under this Rule, a judge is disqualified whenever the judge's impartiality might reasonably be questioned, regardless of whether any of the specific provisions of paragraphs (A)(l) through (6) apply. For example, if a judge were in the process of negotiating for employment with a law firm, the judge would be disqualified from any matters in which that law firm appeared, unless the disqualification was waived by the parties after disclosure by the judge.

[2] A judge's obligation not to hear or decide matters in which disqualification is required applies regardless of whether a motion to disqualify is filed.

[3] The rule of necessity may override the rule of disqualification. For example, a judge might be required to participate in judicial review of a judicial salary statute, or might be the only judge available in a matter requiring immediate judicial action, such as a hearing on probable cause or a temporary restraining order. In matters that require immediate action, the judge must disclose on the record the basis for possible disqualification and make reasonable efforts to transfer the matter to another judge as soon as practicable.

[4] The fact that a lawyer in a proceeding is affiliated with a law firm with which a relative of the judge is affiliated does not itself disqualify the judge. If, however, the judge's impartiality might reasonably be questioned under paragraph (A), or the relative is known by the judge to have an interest in the law firm that could be substantially affected by the proceeding under paragraph (A)(2)(c), the judge's disqualification is required.

[5] A judge should disclose on the record information that the judge believes the parties or their lawyers might reasonably consider relevant to a possible motion for disqualification, even if the judge believes there is no basis for disqualification.

[6] [Not Adopted]

[7] The procedure described in Rule 2.11 (C) provides the parties an opportunity to proceed without delay if they wish to waive the judge's disqualification. To assure that consideration of the question of waiver is made independently of the judge, a judge must not solicit, seek or hear comment on possible waiver of the disqualification unless the lawyers jointly propose waiver after consultation as provided in the rule. A party may act through counsel if counsel represents on the record that the party has been consulted and consents. As a practical matter, a judge may wish to have all parties and their lawyers sign the waiver agreement.

Rule 2.12: Supervisory Duties

(A) A **judge shall require court staff, court officials, and others subject to the judge's direction and control to act in a manner consistent with the judge's obligations under this Code.**

(B) A judge with supervisory authority for the performance of other judges shall take reasonable measures to ensure that those judges properly discharge their judicial responsibilities, including the prompt disposition of matters before them.

Comment

[1] A judge is responsible for his or her own conduct and for the conduct of others, such as staff, when those persons are acting at the judge's direction or control. A judge may not direct court personnel to engage in conduct on the judge's behalf or as the judge's representative when such conduct would violate the Code if undertaken by the judge.

[2] Public confidence in the judicial system depends upon timely justice. To promote the efficient administration of justice, a judge with supervisory authority must take the steps needed to ensure that judges under his or her supervision administer their workloads promptly.

Rule 2.13: Administrative Appointments

(A) In making administrative appointments, a judge:

(1) shall exercise the power of appointment impartially* and on the basis of merit; and

(2) shall avoid nepotism, favoritism, and unnecessary appointments.

(B) [Not Adopted]

(C) A judge shall not approve compensation of appointees beyond the fair value of services rendered.

Comment

[1] Appointees of a judge include assigned counsel, officials such as referees, commissioners, special masters, receivers, and guardians, and personnel such as clerks, secretaries, and bailiffs. Consent by the parties to an appointment or an award of compensation does not relieve the judge of the obligation prescribed by paragraph (A).

[2] Unless otherwise defined by law, nepotism is the appointment or hiring of any relative within the third degree of relationship of either the judge or the judge's spouse or domestic partner, or the spouse or domestic partner of such relative.

[3] [Not Adopted]

Rule 2.14: Disability and Impairment

A judge having a reasonable belief that the performance of a lawyer or another judge is impaired by drugs or alcohol, or by a mental, emotional, or physical condition, shall take appropriate action, which may include a confidential referral to a lawyer or judicial assistance program.

Comment

[I] "Appropriate action" means action intended and reasonably likely to help the judge or lawyer in question address the problem and prevent harm to the justice system. Depending upon the circumstances, appropriate action may include but is not limited to speaking directly to the impaired person, notifying an individual with supervisory responsibility over the impaired person, or making a referral to an assistance program.

[2] Taking or initiating corrective action by way of referral to an assistance program may satisfy a judge's responsibility under this Rule. Assistance programs have many approaches for offering help to impaired judges and lawyers, such as intervention, counseling, or referral to appropriate health care professionals. Depending upon the gravity of the conduct that has come to the judge's attention, however, the judge may be required to take other action, such as reporting the impaired judge or lawyer to the appropriate authority, agency, or body. See Rule 2.15.

Rule 2.15: Responding to Judicial and Lawyer Misconduct

(A) A judge having knowledge* that another judge has committed a violation of this Code that raises a substantial question regarding the judge's honesty, trustworthiness, or fitness as a judge in other respects shall inform the appropriate authority.*

(B) A judge having knowledge that a lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question regarding the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects shall inform the appropriate authority.

(C) A judge who receives information indicating a substantial likelihood that another judge has committed a violation of this Code shall take appropriate action.

(D) A judge who receives information indicating a substantial likelihood that a lawyer has committed a violation of the Rules of Professional Conduct shall take appropriate action.

Comment

[I] Taking action to address known misconduct is a judge's obligation. Paragraphs (A) and (B) impose an obligation on the judge to report to the appropriate disciplinary authority the known misconduct of another judge or a lawyer that raises a substantial question regarding the honesty, trustworthiness, or fitness of that judge or lawyer. Ignoring or denying known misconduct among one's judicial colleagues or members of the legal profession undermines a judge's responsibility to participate in efforts to ensure public respect for the justice system. This Rule limits the reporting obligation to those offenses that an independent judiciary must vigorously endeavor to prevent.

[2] A judge who does not have actual knowledge that another judge or a lawyer may have committed misconduct, but receives information indicating a substantial likelihood of such misconduct, is required to take appropriate action under paragraphs (C) and (D). Appropriate action may include, but is not limited to, communicating directly with the judge who may have violated this Code, communicating with a supervising judge, or reporting the suspected violation to the appropriate authority or other agency or body. Similarly, actions to be taken in response to information indicating that a lawyer has committed a violation of the Rules of Professional Conduct may include but are not limited to communicating directly with the lawyer who may have committed the violation, or reporting the suspected violation to the appropriate authority or other agency or body.

