

# **Council for Court Excellence**

## **Report and Recommendations of the Court Community Observers Project in the District of Columbia Superior Court and its Criminal Division**



**“Justice is too important a matter to be left to the judges, or even the 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**

**July 2002**

# Council for Court Excellence

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 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 legal, business, judicial, 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 DC Superior Court, modernization of the jury system, reform of the District of Columbia probate laws and procedures, expansion of crime victim rights, improvement in court handling of child abuse and neglect 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 disseminated over 250,000 copies of plain-language booklets and other materials explaining a wide variety of court procedures.

This report details the findings and recommendations of our volunteer community observers regarding the Criminal Division of the District of Columbia Superior Court, including the Jurors' Lounge and Criminal Division Clerk's Office. We hope their observations and recommendations will be valuable to court officials and to the broader community.

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](http://www.courtexcellence.org)

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## **I. Foreword**

In February 2002, the Council for Court Excellence launched its second Court Community Observers Project. The Council held its first court observation project in 2000, and was conducted in the DC Superior Court with a particular focus on the Civil Division. 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.

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 Criminal Division of the District of Columbia Superior Court conducted in the first half of 2002. A diverse group of more than 90 people from all walks of life contributed their time as volunteer court observers. From February through April, they made nearly 300 separate in-court observations, comprising 750 hours of observation time. This report presents the observers' findings regarding virtually all publicly-accessible aspects of the Criminal Division, including courtrooms assigned to the Division, and the Criminal Division Clerk's Office; plus 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 Chairwoman. The guidance of Ms. Bostick and her Committee, drawn from the Council's Public Service Committee - including Magistrate Judge Evelyn Coburn, Ellen Eager, Linda Lee, Judge Gregory Mize, Tom Monheim, Jim Nathanson, Paul Pearlstein, Dr. Mary Quinn, Michael Waldman, and Committee Chair Judge Vanessa Ruiz - were invaluable to the project's success. 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 members of the Board of the Council for Court Excellence.

We appreciate the considerable assistance Dr. Beatrix Siman of American University and Barbara Yeomans and the DC League of Women Voters provided by helping recruit observers.

Special thanks to DC Superior Court Chief Judge Rufus King, Criminal Division Presiding Judge Noel Anketell Kramer, Deputy Presiding Judge Harold Cushenberry, Clerk of Court Duane Delaney, and Criminal Division Director Dan Cipullo and his 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 interns Meredith Story, Ondrea Taylor,

and Jessica Weinstein, for the daily management of this ambitious undertaking; and to interns Stacy Harper and Becky Keeley 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 in Appendix I and on the inside back 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, more than 90 civic-minded volunteers from the Washington, DC community devoted the months of February, March, and April 2002 to taking a fresh look at the District of Columbia Superior Court. They observed the court’s physical facilities, court operations, the performance and demeanor of court employees, and the performance and demeanor of the judges of the court’s Criminal Division. 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 criminal division judges and magistrate judges. 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 258 evaluations of the judges and magistrate judges, 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.

Finding one’s way to and through the courthouse was difficult for 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 everyone is important. Each observer was asked to note any example 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:**

1. **Finding: The DC Superior Court Drug Court is an innovative and valuable program. Recommendation: DC Courts administration should make a strong effort to inform the broad DC community about the Drug Court and other innovative court programs.**

2. **Finding:** Numerous inefficiencies waste the time of courtroom participants.  
**Recommendation:** DC Superior Court leadership should study their scheduling system for the Criminal Division, and Criminal Division judges should use non-courtroom time to handle scheduling matters.
3. **Finding:** Public proceedings in the courtrooms are too often inaudible to the public.  
**Recommendation:** All judges should use courtroom microphones and should require other speakers to use microphones.
4. **Finding:** It is difficult to find the DC Superior Courthouse from the Metro.  
**Recommendation:** The DC Courts should post a sign and map at the Judiciary Square Metro station exit guiding visitors to the courts. On all exterior courthouse signs, the DC Courts should add a directional arrow pointing to the courthouse entrance.
5. **Finding:** It is difficult to find one's way in the DC Superior Courthouse.  
**Recommendation:** DC Courts administration should place more, better, and bilingual or pictorial signs throughout the Courthouse.
6. **Finding:** Courthouse signs often display inaccurate information.  
**Recommendation:** DC Courts administration should regularly inspect and update courthouse signs.
7. **Finding:** There is no consistent procedure followed throughout the courthouse to identify whether the public is allowed to enter the courtroom.  
**Recommendation:** DC Courts administration should publish and enforce a uniform policy prescribing procedures and signs to be used to exclude the public from closed proceedings.
8. **Finding:** Routine maintenance is not adequate for the DC Courthouse's level of activity.  
**Recommendation:** The DC Courts administration should be proactive in checking and fixing maintenance problems on a regular basis.
9. **Finding:** Excessive noise in courthouse corridors is distracting to spectators in the courtroom gallery.  
**Recommendation:** DC Courts administration should ensure that activities in courthouse corridors do not intrude on courtroom proceedings.
10. **Finding:** There are excessive line delays at the DC Superior courthouse entrance.  
**Recommendation:** DC Courts administration should increase the number of security stations at the DC courthouse.
11. **Finding:** The DC Courthouse has inadequate disability access and accommodations.  
**Recommendation:** DC Courts administration should improve the wheelchair accessibility of the courthouse.

### **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 DC Superior Court criminal trials and other criminal court proceedings and the Criminal Division Clerk's offices.

**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 conducting court observation projects throughout the New York state court system for more than 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 6 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:

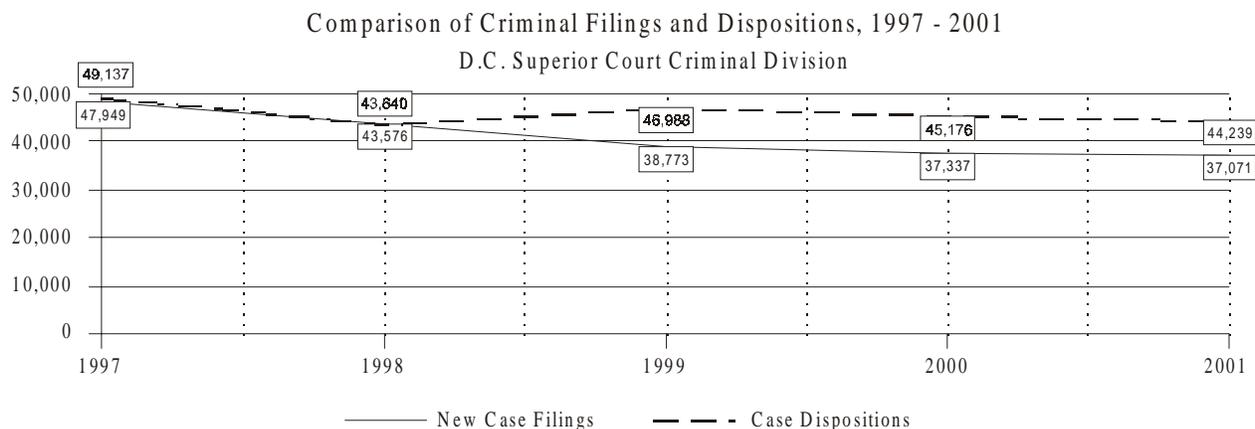
- ▶ create and maintain an ongoing, meaningful exchange between the community and the judiciary;
- ▶ provide information to enable the courts to be more responsive and sensitive to the needs of the communities they serve;
- ▶ educate the community about the daily functions and operation of the courts;
- ▶ 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.

## What is the Function of the Criminal Division?

When a crime is committed, not only the victim is harmed, but the community is harmed as well. Therefore, in criminal cases, the government, acting on behalf of the community, brings the charges against the accused, and an attorney representing the government prosecutes the case. The Criminal Division of the District of Columbia Superior Court hears criminal cases involving adults. Examples of criminal cases include robbery, murder, rape, assault, drug offenses, driving while intoxicated, burglary, arson, public drunkenness, driving without a license, and many others. The Criminal Division is comprised of five branches: Felony, Serious Misdemeanor, District of Columbia and Traffic; Special Proceedings; and Legal Assistance (which serves as the liaison between the Superior Court and the Department of Corrections, the Bureau of Prisons, and other criminal justice agencies).

## Measures of Criminal Division Activity

- 1. Criminal case filings have declined by 23%** in the five-year period 1997 to 2001, as shown in the chart below. This reflects the drop in the reported crime rate in the city, though the level of activity in the Criminal Division is still quite high. For each of the past five years, the Criminal Division has disposed of more cases than were filed that year. In 2001, the Criminal Division disposed of over 44,000 cases.



Source: *2001 Annual Report of the District of Columbia Courts*. "New Case Filings" and "Case Dispositions." Pp. 68 and 69.

2. **Only 2% of all criminal cases went to trial in 2001.** The vast majority of criminal cases in the Superior Court are resolved without a trial. Of the 44,239 criminal matters disposed of in 2001, only 989, or 2%, went to trial. The table below shows how criminal cases were disposed of in the Criminal Division of the DC Superior Court in 2001.

<b>Types of Criminal Case Dispositions</b>	<b>Number of Criminal Cases Disposed</b>	<b>Percent of Criminal Cases Disposed</b>
Trial (by Jury or by Judge)	989	2%
Guilty pleas taken	8,082	18%
Defendant absconded <sup>1</sup>	7,159	16%
Cases dismissed prior to adjudication <sup>2</sup>	12,971	29%
Cases dismissed during adjudication	4,874	11%
Other <sup>3</sup>	6,878	16%
Unexplained <sup>4</sup>	3,286	8%
<b>Total</b>	<b>44,239</b>	<b>100%</b>

Source: *2001 Annual Report of the District of Columbia Courts*. "Criminal Activity for 2001." P. 74.

