

COUNCIL FOR COURT EXCELLENCE

COMMUNITY OBSERVATION OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA



“Justice is too important a matter to be left to the judges,
or even lawyers; the American people must think about, discuss,
and contribute to the future planning for their courts.”

William Rehnquist, Chief Justice of the United States

August 2004

The Council for Court Excellence Court Community Observers

February - April 2004

Noshad Abbassi	Audrey Hatry	Gena Ragnoli
Elena Alvarez	Jermaine Hector	Ashley Randazzo
Linda Bostick	Helen Higginbotham	Michelle Redlin
Marisa Brickman	Mitchell Hofer	Bryan Reeves
Heidi Bridges	Novella Jackson	Lucy Rugo
Matthew Bromeland	K.C. Johnson	Christopher Ryan
Rebecca Cady	Andrea Jones	Randy Sayles
Stacey Cobb	Colin Jones	Robert Scherle
Mary Coit	Edith Josey	Sarah Shaw
Surayah Colbert	Betty-Chia Karro	Kathleen Shea
Jean Comstock	Anne Kautzer	Genetta Smith
Peggy Conn	Michael Kenney	Thomas Smith
Margaret Coughlan	Carolyn Koch	Lauren Spiro
Geoff Crary	Nancy Krieger	Sheri Sprigg
Tiese Crawford	Sebastian Krop	Elinor Stillman
Bob Davis	Stephanie Lang	Patrick Sullivan
Patricia Davis	Jennifer Lauer	Constance Tate
Lena Dericks	Katy Lebow	Brooke Taylor
Frayda Diamond	Roy Levy	Janelle Taylor
Bob Dick	Rhyan Linthicum	Sheila Thorpe
Kyle Dupre	Dominic Lombardo	Jason Timmer
Ellen Eager	Joanna London	Mireille Tshiteya
Amir Eatedali	Jaime Lyon	Patrick Turner
Coralie Farlee	Christine Martinsen	Elizabeth Uhl
Nathan Farrell	Gail Mathapo	Erica Veazey
William Frankel	Margaret McDowell	Christine Walsh
Clair Garman	Jacqueline McQuarrie	Amy Ward
Jessica Gleason	Blair Miles	Marjorie Watson
John Goodman	Antoine Moss	Carole Williams
Guinevere Granite	Colden Murchinson	Charles Williamson
Carroll Green	Christy Orlov	Heather Wilson
Calvin Gurley	Clare Parker	Kevin Wozniak
Justin Hartrum	Caitlin Parkinson	Barbara Yeomans
Donald Harward		

Project: Linda L. Bostick, Chair

Sponsored by: Public Service Committee, Honorable Vanessa Ruiz, Chair

Executive Director: June B. Kress

Project Staff: Priscilla S. Skillman, Peter M. Willner and Julio C. Lainez

COUNCIL FOR COURT EXCELLENCE

COMMUNITY OBSERVATION OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA



“Justice is too important a matter to be left to the judges,
or even lawyers; the American people must think about, discuss,
and contribute to the future planning for their courts.”

William Rehnquist, Chief Justice of the United States

August 2004

This Report is dedicated to the memory of Margaret “Peggy” Coughlan, who volunteered in each of the past three Council for Court Excellence Court Observation Projects.

Council for Court Excellence
1717 K Street, NW
Suite 510
Washington, DC 20036
Telephone: 202.785.5917
Fax: 202.785.5922
Website: www.courtexcellence.org

Table of Contents

I.	FOREWORD	3
II.	EXECUTIVE SUMMARY	5
III.	THE PROJECT	
	Description of the Court Community Observers Project	9
	The Function of the United States District Court for DC	10
	Description of the Federal Court System	10
	US District Court for DC Case Statistics	11
	Federal Courts in Washington, DC	12
IV.	US DISTRICT COURT FOR DC COURTHOUSE	
	Physical Facilities Findings	13
	Disability Access	14
V.	COURT OFFICES AND PERSONNEL	
	Bias and Civility Findings	16
	US District Court for DC Clerk’s Offices Findings	16
	Bankruptcy Court Clerk’s Office Findings	17
	Jurors’ Lounge Findings	17
	Courtroom Clerks, Reporters, and Interpreters Findings	18
	Security Officer Findings	19
VI.	THE US DISTRICT COURT FOR DC JUDICIAL OFFICERS OBSERVATIONS	
	A. Observation Overview	20
	B. Active Judges	
	Hon. John D. Bates	21
	Hon. William B. Bryant	22
	Hon. Rosemary M. Collyer	23
	Hon. Paul L. Friedman	24
	Hon. Thomas F. Hogan	25
	Hon. Ellen Segal Huvelle	26
	Hon. Thomas P. Jackson	27
	Hon. Henry H. Kennedy	28
	Hon. Gladys Kessler	29
	Hon. Colleen Kollar-Kotelly	30
	Hon. Royce C. Lamberth	31
	Hon. Richard J. Leon	32
	Hon. Louis F. Oberdorfer	33
	Hon. John G. Penn	34
	Hon. Richard W. Roberts	35
	Hon. James Robertson	36

Hon. Emmet G. Sullivan	37
Hon. Ricardo M. Urbina	38
Hon. Reggie B. Walton	39
C. Magistrate Judges	
Magistrate Judge John M. Facciola	40
Magistrate Judge Alan Kay	41
Magistrate Judge Deborah A. Robinson	42
D. Bankruptcy Judge	
Judge S. Martin Teel, Jr.	43
VII. MAJOR FINDINGS AND RECOMMENDATIONS	44
Appendix I: Listing of All Observer Recommendations	51
Appendix II: Sample Observation Form	54

I. Foreword

In 2004, the Council for Court Excellence launched its third Court Community Observers Project. The purpose of this court observation project is to build a bridge between the court and community by providing members of the community with a direct voice in how their courts are run and providing the court with the fresh, common-sense perspective of persons who do not visit the court regularly. We believe this is the first organized observation project in a federal court in the country.

The project method is straightforward: recruit a group of volunteers who represent a cross-section of the community, and have them observe court proceedings in a structured, neutral manner on a regular basis over a several-month period. The model for the District of Columbia Court Community Observers Project is the Citizen Court Monitoring project, a successful program developed by the New York Fund for Modern Courts, which has observed courts across New York state for more than 25 years.

The report that follows is the result of an intensive three-month in-court observation of the United States District Court for the District of Columbia conducted in the first half of 2004. A diverse group of 100 people contributed their time as volunteer court observers. From February through April, they made over 400 separate in-court observations, comprising 1,200 hours of observation time. This report presents the observers' findings regarding virtually all publicly-accessible aspects of the US District Court for the District of Columbia, including courtrooms assigned to the district court and the Clerk's Office, the Jurors' Lounge, the physical condition of the courthouse, and the public demeanor of attorneys and the various court employees, including judges, clerks, and security personnel.

The Council for Court Excellence and the Court Community Observers greatly appreciate the leadership of Linda Bostick, a civic member of the Council's Board, who served as the project's Chair, and the project's Committee, drawn from the Council's Public Service Committee, including Magistrate Judge Evelyn Coburn, Ellen Eager, Judge Gregory Mize, Jim Nathanson, Paul Pearlstein, Dr. Mary Quinn, Michael Waldman, and Committee Chair Judge Vanessa Ruiz. Mr. Nathanson deserves particular thanks for championing and importing the court observation model to the District of Columbia. We gratefully acknowledge the financial support to the project from the Max and Victoria Dreyfus Foundation and members of the Board of the Council for Court Excellence.

We appreciate the considerable assistance Dr. Beatrix Siman of American University, Dean Shelly Broderick and Professor Natalie Wasserman of the University of the District of Columbia School of Law, and Barbara Yeomans and the DC League of Women Voters provided by helping recruit observers.

Special thanks to US District Court for DC Chief Judge Thomas Hogan and Clerk of Court Nancy Mayer-Whittington and her staff for embracing the court observation concept and for their gracious welcome of the observers.

Special thanks are also due to Council for Court Excellence intern Sarah Shaw for the daily management of this ambitious undertaking; and to interns Frank Jenkins, Abiskar Mitra, Lena Dericks, Gena Ragnoli, and Kate Sacrison and for the considerable energy and dedication they brought to this report.

All those previously mentioned made important contributions to the project, but of course the major credit belongs to the court observers themselves, an extraordinarily able and dedicated group of civic-minded members of our community. They are named on the inside front cover of this report.

II. Executive Summary

As Chief Justice William Rehnquist has said, “the American people must think about, discuss, and contribute to the future planning for their courts.” Under the auspices of the Council for Court Excellence, 100 civic-minded volunteers from the Washington, DC community devoted the months of February, March, and April 2004 to taking a fresh look at the United States District Court for the District of Columbia. They observed the court’s physical facilities, court operations, the performance and demeanor of court employees, and the performance and demeanor of the court’s judges. This is the report of what the volunteers observed.

The observers’ reports offer opinions in the following two categories:

1. General and judge-specific impressions of judicial officer performance.
2. General observations of the courthouse facilities, some of its administrative offices, and its personnel, including recommendations for improvement.

Throughout their three months in the courthouse, observers closely monitored the performance of the district court judicial officers. In their observations, volunteers rated judges on a scale ranging from 1 to 10, with 1 being the lowest possible score and 10 being the highest score. Observers did not evaluate the legal reasoning or decision-making of any judicial officer. Their focus was rather on specific characteristics, including dignity, politeness, professionalism, control of the courtroom, and patience. As a group, the judicial officers made an outstanding impression on the observers. There were 359 evaluations of the judicial officers, and the cumulative average score for all judicial officers was a 9.2. Individual judicial officer evaluations are detailed in Section VI of this report.

The observers’ findings were similarly positive regarding the performance and demeanor of court employees, giving them high ratings for efficiency, politeness, and helpfulness.

The physical facilities of the courthouse and the ability to find one’s way to and through the courthouse made strong impressions on these community members who do not regularly visit or use the court. The observers found room for improvement in several areas of courthouse facilities management and court operations, and this report presents a full discussion of those topics.

Because the courthouse symbolizes justice to the community, fair treatment of all is important. Each observer was asked to note any example they saw of behavior or practice which seemed to them to be biased. Again, the findings were excellent, with no substantiated instances of bias.

The following are the Major Findings and Recommendations, presented with supporting detail in Section VII of the report:

Physical Facilities

1. **Finding:** **It is difficult to find your way to and around the US District Court.**

Recommendations :

- a. The US District Court should improve the building directory and keep it up to date.
- b. The Court should put a building map of each courtroom and administrative offices on each floor for easy navigation for the public.
- c. The Court should improve restroom signage by installing signs that 'jut out' from the corners at the end of the hallways.
- d. DC Government should add directional signs to the US District Court throughout the vicinity of the courthouse.

2. Finding:

There is no public seating above the main floor in the hallways of the US District Court.

Recommendation:

The US District Court should provide more seating in the hallways on the main floor and provide additional seating in the hallways throughout the building.

3. Finding:

The US District Court does not have sufficient public phones.

Recommendation:

The Court should address the phone problem by arranging for the installation of new public phones on each floor of the building and making them more visible to the public.

Disability Access

4. Finding:

The US District Court does not have adequate signage or systems in place to guide a person with a disability to enter the building or to find the building from the nearest metro stop.

Recommendations :

- a. The US District Court should improve wheel-chair access to the courthouse by building a ramp at the Constitution Avenue entrance.
- b. The DC Government should add directional signs to the Courthouse from the Judiciary Square Metro station and from bus stops around the courthouse.
- c. The US District Court should improve its disability access signs outside the building.

5. Finding:

The US District Court does not have adequate restrooms for people with disabilities.

Recommendations :

- a. The US District Court should enlarge one stall per bathroom for a person in a wheelchair.
- b. The US District Court should provide power-assist buttons to open bathroom doors, especially the ones located in the basement which are marked handicap accessible.
- c. The US District Court should ensure that one restroom per floor is wheelchair accessible.

6. Finding:

The doors of the courtrooms are too heavy for the elderly and for people with disabilities.

Recommendation:

The US District Court should add power-assist buttons to the doors that lead to the courtrooms since they are very heavy for a person with a disability to use.

Judges

7. Finding:

The judges' daily schedules are not posted in a timely manner outside their respective courtrooms.

Recommendation:

The US District Court should post all judges' daily schedules outside his or her courtroom by 8:30 am every day.

8. Finding:

In some cases, the judges did not start the proceedings on time and provided little, if any, information as to the reason for the delay.

Recommendation:

US District Court judges should provide the public with an explanation as to why a proceeding was started late, as a courtesy and to improve public confidence.