Rule 2.16: Cooperation with Disciplinary Authorities

(A) A **judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies.**

(B) A judge shall not retaliate, directly or indirectly, against a person known* or suspected to have assisted or cooperated with an investigation of a judge or a lawyer.

Comment

[1] Cooperation with investigations and proceedings of judicial and lawyer discipline agencies, as required in paragraph (A), instills confidence in judges' commitment to the integrity of the judicial system and the protection of the public.

Canon 3

A JUDGE SHALL CONDUCT THE JUDGE'S PERSONAL AND EXTRAJUDICIAL ACTIVITIES TO MINIMIZE THE RISK OF CONFLICT WITH THE OBLIGATIONS OF JUDICIAL OFFICE.

Rule 3.1: Extrajudicial Activities in General

A judge may engage in extrajudicial activities, except as prohibited by law* or this Code. However, when engaging in extrajudicial activities, a judge shall not:

(A) participate in activities that will interfere with the proper performance of the judge's judicial duties;

(B) participate in activities that will lead to frequent disqualification of the judge;

(C) participate in activities that would appear to a reasonable person to undermine the judge's independence,* integrity,* or impartiality;*

(D) engage in conduct that would appear to a reasonable person to be coercive; or

(E) make use of court premises, staff, stationery, equipment, or other resources, except for incidental use for activities that concern the law, the legal system, or the administration of justice, or unless such additional use is permitted by law.

Comment

[l] To the extent that time permits, and judicial independence and impartiality are not compromised, judges are encouraged to engage in appropriate extrajudicial activities. Judges are uniquely qualified to engage in extrajudicial activities that concern the law, the legal system, and the administration of justice, such as by speaking, writing, teaching, or participating in scholarly research projects. In addition, judges are permitted and encouraged to engage in educational, religious, charitable, fraternal or civic extrajudicial activities not conducted for profit, even when the activities do not involve the law. See Rule 3.7.

[2] Participation in both law-related and other extrajudicial activities helps integrate judges into their communities, and furthers public understanding of and respect for courts and the judicial system.

[3] Discriminatory actions and expressions of bias or prejudice by a judge, even outside the judge's official or judicial actions, are likely to appear to a reasonable person to call into question the judge's integrity and impartiality. Examples include jokes or other remarks that demean individuals based upon their race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, or socioeconomic status. For the same reason, a judge's

extrajudicial activities must not be conducted in connection or affiliation with an organization that practices invidious discrimination. See Rule 3.6.

[4] While engaged in permitted extrajudicial activities, judges must not coerce others or take action that would reasonably be perceived as coercive. For example, depending upon the circumstances, a judge's solicitation of contributions or memberships for an organization, even as permitted by Rule 3.7(A), might create the risk that the person solicited would feel obligated to respond favorably, or would do so to curry favor with the judge.

Rule 3.2: Appearances before Governmental Bodies and Consultation with Government Officials

A judge shall not appear voluntarily at a public hearing before, or otherwise consult with, an executive or a legislative body or official, except:

(A) in connection with matters concerning the law, the legal system, or the administration of justice;

(B) in connection with matters about which the judge acquired knowledge or expertise in the course of the judge's judicial duties; or

(C) when the judge is acting pro se in a matter involving the judge's legal or economic interests, or when the judge is acting in a fiduciary* capacity.

Comment

[1] Judges possess special expertise in matters of law, the legal system, and the administration of justice, and may properly share that expertise with governmental bodies and executive or legislative branch officials.

[2] In appearing before governmental bodies or consulting with government officials, judges must be mindful that they remain subject to other provisions of this Code, such as Rule 1.3, prohibiting judges from using the prestige of office to advance their own or others' interests, Rule 2.10, governing public comment on pending and impending matters, and Rule 3.1(C), prohibiting judges from engaging in extrajudicial activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality.

[3] In general, it would be an unnecessary and unfair burden to prohibit judges from appearing before governmental bodies or consulting with government officials on matters that are likely to affect them as private citizens, such as zoning proposals affecting their real property. In engaging in such activities, however, judges must not refer to their judicial positions, and must otherwise exercise caution to avoid using the prestige of judicial office.

Rule 3.3: Testifying as a Character Witness

A judge shall not testify as a character witness in a judicial, administrative, or other adjudicatory proceeding or otherwise vouch for the character of a person in a legal proceeding, except when duly summoned.

Comment

[1] A judge who, without being subpoenaed, testifies as a character witness abuses the prestige of judicial office to advance the interests of another. See Rule 1.3. Except in unusual circumstances where the demands of justice require, a judge should discourage a party from requiring the judge to testify as a character witness.

Rule 3.4: Appointments to Governmental Positions

A judge shall not accept appointment to a governmental committee, board, commission, or other governmental position, unless it is one that concerns the law, the legal system, or the administration of justice.

Comment

[1] Rule 3.4 implicitly acknowledges the value of judges accepting appointments to entities that concern the law, the legal system, or the administration of justice. Even in such instances, however, a judge should assess the appropriateness of accepting an appointment, paying particular attention to the subject matter of the appointment and the availability and allocation of judicial resources, including the judge's time commitments, and giving due regard to the requirements of the independence and impartiality of the judiciary.

[2] A judge may represent his or her country, state, or locality on ceremonial occasions or in connection with historical, educational, or cultural activities. Such representation does not constitute acceptance of a government position.

Rule 3.5: Use of Nonpublic Information

A judge shall not intentionally disclose or use nonpublic information* acquired in a judicial capacity for any purpose unrelated to the judge's judicial duties.

Comment

[1] In the course of performing judicial duties, a judge may acquire information of commercial or other value that is unavailable to the public. The judge must not reveal or use such information for personal gain or for any purpose unrelated to his or her judicial duties.

[2] This rule is not intended, however, to affect a judge's ability to act on information as necessary to protect the health or safety of the judge or a member of a judge's family, court personnel, or other judicial officers if consistent with other provisions of this Code.