<sup>1</sup>"Abscond" means to flee to avoid a legal process or proceeding.

<sup>2</sup>Includes cases which are "no papered" (6,768 cases), "nolle prosequi" (5,102 cases), "dismissed" (861 cases), and "other" (240 cases).

<sup>3</sup>Includes cases where the defendant is found incompetent to stand trial (38 cases), forfeited their security (2,263 cases), other (103 cases), placed under mental observation (148 cases), placed in pretrial diversion such as Drug Court (1,175 cases), and where the case is "transferred out" (2,911 cases).

<sup>4</sup>The DC Courts *2001 Annual Report* offers conflicting data on 2001 case dispositions. One table, "Case Dispositions" (page 69), which offers summary case disposition data on all major divisions of the DC Superior Court from 1997 through 2001, includes "special proceedings" as part of the Criminal Division's case disposition statistics. A later table, "Criminal Activity for 2001," which offers detailed criminal case filing and disposition information for 2001, does not incorporate "special proceedings." The difference between the two tables is 3,526 cases.

## **IV. DC Superior Courthouse**

### **Physical Facilities Findings**

The Council for Court Excellence community volunteers observed and evaluated the physical facilities of the Superior Court of the District of Columbia, because they affect and make a strong impression on every person who enters the DC courthouse. The H. Carl Moultrie I Courthouse is a busy urban courthouse, with thousands of persons using the building every day. The courthouse is a large, eight-level rectangular building. The public portion of the building has a central core housing the main building entry, escalators, elevators, and restrooms; and flanking wings housing the courtrooms, clerks' offices, waiting areas, and other public facilities. 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 237 times and were assigned a "grade" of 1 through 10 by each observer; with 1 being the lowest and 10 being the highest.

Observers rated the cleanliness and safety of the courthouse entrance an average of 8, and the accessibility for disabled visitors and functionality rated 8's as well. Visitors enter the DC courthouse through relatively heavy and closely spaced outer and inner doors, neither of which has a power-assist button to accommodate people with limited mobility or strength. Visitors then 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. Many observers noted the delays that visitors experience at the courthouse entrance. The Court's occasional use of only one of the two public entrance ways on the Indiana Avenue side of the building slowed entry to the courthouse. This observation is very similar to that reported last year during the observation of the civil division.

Once observers gained entry to the courthouse, their concerns about inadequate directional signs were common. Very few directional signs are visible from the courthouse entrance. This makes it difficult for visitors to find their way through the courthouse without waiting in line at the information desk or stopping passersby. This is a repeat of the observation that was made last year at this time. There is no general directory or map of the entire building giving the location of commonly sought offices (the jury lounge, small claims court, landlord & tenant court, etc.) or explaining the courtroom numbering system. Rather, each floor of the building has a map of that floor only, and some of those maps have outdated information. Furthermore, at the courthouse entry, observers found no directional signs in Spanish. The only new centrally located sign in the courthouse entrance lobby installed since last year's observer report is one giving the location of the courthouse cafeteria, a welcome addition. One observer said, "[u]pon reaching the floor on which a courtroom is located, there could be more obvious directional signs placed near the floor map. There are signs above the hallway entrances, but the floor map types aren't as functional."

The core of the courthouse building has fairly large public restrooms on each floor close to the

elevators and escalators, with some other smaller facilities being located in the building wings. The restrooms of the courthouse achieved a rating of 8 overall, though observers reported that with their heavy use they frequently needed cleaning or repair. Several volunteers commented that the restrooms were consistently messy, there was liquid on the floor or toilets, bag hooks were missing from the stall doors, there was no soap, and doors didn't lock.

The courthouse provides a public cafeteria on the lowest level of the building, two floors below the Indiana Avenue entrance level. The cafeteria is managed by a private contractor. On average, volunteers reported that the cafeteria rated an 8 on cleanliness, accessibility for disabled citizens, safety, and functionality. Reasons for occasional lower ratings included a shortage of clean tables, supplies being missing, and long lines.

In general, observers assigned a good score to the elevators and escalators. Occasional lower scores related to volunteers' concerns that elevators are slow and escalators are out of service. The volunteers also often commented that the escalators and elevators could be a bit wider to better accommodate persons with disabilities.

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 upholstered theater-style 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.

## **V. Court Offices and Personnel**

### **Bias and Civility Findings**

The DC 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 DC Superior 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 288 observations, volunteers reported observing no instances of bias. This is consistent with the findings of last year's observation project.

### **Criminal Division Clerk's Office Findings**

The Criminal Division Clerk's Office provides essential support to the operation of the Division and is a primary place for public interaction with the Division. 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. Observers were asked questions relating to the waiting lines, organization of the office, and

personnel. The questions were answered on a three-point scale: “always,” “sometimes,” or “never.”

Six volunteers observed the Criminal Division Clerk’s Office, each doing it once, for a total of nine hours. When asked about the frequency of short waiting lines, adequately staffed counters, and polite staff, five observers responded on with “always” or “sometimes” to all questions. The observers universally commended the Clerk’s Office as a well-functioning and orderly office. Clerk’s Office staff were perceived as efficient and courteous, though on one occasion an observer commented that Clerk’s Office staff seemed to carry on too many personal conversations at the counter area.

Clerk’s Office problems noted by observers included no privacy for people needing to ask private questions to the clerk or their attorneys, inadequate tables and counters for filling out forms, and insufficient directional signs. Also, the computer located in the public space of the Clerk’s Office was observed to be antiquated and cumbersome to use.

### **Jurors’ Lounge Findings**

Many District of Columbia citizens are summoned to the courthouse for jury duty. In the year 2001, roughly 46,000 people reported for jury duty, or an average of 176 per day. All prospective jurors wait in the Jurors’ Lounge, located on the third floor west wing of the courthouse, to be sent out for service 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. Jury system operations are managed by the Superior Court’s Special Operations Division, not the Criminal Division.

The Jurors’ Lounge is a long rectangular room with rows of upholstered chairs on either side of a center aisle. There are five televisions, two on one side of the room, and three on the other side, spaced some distance apart. (The televisions are used to show prospective jurors a juror orientation video, as well as to provide entertainment while prospective jurors wait to be called to voir dire.) There are two tables, a podium, and a large painting at the front of the room. Seven pay telephones are located at the back of the room, the east wall periodically contains artwork or is left blank, and windows line the west wall of the room. There is extra, overflow seating provided in the hallway outside the Lounge.

The observers reported that the room was well lighted and had comfortable, cushioned seating. However, several observers noted that the room had too many chairs packed into the room which made for difficult maneuvering. This was also noted by last year’s observers as well. One observer commented, “the lounge looked as if jurors have been forgotten about- it seems court does not care for jurors in holding pen.”

The court has provided the jurors with an adjacent jurors’ business center. This center has a copier, a fax machine, and seven places to access a modem. Observers remarked that providing the jurors’ business center was an excellent idea. However, they felt that the room was visually unappealing and could use fresh paint and carpet.

## **Courtroom Clerks, Reporters, and Interpreters Findings**

In the DC 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. All criminal courtrooms have at least one security officer (courtroom security at the DC Superior Court is provided by the United States Marshal's Service) present for all proceedings.

The observation form asked if all courtroom personnel were efficient, helpful and polite. Out of 288 observations, volunteers confirmed having pleasant and efficient encounters with courtroom personnel 278 times.

In their comments, observers offered mostly positive 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 on occasional poor use of microphones by the clerks and their frequent failure to maintain a clear and audible tone. Observers felt that the clerks would often speak so quietly that only the judge and perhaps the attorneys could hear their comments.

## **Security Officer Findings**

With the increased importance of public safety and heightened security measures in public buildings during the past year, observations of security officers are especially relevant to this report. All public entrances to the DC Superior Courthouse require passage through security checkpoints staffed by security personnel. There are two such checkpoints at the Indiana Avenue entrance to the courthouse, and another entrance at the east wing of the courthouse. However, the east wing entrance was closed to the public throughout the duration of the observation project. Each checkpoint includes a magnetometer and an X-ray machine, in a layout similar to that encountered in airports. After the September 11, 2001 terrorists attacks, the DC Courts implemented a 100% security check of all persons entering the courthouse, including judicial officers and court employees.

Most observers thought that the security officers performed their duties efficiently. Security officers were viewed as polite and courteous, with only a few instances in which an observer encountered a rude or impolite guard. A few observers felt that more security stations - incorporating more personnel and metal detectors - were needed at the courthouse entrance. One observer stated, "I think with the number of people who pass through DC Superior Court they should develop or refine their system. I see a serious threat imposed if you are a judge, officer of the court or personnel."

Another observer noted that, on one occasion, before the judge took the bench, security personnel in the courtroom were watching a DVD movie on a portable player. The observer felt that, although

the volume on the movie was low, it was still audible, and the observer felt the activity was inappropriate for the courtroom.

## **Drug Court Findings**

In 1993, the DC Superior Court Criminal Division established the Drug Court, an ambitious effort to test whether court-based intervention for drug-involved defendants would yield better results than normal criminal procedures. The Drug Court represented a shift from a criminal justice focus on punishing offenders to a focus on protecting the community at large and helping drug users become drug-free. The program was designed to divert non-violent drug users from the criminal activity that supports their habits and into comprehensive rehabilitation programs. The program uses a combination of rehabilitation, deterrence, and sanctions as needed to deter offenders from drug use and illegal activities.

