



Council for
Court Excellence
Improving Justice for the Community

2014 Annual Report

Council for Court Excellence

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Our Mission

The Council for Court Excellence works to improve the administration of justice in the local and federal courts and related agencies in the Washington metropolitan area.

The Council accomplishes this goal by:

- ✓ Identifying and promoting justice system reforms,
- ✓ Improving public access to justice, and
- ✓ Increasing public understanding and support of our justice system.

Our History

After the DC Bar released the groundbreaking "Horsky Report" in 1982 calling for improvements in the court system, community leaders identified the need for an independent group to advance this work.

To address these concerns, leaders of the city's civic, legal, and business sectors founded the Council for Court Excellence to help local and federal courts respond to increasing demands and escalating community expectations.

Under the leadership of founders Charles A. Horsky and Samuel F. Harahan, the Council set an ambitious agenda of identifying, developing and advocating needed reforms, and programs to improve understanding of and support for the justice system.

CCE has built a substantial record of success in the major justice system reform initiatives we have undertaken. CCE was the moving force behind the adoption of the one day/one trial jury system in the DC Superior Court, modernization of trial jury and grand jury systems, reform of the District of Columbia probate laws and procedures, reform of the DC administrative adjudication system, improvement in court handling of child neglect and abuse cases, expansion of crime victim rights, and proposed solutions to speed resolution of criminal and civil cases.

To improve the public's access to justice and increase understanding of our justice system, the Council over the years has published and distributed more than 370,000 copies of free, plain-language booklets and other materials explaining a wide variety of court systems and legal issues.



From the Executive Director

Dear CCE Board Directors and Friends of the Council for Court Excellence:

I am pleased to commend this 2014 Annual Report for you to review and share with your colleagues. This publication sums up an exceptionally busy and productive year for CCE – of solid reform activities, new partnerships and initiatives, and a few challenging transitions.



We seem to have done things in “pairs,” launching two new projects, starting with “Beyond Second Chances – What Returning Citizens Need to Succeed,” a report that will combine quantitative (data) and qualitative (first-person stories) approaches to identify solutions for those individuals, families, and entire communities affected by incarceration. Then in September, after a year of planning, CCE began one of its most complex and groundbreaking projects in many years, “Jury Service Revisited: Upgrades for the 21st Century,” meant to be both a look back at our 1998 Jury Report and a look forward at issues, like technology, that have evolved over the last two decades. Both of these reports, along with our School Discipline Project, will be published in 2015.

CCE also convened two compelling conversations at our bi-annual Board of Directors meetings: in June, with a panel discussion entitled “Commemorating 60/50: A Conversation about *Brown*, the *Civil Rights Act of 1964*, and Achieving Educational Opportunity for All in the District of Columbia,” with sincere gratitude to Board Director Ron Abramson and NYU in DC, one of our favorite meeting locations. Then in December, we convened another lively conversation between Chief Judges Merrick Garland and Richard Roberts of the US Court of Appeals for the District of Columbia Circuit and the US District Court for the District of Columbia, respectively, moderated by DC Bar President Brigida Benitez, that illuminated an array of issues from accomplishments and challenges to plans for the future. As always, we are grateful to the US District Court for providing the perfect venue for the meeting and annual holiday reception.

Finally, we organized two educational forums, a training on DC’s truancy law for judges, court personnel, and educators, as well as a session on DC’s reentry legislation and policies for our city’s employer community hosted by PNC Regional Bank President Mike Harreld with many excellent speakers. Our focus on both of these reform areas, among others, will occupy our efforts in the coming months.

From the Executive Director

The year, however, did not end there. In response to the ever-present world of social media and its capacity to spread the organization's mission even further, CCE embarked on its first social media initiative. With advice from several Board Directors, pro bono assistance from Venable LLP on a social media policy, and generous funding from the Philip L. Graham Fund, we launched a Facebook page and Twitter account. By year-end, our accomplishments included fans, followers, shares, and retweets, if you get my drift. With endless possibilities for leveraging our collective knowledge, engaging in cooperative problem-solving, and informing the public about key issues related to CCE's mission, you can expect our social media presence to increase in the coming year.

