



CCE

ANNUAL REPORT
2008

Letter From The Executive Director

Dear CCE Board Members:

I am pleased to present the Council for Court Excellence's Annual Report for 2008, a year marked by a significant change in leadership with the election in June of a new chairman of the Board of Directors. We thank Michael Rogers for his robust three-year term and welcome Marie Johns as our new Board Chair.

The year was also marked by a significant amount of substantive work, some research-oriented and other efforts directed at public education, all focused on timely priorities outlined in our long-range plan. Important publications completed were the 3rd edition of CCE's Practice Manual for Child Abuse and Neglect Cases in the District of Columbia and new English and Spanish editions of the Community Guide to the Courts. Other publications were begun with strong CCE committees to determine their content, including the Guide to the DC Juvenile Justice System and the Journalists' Handbook to the Courts in the District of Columbia.

CCE Board members testified on key criminal justice bills dealing with parole credit and eyewitness identification topics, and the CCE Pedestrian Safety Committee was instrumental in the DC Council's passing legislation to improve pedestrian safety.

The focus on community education continued, with several CCE public programs. One was a panel discussion among high level members of the legislative, executive and judicial branches that identified topics about reentry for the Criminal Justice Committee to pursue. The second was a well-attended forum in August at the David A. Clarke School of Law featuring the two candidates for chief judge of the DC Superior Court. The third was an educational panel program on interstate custody issues for family law practitioners.

Other project highlights this year included a roundtable discussion among members of the Business and the Courts Committee, and an evaluation of the effect of juvenile speedy trial legislation, conducted for the Council of the District of Columbia.

In between working hard, CCE Board members and guests celebrated at the 12th Annual Justice Potter Stewart Dinner, where we were pleased to be joined by long-time Board member Mrs. Potter Stewart. Board member engagement was later marked by a series of awards presented at the end of the year to our most active leaders who were recognized by their peers for extraordinary achievements.

Another hallmark of the year's accomplishments was the number of partnerships CCE developed in connection with our project priorities. The forum featuring the Superior Court judicial candidates was co-sponsored by many of DC's voluntary bar associations. Another key partnership began with Street Law, a well-regarded program at Georgetown University Law Center, that helped to revitalize CCE's School Jury Education Program. We also worked closely with a number of justice system stakeholders, like the US Attorney's Office, the DC Attorney General's Office, the Public Defender Service, the Court Services and Offender Supervision Agency, Pretrial Services Agency, the Bureau of Prisons, and the US Parole Commission, as well as with private organizations ranging from AARP to smaller direct service providers of legal and social services in the District of Columbia.

And then, as the economic winds of change began to blow, CCE held an economic summit of key leaders in October that resulted in our taking proactive steps to construct a budget for 2009 that reduced expenses significantly from 2008 and earlier levels while maintaining our existing staffing pattern. This achievement, while difficult, capped a year of accomplishments and positioned CCE well to meet the financial challenges of the coming year.



June B. Kress
Executive Director

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About CCE

Formed in Washington, DC in January 1982, the Council for Court Excellence is a nonprofit, nonpartisan civic organization. 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 justice system reform,
- 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 legal, business, civic, and judicial 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 the members of the Board, businesses, law firms, individuals, foundations, and occasionally government.

The Council for Court Excellence has built a substantial record of success in the major justice system reform initiatives it has undertaken. The Council has been the moving force behind adoption of the one day/one trial jury system in the DC Superior Court, modernization of trial jury and grand jury systems, reform of the District of Columbia probate laws and procedures, reform of the DC administrative adjudication system, improvement in handling of child neglect and abuse cases, expansion of crime victim rights, proposing methods to speed resolution of criminal cases, and proposing methods to speed resolution of civil cases by the DC 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 distributed over 350,000 copies of plain-language booklets and other materials explaining a wide variety of court systems.

