



COUNCIL FOR COURT EXCELLENCE

2005
Annual
Report

IMPROVING JUSTICE

FOR THE COMMUNITY

LETTER FROM THE CHAIRMAN AND PRESIDENT

Dear Fellow Board Members:

We are pleased to present this 2005 annual report of the Council for Court Excellence that reflects a year of some change, but a year in which the organization continued on a steady course of accomplishment. We hope you will share this annual report with colleagues and friends and be as proud as we are of CCE's 23 years of justice system reform work in the District of Columbia.

The most significant changes this year were in Board leadership. Elliott Hall stepped down in June after having served two successful years as CCE's chairman, and Tim May also stepped down in June after six strong years as CCE's president. Tim May's years as president were celebrated at a reception hosted by his firm, Patton Boggs. The many well-deserved accolades are described on page 13. We have enjoyed our brief tenure as chairman and president thus far, and we look forward to continuing to lead the Council for Court Excellence, alongside its capable officers and executive committee and you, its committed Board of Directors, ably supported by our talented staff.

The issues we have continued to address and the caliber of work that distinguishes the Council for Court Excellence remained remarkably constant throughout 2005. CCE entered its seventh year of improving the District's foster care system and family court, through our Children in the Courts Committee. CCE published a report, covered on page 3, which examined the Superior Court appointed-counsel system for children and indigent adults in neglect cases over a 30-year period. We strongly support the recommendations made in this report, and CCE will continue to encourage the Court to set a place for us at the implementation table.

CCE's longstanding focus on court improvements also continued steadily throughout 2005, with preparation of an interim report on how to improve juror response rates in the District of Columbia, an effort which grew out of the Council's DC Jury Project that first alerted us to the problem in the late 1990's. As is a hallmark of CCE's reform work, after the report is published an implementation committee will work throughout 2006 to track the report's recommendations and ensure that juror response rates improve.

In 2005, the Council's Criminal Justice Committee concluded its needs assessment of the DC Misdemeanor and Traffic Court, and we presented the study's findings at the Court's Community Court Conference in September. This project, along with CCE's exploration of an expungement statute for the District of Columbia, is detailed on pages 6-7.

Furthermore, the Council's longstanding mission to increase the public's understanding of its courts continued throughout the year. This annual report describes our efforts to educate the community about how the District of Columbia gets its judges, a process as unique as the city's governance structure and unknown to most members of the community. CCE's Public Service Committee also added an outreach effort to the city's Latino community by publishing two of our probate guides in Spanish, and continued its outreach to the schools about the importance of jury service.

For nearly a quarter of a century, the Council for Court Excellence has continued to affirm its commitment to building a more just society by serving as a change agent in the District of Columbia to improve the city's third branch of government and its related agencies. With your help, we continue to do this on behalf of the civic, legal, and business communities. In 2006 we will seek the opinions of these sectors as we embark on a long-range planning process to determine our top priorities for the next five years. We hope you will participate in this substantial effort.



Michael C. Rogers
Chairman



Rodney F. Page
President

A handwritten signature in black ink, appearing to read "Michael C. Rogers".

Michael C. Rogers
Chairman

A handwritten signature in black ink, appearing to read "Rodney F. Page".

Rodney F. Page
President



LETTER FROM THE EXECUTIVE DIRECTOR

Dear CCE Board Members:

From where I sit, 2005 was a year of challenging and exciting transition.



June B. Kress
Executive Director

Some of the transition was rather bittersweet, as Elliott Hall and Tim May left office. The excellent attendance at the reception for Tim and at the June Board meeting where Tim and Elliott talked about their years of service reflected the respect and admiration for both of these leaders which I very much shared. The organization will miss both of them (though they are still involved), but we are fortunate that two strong leaders stepped in. In June, Michael Rogers and Rod Page were ratified as chair and president of CCE and since then have provided a high caliber of leadership and commitment.

Some of the transition was concrete, literally, because in August CCE moved its offices from K Street to 1111 14th Street, resulting in a space that is well suited to our needs and will generate a cost savings over time, a good combination.

But the most notable transition involved project work as CCE, through its hardworking committees and staff support, completed several studies and publications. Those included the Needs Assessment, Appointed Counsel Report, judicial selection guide, Court Observation Handbook, and publication of our two probate guides in Spanish. Look for additional community education publications in 2006, made possible through a generous grant from the GEICO Philanthropic Foundation.