The vast majority of Superior Court criminal defendants are tested to determine if they use illegal drugs. Nearly 50% of adults arrested in the District of Columbia test positive for use of cocaine, PCP, or opiates. Those who test positive and who have been charged with a non-violent crime (whether or not drug-related), may be considered for diversion from the normal prosecution path to the Drug Court.

If the defendant decides to enter the Drug Court program, he or she enters into a “contingency contract” with the Drug Court. The defendant agrees to participate fully in the intensive drug treatment, counseling, and weekly drug testing program of the Drug Court and to accept the prescribed graduated sanctions for any positive drug tests during the program. The Court agrees to defer sentencing until the defendant completes the program. Though it is not a promised outcome, successful drug court graduates who have been charged with a misdemeanor may have their record erased and those who have been charged with a felony may be sentenced to probation rather than prison. The normal tour of duty for a Criminal Division judge assigned to Drug Court is one year.

Once a defendant is in the Drug Court program, his or her failure to abide by program requirements or a positive drug test results in immediate sanctions. For a first positive drug test, the Drug Court judge sentences the offender the same day to jury box duty, where he or she sits and observes the proceedings of Drug Court for a set number of days. For subsequent positive drug tests, the offender is sentenced immediately to several days in jail. Those who are repeatedly unable to comply with the program requirements may be removed from the program and returned to the normal criminal court procedures. Those who successfully complete the program participate in a “graduation” ceremony at the court.

The community court observers were extremely impressed with the proceedings of the Superior Court Drug Court. One observer stated “this is an impressive program! Judge Wright is committed to it and his willingness – indeed his determination – to help drug users before him is very evident.” Another observer noted that Judge Wright “runs the court with dignity, courtesy, kindness, and discipline. He believes in the Drug Court system, wants to help offenders benefit from it, but he cracks down on anyone who fiddles [with] the rules.” A third observer noted the strong message the

Judge conveyed to the defendants: that “it is up to them, and no one else, to ‘get clean’ and stay that way.” Observers were grateful to learn of this approach, a means of treating drug abuse in the community.

## **VI. The Criminal Division Judicial Officers**

### **A. Observation Overview**

Because of the unique governance of the District of Columbia and its court system, DC Superior Court judges are appointed to the bench by the President of the United States following a merit-selection process. The DC Judicial Nomination Commission screens applicants for vacant judicial positions and forwards the names of the top three candidates to the White House. The President then selects one for appointment to a fifteen-year term. Appointees must be confirmed by the United States Senate before taking the bench. Magistrate Judges are appointed by the Superior Court Chief Judge for a four-year term, also through a competitive merit selection process.

Throughout the observation cycle, court observers closely monitored the performance of the criminal division 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.

We designed the observation schedule so that each judge would be observed equally and enough times to write a reasoned evaluation. Early in the project, it became apparent that there were not enough observers to cover all of the approximately 40 judicial officers in the DC Superior Court Criminal Division the optimum 10 to 15 times. We therefore decided to concentrate our observer resources on the associate and magistrate judges, and to exclude the 12 Criminal Division senior judges - many of whom work on a reduced schedule - from the observation project. As was reported last year in the Civil Division report, much of the judges’ work is done outside the courtroom. 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.

As a group, the judges made a highly favorable impression on the observers. There was a total of 265 evaluations made of the associate and magistrate judges. The combined scores for all judges in all nine categories yielded an average score of 9.2 (with “objectivity” receiving the highest overall average score and “time management” receiving the lowest). This is consistent with last year’s observation of the Civil Division, where time management also received the lowest overall average score. And like last year’s observation report, there were no reported instances of biased or uncivil behavior on the part of any judge.

Other variables assessed by the observers included the audibility of each judge. Observers consistently noted that certain judges and courtroom personnel spoke too softly and did not properly use their microphones. They felt that statements which should have been heard by the audience were

only audible to attorneys, defendants, and witnesses.

## **B. Associate Judges**

### **Hon. Geoffrey M. Alprin**

Observed 9 times

Judge Alprin has more than nineteen years tenure on the Superior Court bench. He was appointed as an Associate Judge by President Ronald Reagan in December 1982.

In addition to his current assignment in the Criminal Division, Judge Alprin has previously served in both the Family Division and the Civil Division of the court. In the Family Division, he served as Deputy Presiding and Presiding Judge between 1986 and 1992. He has had several tours in the Criminal Division, where in 1993 and 1994 he presided over a calendar of the most serious criminal cases.

Prior to assuming the bench, Judge Alprin was an Assistant United States Attorney in the District of Columbia, General Counsel of the Metropolitan Police Department of the District of Columbia, and Assistant Director of what is now known as the National Institute of Justice in the Department of Justice. For the six years immediately preceding his appointment, he served as Deputy Corporation Counsel for the District of Columbia, in charge of the Criminal Division.

Judge Alprin received his A.B. degree from the University of Pennsylvania in 1961 and his J.D. degree from Georgetown University Law Center in 1964.

### **Evaluation**

Judge Alprin received high scores in all areas of the survey. His average cumulative score was a 9.7. Judge Alprin received a perfect 10 in the area of explanation of rulings. One observer stated, "Judge Alprin was amazing - very knowledgeable and professional - also interjected funny anecdotes and jokes that kept court lively, was very concerned that the jury understood everything - slowly and carefully read and explained to them their rights and rules."

Judge Alprin received a 9.3 in the category of patience, his lowest mark. But by the same token many observers noted that he maintained a firm control of the courtroom with a serious yet polite demeanor. Observers also noted that Judge Alprin demonstrated a strong will to keep his court on schedule and everything moving in a timely manner.

Observers found that the proceedings in Judge Alprin's courtroom were audible "most of the time," and one observer even commented that "the audibility of [Judge Alprin's] courtroom 320 was far better than that of the previous room I observed in."

### **Hon. John H. Bayly, Jr**

Observed 8 times

Judge Bayly has served on the Superior Court bench for over eleven years. He was appointed as an Associate Judge by President George H.W. Bush in September 1990.

Prior to his appointment, Judge Bayly was Of Counsel to the law firm Stein, Mitchell & Mezines from 1989 to 1990. In 1985, he became General Counsel of the Legal Services Corporation and in 1987 he became the president of the Corporation. Earlier in his career, he served on the staff of Federal Communications Commission, was an attorney with the Senate Select Committee on Intelligence and the Corporation for Public Broadcasting, and served during two separate periods as an Assistant United States Attorney, where he performed both civil and criminal work.

Judge Bayly is a native of the District of Columbia and a graduate of Gonzaga High School. He received his B.A. from Fordham College in 1966, majoring in English and classics. He received his J.D. at Harvard Law School in 1969. Judge Bayly is married and has three children.

### **Evaluation**

Judge Bayly received relatively high scores overall, with an average score of 8.5. The Judge's strongest score, a 9.4, was in the area of control of the courtroom. One observer stated, "I felt Judge Bayly communicated to everyone involved in the trial exactly what he expected from them." Supporting the Judge's high marks in the area of explanation of rulings and proceedings, another observer wrote, "[t]he judge was very careful in his instructions to the jury, particularly in pointing out that no reference should be drawn from the defendant's refusal to testify."

Judge Bayly's lowest score in the evaluation was the category "patience," where he scored a 7.6. One observer stated, "[t]he judge seemed very impatient. Many times his facial expressions showed displeasure towards the defense team."

The audibility in Judge Bayly's courtroom was poor. Observers commented that "[n]o one used microphones" and "everything was at a conversational level and since most participants faced the judge, their backs were to the audience and much was not audible – at least not audible enough to be understood."

### **Hon. Shellie Bowers**

Observed 9 times

Judge Bowers has served on the Superior Court for twenty-three years. He was sworn in as an Associate Judge in August 1979.

Early in his career, Judge Bowers worked as a trial attorney at the US Department of Justice. In 1964, he entered private practice as an associate of the late Carlisle F. Pratt, and became a partner after two years. From 1975 until his appointment to the Superior Court, Judge Bowers was a solo practitioner.

Judge Bowers was born in Memphis, Tennessee, and raised in St. Louis, Missouri. In 1957, he received a Bachelor of Arts degree from Lincoln University in Jefferson City, Missouri. Following a two-year tour of active duty as an Army artillery officer, he enrolled in Georgetown University Law Center, where in 1962 he received a Bachelor of Law degree and, in 1963, a Master of Laws degree. Judge Bowers is married and has two sons.

### **Evaluation**

Judge Bowers received high scores in most categories, with an overall average score of 8.8. The Judge scored a 9.1 each in the categories of professionalism, respect for jurors/witnesses/litigants, and explanation of rulings/proceedings. One observer noted that Judge Bowers has a “very interactive style with in his courtroom” and he was observed taking “copious notes and displayed intensive interest in the proceedings.” Another observer stated that Judge Bowers was “phenomenally professional.”

His lowest score, 8, was in the category of time management. The observation that Judge Bowers was felt to be “too patient” may have some bearing on his time management score.

The judge’s courtroom was audible most of the time, with two observers stating “the judge urged people to speak up” and another stating “this is a courtroom where most all of the proceedings were audible – for a change!”

### **Hon. Patricia Broderick**

Observed 11 times

Judge Broderick has served as an Associate Judge of the Superior Court for more than three years, having been sworn in on November 3, 1998. During 1999, Judge Broderick served in the Family Division. Since joining the Criminal Division in 2000, Judge Broderick has presided over misdemeanor and Felony II cases.

Before her appointment to the bench, Judge Broderick was Special Counsel to the Violence Against Women Office at the US Department of Justice from 1995 to 1998. Earlier, she served in the US Department of Treasury, in another section of the US Department of Justice, and from 1982 to 1989 as an Assistant U.S. Attorney for DC.