Finally, that reference to challenging transitions: in July, CCE's longtime (17 years!) Senior Policy Analyst Peter Willner moved back to Syracuse to be closer to family, and we bid him a fond farewell thanks to the generosity of Mark Flanagan and McKenna Long. We were fortunate to hire Tracy Velázquez who very capably took over Pete's portfolio and moved the needle rapidly on several projects that will advance in 2015. Shortly before Pete's departure, we also hired Zach Zarnow, CCE's Jury Analyst, to launch the Jury Project, followed by a third transition with Amanda Townsend replacing Renee Smith as Development Director. So in a 4-month period, changing up 50% of the staff could be considered a challenging – but successfully engineered – transition.

As everyone knows, the financial generosity of many enables CCE to maintain a top notch staff that plays a key role in establishing and implementing our substantive priorities and focus. Not enough can be said about our Board's willingness to provide monetary support and invaluable contributions of time and talent. Indeed, the CCE Board is the lifeblood of this organization.

As I look back on my first decade as Executive Director, I am grateful for the guidance and loyalty of an extraordinary Board of Directors, the teamwork and intellectual depth of the CCE staff, and the gift of many collaborative opportunities with organizations that seek justice system accessibility for all.

Warm regards,

June B. Kress
Executive Director

Children in the Courts

The Council for Court Excellence has been working for more than 25 years to improve services and outcomes for the city's children who are touched by court processes. CCE has employed its full toolkit on behalf of DC children: training, community education, research, evaluation, and advocacy.

Equity in School Discipline

A great deal of progress was made throughout 2014 on CCE's School Discipline Project, initially identified in our 2012-2016 Long-Range Plan as a priority to get to the bottom of the truancy problem in the District of Columbia. This broader, refocused examination of school discipline policies and practices from a justice system perspective was undertaken to determine whether such policies and practices may be contributing to school push-out and leading disconnected youth down undesirable paths to enter the juvenile and adult criminal justice systems.

Throughout the fall, committee members conducted interviews of school administrators at traditional and public charter middle and high schools to determine how school leaders are implementing discipline policies in practice, and which schools are engaged in best practices to keep students in school instead of resorting to exclusionary practices, such as suspension and expulsion.

In 2015 CCE plans to publish this long-awaited report that will clarify the complex educational system in the District of Columbia between traditional public schools and charter schools and the bifurcated disciplinary systems operating in both, as well as make recommendations for improvement.

Members of the School Discipline Committee also organized and led an extremely informative, well-attended, and positively-received court training earlier in the year on a truancy law that went into effect in 2013. The training took place in the DC Superior Court's Juror Lounge and drew more than 100 participants. Trainers included representatives from DC Public Schools, the Office of the State Superintendent of Education, the Public Charter School Board, DC Office of the Attorney General, the Superior Court's Family Court Social Services Division, and members of the defense bar. All training materials from the session were posted on CCE's School Jury Education Project webpage.



Equity in School Discipline Continued

Finally, CCE took advantage of two historic anniversaries to call attention to our focus on justice, equity, and education, with the program portion of our June Board of Directors meeting consisting of a moving panel discussion entitled “Commemorating 60/50: A Conversation about *Brown*, the *Civil Rights Act of 1964*, and Achieving Educational Opportunity for All in the District of Columbia.” This commemoration included a display of photographs from before, during, and after the *Brown* decision, as well as a video of President Lyndon Johnson just before he signed the 1964 *Act*, setting the tone for an inspiring set of reflections by a distinguished panel of experts about both milestones and what segregation was like in the Nation’s Capital, interspersed with the state of education in the District of Columbia today.

Moderated by School Discipline Project Committee member Allison Brown, the panel consisted of Dr. Ramona H. Edelin, Executive Director of the DC Association of Chartered Public Schools (and a CCE Board Director); James Flug, Adjunct Law Professor at American University Washington College of Law; Andrew J. Glass, Editor, *Politico* (and CCE Board Director); Samantha Simpure, Behavior Management Specialist at Maya Angelou Academy; Dr. Ivory A. Toldson, Deputy Director of the White House Initiative on Historically Black Colleges and Universities; and Eboni-Rose Thompson, Program Specialist at Save the Children. The program concluded with a heartfelt tribute to Julian R. Dugas by the Hon. Arthur L. Burnett, Sr., Senior Judge (retired) with the DC Superior Court and a longtime Board Director. Professor Dugas, also a longtime Board Director, passed away in April, and Judge Burnett paid tribute to their decades-long professional and personal relationship before, during, and after the civil rights movement, providing both an inspiring look-back at a remarkable life and an important history lesson.