Executive Committee Members Recognized

At the November 2008 Executive Committee Meeting, CCE president Rod Page presented several awards to honor outgoing committee members. The first award was presented to Fred Miller in appreciation of his serving as Treasurer and member of the Executive Committee from 2001–2008, and for consistently securing generous financial support from his firm, PricewaterhouseCoopers, towards the Stewart Dinner and Capital Campaign. Elliott Adler was presented with a Horsky Award for his stewardship and leadership of the Finance Committee over a 16-year period, including the past seven years as Chair. Bill Robinson was also presented with a Horsky Award that was given for twelve years of service on the Executive Committee, including serving as Secretary, and for his ability and willingness to garner considerable financial support for CCE from his company, GEICO.



Fred Miller & Rod Page



Bill Robinson & Rod Page



Elliott Adler & Rod Page



○ L to R: Pete Willner, John Clark, Avis Buchanan, Ted Whitehouse, Cliff Keenan, Judge Mary Ellen Abrecht, Tom Hutchison

Criminal Justice Committee

The Criminal Justice Committee, chaired by Steve Gordon, was active on a number of fronts throughout 2008:

- The Committee presented a panel program, *The Impact of the 1997 Revitalization Act on DC Offenders: Perceptions vs. Realities*, on February 15, 2008, to an audience of approximately 125. The program was co-sponsored by the DC Bar's Courts, Lawyers and the Administration of Justice Section, and the DC Bar's Criminal Law and Individual Rights Section. Moderated by Eric Holder, the panel included Avis Buchanan, Director of the Public Defender Service; Philip Fornaci, Executive Director of the DC Prisoners' Project; Isaac Fulwood, Commissioner of the US Parole Board; Harley Lappin, Director of the Federal Bureau of Prisons; Paul Quander, Director of the Court Services and Offender Supervision Agency; and Judge Frederick Weisberg, Associate Judge of the DC Superior Court.

The discussion touched on important issues: Has there been better treatment of prisoners and persons returning to the community from prison since the Revitalization Act? Should DC be in full control of the regulations governing DC ex-offenders who are on parole and supervised release? Have reentry possibilities been enhanced by the Revitalization Act? What are best practices for managing people on parole or supervised release when they start to "slip?" How has the Act affected judicial decision-making?

Special thanks to Ted Whitehouse, who chaired this effort, and to his subcommittee: Judge Mary Ellen Abrecht, Avis Buchanan, John Clark and Cliff Keenan. Thanks as well to the agency representatives who helped the subcommittee's planning efforts: Judi Garrett of the Federal Bureau of Prisons, Cedric Hendricks of the Court Services and Offender Supervision Agency, Dr. Kim Hunt of the DC Sentencing and Criminal Code Revision Commission, Tom Hutchison of the US Parole Commission, and Robert Okun of the US Attorney's Office for DC.

The full Criminal Justice Committee convened three times following the program and, in October 2008, agreed on a scope of work for a new CCE project focused on identifying and reducing impediments to employment of persons with a criminal record. That ongoing project, led by Ted Whitehouse, is called the DC Prisoner Reentry Initiative.

- The Criminal Justice Committee submitted written testimony on behalf of CCE to the DC Council on Bill 17-750, the "Parole Credit Maintenance Amendment Act of 2008." The Act proposed changes to existing law for DC offenders on parole for crimes committed before August 5, 2000 by giving them credit toward their sentences for "street time" already served on parole, in the event that they are returned to prison for a violation of their parole. It would make additional changes that could affect the length and conditions of their parole. In general, the Act would bring DC law governing parolees more into line with federal law. CCE's testimony offered a comparison of the proposed legislation to existing federal law and the law of selected states, such as Virginia, Maryland, Pennsylvania, New Jersey and New York.

- In October 2008, the Criminal Justice Committee also submitted written testimony to the DC Council on Bill 17-841, "Eyewitness Identification Procedures Act of 2008." CCE supported the strategies included in the proposed Act that research shows substantially improve eyewitness identifications: (1) "double-blind" administration of the identification procedure, where the person conducting the procedure does not know who the suspect is; (2) specific instructions to the witness beforehand that the suspect might or might not appear; and (3) sequential presentation so that individuals are presented to the witness one at a time rather than all at once. However, CCE noted that other procedures the proposed Act requires and the remedies it proposes for noncompliance go far beyond model legislation. Thanks to Leslie McAdoo Gordon and Steve Gordon, Criminal Justice Committee Chair, for developing the CCE testimony on the parole credit and eyewitness identification topics.