Wrapping up several initiatives permitted us to begin considering new ones. We explored the idea – prioritized by the Criminal Justice Committee – of undertaking a comprehensive assessment of how mentally ill defendants are treated in the DC criminal justice system. This began with a briefing for interested Board members, led by stakeholders with expertise from the court, corrections, the US Attorney's Office, and other criminal justice agencies. Look for more formalized efforts in 2006 on this very challenging issue.

We also responded to the challenge by 2005 Potter Stewart Award recipient Dan Rezneck, who urged CCE do more for the Access to Justice Commission, by looking into the many problems facing pro se tenants and small landlords before the Landlord & Tenant Court. We convened a briefing for interested Board members on the subject and will return our attention to this subject in 2006.

Finally, the Council embarked on a modest effort to offer its 23 years of justice system reform work as a model for interested communities around the country. One such community, Maricopa County, Arizona, brought me and Sam Harahan to Phoenix in early 2005 to talk to its legal, business, civic, and judicial communities about the value and challenges of starting a CCE-like organization. That experience led to an application to the Good Samaritan Foundation in late 2005 for funding to create a CCE "tool kit," present CCE's experience at a few national meetings, and identify a small number of jurisdictions eager to consider justice reform work. Once again, look for more formalized efforts in the coming year on "exporting the model."

None of these activities would be possible without the generous financial support of CCE's Board of Directors and the other sources of income mentioned throughout this Annual Report. But financial resources are only part of the story, and are bolstered by a committed Board of Directors and gifted staff, who have my unending appreciation.

A handwritten signature in dark ink that reads "June B. Kress". The signature is written in a cursive style.

June B. Kress
Executive Director

IMPROVING THE D.C. FOSTER CARE SYSTEM AND FAMILY COURT

The Council for Court Excellence continued in 2005 its major focus on improving the performance of the District of Columbia's foster care system and Family Court. This has been a continuous CCE priority since 1999.

In October 2005, CCE published *The District of Columbia Family Court Appointed Counsel System: Report and Recommendations*, following a year-long study, and distributed 700 copies of the report among system stakeholders. The report is a comprehensive analysis of the District of Columbia Family Court's system for providing lawyers to represent all children and indigent adults in child neglect court proceedings. Such representation has been guaranteed by D.C. law for twenty years and is a far more comprehensive legal safety net than in many jurisdictions in the nation.

The new Council for Court Excellence report builds on four studies by the District of Columbia Bar since 1975 of Superior Court appointed counsel systems for criminal and family cases, and it specifically traces the results of the most recent of the four studies, the Muse Report of 1993. The study also identifies what is working well with the appointed counsel system and what needs improvement, cites promising practices from other jurisdictions, and makes recommendations aimed at system reform which might attract additional highly qualified attorneys to this important field of practice.

The Superior Court Chief Judge responded to the CCE report by inviting discussion of one of CCE's twelve recommendations, to end judicial review of attorney vouchers. This is a recommendation made consistently by outside system reviewers beginning with the first D.C. Bar study in 1975. Those discussions began in October 2005 but had not progressed by year-end.



Participants at one of the Council's 2006 Program Planning meetings.

CCE also continued throughout 2005 to facilitate the work of the D.C. Child Welfare Leadership Team, comprised of the leaders of the D.C. Superior Court Family Court, the Child and Family Services Agency, the Office of the Attorney General for D.C., and other D.C. public human services agencies. The Leadership Team devoted its priority attention in 2005 to expediting permanency for D.C. foster children, and it made major strides toward that goal. Team accomplishments in 2005 included reducing the number of D.C. foster children awaiting adoption from nearly 1000 to fewer than 600, and bringing D.C. into full compliance with the statutory requirement to take legal action to terminate parental rights for children who have been in foster care for fifteen months. CCE will publish its third progress report to the community in 2006 on the system's performance.

CCE's 2005 work on these issues was overseen by the Children in the Courts Committee, chaired by Deborah Luxenberg, and including Joan Strand, Barbara Kagan, Arabella Teal, Robert Muse, Dr. Mary Quinn, Carolyn Lerner, and Judges Craig Iscoe and Paul Webber. Project work was funded by the Trellis Fund, the Freddie Mac Foundation, the United States Congress, and by CCE's board and other contributors. The *Appointed Counsel* report was printed as a public service by Reliable Copy Service, Inc. It may be downloaded from the CCE website.