Thanks to Barbara Kagan for chairing the Children in the Courts Committee and to Magistrate Judge Diane Brenneman for chairing the School Discipline Project Committee, which also included CCE Board Directors Bruce Berger, Dr. Ramona Edelin, Andrew Glass, Victor Long, Tyrone Parker, Diana Savit, and John McNulty, as well as Allison Brown of Open Society Foundations; David Rosenthal of the DC Office of the Attorney General; Oliver Sloman of Steptoe & Johnson LLP; and Professor Joseph Tulman of UDC’s David A. Clarke School of Law.



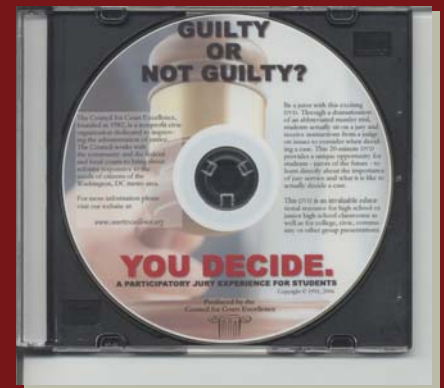
School Jury Education Project

Preparing the Next Generation of District of Columbia Jurors

The School Jury Education Program – one of CCE’s longest-running programs -- wrapped up another successful year of visiting high school classrooms across the District of Columbia to teach students about the important role jurors play in our justice system by having them participate as jurors after viewing CCE’s mock-trial video. We had a busy and productive year in 2014, with visits to 12 schools and 19 classrooms, reaching more than 300 students in most of the city’s eight wards. Nine Superior Court judges, one US District Court judge, and 5 lawyers from CCE’s Board of Directors participated in school visits throughout the city to the following:

- | | |
|-------------------------------|-----------------------------------|
| Dunbar High School | Bell Multicultural High School |
| School Without Walls | McKinley Tech High School |
| Capital City Charter School | Duke Ellington School of the Arts |
| Roosevelt Senior High School | Thurgood Marshall Academy |
| Wilson High School | Eastern High School |
| Benjamin Banneker High School | Ballou High School |

CCE Board judges who participated in the 2014 program included Judge Arthur Burnett, Sr., Judge Anthony Epstein, and Judge Gregory Mize; CCE Board lawyers who participated were Jay Brozost, Lynn Mattucci, Patrick McGlone, and Jonathan Shoemaker. Thanks also to Patrick McGlone for hosting a celebration in June to recognize and thank the many lawyers and judges who have participated in the program over the years and to celebrate the program’s longtime success.



Jury Service in the 21st Century

Following a year-long planning effort to identify issues and the right mix of project committee members to cover them, CCE's Jury Project was formally launched in early 2014 to comprehensively address systemic issues related to the perceived burden of jury service in the District of Columbia from the perspective of jurors, judges, lawyers, and employers.

Meant to be both a look-back at our 1998 Jury Project's numerous recommendations and a look-forward to new challenges and opportunities for jury service, such as technology and changing demographics, this project worked throughout 2014, aided by the hiring of a full-time Jury Analyst, leadership from the project's co-chairs -- former DC Attorney General Irvin Nathan and Judge Ketanji Brown Jackson of the US District Court for the District of Columbia -- and the expertise and experience of a diverse committee of 40, including jurors, judges, attorneys, and stakeholders from the Public Defender's Office, Attorney General's Office, trial consultants, law schools, LexisNexis, and federal and state courts.

In the District of Columbia, over **40,000** District residents appear for jury service each year in both the US District Court for DC and the DC Superior Court. However, only about **6,000** residents a year actually serve on a jury.

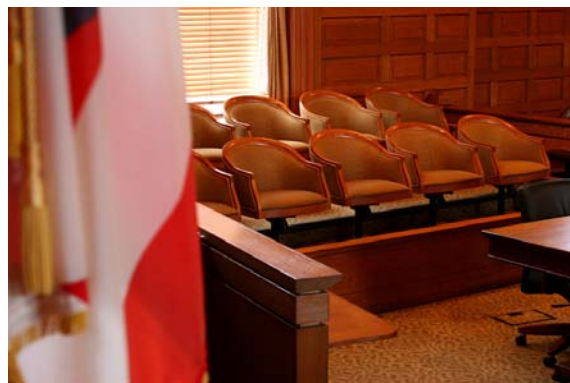
The committee divided itself into three Working Groups: Juror Care, chaired by Dana Peterson of Arnold and Porter; Trial Structure, chaired by Peter Kolker of Zuckerman Spaeder; and Jury Pool and Summoning, chaired by Rod Page of Bryan Cave. Each Working Group and the full Committee met monthly throughout 2014. CCE is most appreciative of the generosity of the firms listed above, as well as Arent Fox and Baker Hostetler and the US District Court for hosting Working Group meetings and the full committee's Plenary sessions.