9. Finding:

Judges too frequently permit sidebar discussions during court proceedings which interrupt the flow of the proceedings, without an explanation as to why they are necessary at that time.

Recommendation:

US District Court Judges should make an effort to minimize sidebar conferences and explain why they are necessary when they take place.

Building Security Personnel

10. Finding: Security screening process on the John Marshall Plaza entrance of the US District Court consistently slows down if a group of 5 or more people enters at one time.

Recommendation: The US District Court should provide contract security personnel at entrances with better x-ray machines and metal detectors.

11. Finding: US District Court contract security personnel at the entrances lacked proper customer service and screening training during times of heavy activity.

Recommendation: The US District Court should provide the contract security personnel screening guards at the entrances with better equipment and training, specifically customer service training.

General

12. Finding: Some of the proceedings at the US District Court are not as audible as they should be, making it difficult for people in the courtroom's gallery to understand what is happening.

Recommendations:

- a. The US District Court judges should have all participants in any proceeding speak clearly into microphones.
- b. The US District Court should also have regular audibility tests throughout the courtrooms to ensure proper audibility at all times.

13. Finding: The benches in the public gallery of the courtrooms are very uncomfortable.

Recommendation: The US District Court should provide ergonomically-correct seating for people in the gallery or provide benches with cushions.

14. Finding: Technology at US District Court differs greatly from courtroom to courtroom.

Recommendation: The US District Court should improve courtroom technology throughout the building to improve the court's administration of justice.

15. Finding: The weekly judicial schedules offered on the US District Court's web site are frequently inaccurate.

Recommendation: The US District Court should improve the reliability of their online calendar by regularly updating it and tracking changes in schedules in a timely manner.

III. The Project

Description of the Court Community Observers Project

Summary: Court observation involves recruiting a group of persons from the community to observe a particular court over a several-month period, recording their perspectives in a controlled format, and then issuing a public report of the observers' findings and recommendations.

Focus: This observation project focused on the US District Court for the District of Columbia's judicial officers and its physical facilities.

Method: The project's design and methodology are based on the experience of our sister organization, the New York Fund for Modern Courts, which has been doing court observation throughout the New York state court system for over twenty-five years. Specifically:

- ▶ Whenever possible given the level of courtroom activity and to ensure a balanced view of the proceedings, each courtroom or office was observed for at least ten morning or afternoon sessions by different observers over the three-month observation period.
- ▶ Observers were screened for eligibility and followed a prescribed observation questionnaire. Observers did not evaluate the legal reasoning of judicial officers or attorneys, but instead focused on such matters as control of proceedings, demeanor, explanation of proceedings, audibility, time management, physical facilities, and so forth.
- ▶ The volunteers' observations, positive and negative, and their recommendations have been compiled in this report, which they participated in preparing. Individual judges and the Court have been given the opportunity to review the draft report and correct any factual errors prior to publication.

Project Objectives: We hope to achieve the following public-interest objectives through these court observations:

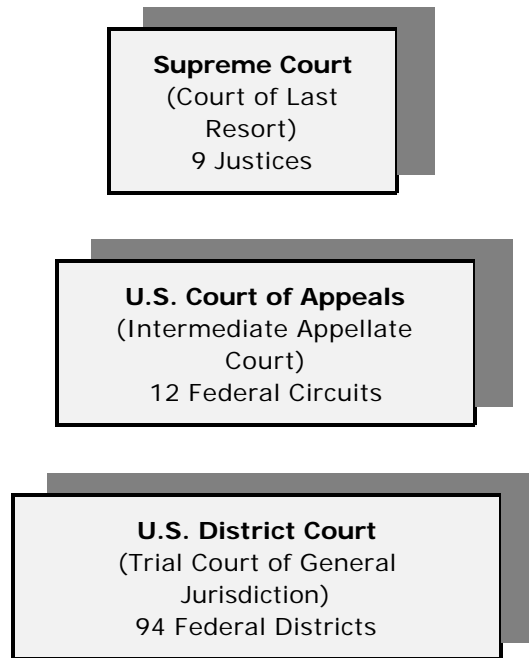
- ▶ Create and maintain an ongoing, meaningful exchange between the community and the judiciary;
- ▶ Provide information to enable the courts to be more responsive and sensitive to the needs of the communities they serve;
- ▶ Educate the community about the daily functions and operation of the courts;
- ▶ Create a community-based constituency that understands the problems facing the courts, promotes improvements, and supports the courts' efforts to function fairly, efficiently and effectively; and
- ▶ Successfully urge those responsible for the courts to make improvements to enable the courts to better serve the public.

The Function of the US District Court for the District of Columbia

The US District Court for the District of Columbia is a federal trial court that hears both criminal and civil cases that arise under federal law. Federal law covers such matters as antitrust, labor relations, income taxes, social security, and civil rights. Federal courts also hear cases involving the US Constitution or treaties, disputes between two states, or cases in which the United States is a party.

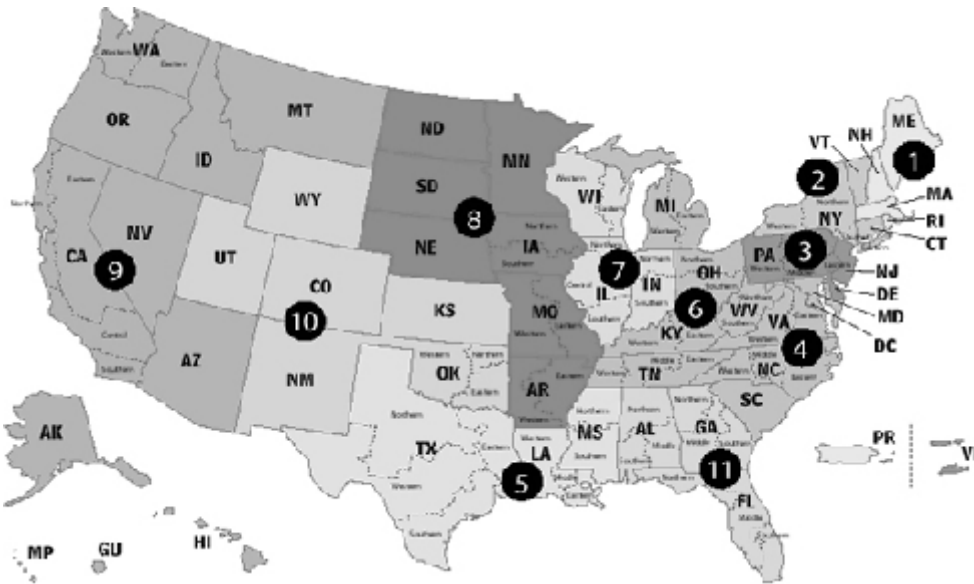
In addition, a case may be heard in federal court if the plaintiff and defendant are from different states (including the District of Columbia, even though it is not a state) and the amount being sought by the plaintiff is more than \$75,000. This is called “diversity jurisdiction,” and was designed to allow a citizen of one state to avoid being subject to the biases of a court in a different state by having the case heard in a neutral federal court.

The Federal Court System



Description of the Federal Court System

The United States District Courts are the federal trial courts for most matters. There are also specialized federal trial courts that consider specific types of cases, such as bankruptcy, tax claims, international trade, and certain claims against the federal government and its agencies. Federal cases are tried in US District Courts. If appealed, cases go from the District Courts to the Courts of Appeal. The last appeal for a federal case is to the United States Supreme Court.



The United States has 11 Federal Circuits. The District of Columbia Circuit is the 12th Circuit.¹

US District Court for DC Case Statistics

In a US District Court case, a judge sits with or without a jury, depending on the nature of the case and the wishes of the parties. If there is a jury, the jury determines the facts of the case; otherwise, both the facts and the law are determined by the judge based on the testimony and other evidence. Below is a chart of the caseload of the US District Court for DC and case disposition times over the course of the last six years.

US District Court for DC - Caseload Profile²

Overall Caseload Statistics	2003	2002	2001	2000	1999	1998
Filings	3,461	3,382	3,377	3,682	3,984	3,771
Terminations	3,101	3,159	3,291	3,517	3,498	3,608
Pending	4,656	4,338	4,151	4,069	3,921	3,587

Median Times (in months) from Filing to Disposition	2003	2002	2001	2000	1999	1998
Criminal Felony cases	10.2	9.6	7.7	7.2	7.9	6.9
Civil cases	10.3	10.5	9.8	9.9	8.7	7.9

¹Taken from the Administrative Office of the United States Courts website. See <<http://www.uscourts.gov/districtcourts.html>>

²Data excerpted from Judicial Caseload Profile Report for the District of Columbia. See <<http://www.uscourts.gov/cgi-bin/cmsd2003pl>>

Federal Courts in Washington, DC

There are several federal courts located in the District of Columbia, which have the same general jurisdiction as federal courts throughout the United States. The most prominent of these are the US District Court for the District of Columbia, which has jurisdiction over both civil and criminal cases; the US Court of Appeals for the District of Columbia Circuit; the US Court of Appeals for the Federal Circuit; and the US Supreme Court.

IV. US District Court for the District of Columbia Courthouse

Physical Facilities Findings



View of the E. Barret Prettyman Courthouse Building from across Constitution Avenue.

The Council for Court Excellence community volunteers observed and evaluated the physical facilities of the US District Court for the District of Columbia, which affect and make a strong impression on every person who enters the courthouse. The E. Barrett Prettyman Courthouse is a large, six-level rectangular building. The public portion of the building has a central core housing the main building entry, escalators, elevators, restrooms, courtrooms, clerk's offices, waiting areas, cafeteria, and other public facilities. One curious observer asked "why was [the Court] building a huge courthouse addition when this present building is half empty?" The community volunteers observed the courthouse entrance, restrooms, cafeteria, elevators, and escalators. For

each of these, the observers assigned a scaled grade based on the following criteria: cleanliness, disability access, safety, and functionality. Observers provided additional comments when they wished. The public areas of the courthouse were observed just over 350 times and were assigned a "grade" of 1 through 10 by each observer; with 1 being the lowest and 10 being the highest.

Visitors enter the courthouse through relatively heavy and closely spaced doors. The John Marshall Park entrance on the west side of the courthouse features a set of doors with a power-assist button to accommodate people with limited mobility or strength. Visitors then climb several steps, place their belongings on a conveyor belt for security screening and walk through a metal detector. If the detector is activated, which it often is, security personnel then examine the individual with a hand-held detector.

The functionality of the courthouse entrance was rated at 8.5. Despite this relatively high score, many observers noted that "at peak times, there are delays going through [the] metal detectors." Stated one observer, "It takes a long time to get through the entrance and [during the winter] people often have to wait outside in the cold." Observers gave the courthouse entrance high marks for cleanliness (average score = 9.0) and for safety (average score = 9.2).

Once observers gained entry to the courthouse, concerns about inadequate directional signs were common. Very few directional signs are visible from either courthouse entrance. This makes it difficult for visitors to find their way through the courthouse without having to ask security personnel. As one observer noted, "I think if one was unfamiliar with [the] courts . . . it might be hard to find one's way." There is no map of the entire building giving the location of commonly sought offices or explaining the courtroom numbering system. Said one observer, "It would be helpful to have a directory in front of the elevators on each floor." Furthermore, observers found no directional signs in languages other than English.

The courthouse building has small public restrooms located on each floor. The restrooms achieved ratings of 8.6 for cleanliness, 8.8 for safety, and 8.7 for functionality. Observers commented that the locks on some stall doors were broken. One observer also offered the suggestion that there “should be toilet covers” available.

Signage and Seating...

“More signs and public seating in corridors would give impression that public is invited, expected, etc. Without that, seems like a place for those ‘in the know.’”

“More signs designating the direction for key offices should be placed near elevators and in main hallway.”

The courthouse provides a public cafeteria on the lowest level of the building, one floor below the entrance level. The cafeteria is managed by a private contractor. Volunteers rated the cafeteria an 8.7 on cleanliness, an 8.7 on safety, and an 8.7 on functionality. An observer commented, “The cafeteria staff was helpful and pleasant.” One observer, though, had difficulty locating the cafeteria, stating, “If there is a cafeteria in this building it can only be found by asking - there are no signs.”

In general, observers assigned high scores to the elevators and escalators, scoring the categories of cleanliness, safety, and functionality all at 9.3. Observers offered few complaints about the elevators and escalators, though one observer commented that “the ventilation in the elevators could be improved.”