Judge Broderick was born in New York City. She attended Trinity College, where she received her B.A. in sociology *cum laude*. She earned her Masters Degree in Rehabilitation Counseling from George Washington University in 1974. In 1981 Judge Broderick received her J.D. from Catholic University.

### **Evaluation**

Judge Broderick received scores of 9.0 or above in all categories, for an overall score of 9.4. Her strongest area was in respect for litigants/jurors/witnesses, scoring a 9.7. One observer wrote, “I felt Judge Broderick was extremely considerate to all parties in court, and receptive to opinions about the well being of each defendant. She wished all parties good luck and was professional at all times.”

Judge Broderick also received very high marks for her politeness and professionalism, respectively receiving scores of 9.6 and 9.5. An observer noted her cordial manner in “thank[ing a] jury for performing their civic duty.” The Judge’s lowest score, 9.0, related to the category of patience.

Virtually all observers rated the audibility in Judge Broderick’s courtroom as good. Despite this rating, observers commented that it was often necessary for the judge to encourage the attorneys and participants to speak up, while the judge was sometimes observed being too soft spoken. One courtroom observer remarked that “the courtroom didn’t seem conducive to the amount of traffic going through,” which made it difficult to hear the entire proceeding.

### **Hon. Russell F. Canan**

Observed 9 times

Judge Canan has served as an Associate Judge of the Superior Court for more than seven years. He was sworn in September 1993 after being nominated by President Clinton in March of that year.

In 1977, Judge Canan and his law school classmates opened the law offices of Canan, Burns & O’Toole. His practice until he joined the court was focused on litigation primarily in the criminal defense and civil rights fields. Earlier in his career, Judge Canan was a law clerk to the late John Fauntleroy, an Associate Judge of the DC Superior Court. He also worked for the Legal Assistance Branch of the DC Superior Court.

Judge Canan was born in New York City. After graduating from college, he worked as a health educator worker, at which time he assisted in setting up health clinics for migrant farm workers. He obtained his JD degree from Antioch School of Law in the District of Columbia. Judge Canan is married and has one child.

### **Evaluation**

Judge Canan received very high scores overall, with the average being 9.6. His scores were consistently high with 9.9’s in the areas of patience, respect, and objectivity. The judge was found to be “professional and polite in the courtroom” by many of the observers. One observer commended Judge Canan for his concern that the defendant “understood the consequences of his plea--that is, the loss of his rights” and that observer also found Judge Canan “concerned, fair, and stable” in his rulings. His lowest score fell at a 9.0 in the category of explanation of rulings. According to one observer, “Judge Canan [said] very little” throughout the course of the proceeding.

The overall audibility in Judge Canan’s courtroom was marked as adequate most of the time. One observer stated “that in all three procedures the evidence and talk between the judge and lawyers was clear and direct,” while another observer reported that “the biggest problem in the courtroom was that I was unable to hear everyone speak.”

### **Hon. Erik Christian**

Observed 6 times

Judge Erik Christian had served in the Superior Court for less than one year at the time of this observation project. He was sworn in as an Associate Judge in July 2001.

Prior to his appointment to the bench, Judge Christian served as Deputy Mayor of the District of Columbia for Public Safety and Justice. In 1995, Judge Christian was appointed First Assistant United States Attorney for the District of the US Virgin Islands. In 1997, Judge Christian returned to the US Attorney's Office in the District of Columbia, where he had earlier served from 1989 to 1995. Between law school and joining the US Attorney's office, Judge Christian was an associate attorney with the law firm Webster & Fredrickson and a law clerk for Judge Annice M. Wagner, who was then in the Superior Court of the District of Columbia.

Judge Christian was born and raised in the District of Columbia. He is a graduate of Howard University and Georgetown University Law Center.

### **Evaluation**

Overall, observers gave Judge Christian a high score with an overall average of 9.3. The judge was observed to be "very paternal and patient" and he "made sure defendants were alert and aware of their rights." The judge was also commended for his ability to run the court "smoothly with the defendant's best interest at heart." Scores for the judge ranged from a 9.5, in the area of explanation of rulings, to an 8.8 for politeness.

Observers marked that courtroom procedures were audible most of the time with exception of the sidebar conferences. Several observers also wrote that the judge was often "too soft spoken" while conducting court procedures.

### **Hon. Harold Cushenberry**

Observed 7 times

Judge Cushenberry is the Deputy Presiding Judge of the Superior Court Criminal Division. He was sworn in as an Associate Judge of the Superior Court in January 1986, and thus has sixteen years experience on the bench.

Before his appointment as a judge, Judge Cushenberry had been an Assistant United States Attorney for DC since 1977. In that office, Judge Cushenberry served as Deputy Chief of the Felony Trial Division, Deputy Director of Superior Court Operations, and Executive Assistant United States Attorney for the District of Columbia. Prior to joining the US Attorney's Office, Judge Cushenberry worked at the Federal Trade Commission.

Judge Cushenberry is a graduate of Harvard College, where he majored in economics and political science. He obtained his J.D. from Georgetown University Law Center in 1975. He is married and has two children.

### **Evaluation**

Observers gave Judge Cushenberry high scores, with an overall average of 9.1. The Judge was

observed to be in control of his courtroom, with attention to the particulars of each case. This was supported by the numerical ratings, with his highest score, a 9.6, coming in the category of politeness. As one observer noted “for each defendant the judge had an individual regimen.” Judge Cushenberry received his lowest score, an 8.7, in the category of dignity. This may be due to the perceptions that he sometimes spoke “a little mechanically,” and didn’t always “look at the defendant to whom his comments were addressed.”

The overall audibility of the courtroom was seen as good. One observer commented that “Judge Cushenberry spoke clear and at a slower pace as he looked directly at the defendant, making sure he understood and agreed to what he was saying.”

### **Hon. Rafael Diaz**

Observed 10 times

Judge Diaz has served on the Superior Court for eight years. He was sworn in as an Associate Judge in 1994.

Prior to his appointment to the bench, Judge Diaz had worked since 1984 in the DC Office of Corporation Counsel, serving in both the Special Litigation Office of the Civil Division and earlier in the Criminal Division. Between law school graduation and joining the Corporation Counsel, Judge Diaz worked in the Office of Peoples Counsel, in the law firm of Hayes and White, and in his own private practice.

Rafael Diaz was born in San Juan, Puerto Rico. He attended high school in the Bronx, New York. At age eighteen, he joined the United States Navy and he served in Vietnam as a front line medic with the US Marines. He graduated from the City College of New York with a degree in psychology. In 1981, he graduated from the Antioch School of Law in Washington, DC.

Judge Diaz has been an active member of the Hispanic Bar Association, and was elected its President in 1986.

### **Evaluation**

Judge Diaz received relatively high scores, with an overall score of 8.8. Several observers praised the manner in which he dealt with defendants. One observer stated, “I was extremely impressed with the judge’s actions and non-intimidating manner,” considering the obstacles that manifested in his courtroom. The numerical data supports the observers’ findings. Judge Diaz received his highest scores, 9.1’s, in the categories of politeness, patience, respect, and dignity. His lowest score came in the area of time management, where he received an 8.1.

The audibility in Judge Diaz’s courtroom was reported as sufficient most of the time. Despite this rating, observers commented that it was often necessary for the Judge to encourage participants to speak up, particularly attorneys and court clerks. Microphones were rarely used in his courtroom.

### **Hon. Frederick Dorsey**

Observed 12 times

Judge Dorsey has more than eleven years tenure on the Superior Court bench. He was appointed to the court by President George H.W. Bush and has served on the bench since August 1990.

Prior to his appointment to the bench, Judge Dorsey served as a member of the Executive Board of the National Association of State Utility Consumer Advocates and in 1987, was named Consumer Lawyer of the year. He served on the United States Equal Employment Opportunity Commission and later went on to become Principal Deputy Corporation Counsel for the District of Columbia from 1982 to 1984. Judge Dorsey was an Assistant District Attorney for Milwaukee County, Wisconsin and then served as Acting Counsel of the Commission on Civil Rights. Judge Dorsey was an Adjunct Professor of Law at Georgetown University Law Center in 1979.

Judge Dorsey graduated from Ohio Wesleyan University, majoring in sociology, and received a commission in the United States Air Force as a Second Lieutenant in 1963. He received a master's degree in sociology from Kent State University and his J.D. degree in 1972 from Georgetown University Law Center.

### **Evaluation**

Judge Dorsey received fairly high marks from the observers, with an overall score of 8.3. He was praised by one observer for his “pragmatic approach.” The observer went on to say that Judge Dorsey “injected a note of humor when appropriate [and was] very clear about explaining to [the] defendant that he didn’t have to testify if he didn’t want to.” However, one observer suggested that Judge Dorsey should “pretend cameras are present, like he was truly addressing all that were present, rather than small private conversations.”

The numerical scores reflected the observers’ comments. Judge Dorsey’s lowest score, a 6.1, was in the category of explanation of rulings, while he received his highest mark, a 9.1, for objectivity.

All observers reported that the level of audibility in the courtroom was poor. Microphones were never used and observers felt that since the trials were “public proceedings [they] believed the public should be able to hear what [was] being said, in short use the microphones!”

### **Hon. Mildred Edwards**

Observed 10 times

Judge Edwards was sworn in as an Associate Judge of the Superior Court in October 1988. In her more than thirteen years on the Superior Court bench, Judge Edwards has served in the Criminal Division for approximately nine years and the Family Division for three years. She also spent 18 months in the Domestic Violence Unit. In 1994, she was one of three judges in the newly-established Drug Court.