Rule 3.6: Affiliation with Discriminatory Organizations

(A) A judge shall not hold membership in any organization that practices invidious discrimination on the basis of race, sex, gender, religion, national origin, ethnicity, or sexual orientation or engages in any discriminatory practice prohibited by the law of the District of Columbia.

(B) A judge shall not use the benefits or facilities of an organization if the judge knows* or should know that the organization practices invidious discrimination on one or more of the bases identified in paragraph (A). A judge's attendance at an event in a facility of an organization that the judge is not permitted to join is not a violation of this Rule when the judge's attendance is an isolated event that could not reasonably be perceived as an endorsement of the organization's practices.

Comment

(1] A judge's public manifestation of approval of invidious discrimination on any basis gives rise to the appearance of impropriety and diminishes public confidence in the integrity and impartiality of the judiciary. A judge's membership in an organization that practices invidious discrimination creates the perception that the judge's impartiality is impaired.

[2] An organization is generally said to discriminate invidiously if it arbitrarily excludes from membership on the basis of race, sex, gender, religion, national origin, ethnicity, or sexual orientation persons who would otherwise be eligible for admission. Whether an organization practices invidious discrimination is a complex question to which judges should be attentive. The answer cannot be determined from a mere examination of an organization's current membership rolls, but rather, depends upon how the organization selects members, as well as other relevant factors, such as whether the organization is dedicated to the preservation of religious, ethnic, or cultural values of legitimate common interest to its members, or whether it is an intimate, purely private organization whose membership limitations could not constitutionally be prohibited.

[3] When a judge learns that an organization to which the judge belongs engages m invidious discrimination, the judge must resign immediately from the organization.

[4] A judge's membership in a religious organization as a lawful exercise of the freedom of religion is not a violation of this Rule.

[5] This Rule does not apply to national or state military service.

Rule 3.7: Participation in Educational, Religious, Charitable, Fraternal, or Civic Organizations and Activities

(A) Subject to the requirements of Rule 3.1, a judge may participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, or the administration of justice, and those sponsored by or on behalf of educational, religious, charitable, fraternal, or civic organizations not conducted for profit, including but not limited to the following activities:

(1) assisting such an organization or entity in planning related to fund-raising, and participating in the management and investment of the organization's or entity's funds;

(2) soliciting* contributions* for such an organization or entity, but only from members of the judge's family,* or from judges over whom the judge does not exercise supervisory or appellate authority;

(3) soliciting membership for such an organization or entity, even though the membership dues or fees generated may be used to support the objectives of the organization or entity, but only if the organization or entity is concerned with the law, the legal system, or the administration of justice;

(4) appearing or speaking at, receiving an award or other recognition at, being featured on the program of, and permitting his or her title to be used in connection with an event of such an organization or entity, but if the event serves a fund-raising purpose, the judge may participate only if the event concerns the law, the legal system, or the administration of justice;

(5) making recommendations to such a public or private fund-granting organization or entity in connection with its programs and activities, but only if the organization or entity is concerned with the law, the legal system, or the administration of justice; and

(6) serving as an officer, director, trustee, or nonlegal advisor of such an organization or entity, unless it is likely that the organization or entity:

(a) will be engaged in proceedings that would ordinarily come before the judge; or

(b) will frequently be engaged in adversary proceedings in the court of which the judge is a member, or in any court subject to the appellate jurisdiction of the court of which the judge is a member.

(B) A judge may encourage lawyers to provide pro bono publico legal services.

Comment

[1] The activities permitted by paragraph (A) generally include those sponsored by or undertaken on behalf of public or private not-for-profit educational institutions, and other not-for-profit organizations, including law-related, charitable, and other organizations.

[2] Even for law-related organizations, a judge should consider whether the membership and purposes of the organization, or the nature of the judge's participation in or association with the organization, would conflict with the judge's obligation to refrain from activities that reflect adversely upon a judge's independence, integrity, and impartiality. A judge should not accept an award or other recognition from an organization whose members frequently represent or are on the same side in litigation.

[3] Mere attendance at an event, whether or not the event serves a fund-raising purpose, does not constitute a violation of paragraph (A)(4). It is also generally permissible for a judge to serve as an usher or a food server or preparer, or to perform similar functions, at fund-raising events sponsored by educational, religious, charitable, fraternal, or civic organizations. Such activities are not solicitation and do not present an element of coercion or abuse the prestige of judicial office.

[4] Identification of a judge's position in educational, religious, charitable, fraternal, or civic organizations on letterhead used for fund-raising or membership solicitation does not violate this Rule. The letterhead may list the judge's title or judicial office if comparable designations are used for other persons.

[5] In addition to appointing lawyers to serve as counsel for indigent parties in individual cases, a judge may promote broader access to justice by encouraging lawyers to participate in pro bono public legal services, if in doing so the judge does not employ coercion, or abuse the prestige of judicial office. Such encouragement may take many forms, including providing lists of available programs, training lawyers to do pro bono public legal work, and participating in events recognizing lawyers who have done pro bono public work.

Rule 3.8: Appointments to Fiduciary Positions

(A) A judge shall not accept appointment to serve in a fiduciary* position, such as executor, administrator, trustee, guardian, attorney in fact, or other personal representative, except for the estate, trust, or person of a member of the judge's family,* and then only if such service will not interfere with the proper performance of judicial duties.

(B) A judge shall not serve in a fiduciary position if the judge as fiduciary will likely be engaged in proceedings that would ordinarily come before the judge, or if the estate, trust, or ward becomes involved in adversary proceedings in the court on which the judge serves, or one under its appellate jurisdiction.

(C) A judge acting in a fiduciary capacity shall be subject to the same restrictions on engaging in financial activities that apply to a judge personally.

(D) If a person who is serving in a fiduciary position becomes a judge, he or she must comply with this Rule as soon as reasonably practicable, but in no event later than one year after becoming a judge.

Comment

[1] A judge should recognize that other restrictions imposed by this Code may conflict with a judge's obligations as a fiduciary; in such circumstances, a judge should resign as fiduciary. For example, serving as a fiduciary might require frequent disqualification of a judge under Rule 2.11 because a judge is deemed to have an economic interest in shares of stock held by a trust if the amount of stock held is more than de minimis.