Observers did not numerically rate the courtrooms they visited; rather, they were asked to provide narrative descriptions and comments. The courtrooms are fairly uniform, with exterior and interior entry doors leading from the corridor; a central aisle flanked

by fixed bench seating rows for spectators; tables for plaintiffs and defendants and their counsel flanking a central podium; a jury box with fixed, upholstered, theater-style seating; and a bench with seating for the judge and courtroom clerks. Observers generally found the courtrooms to be functional and in good condition. Many observers found the courtroom “clean and comfortable” with “good lighting.” Some observers, however, found the temperature in the courtrooms uncomfortable, either much too cold or too hot.

Disability Access

The community volunteers were asked to observe and determine whether the facilities at the E. Barrett Prettyman courthouse appear accommodating and accessible for all courthouse users, including those with disabilities. Observers evaluated such facilities as ramps, railings, appropriately-sized accommodations, and directional signs for the disabled. None of the observers had any disabilities, though a few walked with canes due to injury or illness at various points through the observation period.

When considering whether the courthouse was disability accessible, volunteers were asked to view the entire courthouse from the vantage of someone with a disability. Observers were asked to rank, on a scale of 1-10 (1 being the lowest and 10 the highest) the disability access of the courthouse entrance, restrooms,

cafeteria and the elevators/escalators. They were also asked whether they thought the facilities were accommodating and accessible and if not, why they thought not.

Perspectives on whether the courthouse was “accommodating and accessible for courthouse users, including those with disabilities,” were divided among the observers. The observers gave high disability access-ratings to the cafeteria (average score = 8.6) and an understandably high rating to the elevators and escalators (average score = 9.3). However, reactions to the accessibility of the courthouse entrance and restrooms garnered different, and sometimes conflicting, results. While both the entrance and restrooms received average disability access-ratings of 7.8, improving disability access to these areas and to the courtrooms themselves were among the most frequently mentioned recommendations made by the observers during the course of the three month observation project.

Accessibility...

“[Courtroom] doors may be too heavy for disabled and older individuals.”

“No space for wheelchair in the public area [of courtroom].”

Observers were not specifically asked on the observation form to comment on disability access to the courtrooms. However, as mentioned above, comments on disability access to the courtrooms arose frequently. Many observers noted that, within the courtrooms, there is no space for wheelchairs except in the aisle or the doorway, which observers felt could obstruct foot traffic in the courtrooms. Observers recommend that one of the courtroom benches in each room be shortened to permit a wheelchair so the aisle can be kept clear. Additionally, observers felt that the courtroom and restroom doors are too heavy and are difficult for persons with a disability or the elderly to enter without assistance. The observers recommend installing a power-assist button, similar to those at the John Marshall Plaza courthouse entrance, to the courtroom doors and to handicap-accessible bathrooms.

Another major observation was that, although the John Marshall Plaza entrance of the courthouse is wheelchair accessible, the Constitution Avenue entrance has no wheelchair ramp. There is a sign near the Constitution Avenue entrance directing persons with disabilities to the wheelchair-accessible John Marshall Park entrance. However, that sign is small and was difficult for observers to see. A disabled person in a wheelchair can enter the building only at the John Marshall Plaza entrance. However, observers noted that the John Marshall Plaza entrance is not directly accessible by car, cab, or bus. If dropped off by car or cab, persons in wheelchairs must wheel uphill for approximately half a city block to reach the John Marshall Plaza entrance; if arriving by bus, they must wheel the equivalent of approximately one city block. On the other hand, the court was commended for having a special lift for wheelchairs to enter the courthouse at the John Marshall Plaza entrance. Additionally, observers suggested that the restrooms and restroom entrances needed to be enlarged to enable those in wheelchairs easier access to them.

V. Court Offices and Personnel

Bias and Civility Findings

The courthouse largely embodies the justice system for the community. Court personnel have the responsibility of treating everyone in the courthouse fairly. The Council for Court Excellence Court Observation Project explored whether the District Court personnel upheld the standard of treating court users civilly and without prejudice. The survey form asked observers to report whether they saw or heard anyone being treated inappropriately because of their gender, race, ethnicity, religion, age, disability, sexual orientation or economic status. Of the 400-plus observations, no volunteer reported observing any instance of bias.

US District Court for the District of Columbia Clerk's Office Findings

The US District Court for the District of Columbia Clerk's Office provides essential support to the operation of the district court and is a primary place for public interaction with the court. Parties and attorneys must present all case-related documents for filing in the Clerk's Office and must visit the office to view case records. Most files can also be accessed electronically by using an automated kiosk found outside the Clerk's Office, which, at the time the courthouse was being observed, was undergoing repairs.

Pleasant Experience...

"The clerk's staff members that I spoke with were friendly, engaging, and helpful."

The US District Court for the District of Columbia Clerk's Office was observed 14 times. Observers were asked to assess (on a three-point scale: "always," "sometimes," or "never") the length of time visitors spent waiting in lines, whether there were sufficient personnel, and the demeanor of personnel. Of the observers responding, all indicated that the lines were "always" reasonably short, that the counters were "always" adequately staffed, and that personnel were "always" helpful and polite to visitors.

One observer stated, "The clerk's staff members that I spoke with were friendly, engaging, and helpful." Another observer added, "The office is very clean and well organized." In a departure from other mostly positive comments, an observer noted that the "front counter/intake area was left empty when personnel left [the] area [on business] for extended periods of time. Conversely, people occasionally waited unnecessarily as there was no clear single counter area signage and without knowing which clerk to approach."

Aside from the set observations, many observers frequented the Clerk's Office to verify what time certain Judges would be in their courtrooms. Most of these observers provided additional, glowing feedback. Said one observer, "I am continually impressed by the enthusiasm, concern, professionalism, and politeness of the staff."

Bankruptcy Court Clerk's Office Findings

Like the District Court Clerk's Office, the Bankruptcy Court Clerk's Office provides essential support to the operation of the bankruptcy court and is a primary place for public interaction with the court. The Bankruptcy Court Clerk's Office operates much like the District Court Clerk's Office, in that all case related documents are filed and case records are stored there.

The Bankruptcy Court Clerk's Office was observed 8 times. Similar to the assessments made of the US District Court Clerk's Office, above, observers were asked to assess (on a three-point scale: "always," "sometimes," or "never") the length of time visitors spent waiting in lines, whether there were sufficient personnel, and the demeanor of personnel.

Observers indicated that, on average, lines in the Bankruptcy Court Clerk's Office were "always" reasonably short, there were "always" sufficient personnel, and office personnel were "always" helpful and polite to visitors.

Observers gave the office positive comments. One observer stated, "Clerks in the bankruptcy office worked very well with each other and on several occasions went out of their way to assist persons who were unfamiliar with filing procedures." Another observer commented, "The bankruptcy clerk's office was extremely clean." An impressed observer noted, "In my opinion, the personnel were professional, efficient, and polite to each other and to all clients."

Jurors' Lounge Findings

According to the latest data available, almost 10,000 citizens reported for jury duty at the US District Court for DC in 2003, or an average of 38 per day for a five day week.³ Fifteen percent of citizens reporting for jury service in the US District Court for DC were selected to serve on one of 116 civil and criminal jury panels.⁴ While the percentage of reporting jurors who sat on a voir dire panel is not provided, that percentage should be considerably higher than the 15% who sat on a trial panel. The Juror's Lounge was observed 13 times.

The jury activity for the DC Superior Court, the state level trial court for the District of Columbia, is quite different from the District of Columbia's federal court. In 2003, roughly 46,000 citizens reported for jury

³Judicial Business of the United States Courts. 2003 Annual Report of the Executive Director. Table J-2. U.S. District Courts - Petit Juror Service on Days Jurors Were Selected for Trial During the 12-Month Period Ending September 30,2003.

⁴Ibid.

duty, or an average of 176 per day for a five-day week.⁵ Seventeen percent of citizens reporting for jury service were selected to serve on 671 civil, criminal, and other jury trials.⁶ Seventy-six percent of citizens reporting for jury service served on a voir dire panel.⁷

Citizens reporting for jury service at the US District Court for DC wait in the Jurors' Lounge, located on the second floor of the courthouse, to be summoned to a voir dire panel in a courtroom. Observers examined the physical layout of the waiting room, juror access to adjoining rooms and facilities, access to information regarding jury duty, and the comfort level of the lounge.

Most observers reported that the Jurors' Lounge was generally well laid-out, comfortable, and clean. The Jurors' Lounge was rated an average 8.1 out of 10 in terms of cleanliness. Observers noted that the Jurors' Lounge is well-stocked with entertainment for jurors - magazines, newspapers, and televisions. Many of the observers were appreciative of the little touches to make the Jurors' Lounge more comfortable, such as plants, paintings and posters, and the more-than-adequate number of tables and chairs. One observer stated, "The jury room is beautiful. I am constantly called to jury duty in my jurisdiction and we do not have as wonderful [a] facility."

Several observers complained that televisions were too loud and about the type of programs played, such as "trashy" soap operas. One observer commented that the televisions were all tuned to a channel showing "many crime segments, for example, one about 'road rage.'" The observer felt this "could influence waiting jurors." Other observers thought that the Jurors' Lounge restrooms were not easily accessible for the disabled, noting that the bathroom stalls looked too small to accommodate a wheelchair and lack automatic openers for the heavy bathroom doors. Of the two observers who witnessed jury orientation, both commented that the orientation video was difficult to hear due to poor sound quality.

Courtroom Clerks, Reporters, and Interpreters Findings

Helpful Court Staff...

"I find that the staff, overall, is very helpful and polite... they try not to let the courthouse seem so intimidating, yet they uphold their professionalism."

- Community Court Observer

In the courthouse, courtrooms always have clerks on hand to support the judges, sometimes have courtroom reporters to make verbatim records of proceedings (proceedings are tape recorded when no reporter is available), and occasionally have interpreters to help parties and witnesses who do not speak or understand English. Courtrooms have security officers present when defendants who are in custody are present in the courtroom.

The observation form asked if all courtroom personnel were efficient, helpful and polite. Out of over 400 observations, volunteers

⁵District of Columbia Courts. 2003 Annual Report. Table 50. Petit Juror Activity.

⁶Ibid.

⁷Ibid.

confirmed having pleasant and efficient encounters with courtroom personnel 99 percent of the time.

In their comments, observers offered several positive and negative comments about the professionalism of the clerks in the courtroom. Overwhelmingly, observers felt that the clerks performed their role in the courtroom well, while only a few observations noted that clerks could make improvements. Most frequently, observers commented that court personnel should have imposed the rules of the courthouse better, as in “no gum chewing,” “no eating,” “no talking,” etc. Observers also thought that the constant walking in and out by some court personnel was very distracting.

Security Officer Findings

With the increased importance on public safety and heightened security measures in public buildings, observations of security officers are especially relevant to this report. All public entrances to the US District Court for the District of Columbia Courthouse require passage through security checkpoints staffed by security personnel. There are two such checkpoints in the US District Court building, one at the Constitution entrance and the other at the John Marshall Park entrance. Each checkpoint includes a magnetometer and an X-ray machine, in a layout similar to that encountered in airports.

Overall courthouse security is overseen by the United States Marshal’s Office for the US District Court for the District of Columbia. Deputy US Marshals provide for security inside the courtrooms and escort defendants to and from the courtroom. The US Marshal for the US District Court for the District of Columbia employs contract security officers to work at the courthouse entrances and to serve as additional security outside of courtrooms, on an as-needed basis.

Most observers thought that the contract security officers performed their duties efficiently, and were seen to be generally polite and courteous. They were particularly helpful to one observer who, due to a serious leg injury, was walking with a cane. Observers praised contract security guards posted outside particular courtrooms, stating that they were “very helpful and courteous.” However, there were some instances in which observers encountered a rude or impolite contract security guard. One observer stated, “[A] security officer at [the] courthouse entrance snapped at me for showing my I.D. after going through [the] metal detector instead of before/during. I felt his response was more harsh than was necessary, especially since it has not been a problem prior to this occasion.” Occasional lapses in demeanor may be explained by the perceived heavy workload of the contract security officers at set times due to the arrival of jurors or observers of high-profile trials. A number of observers felt that more security personnel and metal detectors were needed at the courthouse entrance.

With regard to in-court security, the observers generally perceived that security was sufficient. Observers found the marshals “very alert”; however, some observers reported instances to the contrary. One such instance was that one of the “marshals at the proceedings was dozing off, his eyes were closed and his head was falling to the side.” Generally, observers noted that the marshals performed their duties as required.

VI. The US District Court for DC Judicial Officers Observations

A. Observation Overview

US district court judges are nominated for the bench by the President and confirmed by the United States Senate. The Senate Judiciary Committee usually conducts confirmation hearings for each nominee. These judges are appointed for a life term. A US magistrate judge is a judicial officer of the district court and is appointed by a majority vote of active district judges within the court. A full time magistrate judge serves an eight year term. A US bankruptcy judge is a judicial officer of the district court who is appointed by the majority of judges of the US court of appeals to exercise jurisdiction over bankruptcy matters. Bankruptcy judges are appointed for a fourteen year term.