From October 1987 until her appointment to the Superior Court, Judge Edwards was associated with the Washington firm Stein, Mitchell & Mezines, where she was Of Counsel. Earlier, she had served as Chief Staff Counsel for the US Court of Appeals, District of Columbia Circuit, beginning in 1985,

and from 1978 to 1985 she worked in the Civil Rights Division of the United States Department of Justice. Between her law school graduation and 1978, Judge Edwards was a law clerk to Judge Spottswood W. Robinson III of the US Court of Appeals, a staff attorney with the DC Public Defender Service, and an associate in the Washington office of Hughes Hubbard & Reed.

Judge Edwards received her bachelor's degree from Rosary College, River Forest, Illinois, and her law degree from Georgetown University Law Center.

### **Evaluation**

Overall, Judge Edwards an average score of 9.5, with no score below 9.0. Observers commended the Judge for her ability to control the courtroom "even when a situation was intense." Observers also stated that the judge was "fair, firm, and to the point...impressive, no time was wasted." These comments were supported by their numerical ratings, which gave Judge Edwards her highest score, a perfect 10, in the category of explanation of rulings/proceedings. Her lowest score, a 9.0 in the category of patience, was likely affected by an observer witnessing Judge Edwards and a defense attorney engaged in accusing one another of "bias, incompetence and a variety of other things." The incident was quickly controlled, however, with both the Judge and the attorney apologizing to one another.

All observers reported that proceedings in Judge Edwards' courtroom were audible most of the time. Microphones were used and sometimes the proceedings were too loud.

### **Hon. Gerald Fisher**

Observed 9 times

Judge Fisher was sworn in as an Associate Judge of the Superior Court in March 2001 and thus has slightly over one year of service as a judge.

Prior to his appointment to the bench, Judge Fisher had been in private practice since 1984 with the law firm of Fisher, Morin & Kagan-Kans, during which time he also was an adjunct professor of law at the Georgetown University Law Center. Earlier, Judge Fischer had served as a law clerk for Associate Judge J. Walter Yeagley of the District of Columbia Court of Appeals, and worked for the DC Law Students in Court program.

Judge Fisher was born and raised in Newport News, Virginia. He attended the College of William & Mary, where in graduated in 1972 with a degree in History. He received his J.D. from Catholic University's Columbus School of Law in 1977.

### **Evaluation**

Judge Fisher received an overall score of 9.2. Observers found that Judge Fisher was attentive to the needs and concerns of the courtroom participants. Judge Fisher "explained complicated terminologies and laws in plain English and ensured the defendants understood." Another observer stated that he was "courteous, to the point, and in control," during the courtroom proceedings. The numerical scores support these comments. Judge Fisher's scores ranged from a 9.6, for the category of patience, to a score of 8.8, for explanation of rulings/proceedings.

Observers reported that audibility in Judge Fisher’s courtroom needs to be improved. One observer wrote “If we intend for these proceedings to be public, they must be audible. If they are not audible, why not make them secret and save dollars on space and personnel?” Consistent and proper use of the microphones would help solve the audibility problems.

### **Hon. Wendell Gardner**

Observed 12 times

Judge Gardner has more than ten years tenure on the Superior Court, having joined the bench in September 1991.

He began his legal career with Sears, Roebuck & Co. and four years later became a partner in the Houston law firm. During his years in private practice, Judge Gardner served as the Secretary of the Bar Association for the District of Columbia.

Judge Gardner was born in Washington DC and graduated from McKinley High School in 1964. He received his B.A in Business Administration from Howard University and then received an MBA degree from Washington University in St. Louis, Missouri. Judge Gardner received his law degree from The Catholic University in 1976.

### **Evaluation**

Judge Gardner received a relatively high overall score of 8.7, with a high score of 9.7 in the category of politeness. The judge was commended by one observer for his “poise and professionalism in the courtroom.” Judge Gardner was also considered “very insightful and wise.” Judge Gardner’s lowest score was 7.8 in the category of explanation of rulings/proceedings. In the words of one observer, Judge Gardner seemed to “recite the considerations in rote manner without expressing very much meaning.”

All observers reported that the audibility in Judge Gardner’s courtroom needs to be improved. While the Judge was marked as being heard most of the time, observers still continued to comment on “improper use of the microphones” in this courtroom.

### **Hon. Ann O’Regan Keary**

Observed 10 times

Judge Ann O’Regan Keary was appointed as an Associate Judge of the Superior Court in 1992. In her ten years on the bench, she has served in the Criminal, Civil Domestic Violence, and Family Divisions of the court, and she is presently presiding over Felony II Calendar.

Prior to joining the bench, Judge Keary served as counsel to the District of Columbia’s Public Mental Health Delivery System as Deputy Corporation Counsel and Chief of the Mental Health Division of the Office of Corporation Counsel. Judge Keary served as in-house counsel to St. Elizabeth’s Hospital for several years. She also served as Co-Chair of the In-House Hospital

Attorneys of Washington from 1985-1988 and has been a member of the National Health Lawyers' Association and of the DC Bar's Health Law Section.

Judge Keary is a 1974 graduate of George Washington University Law School, and is a graduate of Wellesley College. Following law school, she served as a judicial clerk to the Honorable Joyce Hens Green, recently retired from the US District Court.

### **Evaluation**

Judge Keary received a high overall score of 9.4. Observers gave her scores of 9.6 in the areas of time management, control of courtroom, politeness, and objectivity. Said one observer of her courtroom demeanor, "Judge Keary appeared very efficient and professional while also conveying compassion and empathy." Her lowest score, an 8.6 in the category of professionalism, was confusing considering that several observers wrote that Judge Keary was "firm and thorough in counseling the attorneys and defendants" as well as "very much in charge of proceedings of her courtroom."

All observers commented that the audibility in Judge Keary's courtroom needed some improvement, with one writing that audibility was "less than ideal." Another observer commented that "the microphones were there and the Judge and attorneys seemed to be able to hear one another, because they proceeded on," but the rest of the courtroom could not hear the proceedings.

### **Hon. Noel Anketell Kramer**

Observed 16 times

Judge Kramer is the Presiding Judge of the Criminal Division. Judge Kramer was sworn in as an Associate Judge of the Superior Court of the District of Columbia on October 18, 1984. In the more than seventeen years since then, she has presided over approximately 1,200 trials, including twenty-five first degree murder trials, and has written numerous opinions addressing issues of civil, criminal and family law.

Before becoming a judge, Judge Kramer was with the Washington law firm of Wilmer, Cutler & Pickering, and with the United States Attorney's Office for the District of Columbia. She was active in the DC Bar and served from 1982 to 1984 as the Chairperson of the DC Bar's Division on Courts, Lawyers, and the Administration of Justice. In 2001, Judge Kramer served as President of the National Association of Women Judges.

Judge Kramer graduated with honors from Vassar College and from the University of Michigan Law School. She is married and has two children.

### **Evaluation**

Judge Kramer received a very high overall score of 9.8. Her scores ranged from a 9.5, for the

category of patience, to 9.9's in the categories of professionalism, control of courtroom, time management, and respect for jurors/litigants/witnesses. One observer noted that "although uttermost professionalism and honor were displayed, a sense of approachability was also evident in judge's behavior." Another observer commented that "Judge Kramer is highly experienced but conveys the sense of being approachable and humane. Her instructions to the jury were clear; she made every

effort to explain their role precisely." Observers also commended Judge Kramer for her use of the computer in the courtroom for scheduling and assisting the defendants.

The audibility was marked as sufficient in Judge Kramer's courtroom. Observers noted that "Judge Kramer was very audible, informative, and precise; though others in the courtroom needed to speak up."

### **Hon. Zinora Mitchell-Rankin**

Observed 9 times

Judge Mitchell-Rankin was sworn in as an Associate Judge of the Superior Court in January 1990. In the twelve years since that time, she has served in the Civil, Family, and Criminal Divisions of the Court. She served as the Presiding Judge of the Family Division from January 1999 through December 2000, and as Deputy Presiding Judge of the Family Division for the two preceding years. She is currently serving in the Misdemeanor Branch of the Criminal Division.

Judge Mitchell-Rankin served as an Assistant United States Attorney of the District of Columbia from 1982 until she joined the bench. In that office, in addition to serving in both the US District Court and the Superior Court, she served as the Administrative Assistant United States Attorney from March 1987 until May 1988, when she was appointed as the Executive Assistant for Management, and she remained in that position until her nomination to the Superior Court. Earlier, Judge Mitchell-Rankin was a trial attorney in the Civil Division of the US Department of Justice.

Zinora Mitchell-Rankin is a native Washingtonian. She graduated from Spelman College in Atlanta, Georgia, and she received her law degree from George Washington University.

### **Evaluation**

Judge Mitchell-Rankin received a high overall score of 9.5. Numerous observers commended her ability to "manage to maintain order despite [the] defendants." Observers gave Judge Mitchell-Rankin scores ranging from a 9.8 in the category of professionalism, to a score of 8.9 in time management. Observers found that she was able to show concern for defendants and frustration at their situations while not sacrificing her professionalism. One observer commended her for "maintaining an appropriate judicial attitude, [while showing] frustration at the repeat offenders," and their inability to stay out of court system. Another observer found "particularly noteworthy was the painstaking manner in which the Judge accepted a plea in two narcotics cases. She undertook a very detached and coherent inquiry into whether the defendants understood the plea and [its] consequences." Judge Mitchell-Rankin was also seen to be "very dignified and thorough in

explaining each aspect of the rulings.”

Overall, audibility in the courtroom was adequate, but often “the Judge spoke in [a] quiet conversational level and so did the people answering her.” This practice resulted in a comment that the “only time [the observers] grasped whole sentences was when [the Judge] gave a standard warning to defendants about consequences of pleading guilty.”