IMPROVING D.C. COURTS

Improving Juror Response Rates in D.C.

In April 2005, CCE provided the D.C. Superior Court with an interim report, prepared by Tom Munsterman of the National Center for State Courts, analyzing the Court's juror summoning process. The report found that in 2004 almost 45% of juror summonses mailed were returned to the Court as undeliverable and that almost 30% of prospective jurors did not respond to the jury summons. The undeliverable and non-response percentages are similar to those reported in the Council for Court Excellence's D.C. Jury Project 1998 study, *Juries for the Year 2000 and Beyond*.

CCE will issue the final project report in early 2006. It will report on the Court's implementation of the interim report recommendations and to what extent, if any, the recommendations have had an influence on decreasing the undeliverable and non-response rates. Special thanks are due to Mark Austrian for chairing the Advisory Committee which is overseeing this project, and to his committee: Beverly Burke, Ellen Eager, Judge Gregory Mize, Michelle Parfitt, Judge Vanessa Ruiz, Vincent McKnight, and Jeanette Miller. Thanks also to key stakeholders from the D.C. Superior Court and the US District Court for the District of Columbia, Suzanne Bailey-Jones, Roy Wynn, Nancy Mayer-Whittington, Robin Tabora, Regina Larry, and Laura Simon, and to CCE's contractor, Tom Munsterman, for his efforts.



Board members Judge Curtis von Kann, DC Attorney General Robert Spagnoletti, and Robert Yerman.

IMPROVING CRIMINAL JUSTICE

Needs Assessment of the D.C. Misdemeanor and Traffic Court

In October 2005, CCE published *Needs Assessment of the D.C. Superior Court Misdemeanor and Traffic Court*, a study performed under contract to the D.C. Criminal Justice Coordinating Council.

The *Needs Assessment* study addressed three broad themes: (1) describing the process by which cases move through the D.C. Misdemeanor and Traffic Court from the time of arrest to the time a case is disposed of by the court, (2) analyzing available data regarding case flow, and (3) offering recommendations to improve performance.

CCE found that the D.C. Misdemeanor and Traffic Court is a well-functioning court. It is supported by dedicated personnel from the various stakeholder agencies that comprise the D.C. Misdemeanor and Traffic Court Working Group, and the Working Group is effective at identifying and addressing short-term case processing inefficiencies that arise in the Court.

However, the study concluded that the Court is likely to have little, if any, impact on addressing the social service needs of offenders until it acquires additional staff support to better ensure that offenders utilize available social services. The inability to track the success or failure of persons who

get social service referrals, along with compiling comprehensive recidivism data, means the D.C. Superior Court will be unable to test one of the founding propositions of any community court: that through the principles of restorative and therapeutic justice the D.C. Misdemeanor and Traffic Court will be able to reduce future crime.



Panel participants at the CCE Mental Health briefing, Summer 2005.

Special thanks to Cary Feldman for chairing the board oversight committee for this project, and to his committee: Magistrate Judge Evelyn Coburn, Patricia Frohman, Sam Harahan, Michael Hays, Larry Hobart, Richard Hoffman, Richard Luchs, Kathy Voelker and Charlotte Cluverius. We also thank the D.C. Criminal Justice Coordinating Council for supporting this study.

D.C. Expungement Project

Currently, the District of Columbia appears to be one of the few jurisdictions in the country, if not the only one, that lacks a criminal record expungement statute. Expungement statutes in many jurisdictions, including the neighboring states of Virginia and Maryland, enable persons convicted of certain low-level criminal offenses and/or with certain arrest records to apply to have their criminal case records sealed from public view.

In May 2005, CCE formed a subcommittee to examine this issue. The subcommittee has explored other jurisdictions' expungement statutes and - working with the D.C. Superior Court, the US Attorney's Office, the D.C. Attorney General's Office, the defense bar, and other stakeholder organizations - will make recommendations to the D.C. Council for legislative action in 2006.