Throughout the observation cycle, court observers closely monitored the performance of the judges. Observers did not evaluate the decision-making or legal expertise of the judges. The focus was rather on the following nine characteristics: dignity; politeness; professionalism; control of the courtroom; patience; objectivity; time management; respect for litigants, jurors and witnesses; and explanation of rulings and proceedings. In evaluating the judges, observers rated them on a scale ranging from 1 to 10 in each of the nine categories, with 1 being the lowest and 10 being the highest.

The Council for Court Excellence designed the observation schedule so that each judge would be observed equally and enough times to write a reasoned evaluation. On average, the judges were observed approximately 15 times each. However, the number of observations made of each judge ranged from two to thirty. The variations in the numbers of observations conducted of the judges relate to the frequency with which the observers found their assigned judge present in the courtroom. Other factors for this range include the amount of time the judge spends on the bench, which will vary according to the number and type of cases they were hearing during the three month observation period. If a judge had a particularly high number of civil cases, much of their work might be conducted in their chambers and not on the bench. Also, judges who have taken senior status may have only a few ongoing cases, and do not sit on the bench with frequency. This report does not offer an evaluation of any judge who was observed fewer than five times because, in our judgment, any less may not provide a balanced evaluation.

There were a total of 359 evaluations made of the judicial officers. As a group, the judges made a highly favorable impression on the observers. The combined scores for all judges in all nine categories yielded an average score of 9.2. Overall average scores for individual judges ranged from 9.7 to 8.3, all high marks on a 10-point scale. The category “control of courtroom” received the highest score among all judges with a 9.5. “Time management” was the lowest rated category among all judges with a score of 8.9.

Other variables assessed by the observers included the audibility of each judge. Generally, observers thought that the courtroom proceedings were “always” or “mostly” audible. Observers typically found that proceedings were difficult to hear from the gallery when courtroom participants did not use the microphones.

Honorable John D. Bates

Observed 23 times

**Biography**

Judge John D. Bates was appointed as a United States District Court Judge for the District of Columbia in December 2001 by President George W. Bush. He graduated from Wesleyan University in 1968 and received his J.D. from the University of Maryland School of Law in 1976.

Prior to his appointment to the bench, Judge Bates served in the United States Army, including a tour in Vietnam. He clerked for Judge Roszel C. Thomsen of the United States District Court for the District of Maryland and was an associate at the Washington law firm Steptoe & Johnson. He also served as an Assistant US Attorney for the District of Columbia and was Chief of the Civil Division of the US Attorney's Office.

Judge Bates has served on the Advisory Committee for Procedures of the DC Circuit, the Civil Justice Reform Committee for the District Court, as Treasurer of the DC Bar, as Chairman of the Publications Committee of the DC Bar, and as Chairman of the Litigation Section of the Federal Bar Association.

B. District Judges**Evaluation**

Observers gave Judge Bates a score of 9.1. The Judge's strongest score, a 9.4, was in the category of "control of courtroom." Judge Bates was described as "very respectful and considerate of the jury." Another observer stated that, "The Judge has a strong courtroom presence and commands respect." Observers were impressed with his efficiency ("he ran a tight ship") and for doing an "excellent job of clarifying issues." Some observers commented, however, about long side bars.

In the words of one observer, "There were several approaches to the Judge between counsel - too many for too long - should have taken a break for this if going to take over 20 minutes." Judge Bates' lowest score, an 8.7, came in the category "patience." However, one observer "somewhat liked" his impatience, because it reflected that "he seemed interested."

Observers found that the proceedings in Judge Bates' courtroom were audible either "always" or "most" of the time. Judge Bates effectively utilized the microphones inside his courtroom and encouraged participants to speak up when necessary.

Honorable William B. Bryant

Observed 7 times

**Biography**

Judge Bryant was appointed to the United States District Court in August 1965 by President Lyndon Johnson. He served as Chief Judge from March 1977 to September 1981 and has served in senior status since January 1982.

Judge Bryant graduated from Howard University, receiving an A.B. in 1932, and from Howard University Law School, receiving an LL.B. in 1936. Judge Bryant has also served in the US Army, was an Assistant US Attorney for the District of Columbia and has been engaged in private practice.

Evaluation

Judge Bryant received an overall score of 9.2, with his highest score of 9.7 in the categories of “objectivity” and “respect for litigants, jurors, and witnesses.” Judge Bryant was complimented for being “very knowledgeable and extremely thorough.” An observer noted he was “kind to the jury; he told them they could have a 15 minute break as some of the jurors were tired.” Judge Bryant was also perceived to be “time conscious” and “very alert.” He was commended by one observer for his use of humor during a particularly stressful trial. Judge Bryant’s lowest score of 8.3 came in the category “patience.”

Almost unanimously, observers reported that proceedings in Judge Bryant’s courtroom were “mostly” audible. An exception, however, was that observers frequently commented that they could not hear Judge Bryant. Six of the seven observations of Judge Bryant incorporated comments that the Judge could not easily be heard. One observer wrote, “Judge Bryant never used his microphone and spoke quietly as well, making it impossible to hear him several rulings made that only counsel and witnesses could hear.”

Another wrote that Judge Bryant sounded, from the perspective of the gallery, as though he “mumbled” and “slurred” his speech. However, Judge Bryant was recognized for asking courtroom participants to speak up, such as when he “directed witnesses and attorneys to speak in the microphone.”

Honorable Rosemary M. Collyer

Observed 21 times



Biography

Judge Rosemary M. Collyer was appointed to the United States District Court in January 2003 by President George W. Bush. She graduated from the University of Denver College of Law in 1979 and Trinity College of Washington, DC in 1968.

Prior to her appointment, Judge Collyer was a partner in the Washington, DC, law firm of Crowell & Moring, LLP. She had previously served as General Counsel of the National Labor Relations Board and Chairman of the Federal Mine Safety and Health Review Commission.

Judge Collyer is a member of the College of Labor and Employment Lawyers and the American Bar

Evaluation

Judge Collyer received an overall score of 9.5. Her high score was a 9.8 in the category “control of courtroom.” She also scored high marks for “professionalism,” “respect for litigants, jurors, and witnesses,” and “patience.” Said one observer of her courtroom demeanor, “She is professional but also has a sense of humor. She has very positive communication with the lawyers and still has respect for the defendants.” She was also described as “the model of decorum and judicial economy.”

A number of observers complimented Judge Collyer’s occasional use of colloquial speech to communicate. Interestingly, her patience and politeness, when combined with her colloquial style, sometimes produced conflicting perspectives from observers. One observer praised Judge Collyer’s “self-deprecating manner and language,” but was not sure if this “communicated the court’s dignity.” Another observer thought, “she did not seem to be as firm/outspoken as most of the judges but she ran things just fine.” Judge Collyer’s lowest score was a 9.2 in the category “objectivity.”

Observers noted that proceedings in Judge Collyer’s courtroom were “always” audible, due to consistent use of the microphone by the judge and the participants. Observers reported that the Judge would ask attorneys to speak into the microphone to make themselves heard.

Honorable Paul L. Friedman

Observed 11 times

**Biography**

Judge Friedman was appointed as a United States District Judge in August 1994 by President Bill Clinton. He graduated from Cornell University in 1965 and received a J.D. from the School of Law of the State University of New York at Buffalo in 1968.

Following law school, Judge Friedman clerked for Judge Aubrey E. Robinson, Jr., of the US District Court for the District of Columbia and for Judge Roger Robb of the US Court of Appeals for the District of Columbia Circuit. He also served as an Assistant United States Attorney for the District of Columbia and as an Assistant to the Solicitor General of the United States. Judge Friedman also practiced law as partner with the Washington office of the law firm White & Case.

Judge Friedman has served as President of the District of Columbia Bar and as Associate Independent Counsel for the Iran-Contra Investigation from 1987 to 1988. He is a member of the Council of the American Law Institute.

Evaluation

Judge Friedman received an overall score of 9.0. His highest mark, a 9.3, came in the area of “control of courtroom.” One observer found Judge Friedman “very professional and polite,” while another stated he had “a sense of humor while maintaining courtroom decorum.” During an observed voir dire, Judge Friedman was seen as “very effective.”

He was “friendly and courteous with each juror,” and “seemed to be able to put the jurors at ease.” Judge Friedman was commended for giving “clear explanations when necessary.” Judge Friedman received his lowest score, an 8.7, in the category of “patience.” However, his impatience was sometimes considered as a positive attribute, as in the case when Judge Friedman was “impatient with the defense attorney’s rambling, redundant pleading.”

Observers found that proceedings in Judge Friedman’s courtroom were either “always” or “mostly” audible. On two occasions, observers had difficulty hearing Judge Friedman because he was speaking too far from his microphone.

**Honorable Thomas F. Hogan,
Chief Judge of US District Court**

Observed 10 times



Biography

Chief Judge Hogan was appointed to the United States District Court in August 1982 by President Ronald Reagan, and became Chief Judge in 2001. He graduated from Georgetown University, receiving an A.B. (classical) in 1960. He then attended George Washington University's masters program in American and English literature from 1960 to 1962 and graduated from the Georgetown University Law Center in 1966, where he was the St. Thomas More Fellow.

Following law school, Chief Judge Hogan clerked for Judge William B. Jones of the US District Court for the District of Columbia, served as counsel to the National Commission for the Reform of Federal Criminal Laws, and was engaged in private practice from 1968 to 1982. He has been an adjunct professor of law at the Georgetown University Law Center and a Master of the Prettyman-Leventhal Inn of Court.

Evaluation

Chief Judge Hogan received an overall score of 9.4. He rated highest in the category "control of courtroom," with a 9.8. One observer praised Chief Judge Hogan for being able to control the proceedings in a restrained manner, "Judge Hogan made it clear that he was unhappy about [the] parties conduct of discovery ... he never raised his voice!" Said another observer, the "[Chief] Judge did an admirable job of explaining [the] proceedings to a poorly educated defendant." His lowest score came in the category "time management," with a score of 8.8.

The majority of observers reported that proceedings in Chief Judge Hogan's courtroom were "mostly" audible. A number of observers, though, commented that Chief Judge Hogan "at times spoke too fast or softly to understand." Sidebar conferences, however, were sometimes audible to observers, though such proceedings are not supposed to be overheard. Chief Judge Hogan did encourage participants to speak up when necessary.

Honorable Ellen Segal Huvelle

Observed 10 times



Biography

Judge Ellen Segal Huvelle was appointed to the United States District Court in October 1999 by President Bill Clinton. She received her B.A. from Wellesley College in 1970, a Masters in City Planning from Yale University in 1972, and a J.D. from Boston College Law School in 1975.

Following law school, she served as law clerk to Chief Justice Edward F. Hennessey of the Massachusetts Supreme Judicial Court. Judge Huvelle was also an associate at the Washington law firm of Williams & Connolly and in 1984, she became a partner at that firm. She was appointed Associate Judge of the DC Superior Court in 1990 and served in the Civil, Criminal and Family Divisions until her appointment to the federal bench.

Judge Huvelle has been a Fellow of the American Bar Association, a member of the Edward Bennett Williams Inn of Court, and has taught trial practice at Harvard Law School's Trial Advocacy Workshop

Evaluation

Judge Huvelle received an overall score of 9.2, with a high of 9.5 in "respect for litigants, jurors, and witnesses." She was described as being "very patient, compassionate and professional ... [to] defendants facing the death penalty." Observers felt that Judge Huvelle was "relaxed and pleasant in putting jurors at ease." Judge Huvelle was observed to have dealt with a "fairly abrasive" prosecutor "reasonably firmly ... without compromising her own dignity."

Another observer praised her handling of courtroom management, stating "she was in total control!" Judge Huvelle's lowest ratings were 8.9 in the categories of both "patience" and "explanation of rulings and proceedings." During an observed juror selection, Judge Huvelle was described "as reading" a long list of explanations to potential and selected jurors ... at times she read very rapidly and her boredom seemed somewhat evident."

Proceedings in Judge Huvelle's courtroom were "mostly" audible, most observers reported, though some remarked that proceedings were only "sometimes" audible. Judge Huvelle regularly encouraged participants to speak into the microphones during proceedings.

Honorable Thomas P. Jackson

Observed 11 times

**Biography**

Judge Jackson was appointed United States District Judge for the District of Columbia in June 1982 by President Ronald Reagan, and took senior status in January 2002. He graduated from Dartmouth College in 1958 and Harvard Law School in 1964. Between college and law school, he served as an officer in the U.S. Navy.