**Hon. Thomas Motley**

Observed 8 times

Judge Thomas Motley has been an Associate Judge of the Superior Court since October 2000, and thus had just over one year of experience at the time of this observation project.

For two years prior to his appointment to the bench, Judge Motley was Principal Assistant US Attorney for the District of Columbia, and thus second in command of the largest US Attorney’s Office in the country. He had served as an Assistant US Attorney since 1983, including assignments as Senior Litigation Counsel and Acting Chief of the Public Corruption/Government Fraud Section. Earlier, Judge Motley was an associate in the DC law firm Steptoe and Johnson.

Judge Motley was born in Washington DC and spent his childhood in South Carolina. Judge Motley received his B.A. degree in philosophy from Columbia College in 1976. He received his law degree in 1979 from Harvard Law School. The following year, Judge Motley served as a law clerk to Judge Robert F. Collins of the US District Court for the Eastern District of Louisiana.

**Evaluation**

Judge Motley received a high overall score of 9.2. The judge’s scores ranged from an 8.8 for politeness to a 9.9 in the category of control of courtroom. The judge showed respect for others in the courtroom by “always giving an explanation if a delay occurred.” Judge Motley was commended by one observer as being “patient, polite, sharp, very attentive, and totally in control.” One observer wrote that sometimes the Judge “was a little testy but it seems as if he has the utmost respect for the law and proceedings and only wants to make sure nothing is wrongly prejudiced.”

Observers noted that they could hear the proceeding almost always in Judge Motley’s courtroom. They also reported that, when available, “microphones were always used,” a factor which increased audibility as well as the general effectiveness of the court.

**Hon. Judith E. Retchin**

Observed 7 times

Judge Retchin has served on the Superior Bench for nearly ten years. Since joining the bench, Judge Retchin has served in the Family, Civil, and Criminal Divisions.

From 1982 until she joined the bench in 1992, Judge Retchin worked in the US Attorneys’ Office, where she prosecuted cases in the US District Court and Superior Court. Earlier, she was a trial

attorney at the Civil Aeronautics Board and in the Antitrust Division of the US Department of Justice.

Judge Retchin graduated from George Washington University with a Bachelor of Arts in 1974, and obtained her J.D. from Catholic University's Columbus School of Law in 1978.

### **Evaluation**

Judge Retchin received a high average score of 9.4. Judge Retchin's scores ranged from 8.9 in the categories of politeness and patience, to 9.9 in explanation of rulings. These numerical scores support what one observer wrote, that "Judge Retchin runs an admirable court. She combines courtesy, even graciousness, with unquestioned authority. She intervenes courteously to clarify testimony. She clearly wants to be sure everyone understands." Judge Retchin was at times viewed as "strict and a bit harsh in tone."

Virtually all observers rated the audibility in Judge Retchin's courtroom as good, with the exception of the judge being too "soft spoken" on two occasions.

### **Hon. Robert I. Richter**

Observed 14 times

Judge Richter has more than seventeen years tenure in the Superior Court. He was appointed by President Ronald Reagan in October 1984.

From 1973 to 1974, Judge Richter served as a law clerk to US Supreme Court Associate Justice Harry Blackmun. From 1978 until he joined the court, Judge Richter was Assistant Chief of Operations in the Public Integrity Section of the Criminal Division, US Department of Justice. Earlier, he was an Assistant US Attorney for DC and an associate with the Washington law firm Shea and Gardner.

Judge Richter was born in New York. He received his bachelor's degree from the University of Vermont and his law degree from the University of Chicago. Judge Richter began his legal career in 1972 as a law clerk to Judge Irving L. Goldberg in the US Court of Appeals for the Fifth Circuit in Texas.

### **Evaluation**

Judge Richter received a high overall score of 9.1. The judge's scores ranged from an 8.8 in patience to a 9.5 in objectivity. One observer wrote that Judge Richter "hits a good balance between friendly and authoritative."

Judge Richter was good at managing the time of the court as well as "defending the time of the jurors." There were no unnecessary proceedings in his court. Another observer noted that Judge Richter "is unusually conscious of jurors' time. He is better than anyone I have ever seen at the voir

dire process.”

Observers found that proceedings in Judge Richter’s courtroom were audible at least most of the time, which they attributed to the microphones being used consistently and effectively.

### **Hon. Maurice Ross**

Observed 11 times

Judge Ross is quite new to the bench, having been appointed as an Associate Judge of the Superior Court in July 2001.

Judge Ross began his legal career in 1986 as an Associate with the Washington law firm Shaw Pittman, litigating complex civil and administrative cases. From 1989 until his appointment to the court, Judge Ross served in the US Department of Justice, eventually as Associate Deputy Attorney General.

Judge Ross was born and raised in Washington, DC. He graduated from St. John’s College High School. Judge Ross received his Bachelor of Arts degree in history from Yale College in 1983, and his law degree from Harvard Law School in 1986.

Judge Ross’s has served on the Legal Ethics Committee of the Bar Association of the District of Columbia, on the Board of Directors and the Executive Committee of the Greater Washington Urban League.

### **Evaluation**

Judge Ross received a high overall score of 9.4. His scores ranged from a 9.1 in the category of politeness to a 9.9 in explanation of rulings/proceedings. One observer reported “I rated him all 10s because I don’t see how he could have done any more. He listened to the defendant’s ‘versions’ with full patience, respect, and attentiveness.”

Another observer reported that Judge Ross “went the extra distance in several cases to help foreign speaking defendants communicate with their attorneys.” A third observer mentioned that “Judge Ross exhibited fine judicial temperament...and he clearly made every effort to tailor the sentences to the facts of the case and defendants.”

Audibility in Judge Ross’s courtroom was excellent. The Judge was observed to “explain why it was important to speak up and into the [microphone] for the court record.”

### **Hon. Frederick H. Weisberg**

Observed 9 times

Judge Weisberg has nearly twenty-five years experience on the Superior Court. He was appointed to the Superior Court by President Carter in 1977, and in 1992 he was reappointed by President Bush to a second fifteen year term. From 1989 through 1995, Judge Weisberg was the Presiding Judge of the Criminal Division. Judge Weisberg served as a member of the District of Columbia Sentencing Commission, and was its chairman from 1987 to 1992, when it dissolved. Currently, Judge Weisberg serves as the chairman of the District of Columbia Advisory Commission on Sentencing.

Before becoming a judge, Frederick Weisberg was a staff attorney with the District of Columbia Public Defender Service, and was chief of its Appellate Division from 1974 to 1977. Earlier, he worked as a lawyer in New York City in the VISTA anti-poverty program.

Judge Weisberg received his undergraduate degree from Cornell University in 1965, and his law degree in 1968 from the University of Michigan Law School. Judge Weisberg received an LL.M. degree in Urban Law from New York University Law School.

### **Evaluation**

Judge Weisberg received a high overall score of 9.1. His scores ranged from 8.7's in the categories of time management and explanation of rulings to a 9.8 in control of courtroom. The observers' written comments were consistently positive. One observer stated that Judge Weisberg "went to great pains to communicate with defendants...made sure they understood results of guilty plea" by "clearly and compassionately explaining and obtaining a reaction from each defendant" Another wrote that the Judge was good humored and made a "few jokes that everyone took well to and was not offended."

Most of the proceedings in Judge Weisberg's courtroom were audible, with the exception of the attorneys because "their backs are to the audience." Effective and consistent use of the microphones contributed to the courtroom success.

### **Hon. Susan R. Winfield**

Observed 9 times

Judge Winfield was sworn in as an Associate Judge of the Superior Court in October 1984. In addition to the Criminal Division, she has served in the Civil Division and in the Family Division, including one year as Presiding Judge of the Family Division.

Prior to her appointment to the bench, Judge Winfield served as an Assistant United States Attorney for the District of Columbia. She began there in 1979, and eventually rose to become Deputy Chief of the Felony Trial Division. Before that service, she had served in the Criminal Fraud Division of the US Department of Justice, and in private practice with a small law firm in Boston.

Judge Winfield was born in East Orange, New Jersey and raised in Connecticut. Judge Winfield received her B.A. degree in mathematics in 1970 from the University of Pennsylvania and her law degree in 1976 from Boston College Law School in Newton, Massachusetts. Judge Winfield has two

children.

### **Evaluation**

Judge Winfield received a very high overall score of 9.6, and scored perfect 10's in the areas of control of courtroom and objectivity. Her lowest score, a 9.1, came in the area of dignity. One of the observers wrote that Judge Winfield was "very thorough at giving instructions and explaining the charges to the defendant," while another stated simply, "she was excellent!" Judge Winfield was commended for her use of computer technology in the courtroom, remarking that this was the first time the observer had seen a Judge use a computer.

Audibility in Judge Winfield's courtroom was good most of the time. The Judge was "heard very clearly, but the attorneys were less audible." One observer suggested that the court system needed to get an "audio expert to iron out the feed-back flaw," from the microphones.

### **Hon. Melvin R. Wright**

Observed 11 times

Judge Wright was appointed as an Associate Judge of the Superior Court in May 1998. His assignment during the observation period was in the Superior Court's Drug Court, discussed in section V of this report.

From 1986 until his appointment to the bench, Judge Wright was a member of the law firm of Montedonico, Hamilton & Altman. Before he became an attorney, Judge Wright worked for the Superior Court as a Landlord and Tenant/Small Claims clerk, and later as a bailiff and then as civil motions clerk. He also worked as an Assistant US Attorney, rotating through the misdemeanor, appellate, grand jury and felony trial sections of the office.