Special thanks to Leslie McAdoo for chairing this important initiative, and to her subcommittee: Judge Mary Ellen Abrecht, Jim Berry, Steve Gordon, Mike Hays, Cliff Keenan, Jim Nathanson, Administrative Law Judge Arabella Teal, Ted Whitehouse, Charlotte Cluverius, Judy Conti, Katherine Duree, Laura Hankins, Yvonne Martinez-Vega, Amit Mehta, Olaf Muller, Rob Okun, Dave Rosenthal, Kelly Salzman and Heidi Tseu.

INCREASING PUBLIC UNDERSTANDING

Illuminating the Professional Pathways to a D.C. Judgeship

Over the past eleven years, the primary professional experience of most of the thirty-three judges appointed to the D.C. Superior Court has been working for the District of Columbia or federal government in criminal prosecution or defense. Over the same period, filling each judicial vacancy on the city's trial court has taken more than a year on average. These are two of the findings presented in the new Council for Court Excellence community-education guide, *How the District of Columbia Gets its Judges*, published in December 2005.

The new report is a comprehensive guide to the merit-based judicial nomination and re-nomination process for the District of Columbia Superior Court and Court of Appeals. Until CCE's report, there has been little accessible public information on this important topic. The Council for Court Excellence guide describes the nine steps of the judicial appointment process, from notice that a judge is retiring to public investiture of that judge's replacement, and it describes the two D.C. Commissions which participate in evaluating judicial applicants. Because of the District of Columbia's unique governance structure, judges in D.C.'s local court system are appointed by the President of the United States and confirmed by the United States Senate. The Presidential appointment and Senate confirmation steps consume eleven of the fourteen months required for the whole nine-step process, according to the report.

The second half of the new CCE report presents data on the various professional pathways that have been followed by the persons who have been nominated or appointed to the D.C. Superior Court since 1994. It also analyzes the significant impact of the D.C. Family Court Act of 2001 on subsequent judicial appointments to the Superior Court. That law requires additional qualifications for judges who serve on the Family Court of the Superior Court.

CCE undertook this project to explain the D.C. judicial selection process in the belief that such a publication would be valuable to the community at large, could enhance the community's faith and confidence in the judiciary, and would be invaluable to those members of the Bar who might have aspirations to apply for nomination to the Superior Court



Board member US District Judge James Robertson addresses the students at Fletcher Johnson Education Center.

bench. CCE distributed more than 500 copies of the report to the public by year-end. *How the District of Columbia Gets its Judges* may be downloaded from the CCE website.

Spanish Publications

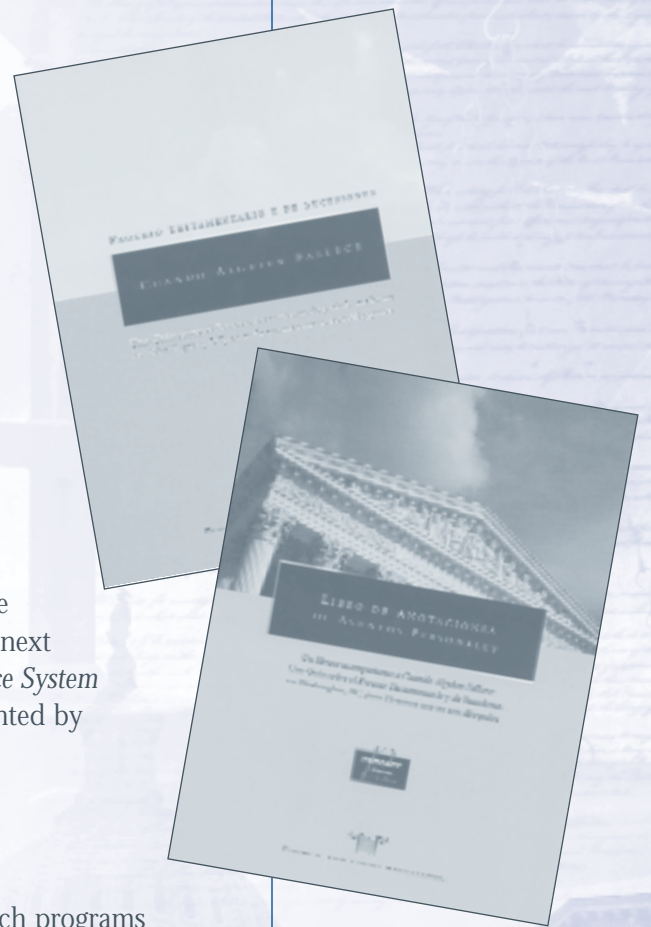
In a concerted effort to reach out to the Latino community with helpful plain-language guides, the Council for Court Excellence began an ambitious project in 2005 of translating four of its most popular publications into Spanish. *When Someone Dies: A Non-Lawyer's Guide to Probate in Washington*, and *Personal Affairs Record Book*, which is a companion booklet to the probate guide, were translated and printed in December 2005. The Council disseminated nearly 12,000 copies of the two booklets to various Latino civic organizations as well as the D.C. Public Library and its 22 branches throughout the city. Both booklets may be downloaded from the CCE website.