Jury Service in the 21st Century

Data collection was an early priority. CCE staff, at the direction of the Committee, surveyed jurors at Superior Court, and in one month, collected 572 responses. Surveys of judges were also conducted at the DC Superior Court and the US District Court for DC, as well as over 130 attorneys completing an online version of the survey. Moreover, surveys were conducted on those individuals who had failed to answer the jury service summons. The project was extremely fortunate to have the additional expertise of Paula Hannaford-Agor of the National Center for State Courts who assisted with the analysis of the survey data. In addition to survey research, the committee held focus groups with jurors and with judges from both the DC Superior Court and the US District Court.

The Working Groups spent a good part of the year discussing previously-suggested improvements from the 1998 Report, as well as ideas for new recommendations moving forward. Some of the topics being discussed included finding ways to increase the response rate to jury summons, providing jurors with more information about the process and amenities early on through an insert or brochure with the summons, and tackling the issue of jurors using social media to research a case.

Lastly, our jury project manager, Zach Zarnow, attended a two-day ABA Jury Symposium in San Diego in October. The conference brought together jury administrators, judges, attorneys, and trial consultants from across the country, and it was a valuable opportunity to gather best practices and innovations to share with the Jury Project Committee. This information, along with several months of research, has been collected into two resources that the Committee may use moving forward, an annotated version of the 1998 report recommendations, and a collection of best practices and new innovations from other jurisdictions.



Criminal Justice Committee

CCE's efforts to improve criminal justice in 2014 covered a lot of ground, with some activities related to past projects and others focused on identifying new areas for exploration.

Helping Returning Citizens

In August, the DC Council passed Bill 20-323, the "Post-Arrest Process Clarification Amendment Act of 2013," that emanated from CCE's Misdemeanor Arrest and Pretrial Release Project Subcommittee's 2013 report that described for the first time the District's unique post-arrest release process and offered recommendations for its improvement. The legislation is expected to go into effect in 2015.

Our reentry-related work, begun a decade ago, continued throughout the year, leading to a forum in September for the employer community to hear from their peers who have hired returning citizens. Over 120 people attended this event, hosted and moderated by PNC Regional Bank President Michael Harreld with additional comments from DC Chamber of Commerce CEO Harry Wingo. The program included a panel of businesspeople who employ returning citizens; an expert from the Equal Employment Opportunity Commission on federal laws and policies relating to hiring; and a panel with DC Council Chair Phil Mendelson and two others discussing local legislation and efforts to improve employment opportunities for previously incarcerated people returning home. CCE's next reentry-related project will be the development of a report entitled "Beyond Second Chances: What Returning Citizens Need to Succeed." The project, to be completed in late 2015, will include reentry-related data and first-person stories, focusing on solutions to meet the challenges facing individuals returning from prison, their families, and their communities.

Thanks to CCE Board Directors Theodore Whitehouse and Susan Lynch for co-chairing these important reentry-related efforts and to their committee: Judge Mary Ellen Abrecht, Avis Buchanan, John Clark, Judge Andrea Harnett, Clifford Keenan, Ann Cuninghame Keep, and Tyrone Parker of the CCE Board, as well as Courtney Stewart of the Reentry Network for Returning Citizens; Wendy Pohlhaus, Roger Kemp and Jamila Hodge of the US Attorney's Office for DC; Margaret Singleton of the DC Chamber of Commerce; Judi Garrett and Denise Class of the Federal Bureau of Prisons; Cedric Hendricks and Eric Shuler of the Court Services and Offender Supervision Agency; Charles Thornton of the DC Office on Returning Citizen Affairs; Charles Jones of the DC Department of Employment Services; Jamila Hodge of the US Attorney's Office for DC; and Mannone Butler of the DC Criminal Justice Coordinating Council.

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Criminal Justice Committee

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CCE's Criminal Justice Committee also met several times in 2014 to consider possible future projects, including the "trial penalty" faced by some criminal defendants, the appointed counsel system in DC, and the intersection of mental illness and the District's criminal justice system. The latter issue garnered the greatest amount of interest, leading to CCE applying for and being selected to organize a panel presentation at the 2015 DC Judicial and Bar Conference on early diversion of people with mental health disorders who come in contact with the justice system.