Prior to his appointment to the federal bench, Judge Jackson practiced law for eighteen years, primarily as a civil litigator. At the time of his appointment to the Court, Judge Jackson was serving as President of the Bar Association of the District of Columbia.

Evaluation

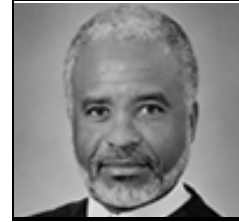
Judge Jackson received an overall score of 9.2. Observers felt his strongest category was “control of his courtroom,” with a score of 9.8. An observer noted that Judge Jackson gave “careful instructions to [the] defendant on his choice to testify or not.” He was complimented by one observer for stating that he was “willing to learn from the attorneys.”

A number of observers commented, however, that Judge Jackson appeared to have a hearing problem, which seemed to them to affect the flow of the proceedings in more than one instance. Judge Jackson received his lowest score, an 8.9, in the category “professionalism.”

Observers found that proceedings in Judge Jackson’s courtroom were “always” or “mostly” audible. However, sidebar conferences were audible to observers on at least three occasions. Observers noted that Judge Jackson “spoke too quietly” and “mumbled” while conducting court procedures.

Honorable Henry H. Kennedy

Observed 30 times

**Biography**

Judge Kennedy was appointed to the U.S. District Court in September 1997 by President Bill Clinton. He graduated from Princeton University in 1970 and received his J.D. from Harvard Law School in 1973. Following graduation, he worked for a short time for the law firm of Reavis, Pogue, Neal and Rose, then served as an Assistant United States Attorney for the District of Columbia.

From 1976 to 1979 Judge Kennedy served as a United States Magistrate for the United States District Court for the District of Columbia. In December 1979, he was appointed Associate Judge of the Superior Court of the District of Columbia, where he served until his appointment to the federal bench.

Evaluation

Judge Kennedy received an overall score of 9.2. Observers gave him his highest score, a 9.6, in the area of “respect for litigants, jurors, and witnesses.” Said one impressed observer, “The judge was very patient and polite towards a law student” acting as an attorney. Others found Judge Kennedy “controlled the courtroom in a very efficient manner,” and described him as “courteous and attentive” to the jurors.

Several observers, however, noted that Judge Kennedy “appeared bored” or “seemed removed” during proceedings. His lowest score was an 8.5 in the category “explanation of rulings and proceedings.” One observer felt, “the judge did not explain to those in the courtroom the nature of the proceedings, he just went straight to work.”

Proceedings in Judge Kennedy’s courtroom were in most instances described as “always” or “mostly” audible. A number of observers commented that Judge Kennedy “spoke softly.”

Honorable Gladys Kessler

Observed 15 times

Biography

Judge Kessler was appointed to the United States District Court for the District of Columbia in 1994 by President Bill Clinton. She received a B.A. from Cornell University and an LL.B. from Harvard Law School.



Following graduation, Judge Kessler was employed by the National Labor Relations Board, served as Legislative Assistant to a U.S. Senator and a U.S. Congressman, worked for the New York City Board of Education, and then opened a public interest law firm in Washington, DC. In 1977, she was appointed Associate Judge of the Superior Court of the District of Columbia, where from 1981 to 1985 Judge Kessler served as Presiding Judge of the Family Division

Judge Kessler has served as President of the National Association of Women Judges, and now serves on the Executive Committee of the ABA's Conference of Federal Trial Judges and the U.S. Judicial

Evaluation

Judge Kessler received an overall score of 9.5. Her scores ranged from a 9.7 for the categories of "professionalism," "control of courtroom," "respect for litigants, jurors and witnesses" to 9.1 in the category of "time management." One observer noted that Judge Kessler "appeared to be very professional, relaxed, companionable, and fair. She thoroughly elicited feedback when questionable matters arose to ensure that scheduling was fair to all parties involved."

She also "had a calming demeanor that was very capable in defusing heated debate." Judge Kessler also exhibited "sincere concern as to the well being of the defendant." Another observer commented that "the Judge gave exceptionally good [jury] instructions; she was very effective and easy to understand." She also "went out of her way to explain things clearly to the defendants."

Observers described proceedings in Judge Kessler's courtroom as either "always" or "mostly" audible. Microphones were consistently used and the Judge encouraged participants to speak up, and into the microphones, inside the courtroom.

Honorable Colleen Kollar-Kotelly

Observed 24 times



Biography

Judge Kollar-Kotelly was appointed to the United States District Court in 1997 by President Bill Clinton. She received her B.A. from The Catholic University of America in 1965 and her J.D. from Catholic University's Columbus School of Law in 1968.

Following law school, she served as law clerk to Judge Catherine B. Kelly of the District of Columbia Court of Appeals. Judge Kollar-Kotelly also acted as an attorney in the Criminal Division of the U.S. Department of Justice, chief legal counsel to Saint Elizabeth's Hospital. Judge Kollar-Kotelly was appointed Associate Judge of the D.C. Superior Court in 1984, and served there 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,

Evaluation

Judge Kollar-Kotelly received an overall score of 9.2. Her highest marks, an average of 9.3, came in both the categories "dignity" and "respect for litigants, jurors, and witnesses." The judge was observed to go "out of her way to make the witnesses comfortable and explain what was going to happen and what to expect in court." Judge Kollar-Kotelly also "clearly instructed the witnesses how to speak so that the interpreter could translate and the jury could understand."

Another observer also noticed that she was "very sensitive to the needs of non-English speakers." She was "notably efficient, polite to all, especially thoughtful towards [the] defendant." Judge Kollar-Kotelly's lowest score was an 8.9 in the category "patience." This may be attributable in part to a number of observers who remarked that she was "stern" and "tough," although some observers lauded her ability to "dispense tough love."

Proceedings in Judge Kollar-Kotelly's courtroom were, given an audibility rating of "always" audible, most of the time. Judge Kollar-Kotelly "insisted on the use of a microphone" by participants in the proceedings. Judge Kollar-Kotelly also regularly encouraged participants to speak up while inside the courtroom.

Honorable Royce C. Lamberth

Observed 25 times

**Biography**

Judge Lamberth received his appointment to the United States District Court for the District of Columbia in 1987 by President Ronald Reagan. He was appointed Presiding Judge of the U.S. Foreign Intelligence Surveillance Court in 1995 by Chief Justice Rehnquist.

He graduated from the University of Texas and from the University of Texas School of Law, receiving an LL.B. in 1967. He served as a Captain in the Judge Advocate General's Corps of the United States Army, including one year in Vietnam. After that, he became an Assistant United States Attorney for the District of Columbia. In 1978, Judge Lamberth became Chief of the Civil Division of the U.S. Attorney's Office, a position he held until his appointment to the federal bench.

Evaluation

Judge Lamberth received an overall score of 8.3, with a high score of 9.2 in the category "control of courtroom." In the words of one observer, Judge Lamberth "[kept] the trial moving. He did not let it get bogged down very much." Another observer stated, during a particularly tense proceeding, "he did an excellent job of maintaining control."

Another observer positively interpreted a display of impatience from Judge Lamberth, saying "this was because of the defendant's disrespect for [the] court and disregard for the rules/proceedings." Judge Lamberth's lowest score was an 8.0 in the category "politeness," and "professionalism." On two separate days, Judge Lamberth was observed eating during trial, which both observers considered "inappropriate."

Observers commented that proceedings in Judge Lamberth's courtroom were either "always" or "mostly" audible. Microphones were consistently utilized by Judge Lamberth and other participants inside the courtroom.

Honorable Richard J. Leon

Observed 16 times

**Biography**

Judge Leon was appointed to the United States District Court in 2002 by President George W. Bush. He received his A.B. from Holy Cross College in 1971, his J.D. cum laude from Suffolk Law School in 1974, and his LL.M. from Harvard Law School in 1981.

Prior to being appointed to the bench, Judge Leon was engaged in private practice in Washington, D.C. Earlier in his career, Judge Leon served at the U.S. Department of Justice in a number of positions. In addition, Judge Leon served as counsel to congressional committees in the investigations of three sitting Presidents and as Special Counsel to the U.S. House Ethics Reform Task Force. He also served as a Commissioner on the White House Fellows Commission and the Judicial Review Commission on Foreign Asset Control. A former full-time law professor at St. John's Law School, Judge Leon is currently an adjunct law professor at the Georgetown University Law Center.

Evaluation

Judge Leon received an overall score of 8.5, with a high of 9.1 in "objectivity," and "control of courtroom." He was observed to be "very engaged in the proceedings ... and providing appropriate guidance in a manner that was powerful yet not condescending. I was very impressed." Judge Leon was also complimented for consideration of jurors, with one observer saying, "this Judge was very mindful of the jury's time and took time to give them an explanation."

An observer also noted Judge Leon was "very pleasant and courteous." Judge Leon was also described as "very professional" and "engaged in the proceedings." His lowest score, an 8.0, came in the category "politeness." There were no comments which illuminated this general perception, however.

According to most observers, proceedings in Judge Leon's courtroom were "always" or "mostly" audible. A number of observers noted, however, that the Judge was difficult to hear at times because he spoke "rather quietly" and did not use the microphone.

Honorable Louis F. Oberdorfer

Observed 2 times

**Biography**

Judge Oberdorfer was appointed to the United States District Court in 1977 by President Jimmy Carter, and took senior status in July 1992. He graduated from Dartmouth College in 1939 and received an LL.B. from Yale Law School in 1946 after four years of military service. He was law clerk to Justice Hugo L. Black during the 1946 term of the U.S. Supreme Court.

Judge Oberdorfer was in private practice from 1947 until he became Assistant Attorney General, Tax Division, Department of Justice in 1961. When appointed to the bench, Judge Oberdorfer was a partner at the Washington law firm Wilmer, Cutler & Pickering. He also served as Co-Chairman of the Lawyers' Committee for Civil Rights Under Law, a member of the advisory committee on the Federal Rules of Civil Procedure, Chief Executive Officer of the Legal Services Corporation and President of

Evaluation

Too few observations were made of Judge Oberdorfer between February and April to provide a balanced evaluation. Volunteers attempted to observe Judge Oberdorfer at least 35 times. However, Judge Oberdorfer is a senior judge, and likely has a caseload significantly lower than the normal caseload of the active judges.

Honorable John G. Penn

Observed 12 times

**Biography**

Judge Penn was appointed United States District Judge for the District of Columbia in 1979 by President Jimmy Carter, and served as Chief Judge from March 1992 until July 1997. He took senior status in March 1998. He graduated from the University of Massachusetts with an A.B. in 1954, and received an LL.B. from the Boston University School of Law in 1957. He attended the Woodrow Wilson School of International & Public Affairs at Princeton University from 1967 to 1968, where he was a National Institute of Public Affairs Fellow, and later attended the National Judicial College, University of Nevada.

Judge Penn has served in the U.S. Army Judge Advocate General's Corps. He has also served as a Trial Attorney, Reviewer, and Assistant Chief of the General Litigation Section, Tax Division, Department of Justice, and as an Associate Judge of the Superior Court of the District of Columbia.

Evaluation

Judge Penn received an overall score of 9.5. Observers gave him his highest score, a 9.7, in the category "control of courtroom." Said one observer, "Judge Penn seemed completely engaged by the proceedings and took lots of notes while managing the attorneys and witnesses to make sure that the jury knew what was going on." He was observed to be "very kind and professional" while asking attorneys "some very tough questions."

Other observers commented on his particular attention to the well-being of the jury, noting Judge Penn "was very kind to the jury" and "always included a brief lay explanation for his rulings." Observers remarked on his "complete control of his courtroom," and thought he "ran his courtroom well with a minimum of fuss." Observers also commented that Judge Penn was "very professional." His lowest score, a 9.1, came in the category "time management."

Proceedings in Judge Penn's courtroom were audible either "always" or "most" of the time. He consistently utilized the microphones inside of the courtroom.

Honorable Richard W. Roberts

Observed 20 times

**Biography**

Judge Roberts was appointed to the US District Court in 1998 by President Bill Clinton. He graduated cum laude from Vassar College in 1974, and received an M.I.A. from the School for International Training and a J.D. from Columbia University in 1978.

Prior to his appointment to the bench, Judge Roberts served for three years as Chief of the Criminal Section in the Civil Rights Division of the U.S. Department of Justice. Previously, Judge Roberts was the Principal Assistant U.S. Attorney for the District of Columbia. In prior posts, he served as an Assistant U.S. Attorney for the Southern District of New York, an associate with Covington & Burling and a trial attorney in the Criminal Section in the Civil Rights Division of the U.S. Department of Justice.

