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December 8, 2022

Honorable Chuck Schumer
United States Senate
322 Hart Senate Office Building
Washington, DC, 20510

Honorable Mitch McConnell
United States Senate
317 Russell Senate Office Building
Washington, D.C. 20510

Dear Senators,

As President of the Council for Court Excellence (CCE), I write to express our organization's genuine concern regarding the overwhelming number of judicial vacancies in the District of Columbia local courts, and to urge the Senate to move forward with confirming the highly-qualified nominees for positions on the D.C. Superior Court and Court of Appeals who currently await confirmation votes. District of Columbia residents and members of our local judiciary confront the troubling situation that, due to severe understaffing, our courts are struggling to provide citizens with just and expedient resolution of their legal matters. As the Senate's leaders, you are uniquely positioned to address this crisis, given that eight nominees have been voted out of Committee and await action by the full Senate. For that reason, we ask you to act on the pending nominees before the end of this Congress.

For nearly 40 years, CCE has played an active role in improving justice for all members of the D.C. community. CCE is a nonprofit, nonpartisan civic organization with a mission to enhance the justice system in D.C. so it can serve the public equitably. Our organization – which includes lawyers, business people, judges and members of the civic community – works passionately to secure a better justice system for all D.C. residents. We have had no role in the selection of judicial nominees whose confirmations are pending.

There are currently 14 judicial vacancies at the D.C. Superior Court and two in the D.C. Court of Appeals; each bench is thus short nearly 25% of its judges. Several additional vacancies on the Superior Court will occur in 2023, so the problem will only worsen with time.

Following favorable reports from the Committee on Homeland Security and Governmental Affairs, one judge for the Court of Appeals and seven judges for the Superior Court await a vote by the full Senate. As detailed below, the current vacancies negatively affect the efficiency of our community's justice system, which has significant adverse consequences for our justice-seeking citizens.

In addition to hosting the federal government, D.C. is home to almost 690,000 people – more than some states. As in our sister states, these are individuals with families, jobs, homes, and issues that may, on occasion, require adjudication by our courts to resolve. Over 24,000 D.C. residents are veterans. Almost 57% are

Black or Hispanic. Additionally, the District has over 23,700 employers across a variety of industries, and those businesses occasionally rely on our courts to address disputes.

In contrast to most judicial positions that require Senate action, the judges of the D.C. courts handle the wide array of everyday matters that are common to state courts of general jurisdiction, like child abuse and neglect, domestic violence, adoption and custody, probate, landlord-tenant, small claims, consumer, commercial and many other issues. Timely resolution of these court matters is important in the daily lives of thousands of D.C. residents and businesses. The D.C. courts also adjudicate all juvenile criminal charges and adult prosecutions for violations of the District's Criminal Code. At a time when our justice system is urged to efficiently and effectively administer criminal proceedings, delays wrought by chronic and growing court vacancies serve no one's interests.

We are all familiar with the legal maxim, "justice delayed is justice denied." D.C. Superior Court has the highest number of case filings per capita among the nation's trial courts – and still its active criminal caseload grew by 79%, from 5,707 to 10,199 pending cases between January 2020 and June 2021. This is despite the D.C. Superior Court Criminal Division disposing of more than 7,000 cases between April 2020 and July 2021 through diversion agreements, trials, and other dispositions. To manage this caseload as well as possible despite a severely understaffed bench, judges in the Superior Court have been tasked with taking on additional caseloads. Superior Court judges traditionally have 200 or fewer cases on their docket, but now have 300 to 400. Caseloads for civil matters are even higher. Delays in administering justice are inevitable with these caseloads. Some people have been waiting for trial in the D.C. jail for a longer period of time than they would serve if they were convicted, which delays due process for them and justice for victims.

Similarly, judges in the D.C. Court of Appeals are experiencing increased caseloads as long-standing vacancies remain unfilled. More than 200 cases are delayed on the calendar per year because only a limited number of three-judge appellate panels can be assembled. Each judge is tasked with hearing more cases and writing more opinions.

Judicial vacancies also impair the timely work our judges perform on top of their presiding over hearings, trials and appeals: judges contribute to the effective management of the courts, including serving on committees, devising improvements to court efficiencies and access to justice, managing divisions, and managing specialized courts.

For the reasons outlined above, we respectfully ask that you make every effort to ensure full Senate action before the end of the current Congress on the confirmation of the eight currently-pending judicial nominees. Citizens of the District of Columbia expect and deserve a justice system that operates in a timely, fair and just manner. Their continued faith in the justice system is critical to its success.

Thank you for your consideration.

Sincerely,



Patrick McGlone

President

Council for Court Excellence