The Criminal Justice Committee also convened a group of stakeholders and others to discuss the current state of the DC Jail and a possible role for CCE to play, particularly in the early stages of assessing need. These discussions proved to be useful when CCE was appointed in late 2014 to the Corrections Subcommittee of Mayor-Elect Bowser's Transition Team's Public Safety Committee, resulting in our compiling a series of recommendations on reentry and corrections representing our views along with those of numerous other organizations working in this field.

Thanks to Clifford Keenan and his Criminal Justice Committee that includes CCE Board Directors Judge Mary Ellen Abrecht, James Berry, Avis Buchanan, Dr. Edward Burger, Susan Low Bloch, Carol Elder Bruce, John Clark, Adam Chud, Barry Coburn, Adam Chud, Paula Thompson Felder, Cary Feldman, Mark Flanagan, Sam Harahan, Judge Andrea Harnett, Michael Hays, Richard Hoffman, Peter Kolker, Daniel Margolis, Fritz Mulhauser, Irvin Nathan, Earl Silbert, Ted Whitehouse, and Cynthia Wright, as well as Daniel Cipullo of DC Superior Court; Renata Cooper of the US Attorneys Office for DC; Laura Hankins of the Public Defender Service of DC; Tenisha Jiggetts of the DC Superior Court; Kelly O'Meara of the Metropolitan Police Department; Nicole Porter of the DC Office of Police Complaints; Laura Rose of the Public Defender Service of DC; and Dave Rosenthal of the DC Office of the Attorney General.

Court Improvements

Court improvements, particularly focusing on civil law matters, have been a CCE priority for decades. In 2014, the Court Improvements Committee met several times to consider several projects for future exploration, including ways to improve the District's guardianship system; a review of the Office of Administrative Hearings, now in operation for more than a decade, whose establishment was based on CCE's research and legislative work in the late 1990's; and public access to electronic court records. Each of these focus areas will be more fully developed in the coming year.

Thanks to Jay Hulme and his Court Improvements Committee that includes CCE Board Directors David Cox, Sam Harahan, Richard Hoffman, Lynn Mattucci, Jack McKay, Fritz Mulhauser, Dwight Murray, Earl Silbert, and Jim Tuite.

Bench-Bar-Media Dialogue Project

The Bench-Bar-Media Dialogue Committee, now in its 6th year, convened in late June its fourth closed door, off-the-record program, entitled "Sharing Perspectives," for judges, reporters, and media attorneys. Thanks to WilmerHale for hosting and to former CCE Board Director Kurt Wimmer of Covington for moderating a thoughtful program.

In addition, the Committee met twice to discuss its next public program, scheduled for early 2015, at the new National Public Radio building. The topic selected was media access to electronic evidence and will reflect the growing use of body cameras and cell phone video, as well as the permanence and spread of information posted to the Internet.

Thanks to CCE Board Directors Laura Handman and James McLaughlin for continuing to co-chair this initiative and to their committee, including CCE Board Directors Patrick Carome, Barry Coburn, Andrew Glass, Lee Levine, Justin Shur, and Michael Sullivan. Other committee members include Bruce Brown of the Reporters Committee for Freedom of the Press; Lucy Dalglish of the University of Maryland; Leah Gurowitz of the DC Courts; Ashley Messenger of National Public Radio; Jack Murphy of the Maryland-Delaware-District of Columbia Press Association; Sheldon Snook of the US District Court for DC; Jerianne Timmerman of the National Association of Broadcasters; Chuck Tobin of Holland & Knight; Barbara Wall of Gannett Co., Inc.; Stephen Wermiel of American University; and Kurt Wimmer of Covington & Burling.

Stopping Legal Consultant Fraud

The Public Service Committee continued to focus its attention on access to justice issues like the problem of Notario Fraud and the unauthorized practice of law (UPL), as well as community education and the challenge of educating DC's next generation of jurors about their roles and responsibilities regarding civic engagement.



The Notario Fraud Workgroup, that has been meeting since 2012 and has now grown to more than 50 state, local and federal stakeholders from DC, Maryland, and Virginia, continued to meet bi-monthly to identify and enforce against notario or legal consultant fraud in the DC-Metro region. Notarios are those who falsely hold themselves out as qualified to represent the immigrant community, charge a fee, and then cannot provide the services because they are unauthorized to do so. The workgroup was previously chaired by Bryan Cave's David Zetony who passed on the leadership to his colleague, Heather Goldman, who is also a CCE Board Director.