Evaluation

Judge Roberts received an overall score of 9.3, with his highest score of 9.6 in the category of “control of courtroom.” One observer stated that Judge Roberts “had excellent court presence and control.” Another observer commented, “The judge appeared riveted by the proceedings and relaxed and easy to talk to.” During a jury selection Judge Roberts “dealt courteously” with “several potential jurors who clearly did not want to fulfill jury duty [and were] testing the Judge’s patience.”

Observers described Judge Roberts as “professional” and “charismatic,” and often commented on his “good sense of humor.” His low score of 8.8 came in the category “explanation of rulings and proceedings.” Some observers appeared to give low scores for *over*-explanation, such as when one observer wrote of Judge Roberts’s jury instructions, “I doubt that if many jury members followed the subtleties of his analysis.” Another remarked that his jury instruction was “very detailed.”

Judge Roberts’ courtroom proceedings were either “always” or “mostly” audible to observers. In a few instances, however, sidebar conferences were audible to the observers. Judge Roberts also regularly encouraged participants in the proceedings to speak up.

Honorable James Robertson

Observed 16 times

**Biography**

Judge Robertson was appointed United States District Judge in 1994 by President Bill Clinton. He graduated from Princeton University in 1959 and received an LL.B. from George Washington University Law School in 1965 after serving in the U.S. Navy.

Judge Robertson has worked in private practice with the law firm of Wilmer, Cutler & Pickering and served with the Lawyers' Committee for Civil Rights Under Law as chief counsel of the Committee's litigation offices and also as director.

While in private practice, Judge Robertson served as president of the District of Columbia Bar, co-chair of the Lawyers' Committee for Civil Rights Under Law and president of Southern Africa Legal Services

Evaluation

Judge Robertson received an overall score of 9.2, receiving his highest score of 9.6 in the category of "control of courtroom." Stated one observer, "[Judge] Robertson could be a model for a good movie judge." Another said that the "Judge was very efficient, having received [a] case at the last minute."

Other observers praised his ability to explain proceedings and effectively deliver jury instructions. However, one observer noted that Judge Robertson was "eating as he was stepping away from his podium." Judge Robertson received a low score of 8.8 in the category "time management." An observer stated, "Judge Robertson was almost 20 minutes late. However, he offered no explanation for the delay."

Of the eleven observers who commented on the audibility in Judge Robertson's courtroom, ten stated that the proceedings were "always" audible. In one instance when the white noise machine was not used to obscure a bench discussion, an observer reported that she "had to make some effort to not hear the [sidebar] discussion." Judge Robertson consistently utilized the microphones to assist in the proceedings.

Honorable Emmet G. Sullivan

Observed 19 times

**Biography**

Judge Sullivan was appointed by President Bill Clinton as United States District Judge for the District of Columbia in 1994. He received his Bachelor of Arts Degree in Political Science from Howard University in 1968 and his Juris Doctor Degree from the Howard University School of Law in 1971.

Upon graduation from law school, Judge Sullivan was the recipient of a Reginald Heber Smith Fellowship and was assigned to the Neighborhood Legal Services Program. He then served as a law clerk to Superior Court Judge James A. Washington, Jr.

Judge Sullivan has worked in private practice, and has been a member of a number of bar associations, court advisory and rules committees. As an Associate Judge of the Superior Court, Judge Sullivan was one of only seven judges in the twenty-four year history of that court to have

Evaluation

Judge Sullivan received an overall score of 9.2. His highest score was a 9.5 in the category “respect for litigants, jurors, and witnesses.” Said one observer, “the judge was very kind to the witness, explaining and asking questions to make sure she was comfortable with testifying and understood her rights.” Another thought Judge Sullivan “[leaned] over backwards to make sure defendants’ rights are protected.”

More than one observer commented on his considerate and thoughtful treatment towards jurors. Another observer commented that Judge Sullivan “seemed to emit a strong aura about him that supplemented his knowledge.” Judge Sullivan was described by one observer as “brusque and impatient” with counsel, though another observer found he “had a great amount of patience and was courteous and professional at all times.” Judge Sullivan’s lowest score of 9.0 came in the area “time management.”

Observers found proceedings in Judge Sullivan’s courtroom “always” or “mostly” audible. Judge Sullivan regularly encouraged participants to speak up during proceedings.

Honorable Ricardo M. Urbina

Observed 12 times

**Biography**

Judge Urbina was appointed to the United States District Court in 1994 by President Bill Clinton. He received his B.A. from Georgetown University in 1967 and graduated from the Georgetown University Law Center in 1970.

Judge Urbina has served as staff attorney for the D.C. Public Defender Service, worked in private practice, taught at Howard University Law School and directed the university's Criminal Justice Program. He was appointed Associate Judge of the Superior Court of the District of Columbia in April 1981, and served as Presiding Judge of the Court's Family Division from 1985 to 1988.

Evaluation

Judge Urbina received an average score of 9.7, with high marks in all categories. His highest scores, a 9.8, came in the categories "objectivity" and "respect for litigants, jurors, and witnesses." One observer noted that he "gives [the] impression of being kind and considerate but also quietly mentions any mistakes, tardiness, etc." Another observer found Judge Urbina "followed the proceedings very attentively, was dignified [and] effective."

Others also praised the manner in which he dealt with defendants. One observer stated, "Judge Urbina was very understanding towards the defendants, [he] offered good explanations concerning procedures." Judge Urbina also gave "clear and specific explanations to the jury." Judge Urbina's lowest score came in the area of "time management," where he received a 9.3.

In the aggregate, the proceedings in Judge Urbina's court were "mostly" audible to observers, with a number of comments suggesting that the attorneys' microphones require greater volume or repair. On at least two occasions observers remarked that sidebar conferences were partially audible. A number of observers noted that Judge Urbina did make consistent use of microphones during proceedings and encouraged participants to speak up.

Honorable Reggie B. Walton

Observed 21 times



Biography

Judge Reggie B. Walton assumed his position as a United States District Judge for the District of Columbia in 2001, after being nominated to the position by President George W. Bush and confirmed by the United States Senate. Judge Walton received his B.A. from West Virginia State College in 1971 and his J.D. from The American University, Washington College of Law, in 1974.

Judge Walton previously served as an Associate Judge of the Superior Court of the District of Columbia. While serving on the Superior Court, Judge Walton was the court's Presiding Judge of the Family Division, Presiding Judge of the Domestic Violence Unit and Deputy Presiding Judge of the Criminal Division.

Between 1989 and 1991, Judge Walton served as President George H. W. Bush's Associate Director in the Office of National Drug Control Policy in the Executive Office of the President and as President Bush's Senior White House Advisor for Crime. Judge Walton also served in the Office of the United States Attorney in Washington, DC, and prior to that he was a staff attorney in the Defender Association of Philadelphia.

Evaluation

Judge Walton received an overall score of 9.4. His highest rated category was “professionalism” with a 9.6. Judge Walton was described as “very fair to both sides during the proceedings.” Another observer stated, the “Judge did a good job of explaining why he felt he could not allow the defendant to remain free on bond pending sentencing on appeal.”

Another observer praised his ability in explaining to jurors “terms like ‘stipulation,’ ‘expert witness testimony.’ Very impressive.” However, one observer commented that Judge Walton “demonstrated body language which could influence the jury to disregard certain statements.” Judge Walton’s lowest rated category was “time management” with an 8.9. One observer noted, “Everyone had been present and waiting for at least 20 minutes before he showed up.”

Twenty of the 21 observers of Judge Walton’s courtroom made audibility comments. Of these, 16 observers found the proceedings in Judge Walton’s courtroom to be “always” audible. During a few observations sidebar conferences were partially audible to observers. Judge Walton also effectively utilized microphones inside his courtroom.

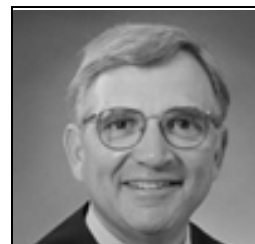
C. Magistrate Judges

Honorable John M. Facciola

Observed 30 times

Biography

Magistrate Judge Facciola was appointed a United States Magistrate Judge in 1997. He received his A.B. in 1966 from the College of the Holy Cross and his J.D. from the Georgetown University Law Center in 1969.



Following law school, Magistrate Judge Facciola served as an Assistant District Attorney in Manhattan, and also worked in private practice in the District of Columbia. He joined the U.S. Attorney's Office for DC in 1982 and served as Chief of the Special Proceedings section from 1989 until his appointment as Magistrate Judge.

Magistrate Judge Facciola is an adjunct professor of law at Catholic University. He is a fellow of the American Bar Foundation and a member of the Board of Governors of the John Carroll Society.

Evaluation

Judge Facciola received an overall score of 8.7. He received his highest score of 9.4 in the category of "control of courtroom." The judge was "very attentive to the proceedings" and "seemed to have outstanding knowledge of previous court cases/proceedings." Observers commented that Judge Facciola's courtroom was especially busy, and that he "kept things moving at a brisk pace." This pace, however, resulted in one observer noting that on more than one occasion the Judge's quick wit "could be offensive to the overly sensitive." Judge Facciola's lowest score of 7.8 came in the category of "explanation of rulings and proceedings."

The overall audibility in Judge Facciola's courtroom was quite good, and most observers remarked that the proceedings were audible "always" or "most" of the time. On one occasion, when the air conditioning was noticeably loud, he made "special effort for an attorney to be heard." Observers sometimes mentioned the Judge's tendency to speak "quietly" and, at times "too rapidly." In one case, the Judge's rapid speech caused "one interpreter to complain (politely) that she hadn't had time to translate. The magistrate slowed down a bit after that" On at least three occasions, observers could hear the sidebar conversations from the gallery.

Honorable Alan Kay

Observed 16 times

**Biography**

Magistrate Judge Kay was appointed a United States Magistrate Judge in 1991. He is a graduate of George Washington University, receiving a B.A. in 1957 and a J.D. from its National Law Center in 1959.

Magistrate Judge Kay clerked for U.S. District Court Judges Alexander Holtzoff and William B. Jones. He was an attorney with the Public Defender Service and served in the U.S. Attorney's Office for DC. From 1967 until his appointment, he was in private practice in the District of Columbia.

Evaluation

Judge Kay received an overall score of 9.1. His highest score was a 9.5 in the category "politeness." Judge Kay was described by one observer as "[a]mazingly unjaded and willing to give the defendants a fair opportunity (i.e., those sent to drug treatment)." Another observer commended Judge Kay by stating he "was very encouraging towards a defendant who was successfully undertaking drug treatment but had one slip and was back for a sanction hearing - he was encouraging without being condescending."

One observer said Judge Kay "knows how to manage a courtroom. He did not rush anyone, but he processed cases like clockwork." However, what one observer perceived to be thoroughness may have been perceived as unnecessary delay by other observers. This may explain why Judge Kay's lowest score, an 8.1, came in the category "time management."

Observers marked that proceedings were "always" or "mostly" audible in Judge Kay's courtroom. In the rare instance that Judge Kay could not be heard was when he was speaking away from the microphone.

Honorable Deborah A. Robinson

Observed 16 times

**Biography**

Magistrate Judge Robinson was sworn in as United States Magistrate in 1988. She is a graduate of Morgan State University and Emory University School of Law. Magistrate Judge Robinson clerked for Chief Judge H. Carl Moultrie I of the Superior Court of the District of Columbia from 1978 to 1979. Following her clerkship, she joined the United States Attorney's Office for the District of Columbia, where she served for eight years prior to

Evaluation

Overall, Judge Robinson received a score of 9.1. Her highest score of 9.3 came in the categories "professionalism," and "politeness." She was commended by one observer who stated, "Judge Robinson appeared to carefully consider the case before her . . . I was very impressed with her professionalism." She was also considered "dignified" and "authoritative" by observers, and described as being "patient with the attorneys." Her lowest score of 8.4 came in the area of "time management."

With regard to the audibility of proceedings in Judge Robinson's courtroom, observers reported the most mixed result of any judge. In the aggregate, most observers reported that proceedings were "mostly" or "rarely" audible. More than one observer noted that Judge Robinson's courtroom, number 25, had "poor acoustics." Another observer stated that, "the air conditioner was so loud it was hard to hear the proceedings." Instances where observers had difficulty hearing occurred when microphones were not utilized.

D. Bankruptcy Judge

Honorable S. Martin Teel, Jr.

Observed 2 times

Biography

Judge S. Martin Teel, Jr. has served as U.S. Bankruptcy Judge for the District of Columbia since 1988. He graduated in 1970 from the University of Virginia School of Law, and has clerked for Judge Roger Robb of the U.S. Court of Appeals for the D.C. Circuit.