- The ad hoc Pedestrian Safety Committee, led by CCE Board member Dr. Edward Burger under the auspices of the Criminal Justice Committee, scored an important victory with the passage by the DC Council of the Pedestrian Safety Reinforcement Amendment Act of 2008. The Act incorporated a revised fine schedule, based on research the Pedestrian Safety Committee provided to the DC Council, that is comparable to other jurisdictions' fines for enforcement of traffic laws for motor vehicles, pedestrians, and bicycles. Dr. Ed Burger, Susan Brinkerhoff, Larry Hobart, and Paul Pearlstein represented the committee twice in testimony before the DC Council Committee on Public Works and the Environment, on March 6 and June 20, 2008.

Thanks to Dr. Burger and his committee for their important, continuing work. The CCE Pedestrian Safety Committee members are Jim Bishop, Susan Brinkerhoff, Evelyn Coburn, Ellen Eager, Sam Harahan, Larry Hobart, Cliff Keenan, Victor Long, Jim Mercurio, Jim Nathanson, Paul Pearlstein, and Arabella Teal. The committee is joined in its work by the AARP and the Medical Society of DC.



Panelists at the Interstate child custody and child support program.

Children in the Courts Committee

The Children in the Courts Committee, chaired by Deborah Luxenberg, undertook four initiatives in 2008.

- In February 2008, the committee presented a well-attended educational panel program which explored the legal complexities of handling child custody and child support disputes that involve parents in more than one state. Deborah Luxenberg moderated the program, and members of the panel were Deborah Goelman and Darren Mitchell of the Legal Resource Center on Violence Against Women, Adrienne Day of the Office of the Attorney General for DC, and Dorrance Dickens of Luxenberg, Johnson & Dickens. Practitioners from a wide variety of family law backgrounds attended the program.

The planning committee for the program was Deborah Luxenberg, Barbara Kagan, Joan Strand, and Arabella Teal of CCE's board, and Avi Sickel of the DC Superior Court. CCE extends special thanks to Barbara and her firm Steptoe & Johnson for generously hosting the event.

- In summer 2008, CCE published the third edition of the *Practice Manual for Child Abuse and Neglect Cases in the District of Columbia*. The Manual is a comprehensive reference work of 16 chapters and 13 appendices, used by both attorneys and judges, and it is offered for sale on CCE's website in both print and CD versions. Deborah Luxenberg chaired the advisory committee for the Manual, board member Joan Strand wrote one of the Appendices, and board firm Covington & Burling provided pro bono research assistance.

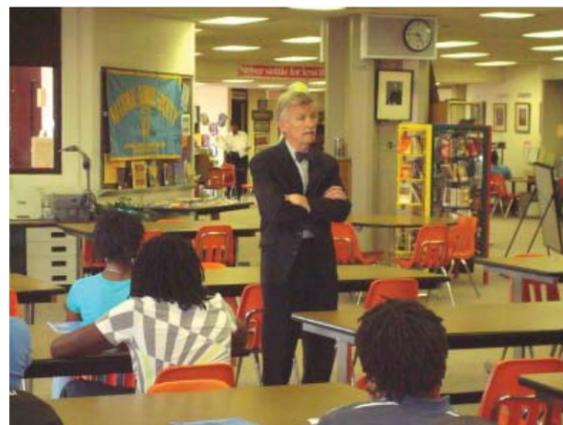
- In September 2008, CCE published the Final Evaluation of the Effect of Juvenile Speedy Trial Emergency Legislation, a study conducted under contract to the DC Council. The new "speedy trial" law – passed temporarily to allow for the evaluation study to take place – established the first-ever DC trial deadline for juveniles placed in out-of-home "shelter care" prior to trial. A statutory trial deadline had already existed for youth placed in secure detention prior to trial. CCE presented the findings of its evaluation in testimony before the DC Council Judiciary Committee in October 2008.

- Finally, work continued throughout 2008 on a *Guide to the DC Juvenile Justice System* to be published in 2009. The guide will explain to parents, youth, victims, and the community at large in plain English (and Spanish) what happens, who is involved, and what their roles are, from the time a youth is detained by police until he or she leaves the juvenile justice system.