Stopping Legal Consultant Fraud

An additional accomplishment of the Working Group in 2014 was a presentation to 20 Montgomery County Circuit Court judges on the issue of notario fraud. The presentation discussed the scope of the problem in Montgomery County and explained the civil and criminal protections under Maryland law to combat against this type of fraud.



In addition, bar leaders from DC, Maryland and Virginia who oversee matters involving the unauthorized practice of law (UPL) met quarterly in 2014. These bar leaders shared information related to pending investigations and provided resources to assist with enforcing against UPL in their respective jurisdictions. Among the information shared was the Washington Lawyer article on these bar leaders and their regional UPL systems including mention of CCE's work in this area. Thanks to K&L Gates and Board Director Carol Elder Bruce for hosting these spirited discussions.

The 18th Annual Justice Potter Stewart Dinner

2014
Justice Potter Stewart
Awardees

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Legal Council for the
Elderly

Pepco



Legal Council for the Elderly



Marc Fleischaker



Debbi Jarvis of Pepco, with Larry Hinton, Earl Silbert, and Jay Brozost

The Justice Potter Stewart Award, named to honor the memory and public service of the late Associate Justice of the Supreme Court, was established in 1997 by the Council for Court Excellence to recognize individuals and organizations whose work on behalf of the administration of justice has made a significant contribution to the law, the legal system, the courts, or the administrative process in our Nation's Capitol.

The 18th Annual Justice Potter Stewart Dinner

The 18th Annual Justice Potter Stewart Dinner was a sold-out event held on Thursday, May 8th at the Organization of American States.

Alec Farr of Bryan Cave and Jack Strausman of Pepco led the event as the Dinner Chairs. Dinner Committee members included: Caryl Bernstein, Angela Desmond, Joseph Gardemal, Sam Harahan, Larry Hinton, Bill Jeffress, Michael Jones, Justin Silvers, Charles Zdebski, Jay Brozost, and Earl Silbert.

This year's Award Selection Committee, chaired by Paulette Chapman of Koonz, McKenney, included: Avis Buchanan, Steve Grafman, Ellen Jakovic, Darrell Mottley, Fritz Mulhauser, and Brian Schwalb.



Leslye Givarz & Angela Desmond



Irv Nathan & Marc Fleischaker



Jay Hulme, Bill Carter,
& Dwight Murray



Fritz Mullhauser & Jim McLaughlin



Robin Conrad, Barbara Wahl,
& Charles Ossola



Darrell Mottley, Judge Arthur Burnett,
& Thomas Bundy

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Pepco
Sutherland Asbill & Brennan
Akin Gump Strauss Hauer & Feld

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Elizabeth Paret	Circuit Executive, US Court of Appeals for the District of Columbia
Hon. Mary Oates Walker	Chief Administrative Law Judge, DC Office of Administrative Hearings
Anne B. Wicks	Executive Officer, District of Columbia Courts

Unaudited Statement of Activities

For the Year Ended December 31	2013	2014
SUPPORT & REVENUE		
Grants & Contracts	\$97,000	\$217,500
Other Income	\$40,617	\$28,338
Event Income	\$199,601	\$201,025
Voluntary Board of Directors Dues	\$286,000	\$267,575
Donations	\$105,082	\$112,756
TOTAL SUPPORT & REVENUE	\$728,300	\$827,194
EXPENSES		
Programs	\$556,498	\$579,640
Fundraising	\$30,638	\$77,257
Management & General	\$63,722	\$69,116
TOTAL EXPENSES	\$650,858	\$726,013
CHANGE IN NET ASSETS	\$77,442	\$101,181

Our Staff



Current Staff

June B. Kress
Executive Director

Jeff C. Capley
Office Administrator

Hillary E. Evans
Policy Analyst

Amanda Townsend
Development Director

Tracy Velázquez
Senior Policy Analyst

Zachary Zarnow
Jury Analyst

Outgoing Staff

Peter M. Willner
Senior Policy Analyst,
Through July 2014

Renee Smith
Development Director,
Through October 2014

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Grace Kim
Daniel Morton
Alyssa Orozco
Gregory Segal
Norman Tang
Sheron Torho
Jacob Winniman
Benjamin Wright
Ilana Yanku

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Council for Court Excellence

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