Judge Teel has also served at the Tax Division of the U.S. Department of Justice (first as a trial attorney and then as an assistant section chief) and is a founding member and a past president of the Congressman Walter T. Chandler American Inn of Court. He serves on the Bankruptcy Judges



Evaluation

Too few observations were made of Judge Teel to provide a balanced evaluation for this observation project. Volunteers attempted to observe Judge Teel at least 20 times.

VII. Major Findings and Recommendations

The report's findings and recommendations come directly from the content of the forms returned by court observers between the months of February through April 2004. For organizational purposes this report groups the observations in five main categories: *physical facilities*, *disability access*, *judges*, *security personnel* and *general*. Some recommendations address more than one area, but the report placed them in the category to which they would contribute the most. The "Court" and "US District Court" refer to the United States District Court for DC.

Physical Facilities

1) **Finding: It is difficult to find your way to and around the US District Court.**

The most frequent comment under the recommendation section of the observation form was the Courthouse's lack of directional signs. Observers had a very difficult time trying to find the courtrooms and especially the restrooms. "If there is a cafeteria in this building it can only be found by asking, there are no signs," said an observer.

Recommendations:

- The US District Court should improve the building directory and keep it up to date.
- The Court should put a building map of each courtroom and administrative offices on each floor for easy navigation for the public.
- The Court should improve restroom signage by installing signs that 'jut out' from the corners at the end of the hallways.
- DC Government should add directional signs to the US District Court throughout the vicinity of the courthouse.

The Courthouse does need to improve their directory as one observer noted that "the court should have a better numbering system/directory. It is very confusing trying to find the courtrooms." Having a detailed building directory with a better numbering system for the different rooms of the building will alleviate much of the confusion in accessing the different areas of the Courthouse.

2) **Finding: There is no public seating above the main floor in the hallways of the US District Court.**

Observers noted that the Courthouse does not have any seating for people using the court. The only available seating is in the main floor hallway and the benches are very uncomfortable.

Recommendation:

- The US District Court should provide more seating in the hallways on the main floor and provide additional seating in the hallways throughout the building.

One way of doing this could be done by implementing a ‘park bench’ seating arrangement in the various floors of the Courthouse alongside the walls. This will not interfere with the flow of the hallways but will add the necessary seating that is needed in a public building such as this.

3) Finding: The US District Court does not have sufficient public phones.

Phones were a constant cause for concern for many observers, and many of them had to use their cell phone to place phone calls. Most of the phones throughout the Courthouse do not work or have been removed causing more of a problem. Cell phone reception inside the building is poor.

Recommendation:

- The Court should address the phone problem by arranging for the installation of new public phones on each floor of the building and making them more visible to the public.

Having an adequate phone system is very important. It would be to the US District Court’s advantage to fix this problem and treat it as part of its overall building infrastructure improvement strategy.

Disability Access

4) Finding: The US District Court does not have adequate signage or systems in place to guide a person with a disability to enter the building or to find the building from the nearest metro stop.

Many observers complained that there is no ramp for wheelchairs at the Constitution Avenue entrance making it difficult for disabled people to use that entrance way. Also, there are no highly-visible signs pointing to the plaza entrance as the only way for persons in wheelchairs to enter the courthouse. There are no directional signs from the metro pointing to ramps that lead to the courthouse, nor any ramps that could lead to the courthouse. One observer noted that, “I haven’t seen any ramps that could be negotiated by someone in a wheelchair.” If being dropped off by car, a disabled person would have to walk about half a city block to access the plaza entrance, and once reached, there are no signs indicating that it is disability accessible. The closest bus stop on Constitution Avenue is about one city block from the handicapped person’s entrance, and this stop has no signs that indicate the direction towards the courthouse. One observer noted that the only sign saying that the handicapped person’s entrance was on the west side was “obscure and not near to the curb where they might be discharged from a vehicle.”

Recommendations :

- The US District Court should improve wheelchair access to the courthouse by building a ramp at the Constitution Avenue entrance.

- The DC Government should add directional signs to the Courthouse from the Judiciary Square Metro station and from bus stops around the courthouse.
- The US District Court should improve its disability access signs outside the building.

The issue of signs in and around the Judiciary Square metro stop, the closest stop to the US District Court for DC, was mentioned on various observation forms. One observer stated that the “DC Government needs to put signs, arrows, and directions to all the various buildings [n that area], it is something of a maze.” Yet another observer commented that the “DC Government should put up more directional signs leading to the Courthouse from the blocks around the building itself.” That would create less confusion and allow for a more fluid movement of people who are first-time visitors to the court.

5) Finding: The US District Court does not have adequate restrooms for people with disabilities.

There are no power-assist buttons in any of the bathrooms, making it difficult for a person with a disability to open the door with ease. It is also very difficult for a person in a wheelchair to maneuver into the bathroom since one must open a door and enter through a hallway with an estimated width of about three feet. “Many areas of the court are narrow in width, raising problems for those in wheelchairs, e.g., court entrance, restrooms, etc.,” said one frustrated observer.

Recommendations :

- The US District Court should enlarge one stall per bathroom for a person in a wheelchair.
- The US District Court should provide power-assist buttons to open bathroom doors, especially the ones located in the basement which are marked handicap accessible.
- The US District Court should ensure that one restroom per floor is wheelchair accessible.

One of the major concerns in terms of accessibility into the restrooms is the narrow doorway that leads inside towards the restroom. A person in a wheel chair would have a difficult time negotiating the turn and positioning his wheelchair to go into a stall. The US District Court should widen the doorways for the restrooms and add power-assist buttons so people with disabilities can have the same access as the rest of the public.

6) Finding: The doors of the courtrooms are too heavy for the elderly and for people with disabilities.

An observer noted that while they were watching a proceeding, a “man in a wheelchair came into the courtroom. First, he had difficulty getting into the courtroom through the [heavy] set of doors, and second, while waiting in the gallery he stopped in the aisle because there was no room for his wheelchair anywhere.”

Recommendation:

- The US District Court should add power-assist buttons to the doors that lead to the courtrooms since they are very heavy for a person with a disability to use.

This issue came up on many an observation form time and time again. Power assist buttons will greatly reduce the time it takes for an elderly person or a person with a disability to use the Courthouse's facilities. With only one power-assist button in a building of over five stories, it is important for the US District Court to address this issue promptly.

Judges

7) Finding: The judge's daily schedules are not posted in a timely manner outside their respective courtrooms.

Many observers remarked about the fact that they had no idea if the judge was even sitting in court that day because they would go in and see no one inside the courtroom and no schedule posted for the day as late as 10 am. One observer lamented the size of the font used for the schedules, saying it was "too small," and that "it makes it difficult to read especially if a person has low vision."

Recommendation:

- The US District Court should post all judges' daily schedules outside his or her courtroom by 8:30 am every day.

This will help in creating less confusion about what judge is hearing what case and at what time. It is understood that a judge's schedule may change without notice, but having a most up-to-date schedule posted outside of the courtroom early in the day is very important.

8) Finding: In some cases, the judges did not start the proceedings on time and provided little, if any, information as to the reason for the delay.

Recommendation:

- US District Court judges should provide the public with an explanation as to why a proceeding was started late, as a courtesy and to improve public confidence in the justice system.

9) Finding: Judges too frequently permit sidebar discussions during court proceedings which interrupt the flow of the proceedings, without an explanation as to why they are necessary at that time.

Observers complained that they did not know what was happening when sidebar was occurring and judges did not offer any explanation which complicated the matter even further.

Recommendation:

- US District Court judges should make an effort to minimize sidebar conferences and explain why they are necessary when they take place.

Building Security Personnel

10) Finding: Security screening process on the John Marshall Plaza entrance of the US District Court consistently slows down if a group of 5 or more people enters at one time.

This problem was especially troublesome when a line started to form outside the building in freezing temperatures. Courthouse visitors got annoyed at the lack of speediness and reliability when it came to screening people. This may be a reason for the rudeness of some of the contract security personnel at the entrances and the lack of patience of the people entering the Courthouse. A frustrated observer noted that there isn't "much room [between] the outside door and security," and reported that "the crowd created a long line out the door and it took a while to get through the line."

Recommendation:

- US District Court should provide contract security personnel at entrances with better x-ray machines and metal detectors.

Along with better security screening and customer service training, the US District Court should provide better equipment for the contract security personnel to handle groups of people that could visit the court at any one time. Better equipment will alleviate frustration and will allow a smoother and more relaxed visit to the court. This entails, however, a belief that these three issues are equally important: security screening training, customer service skills and better equipment.

11) Finding: US District Court contract security personnel at the entrances lacked proper customer service and screening training during times of heavy activity.

Many observers commented that the guards at the entrances were very "rude" and the whole security screening process "does not run smoothly" especially when it comes to dealing with crowds of 5 or more. Said one observer: "I found the conduct of the security guards to be inappropriate and rude."

Recommendation:

- US District Court should provide the contract security personnel screening guards at the entrances with better equipment and training, specifically customer service training.

Providing the contract security personnel at the entrances with better customer service skills will improve the interaction between the Courthouse visitors and themselves, therefore creating an environment that will allow people to be more patient if mishaps occur.

General

12) Finding: Some of the proceedings at the US District Court are not as audible as they should be, making it difficult for people in the courtroom’s gallery to understand what is happening.

Recommendations :

- The US District Court judges should have all participants in any proceeding speak clearly into microphones.
- The US District Court should also have regular audibility tests throughout the courtrooms to ensure proper audibility at all times.

13) Finding: The benches in the public gallery of the courtrooms are very uncomfortable.

Many observers complained about the abuse their backs suffered sitting on the wooden benches inside the courtrooms, one observer complained that “the benches inside the courtrooms are very uncomfortable and the Court should do something about this issue.”

Recommendation:

- The US District Court should provide ergonomically-correct seating for people in the gallery or provide benches with cushions.

The US District Court should provide cushioned benches inside the courthouses for people with disabilities and back problems.

14) Finding: Technology at US District Court differs greatly from courtroom to courtroom.

The contrast in the difference of the “tech-savvy” courtrooms is best illustrated by the following comment of an observer that has been in both, “I was impressed by the implementation of the ‘high tech’ courtroom. Jurors, audience members, judge, attorneys, and court personnel all have access to view evidence through monitors throughout the courtroom.” There should be a greater emphasis on uniformity throughout the courthouse in terms of technology.

Recommendation:

- The US District Court should improve courtroom technology throughout the building to improve the court’s administration of justice.

Court observers noted that the technology in some courtrooms varied compared to other courtrooms in the building. The US District Court should take the time to close the technological gap inside the different courtrooms of the building.

15) Finding: The weekly judicial schedules offered on the US District Court's web site are frequently inaccurate.

Recommendation:

- The US District Court should improve the reliability of their online calendar by regularly updating it and tracking changes in schedules in a timely manner.

Observers who went to the web site for the US District Court for DC (<www.dcd.uscourts.gov>) found it an excellent source of information (the judicial biographies presented in this report are abridged versions of those available on the court's web site). However, observers found the court's weekly online schedule was frequently inaccurate - listing some proceedings as starting at 4:00 am or at 8:00 pm - or was outdated. We are aware of efforts by the US District Court for DC to remedy this problem, and we encourage them to do so as soon as possible.

Appendix I

Listing of All Observer Recommendations

Clerk's Office

1. More public access terminals for people in Clerk's Office.

Community Outreach

2. Translate courthouse documents into other languages.
3. Make place more "user friendly."

Court Personnel

4. Court personnel must impose courthouse rules.
5. Marshal kept falling asleep in the proceeding; prevent incidents like this.
6. Minimize walking in and out of proceedings by court personnel.
7. Make Marshals more identifiable like police officers.

Courtroom

8. Provide better audibility in courtrooms.
9. Make courtroom benches more comfortable for the public.
10. Provide more screens for the public to see what the jury sees.
11. Improved courtroom technology should be uniform throughout the building.
12. Court monitors look "dated"; update monitors.
13. Have a child care facility; crying babies in the courtroom are disrupting.
14. Use simpler language that people can understand.

Disability Access

15. Provide better wheelchair access to the courtroom.
16. Improve heavy courtroom doors for the disabled and elderly.
17. Increase disability access.
18. Add ramps to the courthouse entrance for the disabled.
19. Enlarge one stall per bathroom for wheelchairs.
20. Make Clerk's Office computers handicapped accessible.
21. Improve handicapped access in the restrooms (women's #2811).