Judge Wright was born in Baltimore, Maryland. He received his law degree in 1982 from Georgetown University Law Center.

### **Evaluation**

Additional observer comments about Judge Wright can be found in the discussion of the Drug Court in Section V of this report. Observers gave Judge Wright a very high overall score of 9.7. His scores ranged from a 9.9 for professionalism to a 9.3 for respect for jurors/witnesses/litigants.

One observer wrote that the court's "drug program is very impressive" and that Judge Wright "is committed to it and has willingness and determination...he is eloquent and kind...the offenders feel comfortable with him." The observer noted that "He also spoke to each drug offender appearing before him in a kind, fatherly, yet firm matter...he admonished, advised and encouraged each one as to his future and explained the consequences of any further offense or parole violation...each individual was encouraged to ask judge questions...permitted one man to serve jail time on a weekend so that he would not have to take time off from his new job."

Another observer emphatically recommended “more publicity for drug court and its results, residents rarely have opportunity to see their tax dollars so well spent.”

The audibility of the courtroom was sometimes hampered because of the “ruckus of the heaters, people, and papers.” The “audience” section of Judge Wright’s courtroom has poor acoustics, according to one of the observers. The Judge, using his microphone, could be heard most of the time, but the “attorneys and defendants were inaudible.”

Additional observer comments about Judge Wright can be found in the discussion of the Drug Court in Section V of this report.

### **C. Magistrate Judges**

#### **Hon. Dennis Doyle**

Observed 10 times

Magistrate Judge Doyle has been with the Superior Court of the District of Columbia for twenty-two years. He was appointed as a hearing commissioner (now titled Magistrate Judge) in 1980.

During his tenure with the Court, Magistrate Judge Doyle has presided over a wide variety of cases in the Civil, Criminal, and Family Divisions of the Court, including tours in small claims and regular duty in the arraignment and presentment court. He presently presides in Domestic Violence cases. He is the Court’s first Presiding Magistrate Judge, appointed in December 2001 by Chief Judge Rufus G. King, III, with administrative duties for the Office of Magistrate Judges.

Prior to his appointment to the Court, Magistrate Judge Doyle was a clinical teaching fellow at Antioch School of Law, representing special education students and institutionalized mentally retarded individuals; and prior to that he had been an attorney with a federal project concerning developmentally disabled juvenile offenders.

Magistrate Judge Doyle was born in the District of Columbia and graduated from Georgetown Preparatory School. He received his B.A. at McGill University in 1973 and his J.D. at the University of Maryland School of Law in 1976.

#### **Evaluation**

Overall, Magistrate Judge Doyle received a score of a 9.4. His scores ranged from an 8.6 for explanation of rulings to a 9.8 for patience.

One observer remarked that Magistrate Judge Doyle “is a wonderful, competent and valuable asset for [the] Criminal Division...must stress the dignity and respect and professionalism of this magistrate to be outstanding.” Observers found him to be “very professional, yet personable and friendly.” Magistrate Judge Doyle handled protective orders for domestic violence matters during the observation period, and one observer reported that he “was helpful to the individuals and

concerned with their well-being, especially considering the emotional undertones of the cases brought before him.”

On the other hand, one observer wrote that Magistrate Judge Doyle at times “appeared more detached than any [other] judges observed.” Magistrate Judge Doyle was on more than one occasion observed to not adequately explain events that were occurring, with one observer noting that it was “like an assembly line.” This likely accounted for his score of 8.6 in the area of explanation of rulings/proceedings.

Audibility of Magistrate Judge Doyle’s courtroom was sufficient and one observer noted that he “[spoke] audibly, crisply, and decisively.” Another observer mentioned that the “open hearing room made it easy to understand all [those] who spoke.”

### **Hon. John W. King**

Observed 5 times

Magistrate Judge King was appointed as Superior Court Hearing Commissioner (now titled Magistrate Judge) in 1982.

Immediately prior to his appointment, Magistrate Judge King was a private practitioner specializing in litigation from 1972 to 1982. He had also served as a mayoral appointee to the DC Board of Appeals and Review.

Magistrate Judge King received his B.S. at Howard University in 1964, and graduated from Howard University School of Law in 1968. He is married and has two children.

### **Evaluation**

Magistrate Judge King received an overall score of 7.9. His scores ranged from a 6.0 for time management to an 8.6 for the category of dignity.

Magistrate Judge King showed a great deal of “patience when dealing with inexperienced attorneys and their defendants.” Another observer remarked, “The Judge seemed knowledgeable and very aware of others,” though at some times he seemed “a little tired, but still fair in his dealings.” One observer stated that Magistrate King “appeared bored and distanced...but when he did speak to litigants he was polite, clear, and careful that they understood.”

Audibility in Magistrate Judge King’s courtroom needs improvement. According to one observer audibility was “rare...[making] it impossible to evaluate his performance.”

### **Hon. Judith Macaluso**

Observed 9 times

Since her appointment as Superior Court Hearing Commissioner (now titled Magistrate Judge) in

November 1997, Magistrate Judge Macaluso has served in three divisions of the court: Civil, Family, and Criminal. Her current assignment is Preliminary Hearings in the Criminal Division.

Magistrate Judge Macaluso came to the Court following eleven years as a trial attorney in the Civil Division of the US Department of Justice, working primarily as a defense attorney in complex toxic tort cases, but also handling a variety of contract cases. Earlier, from 1978 to 1985, she was an attorney with the Solicitor's Office of the US Department of Labor. Commissioner Macaluso is active on the Executive Board of the National Conference of Special Court Judges (NCSCJ) and as chair of the NCSCJ Small Claims Court Committee.

Magistrate Judge Macaluso was born in Baltimore and raised in Silver Spring, Maryland. She graduated from Howard University School of Law in 1975. Upon graduation she clerked for the Honorable David L. Cahoon, Chief Judge of the Circuit Court of Montgomery County, Maryland.

### **Evaluation**

Magistrate Judge Macaluso received an overall score of 8.9. Her scores ranged from an 8.4 for the category patience to a 9.2 for respect for jurors/witnesses/litigants.

Several observers commented that she had "control of her courtroom at all times." One observer noted that Magistrate Judge Macaluso "should make a better attempt at explaining rulings...she jumped from one case to next... but when she addressed witnesses and defendants she was very personable." Another observer noted that "she is very direct with defendants and makes certain they understand the consequences of walking away from half-way houses or failing to appear in court."

Observers reported that most of the time audibility in the courtroom was adequate, but "often the lawyers did not use the microphones properly." Another observer stated that "this was the most audible session [they] had heard, microphones were used, although once not correctly."

### **Hon. Richard H. Ringell**

Observed 9 times

Magistrate Judge Ringell was installed as Superior Court Hearing Commissioner (now titled Magistrate Judge) in September 1999, giving him more than two years experience on the bench.

From 1970 until his appointment to the court, Magistrate Judge Ringell practiced law as a sole practitioner. Prior to that, he was a lawyer for Volunteers in Service to America (VISTA) in Cleveland, Ohio. Magistrate Judge Ringell served on the Mayor's Citizen's Advisory Panel on Public Safety/Justice from 1993 to 1995. He is also a founding member of the World Peace Through Law Center.

Magistrate Judge Ringell was born in the Bronx, New York. He received his Bachelor of Arts degree in 1966 from Miami University in Oxford, Ohio. He received his law degree in 1969 from the Washington College of Law at the American University in Washington, DC.

**Evaluation**

Magistrate Judge Ringell received a high overall score of 9.5. His scores ranged from an 8.9 for control of the courtroom to 9.8's in the categories of politeness and professionalism.

One observer commented that Magistrate Judge Ringell was “very professional in his work. He was respectful of all officers of the court as well as those appearing in the courtroom.” Another said that “despite huge difference in dress, age, demeanor of accused he treated each like all.” Several other observers commended Magistrate Judge Ringell’s ability to clearly explain matters occurring in his courtroom.

Overall, the audibility in Magistrate Judge Ringell’s courtroom needed improvement. The “Magistrate Judge spoke quietly, clerks mumbled, and lawyers and defendants spoke very softly,” according to several observers. However, another commended the Magistrate for “their ability to hear him...he used the microphone provided.”

## VII. Major Findings and Recommendations

### *1. Finding: The DC Superior Court Drug Court is an innovative and valuable program.*

Until witnessing the Drug Court in operation, few observers had ever heard of this innovative program, even though it has been operating since 1994. The Drug Court program utilizes a “carrot-and-stick” approach to rehabilitating non-violent drug offenders. Because of the high volume of drug use in the city, observers concluded just from their limited exposure that the Drug Court program is good public policy, a productive use of taxpayer dollars, and a great use of court time and resources. Those who observed Drug Court believe that public support for the court would increase if more people knew that the court was taking this innovative approach to a serious community problem.

***Recommendation: DC Courts administration should make a strong effort to inform the broad DC community about the Drug Court and other innovative court programs.***

The Court Community Observers Project stands ready to help the court “spread the word” about this innovative program. As one observer wrote, “There should be more publicity for drug court and its results; residents rarely have opportunity to see their tax dollars so well spent.”

### *2. Finding: Numerous forms of inefficiency waste the time of courtroom participants.*

Observers noted numerous inefficiencies throughout the court proceeding that, when taken together, contribute to lengthy delays and thus increased cost to the public. Observers reported that on at least 13 different occasions lawyers were late arriving to the courtroom. In at least 10 separate instances, there were delays because court personnel could not locate a defendant who was supposed to have been brought over from jail. Late arrivals by witnesses and by defendants who were not in custody also contributed to slowed proceedings. Inefficiencies also existed with getting proper court files and documents to the courtroom on time. There were judicial delays in various instances when the judge was late or needed to meet with attorneys or juries. One observer commented that “there are lengthy waits while judges and officials are waiting for lawyers to arrive, or while lawyers are scurrying around outside trying to find their clients or witnesses.” That observer also stated, “my conclusion during two hours spent in three courts was that it is an immense waste of public money having judges and court officials sitting idle in their courts for nearly all the time I was present.”