Robert Spagnoletti chaired the project committee, and CCE board members Cliff Keenan, Judge Richard Levie, Ray Sczudlo, Arabella Teal, and Andy Wise served on the committee. They were joined by Margaret Duval, formerly of the DC Bar Pro Bono Program, Bonnie Hannan of the Office of the Attorney General for DC, Judge William Jackson of the DC Superior Court Family Court, Hannah McElhinny of the Public Defender Service for DC, Jessica Sandoval of the Campaign for Youth Justice, and Vincent Schiraldi of the DC Department of Youth Rehabilitation Services.



○ Judge Anita Josey-Herring & Chief Judge Lee Satterfield



○ Judge Greg Mize

Public Service Committee

The Public Service Committee, chaired by Judge Noel Kramer, undertook four initiatives in 2008.

- On August 4, 2008, the Public Service Committee presented a well-attended community forum featuring the two candidates competing for the position of Chief Judge of the DC Superior Court, the Hon. Anita Josey-Herring and the Hon. Lee F. Satterfield. CCE President Rod Page introduced the forum and CCE Chair Marie Johns served as the program moderator. The candidates offered remarks and responded to many audience questions about their qualifications, priorities, and plans if selected as Chief Judge. The program was timed to permit audience members to submit their written comments to the DC Judicial Nomination Commission by its August 8 deadline.

In addition to the UDC David A. Clarke School of Law, which hosted the event, CCE's co-sponsors for the event were the Asian-Pacific American Bar Association of the Greater Washington DC Area, Bar Association of DC, DC Consortium of Legal Services Providers, Gaylaw, GWAC Foundation, Hispanic Bar Association of DC, Washington Bar Association, Women's Bar Association of DC, and the Women's Bar Association Foundation of DC.

- In the spring of 2008, CCE published new English and Spanish editions of the *Community Guide to the Courts*. This was the first complete update of CCE's first community education booklet, originally published in 1989. This guide describes the federal, District of Columbia, Virginia, and Maryland court systems, and it gives general information about civil, criminal, and juvenile cases. During the remainder of 2008, CCE distributed approximately 10,000 copies of the two guides to the community through the DC Public Library system and through various Latino community organizations.

CCE board participants in this project were Susan Brinkerhoff, Cary Feldman, Leslye Givarz, Vicky McEneny, Steven Schneebaum, Kenneth Stallard, Victor Salgado, Arabella Teal, and Ted Whitehouse. CCE also thanks the GEICO Philanthropic Foundation for printing the guides as a public service, and Bill Robinson and Larry Hinton for arranging that contribution.

- In May and December 2008, CCE presented four jury education programs in DC high schools. The jury education project partnered with the Street Law program, in which Georgetown University Law Center students teach an elective civics education class in DC's public and charter schools. CCE uses its video-mock-trial, *Guilty or Not Guilty? You Decide*, to have students learn directly about the jury system by challenging them to become the jurors in the case and try to reach a unanimous verdict. CCE brings a judge to each session to offer introductory remarks, provide jury instructions, assist the jury's deliberation, and engage in a question and answer session with the students after their verdict. DC Superior Court Judges Craig Iscoe and Gregory Mize, both CCE board members, and Jennifer Anderson participated in the 2008 programs.

Thanks also go to US District Judge Richard Roberts and his colleagues for providing financial support for this civic education partnership, and to GULC Professor Rick Roe and Clinical Teaching Fellow Charisma Holmes for arranging CCE's access to Street Law classrooms.

- The project committee which formed in late 2007 to research and write a *Journalists' Handbook to the Courts in the District of Columbia* continued its work throughout 2008. The Handbook, to be published in 2009, will describe the processes and policies of the local and federal court in the District, as well as legal terminology and general court information. In so doing, the Handbook will assist journalists to report knowledgeably and accurately about the law, trial and appellate proceedings, and other court-related activities. Also, the Handbook will be designed to aid media organizations by serving as a teaching tool for reporters, including students in local area journalism schools, who need to learn about the District of Columbia local and federal court systems.