[2] Judges are cautioned that, pursuant to D.C. Code § 20-303 (2001), a judge of "any court established under the laws of the United States" is prohibited from serving as a personal representative of a decedent's estate in the District of Columbia unless the judge is "the surviving spouse or domestic partner of the decedent or is related to the decedent within the third degree."

Rule 3.9: Service as Arbitrator or Mediator

A judge shall not act as an arbitrator or a mediator or perform other judicial functions apart from the judge's official duties unless expressly authorized by law.* This rule does not prohibit a judge from performing judicial functions pursuant to military service.

Comment

[1] This Rule does not prohibit a judge from participating in arbitration, mediation, or settlement conferences performed as part of assigned judicial duties. Rendering dispute resolution services apart from those duties, whether or not for economic gain, is prohibited unless it is expressly authorized by law.

[2] Advisory Opinion No. 3 (June 25, 1992) of the Advisory Committee on Judicial Conduct addresses the circumstances under which Senior Judges may act as arbitrators.

Rule 3.10: Practice of Law

A judge shall not practice law. A judge may act pro se and may, without compensation, give legal advice to and draft or review documents for a member of the judge's family,* but is prohibited from serving as the family member's lawyer in any forum.

Comment

[1] A judge may act pro se in all legal matters, including matters involving litigation and matters involving appearances before or other dealings with governmental bodies. A judge must not use the prestige of office to advance the judge's personal or family interests. See Rule 1.3.

Rule 3.11: Financial, Business, or Remunerative Activities

(A) A judge may hold and manage investments of the judge and members of the judge's family.*

(B) A judge shall not serve as an officer, director, manager, general partner, advisor, or employee of any business entity except that a judge may manage or participate in:

(1) a business closely held by the judge or members of the judge's family; or

(2) a business entity primarily engaged in investment of the financial resources of the judge or members of the judge's family.

(C) A judge shall not engage in financial activities permitted under paragraphs (A) and (B) if they will:

(1) interfere with the proper performance of judicial duties;

(2) lead to frequent disqualification of the judge;

(3) involve the judge in frequent transactions or continuing business relationships with lawyers or other persons likely to come before the court on which the judge serves; or

(4) result in violation of other provisions of this Code.

(D) A person to whom this Code becomes applicable shall comply with this Rule as soon as reasonably practicable, but in no event later than one year after the Code becomes applicable to the person.

Comment

[l] Judges are generally permitted to engage in financial activities, including managing real estate and other investments for themselves or for members. of their families. Participation in these activities, like participation in other extrajudicial activities, is subject to the requirements of this Code. For example, it would be improper for a judge to spend so much time on business activities that it interferes with the performance of judicial duties. See Rule 2.1. Similarly, it would be improper for a judge to use his or her official title or appear in judicial robes in business advertising, or to conduct his or her business or financial affairs in such a way that disqualification is frequently required. See Rules 1.3 and 2.11.

[2] As soon as practicable without serious financial detriment, the judge must divest himself or herself of investments and other financial interests that might require frequent disqualification or otherwise violate this Rule.

Rule 3.12: Compensation for Extrajudicial Activities

A judge may accept reasonable compensation for extrajudicial activities permitted by this Code or other law* unless such acceptance would appear to a reasonable person to undermine the judge's independence,* integrity,* or impartiality.*

Comment

[1] A judge is permitted to accept honoraria, stipends, fees, wages, salaries, royalties, or other compensation for speaking, teaching, writing, and other extrajudicial activities, provided the compensation is reasonable and commensurate with the task performed. The judge should be mindful, however, that judicial duties must take precedence over other activities. See Rule 2.1.

[2] Compensation derived from extrajudicial activities may be subject to the reporting requirements of Rule 3.15.

Rule 3.13: Acceptance of Gifts, Loans, Bequests, Benefits, or Other Things of Value

(A) A judge shall not accept any gifts, loans, bequests, benefits, or other things of value, if acceptance is prohibited by law* or would appear to a reasonable person to undermine the judge's independence,* integrity,* or impartiality.*

(B) Unless otherwise prohibited by law, or by paragraph (A), a judge may accept the following:

(1) items with little intrinsic value, such as plaques, certificates, trophies, and greeting cards;

(2) gifts, loans, bequests, benefits, or other things of value from friends, relatives, or other persons, including lawyers, whose appearance or interest in a proceeding pending* or impending* before the judge would in any event require disqualification of the judge under Rule 2.11;

(3) ordinary social hospitality;

(4) commercial or financial opportunities and benefits, including special pricing and discounts, and loans from lending institutions in their regular course of business, if the same opportunities and benefits or loans are made available on the same terms to similarly situated persons who are not judges;

(5) rewards and prizes given to competitors or participants in random drawings, contests, or other events that are open to persons who are not judges;

(6) scholarships, fellowships, and similar benefits or awards, if they are available to similarly situated persons who are not judges, based upon the same terms and criteria;

(7) books, magazines, journals, audiovisual materials, and other resource materials supplied by publishers on a complimentary basis for official use;

(8) gifts, awards, or benefits associated with the business, profession, or other separate activity of a spouse, a domestic partner,* or other family member of a judge residing in the judge's household,* but that incidentally benefit the judge;

(9) gifts incident to a public testimonial; or

(10) invitations to the judge and the judge's spouse, domestic partner, or guest to attend without charge:

(a) an event associated with a bar-related function or other activity relating to the law, the legal system, or the administration of justice; or

(b) an event associated with any of the judge's educational, religious, charitable, fraternal or civic activities permitted by this Code, if the same invitation is offered to nonjudges who are engaged in similar ways in the activity as is the judge.

Comment

[1] Whenever a judge accepts a gift or other thing of value without paying fair market value, there is a risk that the benefit might be viewed as intended to influence the judge's decision in a case. This risk is especially high when the donor is a party or other person, including a lawyer, who has come or is likely to come before the judge, or whose interests have come or are likely to come before the judge. In such an instance, the acceptance will be appropriate only in rare circumstances, and only after the judge has determined under Rule 3.13 (A) that the receipt would not appear to a reasonable person to undermine the judge's integrity, impartiality, or independence.