CCE has been able to carry out this project due to the tremendous generosity of the GEICO Philanthropic Foundation, which has pledged \$50,000 to underwrite the design and printing of the four Spanish publications. The next two translations, *A Victim's Guide to the D.C. Criminal Justice System* and *A Citizen's Guide to the Courts*, are scheduled to be printed by mid-2006.

Jury Education in the Schools Project

The Council for Court Excellence organized school outreach programs on jury education in two schools in the Washington, D.C. metro area in 2005. With the help of US District Judge James Robertson and Greg Castanias and his law firm Jones Day, CCE made one presentation at Fletcher Johnson Education Center in Southeast Washington. Retired D.C. Superior Court Judge Gregory Mize led CCE's second program, at the Nora School in Silver Spring, Maryland.

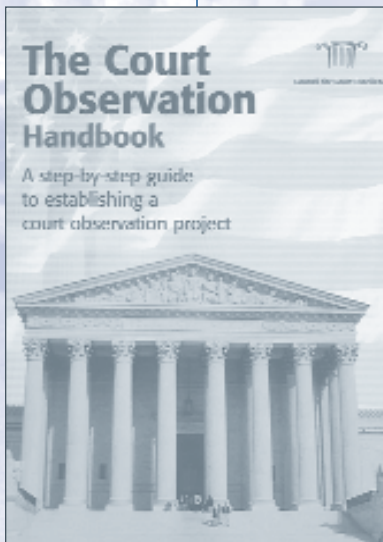
The school outreach project was established by CCE more than a decade ago to teach area youth about the importance of serving on a jury. The students participate as jurors after a video mock trial, they try to reach a unanimous verdict, and they interact in the programs with attorneys





Judge James Robertson and the students at Fletcher Johnson Education Center.

and judges. Since the project began, the Council for Court Excellence has conducted this program thirty times in twenty different schools in the Washington, D.C. metro area to teach students and their parents about the importance of jury service and the complexities of the justice system in the city.



Court Observation Handbook and Jury Education Video

The Council for Court Excellence published *The Court Observation Handbook: A Step-by-step Guide to Establishing a Court Observation Project*, to teach other jurisdictions how to organize and execute a court observation project of their own. CCE began a working relationship with George Mehaffy, Vice President for Academic Leadership and Change of the American Association of State Colleges and Universities (AASCU), to try to develop a market for the handbook in a number of colleges and universities nationwide. CCE, with the help of AASCU, is also exploring the marketability in the academic community of its successful participatory video “Guilty or Not Guilty: You Decide,” which teaches people of all ages about the importance of jury duty. The video is currently being used as part of the Council’s Jury Education in the Schools Project discussed above.

International Visitors Program

In its continuing effort to share the message of openness in the justice system with visiting delegations of foreign nationals, the Council for Court Excellence organized four “Q&A” sessions in 2005 with international visitors from Japan, South Korea, Malaysia and Ukraine. Among the issues the visiting delegations were most concerned with were how CCE functions in today’s changing society; how a non-profit, non-governmental organization is viewed by the court; how to help the courts implement innovations in jury trial procedures; how to successfully manage a jury service public education campaign; and how an organization like CCE helps promote transparency in government and the justice system.

Special thanks to CCE Board members Steve Umin and Nicholas Boyle, of Williams & Connolly, and Superior Court of D.C. Judge Craig Iscoe for hosting the visiting delegations in 2005.



CCE staff and international visitors from South Korea, hosted by Board member Judge Craig Iscoe (far right).