The committee was co-chaired in 2008 by CCE Board members Laura Handman of Davis Wright & Tremaine; Eric Lieberman, of The Washington Post; and Lanny Breuer, of Covington & Burling. The 2008 committee members were CCE board members Ronald Jessamy, Lee Levine, Paul Pearlstein, and Arabella Teal; plus Barry Coburn, of Trout Cacheris; Lucy Dalglish, of the Reporter's Committee for Freedom of the Press; Jerald Fritz, of Allbritton Communications Company; Leah Gurowitz, of the DC Courts; Chief Judge Lee Satterfield, of the DC Superior Court; Sheldon Snook, of the US District Court for DC; and Kurt Wimmer, of Gannett Co., Inc. Additional editing was provided by Andy Glass of CCE's board and Jack Murphy of the Maryland-DC Press Association.



L to R: Avis Buchanan, Eric Holder, Philip Fornaci, Isaac Fulwood, Harley Lappin, Paul Quander, Judge Frederick Weisburg



Peter Willner & DC Councilmember Phil Mendelson

Court Improvements Committee

The Court Improvements Committee, chaired by Jay Hulme, focused its efforts on one major project in 2008, the Business and the Courts Project.

- Mid-year, the CCE Business and the Courts Project convened a roundtable discussion with in-house and outside counsel about the state of commercial litigation in the District of Columbia and nationwide best practices in commercial litigation, based on the view that improvements in these areas might contribute to the city's increased economic vitality. The meeting was well attended and the conclusion reached was that CCE's Business and the Courts Project should conduct a formal study of this topic and make recommendations for improvement.

The half-day session was moderated by Business and the Courts Project committee chairman Marc Sherman and was hosted by committee member Bruce Berger at the law office of Spriggs & Hollingsworth. Special thanks to Business and the Courts project committee members David Cynamon, Roy Goldberg, Curtis Lu and Patrick McGlone for helping to plan the Roundtable. Thanks to the Business and the Courts project committee members for their participation in the Roundtable and in their continuing work: Leslye Givarz, Ann Kappler, Jim Lee, Richard Luchs, Carol Melamed, John Oberdorfer, Michael Rogers, and Jim Tuite, as well as those additional CCE board members in attendance, Brian Schwalb and Jay Hulme.

Justice Potter Stewart Dinner

A sold-out crowd gathered at the U.S. Chamber of Commerce on Thursday, May 8, to celebrate the Council for Court Excellence's 12th Annual Justice Potter Stewart Award Dinner. Judge James Robertson of the US District Court for the District of Columbia presented the Justice Potter Stewart Award to John Payton for his exemplary contributions to the District's justice system as Corporation Counsel, president of the Bar, co-chair of the Lawyers' Committee on Civil Rights and Urban Affairs, and vice chair of the Public Defender Service. Also honored with the Justice Potter Stewart Award was Maureen Thornton Syracuse, for her leadership promoting, facilitating and providing pro-bono services for the poor and disadvantaged in the District of Columbia. Her award was presented by longtime Board member John Nields.

The Council for Court Excellence is grateful to Mrs. Potter Stewart for her continued support and guidance, and honored that she was able to join us for 2008's festivities. We also thank Peter Kolker of Zuckerman Spaeder for chairing the Award Selection Committee, and Bill Jeffress of Baker Botts and Ann Kappler of WilmerHale for co-chairing the Dinner Committee. Finally, the Council thanks all of the contributors to its 12th Annual Justice Potter Stewart Award Dinner.



John Payton



Maureen Thornton Syracuse

Maureen Syracuse & Mrs. Potter Stewart



Jay Hulme, Barbara Wahl & June Kress

Michael Rogers & Rod Page



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L to R: Craig Hoover, Fred Cooke, Judge Anthony Epstein, Chief Judge David Sentelle

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Honorable Richard W. Roberts*

Honorable James Robertson**

Honorable Ricardo M. Urbina

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Honorable Vanessa Ruiz

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The Council's Financial Year in Summary:

Total Support and Revenue	730,481
Expenses:	
Program	674,026
Administrative	66,327
Resource Development	89,079
Total Expenses	829,432
Excess (deficiency) of revenue over expenses	(98,951)



Michael Rogers and Rod Page



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