[2] Gift-giving between friends and relatives is a common occurrence, and ordinarily does not create an appearance of impropriety or cause reasonable persons to believe that the judge's independence, integrity, or impartiality has been compromised. In addition, when the appearance of friends or relatives in a case would require the judge's disqualification under Rule 2.11, there would be no opportunity for a gift to influence the judge's decision making. Paragraph (B) (2) places no restrictions upon the ability of a judge to accept gifts or other things of value from friends or relatives under these circumstances, and does not require public reporting.

[3] Businesses and financial institutions frequently make available special pncmg, discounts, and other benefits, either in connection with a temporary promotion or for preferred customers, based upon longevity of the relationship, volume of business transacted, and other factors. A judge may freely accept such benefits if they are available to the general public, or if the judge qualifies for the special price or discount according to the same criteria as are applied to persons who are not judges. As an example, loans provided at generally prevailing interest rates are not gifts, but a judge could not accept a loan from a financial institution at below-market interest rates unless the same rate was being made available to the general public for a

certain period of time or only to borrowers with specified qualifications that the judge also possesses.

[4] Rule 3.13 applies only to acceptance of gifts or other things of value by a judge. Nonetheless, if a gift or other benefit is given to the judge's spouse, domestic partner, or member of the judge's family residing in the judge's household, it may be viewed as an attempt to evade Rule 3.13 and influence the judge indirectly. Where the gift or benefit is being made primarily to such other persons, and the judge is merely an incidental beneficiary, this concern is reduced. A judge should, however, remind family and household members of the restrictions imposed upon judges, and urge them to take these restrictions into account when making decisions about accepting such gifts or benefits.

[5] [Not Adopted]

[6] The acceptance of gifts, loans, bequests, benefits, or other things of value may be subject to reporting requirements as set forth in Rule 3.15, which requires compliance with D.C. Code § 11-1530 (2001) and the Rules of the District of Columbia Commission on Judicial Disabilities and Tenure.

[7] This Rule departs in two, related respects from Model Rule 3.13. First, Model Rule 3.13 divides things of value a judge may accept into two categories (in paragraphs (B) and (C)) depending on whether the judge must publicly report their acceptance, but as the preceding comment states, the duty publicly to report acceptance of things of value is set forth instead in Rule 3.15, which refers to disclosure obligations established in D.C. Code § 11-1530 (2001) and the Rules of the Commission on Judicial Disabilities and Tenure. Second, although Model Rule 3.13 (C)(3) expressly permits a judge to accept "gifts, loans, bequests, benefits, or other things of value, if the source is a party or other person, including a lawyer, who has come or is likely to come before the judge, or whose interests have come or are likely to come before the judge," acceptance of gifts from such sources is subject to a public reporting requirement. Because D.C. Code § 11-1530 and the Rules of the Commission on Judicial Disabilities and Tenure do not require public reporting of gifts from such sources, a District of Columbia judge should not accept them, except in rare circumstances, as provided in Comment [1]. Paragraph (B) of this Rule permits a judge to accept, unless prohibited by law or by paragraph (A), all other items set forth in Model Rule 3.13(B) and (C).

Rule 3.14: Reimbursement of Expenses and Waivers of Fees or Charges

(A) Unless otherwise prohibited by Rules 3.1 and 3.13(A) or other law,* a judge may accept reimbursement of necessary and reasonable expenses for travel, food, lodging, or other incidental expenses, or a waiver or partial waiver of fees or charges for registration, tuition, and similar items, from sources other than the judge's employing entity, if the expenses or charges are associated with the judge's participation in extrajudicial activities permitted by this Code.

(B) Reimbursement of expenses for necessary travel, food, lodging, or other incidental expenses shall be limited to the actual costs reasonably incurred by the judge and, when appropriate to the occasion, by the judge's spouse, domestic partner,* or guest.

(C) A judge who accepts reimbursement of expenses or waivers or partial waivers of fees or charges on behalf of the judge or the judge's spouse, domestic partner, or guest shall report such acceptance as required by Rule 3.15.

Comment

[1] Educational, civic, religious, fraternal, and charitable organizations often sponsor meetings, seminars, symposia, dinners, awards ceremonies, and similar events. Judges are encouraged to attend educational programs, as both teachers and participants, in law-related and academic disciplines, in furtherance of their duty to remain competent in the law. Participation in a variety of other extrajudicial activity is also permitted and encouraged by this Code.

[2] Not infrequently, sponsoring organizations invite certain judges to attend seminars or other events on a fee-waived or partial-fee-waived basis, and sometimes include reimbursement for necessary travel, food, lodging, or other incidental expenses. A judge's decision whether to accept reimbursement of expenses or a waiver or partial waiver of fees or charges in connection with these or other extrajudicial activities must be based upon an assessment of all the circumstances. The judge must undertake a reasonable inquiry to obtain the information necessary to make an informed judgment about whether acceptance would be consistent with the requirements of this Code.

[3] A judge must assure himself or herself that acceptance of reimbursement or fee waivers would not appear to a reasonable person to undermine the judge's independence, integrity, or impartiality. The factors that a judge should consider when deciding whether to accept reimbursement or a fee waiver for attendance at a particular activity include:

(a) whether the sponsor is an accredited educational institution or bar association rather than a trade association or a for-profit entity;

(b) whether the funding comes largely from numerous contributors rather than from a single entity and is earmarked for programs with specific content;

(c) whether the content is related or unrelated to the subject matter of litigation pending or impending before the judge, or to matters that are likely to come before the judge;

(d) whether the activity is primarily educational rather than recreational, and whether the costs of the event are reasonable and comparable to those associated with similar events sponsored by the judiciary, bar associations, or similar groups;

(e) whether information concerning the activity and its funding sources is available upon mqmry;

(f) whether the sponsor or source of funding is generally associated with particular parties or interests currently appearing or likely to appear in the judge's court, thus possibly requiring disqualification of the judge under Rule 2.11;

(g) whether differing viewpoints are presented; and

(h) whether a broad range of judicial and nonjudicial participants are invited, whether a large number of participants are invited, and whether the program is designed specifically for judges.