Judges

22. Post judges' schedules as early as possible.
23. Start proceedings on time or provide more info if late.
24. Too many sidebars; explain why they occur.
25. Increase font size of daily printed schedules.
26. Explain delays of attorneys and judges.
27. Bankruptcy judge needs to order that all docs/exhibits are simple and readable.
28. Inform public better of types of cases inside courtrooms.
29. Judges should curtail "wisecracks" in courtroom.
30. Post all judges' schedules in one place downstairs.
31. Provide a monitor with up-to-date info on judges' schedules for the day

Jury Management

32. Jurors unawake and uninterested; must improve.
33. Make better use of juror's time.
34. Provide jurors with magazines and newspapers while they wait.
35. Use written forms and discontinue public questioning of prospective jurors.

Physical Facilities

36. Improve building directory, provide a map on each floor, provide restroom signage.
37. Increase temperature throughout courthouse.
38. Provide hallway seating for the public.
39. Better maintenance and filtering for drinking fountains.
40. Place an electronic board in the courthouse entrance with each judge's name and courtroom.
41. Enlarge the courthouse entrance to accommodate large crowds.
42. Need public phones; cell phones have minimal reception inside.
43. Fix bathroom locks on first floor bathroom.
44. Increase size of the cafeteria.
45. Post visible rules or guidelines for the public.
46. Cafeteria tables need to be cleaned more often.
47. Restock vending machines more frequently.
48. Cafeteria needs better labeling for hot and cold cups.
49. Better menus in the cafeteria needed.
50. Restrooms need seat covers.
51. More tables to work on needed.
52. Provide hooks for coats.
53. Improve furniture.
54. Improve the cleanliness.

Security

55. Better customer service training for courthouse security.
56. Improve metal detectors and X-ray machines on the West Entrance.
57. Have security officer outside juror's lounge to avoid unauthorized access.
58. Have female security guard screen females at entrances.

General

59. Have better directional signs to the courthouse provided by the DC government.
60. Summarize charges for trial on posted wall schedules.
61. Provide better attorney representation of defendants.
62. Improve accuracy of calenders on the website and Clerk's Office.
65. Eliminate the reference to "so help you God" from the swearing-in of witnesses.

Appendix II
Sample Observation Form

Council for Court Excellence Court Community Observers Project
US District Court for DC Observation Form
PLEASE WRITE LEGIBLY

Observer's Name: _____ Date: _____

Judge/Magistrate (if applicable): _____ Court / room #: _____

What time did you arrive at the courthouse? _____

What time did you depart from the courthouse? _____

Section Observed (use a separate observation form for each section if you observe in more than one place in a day):

- | | | |
|---|---|---|
| <input type="checkbox"/> Court
(Please fill out sections
1-12, 15-16) | <input type="checkbox"/> Clerk's Office
(Please fill out sections 10-16) | <input type="checkbox"/> Juror's Lounge
(Please fill out sections 10-16) |
|---|---|---|

If you observed in court, was it Civil or Criminal

1. Proceedings

What kind of proceedings did you observe? Remember that in US District Court, the judges will preside over all types of matter, including criminal, and civil. Please check all that apply. On the line next to the proceeding type, please indicate approximately how many of each proceeding you observed, as best you can determine.

- | | | |
|---|--|---|
| <input type="checkbox"/> Pre-trial Hearing _____ | <input type="checkbox"/> Preliminary Hearing _____ | <input type="checkbox"/> Arraignment _____ |
| <input type="checkbox"/> Motion Hearing _____ | <input type="checkbox"/> Scheduling Conference _____ | <input type="checkbox"/> Accepting a Plea _____ |
| <input type="checkbox"/> Bench Trial (No Jury) _____ | <input type="checkbox"/> Jury Trial _____ | <input type="checkbox"/> Sentencing Hearing _____ |
| <input type="checkbox"/> Other (please describe)
_____ | | |

2. Judges and Magistrates

As best you can, please rank the following characteristics of the judge/magistrate on a scale of 1 through 10, with 10 being the highest and 1 being the lowest.

- | | | |
|-----------------------|----------------------------|--|
| Dignity _____ | Control of courtroom _____ | Time Management _____ |
| Politeness _____ | Patience _____ | Respect for litigants/jurors/witnesses _____ |
| Professionalism _____ | Objectivity _____ | Explanation of rulings/proceedings _____ |

You are not limited to these categories: please discuss anything that you find significant in the judge's or magistrate's performance. Detailed anecdotes are very helpful. If you are unsure whether a topic is appropriate, please include the information anyway.

3. Utilization of Court Time

Was there a schedule outside the courtroom? Yes. No.

If there was a schedule outside the courtroom, were those matters heard by the judge today? Yes. No. Don't know

If the listed matter(s) were not heard, was there an explanation? Yes. No.

If so, what was the explanation? _____

What time was the court session scheduled to begin? _____

What time did it actually begin? _____

If there was a delayed start time, what was the reason?

Attorney late Judge late Plaintiff late Defendant late Witness late Court personnel late

Previous case took longer than time allotted for it

Other (specify: _____)

Unclear

What time did the judge/magistrate take the bench? _____

Did the judge provide any breaks? Yes. No.

If yes, did they end when expected? Yes. No. Don't know

Were there any delays during the session? Yes. No.

If yes, did the judge/magistrate explain the reasons? Yes. No.

If yes, what reason was given?

If no, what did you think was the reason for the delay?

4. Prosecuting or Plaintiff’s Attorneys

Were the prosecuting/plaintiff’s attorneys well prepared?

- Always. Mostly. Sometimes. Rarely. Never.

Were the attorneys polite to the witnesses?

- Always. Mostly. Sometimes. Rarely. Never.

Did you observe anything particularly noteworthy about the prosecuting/plaintiff’s attorneys’ performance? Please comment.

5. Defense Attorneys

Were the defense attorneys well prepared?

- Always. Mostly. Sometimes. Rarely. Never.

Were the attorneys polite to the witnesses?

- Always. Mostly. Sometimes. Rarely. Never.

Did you observe anything particularly noteworthy about the defense attorneys’ performance? Please comment.

6. Audibility

Were proceedings audible? Always. Mostly. Sometimes. Rarely. Never.

Could you hear bench, or “sidebar” conferences?

- Always. Mostly. Sometimes. Rarely. Never.

If you could not hear the open proceedings, please explain why (e.g., poor acoustics, judge spoke too softly, etc.)?

Were microphones and loudspeakers available? Yes. No. Don’t know.

If available, were they used? Yes. No. Don’t know.

If used, were they effective? Yes. No. Don’t know.

Did the judge encourage participants to speak up? Yes. No.

7. Jury Management

- Did you observe any jury selection? Yes. No. Don't know.
- During the jury selection process, could you overhear jurors' conversations at the bench? Yes. No. Don't know.
- During trial, were jurors taking notes? Yes. No. Don't know.
- Were the jurors permitted to take notes? Yes. No. Don't know.
- Did jurors ask questions? Yes. No. Don't know.
- Were the jurors permitted to ask questions? Yes. No. Don't know.
- Were the instructions and explanations given to jurors clear? Yes. No. Don't know.
- Was the jury's time efficiently utilized? Yes. Somewhat. Not at all.

Other comments:

8. Arraignment Proceedings

- Did the magistrate make sure defendants understood the proceedings? Yes. No. Don't know.
- If any defendant pleaded guilty, did the magistrate explain to the defendant that if they are not a US citizen, their plea could have an impact on their immigration and naturalization status? Yes. No. Don't know.
- Was the physical facility (e.g., size, available seating, lighting, etc.) of arraignment court adequate? Yes. No.

Other comments:

9. Preliminary Hearings

- Could you understand what was happening? Yes. No. Don't know.
- Did the judicial officer determine if there was *probable cause* to bring charges against the defendant? Yes. No. Don't know.

Was the physical facility (e.g., size, available seating, lighting, etc.) of preliminary hearings court adequate? Yes. No.

Other comments:

10. Court Personnel

Which court personnel were present (e.g., courtroom clerks, court officers, court reporter, security officers, etc.)?

Based on your observations or interactions, were court personnel efficient, helpful, and polite? Yes. No.

Please explain.

Did anyone appear to have trouble understanding or making themselves understood, in English or otherwise? If so, please explain.

11. Bias and Civility

Was it your perception that anyone was treated inappropriately or differently based on gender, race, ethnicity, religion, age, disability status, sexual orientation, economic status, etc.? Yes. No.

If yes, please explain how and by whom.

If there was inappropriate behavior on the part of the attorneys, court personnel, or others, did the judge/magistrate intervene to stop it? Yes. No.

12. Physical Facilities

Please comment on the room where you sat today (e.g., size, judges's bench, seating arrangement, floors, lighting, temperature, cleanliness, security measures, etc.)?

Are the facilities accommodating and accessible for courthouse users, including those with disabilities (e.g., ramps, elevators, railings, appropriately-sized accommodations, directional signs, etc)?

Yes.

No.

If no, please explain:

Please rank the condition and accessibility of the following courthouse facilities on a scale of 1 through 10, with 10 being the highest and 1 being the lowest.

	Cleanliness	Disability accessible	Safety	Functionality
Courthouse Entrance:	_____	_____	_____	_____
Restrooms:	_____	_____	_____	_____
Cafeteria:	_____	_____	_____	_____
Elevators/Escalators:	_____	_____	_____	_____

Please describe any aspect of the court facilities that could be improved.

13. US District Court Clerk's Offices *(Fill out only if observing Clerk's Offices)*

The lines and waiting are reasonably short: Always. Sometimes. Never.

The counter is adequately staffed: Always. Sometimes. Never.

Counter personnel are polite and helpful: Always. Sometimes. Never.

Please describe any other noteworthy aspect of the Clerk's Office.

14. US District Court Juror's Lounge *(Fill out only if observing Juror's Lounge)*

Was the physical facility (e.g., size, available seating, lighting, etc.) of the Juror's Lounge adequate? Yes. No. Don't know.

Please rank the cleanliness of the Juror's Lounge on a scale of 1 - 10, with 10 being the highest and 1 being the lowest. _____

Did you observe a juror orientation session? Yes. No. Don't know.

Putting yourself in the place of a prospective juror, did you find the orientation session instructive? Completely. Somewhat. Not at all.

Other Comments:

15. Recommendations

This section is important to CCE because quotes from observers are frequently used in its public reports. Please give any suggestions you have to improve: performance of judges, magistrates, attorneys, and court personnel; court efficiency; appearance of fairness; the court's service to the public; physical facility; court management; or any other aspect of the court's performance.

16. Use this additional space to write about anything, including continuing an earlier observation or making an observation which does not necessarily conform to this questionnaire. (For example, you may have observed an especially novel technological use in the courtroom, either by the judge or by an attorney to assist in their presentation.)

Important!

At the end of each observation day, please return your completed form (via mail or fax)

to:

Council for Court Excellence ● Suite 510 ● 1717 K St., N.W. ● Washington, DC 20036

Fax: 202.785.5922

Phone: 202.785.5917

COUNCIL FOR COURT EXCELLENCE

The Council for Court Excellence is a nonprofit, nonpartisan, civic organization that was formed in Washington, D.C. in January 1982. The Council works to improve the administration of justice in the local and federal courts and related agencies in the Washington metropolitan area and in the nation. The Council accomplishes this goal by:

- identifying and promoting court reforms,
- improving public access to justice, and
- increasing public understanding and support of our justice system.

The Council is governed by a volunteer Board of Directors composed of members of the judicial, legal, business, and civic communities. The Council is unique in bringing together all of those communities in common purpose to address court reform and access to justice needs. The Board accomplishes the work of the Council through direct participation in Council committees. The Council employs a small staff to assist the Board in meeting the objectives of the organization. Financial support comes from members of the Board, businesses, law firms, individuals, and foundations.

The Council for Court Excellence has built a substantial record of success in the major court reform initiatives it has undertaken. The Council has been the moving force behind adoption of the one day/one trial jury system in the D.C. Superior Court, modernization of the jury system, reform of the District of Columbia probate laws and procedures, expansion of crime victims' rights, improvement in court handling of child abuse and neglect cases, proposing methods to speed resolution of criminal cases, and proposing methods to speed resolution of civil cases by the D.C. trial and appellate courts. To improve the public's access to justice and increase their understanding of our justice system, the Council over the years has published and disseminated over 300,000 copies of plain-language booklets and other materials explaining a wide variety of court proceedings.

Linda L. Bostick
Project Chair

Hon. Vanessa Ruiz
Public Service Committee Chair

June B. Kress
Executive Director

Priscilla S. Skillman
Assistant Director

Peter M. Willner
Senior Policy Analyst

Julio C. Lainez
Program Analyst

Council for Court Excellence
1717 K Street, NW
Suite 510
Washington, DC 20036
Telephone: 202.785.5917
Fax: 202.785.5922
Website: www.courtexcellence.org