CELEBRATING EXCELLENCE IN LEADERSHIP

Justice Potter Stewart Award Dinner

The Council for Court Excellence presented its 2005 Justice Potter Stewart Awards to Dan Rezneck and the Visitors' Services Center. The dinner celebration, with CCE President Tim May of Patton Boggs presiding, was held on May 5 at the National Museum of Women in the Arts.

Peter Nickles, of Covington & Burling, offered a tribute to the Visitors' Services Center (VSC), and its Executive Director, Ann Cuninghame Keep. Other dedicated VSC staff members are Bill Chandler, Betty Gatewood, Laronda Kennerly, Curtis Ruffin, and William Napper. In her remarks, Ann shared touching stories of some of the clients that VSC has helped over the years.



Potter Stewart Award Honoree Ann Cuninghame Keep, Peter Nickles, Tim May, and Mrs. Potter Stewart.

Rob Weiner, of Arnold & Porter, presented the award to Daniel A. Rezneck, highlighting Rezneck's well-deserved reputation for uncompromising integrity, commitment to public service, and keen intellect. In his remarks, Dan reflected on his experience working as clerk to US Supreme Court Justice William Brennan,

noting that Justices Brennan and Stewart provided an ideal model of how lawyers and judges should conduct business. He also challenged the Council for Court Excellence to continue its important work and to take advantage of opportunities to collaborate with the newly formed Access to Justice Commission.

The Council for Court Excellence is especially grateful to Mrs. Stewart for her continued support and guidance. CCE also thanks Peter Kolker of Zuckerman Spaeder for chairing the Award Selection Committee and Bill Jeffress of Baker Botts for his leadership of the Dinner Committee.



Rob Weiner, Potter Stewart Award Honoree Dan Rezneck, and Board member Chief Judge Rufus King.

Sanja Partalo, Board members DC Councilmember Phil Mendelson, Tim May, and Michael Rogers.

Board members Paul Pearlstein, D'Ana Johnson, and Steve Grafman.

Larry Hinton from GEICO, and Board member Nancy Lesser.



Reception for Timothy J. May

In April 2005, the CCE Executive Committee joined other CCE Board members and invited guests from Patton Boggs at a reception honoring outgoing CCE President Tim May. Tim had served as president for the past six years, leading CCE into its third decade of working to improve the administration of justice in the local and federal courts in the D.C. area. Remarks lauding Tim were given by Patton Boggs Managing Partner Stuart Pape and CCE Executive Director June Kress. CCE Vice President Rodney Page presented Tim with the Charlie Horsky Plaque, given in memory of Charles A. Horsky, founding President of CCE. The inscription read in part, "Tim's colleagues in the Executive Committee present this token of esteem and appreciation in recognition of his twenty years of productive labor on behalf of the mission and activities of the Council for Court Excellence." CCE appreciates all who were able to join us in thanking Tim for his exemplary service to the Council.

Outgoing CCE leaders Tim May and Elliott Hall, with Executive Director June Kress.

Incoming Board President Rod Page presents the Horsky Plaque to Tim May.

2005 CCE Contributions List

The Council for Court Excellence is pleased to acknowledge and thank the individuals, businesses, law firms, and foundations who have contributed to its work this year. The Council raises its resources through a variety of means. The amounts noted below represent pledges and gifts from organizations and individuals from January 1 through December 31, 2005. Board membership dues are not included in this list. We apologize if we have inadvertently left your name off the list, or listed you in the incorrect category. Please call us so we can correct our mistake.

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The Council for Court Excellence would like to thank the following organizations and individuals for making the 2005 Justice Potter Stewart Award Dinner a success:

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The Council's Financial Year In Summary*

	UNRESTRICTED	TEMPORARILY RESTRICTED	TOTAL
Total Support and Revenue	\$963,318	(\$175,000)	\$788,318
Expenses:			
Program	\$473,015		\$473,015
Administrative	\$111,997		\$111,997
Resource Development	\$181,745		\$181,745
Total Expenses	\$766,757		\$766,757
Excess (deficiency) of revenue over expenses	\$196,561	(\$175,000)	\$21,561

* Audit not yet complete. A copy of the 2005 audited financial statements for the Council for Court Excellence may be obtained from the Council's office after June 2006.

2005 Council for Court Excellence Officers and Board of Directors

- Michael C. Rogers, Chairman
MedStar Health
- Elliott S. Hall, Esquire, Chairman
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