Rule 3.15: Reporting Requirements

A judge shall comply with the requirements of D.C. Code § 11-1530 (2001) and the rules of the District of Columbia Commission on Judicial Disabilities and Tenure in reporting the amount and value of compensation received as permitted by Rule 3.12; gifts, loans, bequests, benefits, and other items of value received as permitted by Rule 3.13; and reimbursement and waivers or partial waivers of fees received as permitted by Rule 3.14.

Canon 4

A JUDGE OR CANDIDATE FOR JUDICIAL OFFICE SHALL NOT ENGAGE IN POLITICAL OR CAMPAIGN ACTIVITY THAT IS INCONSISTENT WITH THE INDEPENDENCE, INTEGRITY, OR IMPARTIALITY OF THE JUDICIARY.

Rule 4.1: Political and Campaign Activities of Judges and Judicial Candidates in General

(A) Except as permitted by law,* or by Rule 4.3, a judge or a judicial candidate* shall not:

(1) act as a leader in, or hold an office in, a political organization;*

(2) make speeches on behalf of a political organization;

(3) publicly endorse or oppose a candidate for any public office;

(4) solicit funds for, pay an assessment to, or make a contribution* to a political organization or a candidate for public office;

(5) attend or purchase tickets for dinners or other events sponsored by a political organization or a candidate for public office;

(6) publicly identify himself or herself as a candidate of a political organization;

(7) seek, accept, or use endorsements from a political organization;

(8) [Not Adopted]

(9) [Not Adopted]

(10) use court staff, facilities, or other court resources in a campaign for judicial office;

(11) knowingly,* or with reckless disregard for the truth, make any false or misleading statement;

(12) make any statement that would reasonably be expected to affect the outcome or impair the fairness of a matter pending* or impending* in any court; or

(13) in connection with cases, controversies, or issues that are likely to come before the court, make pledges, promises, or commitments that are inconsistent with the impartial* performance of the adjudicative duties of judicial office.

(B) A judge or judicial candidate shall take reasonable measures to ensure that other persons do not undertake, on behalf of the judge or judicial candidate, any activities prohibited under paragraph (A).

Comment

General Considerations

[1] A judge plays a role different from that of a legislator or executive branch official. Rather than making decisions based upon the expressed views or preferences of the electorate, a judge makes decisions based upon the law and the facts of every case. Therefore, in furtherance of this interest, judges and judicial candidates must, to the greatest extent possible, be free and appear to be free from political influence and political pressure. This Canon imposes narrowly tailored restrictions upon the political and campaign activities of all judges and judicial candidates, taking into account the various methods of selecting judges.

[2] When a person becomes a judicial candidate, this Canon becomes applicable to his or her conduct.

[2A] The prohibition of paragraph (A)(l O) on the use of court staff, facilities and other resources is subject to a rule of reason, see Scope [5], and permits incidental use. See Rule 3.1 (E).

Participation in Political Activities

[3] Public confidence in the independence and impartiality of the judiciary is eroded if judges or judicial candidates are perceived to be subject to political influence. Although judges and judicial candidates may register to vote as members of a political party, they are prohibited by paragraph (A)(l) from assuming leadership roles in political organizations.

[4] Paragraphs (A)(2) and (A)(3) prohibit judges and judicial candidates from making speeches on behalf of political organizations or publicly endorsing or opposing candidates for public office, respectively, to prevent them from abusing the prestige of judicial office to advance the interests of others. This Rule does not prohibit judges or judicial candidates from participating in the process of judicial selection by cooperating with appointing authorities and screening committees. See Rule 1.3, Comments [2] & [3].

[5] Although members of the families of judges and judicial candidates are free to engage in their own political activity, including running for public office, there is no "family exception" to the prohibition in paragraph (A)(3) against a judge or candidate publicly endorsing candidates for public office. A judge or judicial candidate must not become involved in, or publicly associated with, a family member's political activity or campaign for public office. To avoid public misunderstanding, judges and judicial candidates should take, and should urge members of their families to take, reasonable steps to avoid any implication that they endorse any family member's candidacy or other political activity.

[6] Judges and judicial candidates retain the right to participate in the political process as voters in both primary and general elections.

Statements by Candidates for Judicial Office

[7] Judicial candidates must be scrupulously fair and accurate in all statements. Paragraph (A)(l 1) obligates candidates to refrain from making statements that are false or misleading, or that omit facts necessary to make the communication considered as a whole not materially misleading.

[8] If a judicial candidate is the subject of false, misleading, or unfair allegations, the candidate may make a factually accurate response, as long as the candidate does not violate paragraphs (A) (12) or (A) (13). If the allegation was made publicly, the candidate may respond publicly.

[9] Subject to paragraph (A)(l2), a judicial candidate is permitted to respond directly to false, misleading, or unfair allegations made against him or her, although the candidate should consider whether it is preferable for someone else to respond if the allegations relate to a pending case.

[10] Paragraph (A)(l2) prohibits judicial candidates from making comments that might impair the fairness of pending or impending judicial proceedings. This provision does not restrict arguments or statements to the court or jury by a lawyer who is a judicial candidate, or rulings, statements, or instructions by a judge that may appropriately affect the outcome of a matter.

Pledges, Promises, or Commitments Inconsistent with Impartial Performance of the Adjudicative Duties of Judicial Office.

[11] [Not Adopted]

[12] Paragraph (A)(13) makes applicable to both judges and judicial candidates the prohibition that applies to judges in Rule 2.lO(B), relating to pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office.

[13] The making of a pledge, promise, or commitment is not dependent upon, or limited to, the use of any specific words or phrases; instead, the totality of the statement must be examined to determine if a reasonable person would believe that the candidate for judicial office has specifically undertaken to reach a particular result. Pledges, promises, or commitments must be contrasted with statements or announcements of personal views on legal, political, or other issues, which are not prohibited. When making such statements, a judge should acknowledge the overarching judicial obligation to apply and uphold the law, without regard to his or her personal views.

[14] A judicial candidate may make promises related to judicial organization, administration, and court management, such as a promise to dispose of a backlog of cases, start court sessions on time, or avoid favoritism in appointments and hiring. A candidate may also pledge to take action outside the courtroom, such as working toward an improved jury selection system, or advocating for more funds to improve the physical plant and amenities of the courthouse.

[15] Judicial candidates may receive questionnaires or requests for interviews from the media and from issue advocacy or other community organizations that seek to learn their views on disputed or controversial legal or political issues. Paragraph (A)(l3) does not specifically address responses to such inquiries. Depending upon the wording and format of such questionnaires, candidates' responses might be viewed as pledges, promises, or commitments to perform the adjudicative duties of office other than in an impartial way. To avoid violating Rule 2.10 (B) and paragraph (A)(13) of this Rule, therefore, candidates who respond to media and other inquiries should also give assurances that they will keep an open mind and will carry out their adjudicative duties faithfully and impartially if appointed. Candidates who do not respond may state their reasons for not responding, such as the danger that answering might be perceived by a reasonable person as undermining a successful candidate's independence or impartiality, or that it might lead to frequent disqualification. See Rule 2.11.

Rule 4.2: [Not Adopted] [Political and Campaign Activities of Judicial Candidates in Public Elections]

Rule 4.3: Activities of Candidates for Appointive Judicial Office

A candidate for appointment to judicial office may:

(A) **communicate with the appointing or confirming authority, including any selection, screening, or nominating commission or similar agency; and**

(B) seek endorsements for the appointment from any person or organization other than a partisan political organization.

Comment

[1] When seeking support or endorsement, or when communicating directly with an appointing or confirming authority, a candidate for appointive judicial office must not make any pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of the office. See Rule 4.l(A)(13).

Rule 4.4: [Not Adopted] [Campaign Committees]

Rule 4.5: Activities of Judges Who Become Candidates for Nonjudicial Office

(A) **Upon becoming a candidate for a nonjudicial elective office, a judge shall resign from judicial office, unless permitted by law* to continue to hold judicial office.**

(B) Upon becoming a candidate for a nonjudicial appointive office, a judge is not required to resign from judicial office, provided that the judge complies with the other provisions of this Code.

Comment

[1] In campaigns for nonjudicial elective public office, candidates may make pledges, promises, or commitments related to positions they would take and ways they would act if elected to office. Although appropriate in nonjudicial campaigns, this manner of campaigning is inconsistent with the role of a judge, who must remain fair and impartial to all who come before him or her. The potential for misuse of the judicial office, and the political promises that the judge would be compelled to make in the course of campaigning for nonjudicial elective office, together dictate that a judge who wishes to run for such an office must resign upon becoming a candidate.

[2] The "resign to run" rule set forth in paragraph (A) ensures that a judge cannot use the judicial office to promote his or her candidacy, and prevents post-campaign retaliation from the judge in the event the judge is defeated in the election. When a judge is seeking appointive nonjudicial office, however, the dangers are not sufficient to warrant imposing the "resign to run" rule.

Appendix

ADVISORY COJDII'l"l'BB OH JUDICIAL COHDUCT

O R D E R

Upon consideration of the proceedings before the Joint Committee on Judicial Administration on this lat day of October, 1990, it is

ORDERED that:

An Advisory Committee on Judicial Conduct (hereinafter "the Committee") is hereby created, which shall provide informal advice and formal advisory opinions to judges and judicial officers of the District of Colwnbia court system pursuant to the procedures contained in this order.

I. HEM8EBS;

(A) The Committee shall consist of five members, appointed by the Joint Committee on Judicial Administration chosen from among the members of the judiciary of the District of Columbia courts. Three members will be chosen from the District of Columbia Court of Appeals and two members will be chosen from the superior court of the District of Columbia. The chair of the Committee shall be an appellate judge, to be designated by the chair of the Joint Committee on Judicial Administration. Each member shall serve a three year term, except for those members first appointed to the Committee. Initially, the Joint Committee on Judicial Administration shall appoint one member from the Court of Appeals to a four year term, two members, one from the Court of Appeals and one from the Superior Court, to three year terms, and two members, one from the court of Appeals and one from the Superior court, to two year terms so that subsequent appointments will b• •taggered.

(B) No member may serve more than two consecutive three-year terms. If a vacancy occurs during a member•s service, the Joint Committee on Judicial Administration shall appoint a new member who will complete the term of the member whose service was interrupted. A member shall serve until a successor is appointed.

II. DYTIES:

(A) A judge or judicial officer may direct a request to the committee as to whether or not specified action, either

contemplated or propoaed to be taken, would constitute a violation of the Code of Judicial Conduct for the Diatrict of Columbia. The Cod• i• the AJlerican Bar Association Code of Judicial Conduct, a• adopted by th• Joint committee. a.a 1973 Reaolution of the Joint cOllDlittae on Judicial Adminiatration, reprinted in full in sgott, y. united states, 559 A.2d 745 (D.c. 1989) (appendix).

(1) A judge or judicial officer, seeking informal, unwritten advice, may direct aucb a request to any one or more members of th• COllllllittee as to whether or not specified action, either contemplated or proposed to be taken, would constitute a violation of the Code of Judicial conduct for the District of Columbia.

(2) A judqe or judicial officer seekinq a formal, written advisory opinion, may direct such a request to the Committee as to whether or not specified action, either contemplated or proposed .to be taken, would constitute a violation of the Code of Judicial Conduct for the District of Columbia.

(B) A request shall state in detail th• facts involved, and specify the quution souqht to be answered. The request ehoUld, whenever possible, alao include reference to any legal authority, auch aa canons of the American Bar Association Code of JUdicial Conduct, or advisory opinion• from this or any other jurisdiction, or decisions of the District of Columbia Commission on Judicial Disabilities and Tenure. If additional factual information is required in order to provide either informal, unwritten advice or a formal written opinion, it may be requested from the judqe or judicial officer making the requeat.

(C) 'l'h• C01111Dittee will not provide either informal, unwritten advice or a formal written opinion concerning the conduct of others or conduct which has already occurred, unless the conduct ia of an onqoinq nature.

XII. PBQCEDQRBS; Th• actions of the Committee ahall-conform to the followinq procedures:

(A) When a judqe or judicial officer has made a request for informal, unwritten adVice to any one or more aambars of the Committee, that member or members may respond orally. In reapondinq inormally, the COllllllittee member or members may call th• attention of the judge or judicial officar aaJtinq the request to particular provtaiona o tbe American Bar Aaaociation Coda of Judicial conduct, — adopted by th• Joint committee on Judicial Adminiatration, or advisory oplnionm for thi• or any other juriadiction, or daci•iona of the District of Columbia Collllli••ion on Judicial Disabilities and Tenure. Moreover, auch Committee member or members may present the substantive iasue to the full

Committee for its consideration and issuance of a formal written opinion, if the issue i• of continuing concern to the judiciary.

(8) When a judge or judicial officer ha• 11ade a r.quest tor a fonaal, written, advisory opinion the OJUlittee •ball re9p0nd i•auinq a toraal written opinion. A formal opinion •ball be prepared in caaea where a prior opinion doe• not anaver the quution presented in 1the request. 11h•r• it appears that an already exiatinq opinion answers the queation presented. in the request., the eommittee •hall forward a copy O·f that opinion to the judqe or judicial officer aakinq the inquiry.

(C) 'l'he Committee ahall not iaaue an opinion in a matter that i• the subject of a pendinq disciplinary proceeding, unless the District of Colwabia Commiss:Lon on Judicial Disabilities and Tenure requests auch an opinion.

(D) Opinions shall be limited to the facts stated in the request, and such supplemental facts provided at the CoDlDlittee•s request, if any, and shall include a statement indicating this limitation.

(E) Opinions shall be published and circulated to the members of the judiciary and judicial officers of the District of Colwnbia court system and the District of Colwabia Commiasion on Judicial Disabilities and Tenure.

(P) Xn order to preserve confidentiality for the judqes and judicial officers seeking advisory opinions, th• opinions ahali not nallll8 the judge or judicial officer or disclose the judge's or the judicial officer'• identity in any other way.

(G) Written opinions vill provide a body of guidance for the judqea. Action in accordance with an adViaory opinion may be considered by the District of Columbia COlllllli••ion on Judicial Disabilities and Tenure aa evidence of good faith in the course of any proceeding or investigation conducted by the Commission.

(H) Th• C0111Dittee shall develop appropriate procedure• for th• proc•••iDCJ and consideration of both informal, unwritten advice and formal written advisory opinions.

J:V. CODI RIVIIW:

(A) The ecmm-ittaa may receive wgqestions or proposals f'roa the Board of Judges of th• District of Colwabia Court of Appeal•, the Board of Judgea of th• superior Court of the District of Columbia, any individual judge, judicial officer, or employee, the OZ9&niaed or voluntary Bar, the Diatrict of colUJabia COlmai••ion on Judicial Diaa!>iliti•• and Tenure, or the C011111itt.. may initiate ita own proposals tor necessary or adviaable cbang- to th• COd• of Judicial Conduct. After

reviewing th••• •u99eations, the Committee may •ubmit it• recommendation• to the Joint Committee on Judicial Admini•tration for its consideration and action.

(B) The Committee and the Joint Committee on Judicial Administration shall confer at such times •• either •hall determine to be appropriate.

(C) 'l'he committee •hall confer from ti.lie to time with the District of Columbia Commission on Judicial Di•abilities and Tenure when each shall determine such a •••ting is appropriate.

V. STAFF SJZPPQRT;

(A) The Executive Officer of the District of Columbia Courts shall provide admini•trative aupport for th• Committee.

(B) '?be Executive Officer shall provide a complete set of the Committ:ae• s written opinions to each newly appointed judge and judicial officer of the Oiatrict of COlumbia court •Y•tem. The Executive Officer shall maintain officil copies of all written opiniorus of the COmmitt•• and make thea available to all judicial officers and the District of Columbia Commission on Judicial. Disabilities and Tenure.

Chief Judge Judith W. Rogers
District of Columbia Court of Appeals
and Chair, Joint Committee on Judicial Administration

Chief Judge Fred B. Ugast
Superior Court of the
District of Columbia

Judge John Steadman
District of Columbia
court of Appeals

Judge George Herbert Goodrich
Superior Court of the
District of Columbia

Judge Gl a 'fu8i8r h,.,-
SUJ:riZOpurt of th•
District of Columbia

Resolution

The Joint Committee on Judicial Administration hereby adopts on this day, November 15, 2011, the 2007 ABA Model Code of Judicial Conduct, as amended by the Advisory Committee on Judicial Conduct The Code of Conduct as adopted shall be entitled "Code of Judicial Conduct for the District of Columbia Courts," and shall take effect on January I, 2012. The Joint Committee wishes to express its gratitude to the Advisory Committee for its diligent and painstaking work in drafting the amended Code.

Chief Judge Eric T. ashington
District of Columbia Court of Appeals and
Chair, Joint Committee on Judicial Administration

Satterf

'Judge Stphen H. Glickman
District of Columbia
Court of Appeals

Judge Frederick Weisberg
Superior Court of the
District of Columbia

Judge Rhonda Reid Winston
Superior Court of the
District of Columbia

Ann B. Wicks
Executive Officer
Secretary to the Joint Committee

APPENDIX E

COMPLAINT FORM

DISTRICT OF COLUMBIA COMMISSION
ON JUDICIAL DISABILITIES AND TENURE
Building A, Room 246 515 Fifth Street, N.W.
Washington, D.C. 20001
(202) 727-1363

In response to your request, we are providing this form for your use in making a complaint about an Associate, Retired, or Senior Judge of the District of Columbia Courts.

COMPLAINT ABOUT A JUDGE OF THE DISTRICT OF COLUMBIA COURTS

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

PLEASE TYPE OR PRINT ALL INFORMATION

Your Name: _____ Your E-Mail Address: _____

Your Telephone: (Day) _____ (Home) _____

Your Address: _____

_____ _____ Zip Code _____

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

Name Of Judge(s): _____

Court Of Appeals [ ] Superior Court [ ]

Case Name and Number: _____

Date Of Action Which Forms Basis Of This Complaint: _____

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

_____

_____

FOR OFFICE USE ONLY

Complaint No. _____
Reviewed _____
Investigation _____
Disposition _____

_____

_____

_____

_____

_____

Signed: _____

Dated: _____

Please return this completed form to:

Executive Director
D.C. Commission on Judicial
Disabilities and Tenure
Building A, Room 246
515 Fifth Street, N.W.
Washington, D.C. 20001

District of Columbia
Commission on Judicial Disabilities and Tenure

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