***Recommendation: DC Superior Court leadership should study their scheduling system for the***

***Criminal Division, and Criminal Division judges should use non-courtroom time to handle scheduling matters.***

Lengthy delays could be avoided if judges did not use in-court time for scheduling purposes. Instead, clerks should take care of judges' schedules before and after actual court proceedings. The court needs to take into consideration the time of other court participants when planning judges' schedules to prevent lawyers from being double and triple-booked on certain days. To further delve into the problem of scheduling delays, the court should do a study and broadly reevaluate how court proceedings are scheduled.

**3. *Finding: Public proceedings in the courtrooms are too often inaudible to the public.***

Public confidence and trust in the performance of their courts is impaired when members of the public cannot hear what is being said in open court. Overwhelmingly, observers complained about the inaudibility of courtroom proceedings. There are microphones in place for the judge, lawyers, and witnesses to use, but far too frequently observers found that either the microphones were not turned on or they were not used effectively. Observers were frustrated about not being able to hear what was being said as they watched court proceedings, and they were dismayed that the judges did not encourage everyone to make use of the amplifying equipment.

***Recommendation: All judges should use courtroom microphones and should require other speakers to use microphones.***

Microphones are placed in the courtrooms for a reason. When public business is being conducted in a courtroom, it is imperative that the microphones be turned on and the volume turned up. Judges are in control of the courtroom, and they should take the responsibility to ensure that everyone in the courtroom can hear all public business.

**4. *Finding: It is difficult to find the DC Superior Courthouse from the Metro.***

Upon exiting the Metro train at Judiciary Square, there is a small sign pointing visitors in the general direction of the DC courthouses. At the street level, however, courthouse directional signs or area maps are not readily apparent. There is a good area map posted outside the subway exit at 4<sup>th</sup> Street, but it is located several feet behind and to the right of the subway escalators, causing most Metro riders to miss the map. First time observers expressed their frustration at trying to locate the courthouse after exiting the Metro station. Even when the building comes into view on the walk from the Metro stop, the angle of Indiana Avenue keeps the building entrance out of sight. There is a DC Court of Appeals/DC Superior Court sign once pedestrians reach the corner of the courthouse property. However, the sign provides no clue to the location of the public entrance to the building, and more than one observer walked all the way around the building before finding the entrance.

***Recommendation: The DC Courts should post a sign and map at the Judiciary Square Metro station exit guiding visitors to the courts. On all exterior courthouse signs, the DC Courts should add a directional arrow pointing to the courthouse entrance.***

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It would be extremely helpful to court users and visitors if an area map, including the location of the DC Superior Court, was posted in plain view of the street level exits from the Judiciary Square metro stations. It would also be quite helpful to visitors to be shown plainly where the entrance to the courthouse is located.

**5. *Finding: It is difficult to find one's way in the DC Superior Courthouse.***

The most frequent comment from the volunteers in this project related to their difficulty in finding their way around the interior of the courthouse. This is a continuing problem, which was identified in the Council for Court Excellence's July 2001 observation report on the DC Superior Court and its Civil Division and has not yet been solved. There is no general directory or map of the entire building at the entrance, noting the floor and room number of the various offices, courtrooms, jury facilities, clerk's offices, restrooms, cafeteria, child care facility, and so forth. Each floor of the eight-story building has a map of that floor only, and some of those maps have outdated information. Signage throughout the courthouse appears to have increased slightly since the July 2001 report. However, observers found it quite difficult to locate various areas within the courthouse until they became familiar with the building through repeated visits. Many observers reported that signage is still insufficient for reasonable navigation, and despite the demographics of the city, available signs are not posted in languages other than English.

***Recommendation: DC Courts administration should place more, better, and bilingual or pictorial signs throughout the Courthouse.***

Visitors to the DC Courthouse should find a welcoming atmosphere and clear navigational assistance without having to wait in lines to speak with someone. If the Court installed more and better signs, including a full-building directory, people would not have to seek simple direction information at the Indiana Avenue lobby's information booth so often. There should also be signs on each floor indicating where on other floors important rooms, such as the cafeteria, are located. The Court should install far more pictorial and Spanish language signs for court visitors who cannot read English or have limited understanding of English.

**6. *Finding: Courthouse signs often display inaccurate information.***

Observers had many problems with the inaccurate information displayed on the electronic information board located in the Indiana Avenue lobby of the courthouse. This complaint was also reported in last year's Civil Division observation project report, and it continues to remain uncorrected. Observers (and presumably other courthouse visitors) used the information from the board to locate a particular judge, but upon arriving at the designated room, they often found the courtroom locked and empty. Other observers found that the courtroom held a different judge from the one noted on the electronic information board. In addition, in too many instances, judges' name plates inside the courtrooms did not match the name of the judge who was assigned to the room on the electronic information board, or did not match the identity of the judge who was actually present. More than one observer sat in on proceedings for awhile thinking they were seeing one judge when in actuality there was a different judge using the courtroom that day but the nameplates had not been changed.

***Recommendation: DC Courts administration should regularly inspect and update***

*courthouse signs.*

As was recommended in the Civil Division observation report last year, the DC court administration should have a staff member regularly inspect all courthouse signs to make sure they are displaying accurate information. Changes in judges' courtrooms should be made promptly to the electronic information board, so that visitors are not directed to the wrong room. Also, each courtroom's door and judge's bench should have signs indicating which judge is occupying the courtroom. When a judge moves temporarily to another courtroom, a dated, legible sign noting his or her new location should be carefully posted on the originally-assigned courtroom door.

**7. *Finding: There is no consistent procedure followed throughout the courthouse to identify whether the public is allowed to enter the courtroom.***

Some court proceedings, such as juvenile matters, adoption, or child abuse or neglect matters, are closed to the public by statute or practice. Observers reported many instances of interrupting closed proceedings or being asked to leave a courtroom due to closed proceedings. The inconsistent method within the Superior Court of informing the public about statutorily confidential proceedings continues from our July 2001 observation report. There appears to be no uniform or consistently applied method of notifying the public if the courtroom proceedings are closed.

***Recommendation: DC Courts administration should publish and enforce a uniform policy prescribing procedures and signs to be used to exclude the public from closed proceedings.***

As was noted in last year's observation report, the court, not the courthouse visitor, must ensure that no one can inadvertently enter or remain in a closed hearing. Court administration should develop a uniform system used throughout the courthouse to provide guidance for when courtroom proceedings are closed to the public, so that people don't wander into courtrooms holding private matters.

**8. *Finding: Routine maintenance is not adequate to the DC Courthouse's level of activity.***

The DC Courthouse is a very busy building with thousands of visitors each day. To provide adequate service to the public, courthouse maintenance should be commensurate with the building's level of activity. A prime observer complaint was that the restrooms were extremely messy. Many observers mentioned liquid on the floors, bag hooks missing from restroom stall doors, no soap in the dispensers, and stall doors that did not lock. There were also complaints on several days that the restroom sinks were clogged with black liquid. Observers also reported that the temperature in many of the courtrooms was very cold, to the point that one observer did not take off her jacket the entire time she was at the court. Additionally, observers noticed gum stuck to the carpets or back of the chairs in numerous courtrooms. There were also complaints about broken ATM machines and out-of-order escalators and elevators, as well as a dried up water fountain.

***Recommendation: The DC Courts administration should be proactive in checking and fixing maintenance problems on a regular basis.***

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The physical maintenance of the courthouse could be vastly improved if court administration scheduled maintenance checks of the courthouse facilities during each day. It is imperative to have regular inspections so that staff can maintain the cleanliness of the building and the sanitariness of the restrooms. The physical appearance of the courthouse would also benefit from regular checkups, because staff would have the opportunity to remove trash and gum from the hallways and courtrooms. Regular maintenance checks are necessary to ensure that elevators, escalators, water fountains and ATM machines are operative at all times. Additionally, the courthouse temperatures should be kept at a comfortable and consistent level throughout the building.

***9. Finding: Excessive noise in courthouse corridors is distracting to spectators in the courtroom gallery.***

Many observers complained about the noise coming from the hallways outside the courtrooms. The loud voices penetrate through the courthouse doors when they are opened and even when closed, and the noise makes it difficult to hear courtroom proceedings. One observer wrote, “I was surprised by the lack of decorum in the hallways. Witnesses arguing with attorneys, spectators commenting on proceedings, and noisy [passersby].” Observers found the noise coming from the hallways inappropriate and distracting, and they were disturbed by people screaming and yelling and raising their voices while court was in session.

***Recommendation: DC Courts administration should ensure that activities in courthouse corridors do not intrude on courtroom proceedings.***

At the very least, court administration should post signs in all courthouse corridors asking for quiet when courtrooms are in session. In this way, the court would convey its expectation of decorum, and visitors would then be aware that quiet is encouraged and know to keep their voices down. Even better, court administration could supplement the signs by having a court security employee routinely monitor the corridors to identify and resolve instances of excessive noise.

***10. Finding: There are excessive line delays at the DC Superior courthouse entrance.***

The Court only has two public entrances on Indiana Avenue equipped with metal detectors and staffed by security personnel. Observers found that there were extremely long lines at those entrances during peak hours. Observers mentioned having to wait on line for as long as 10 to 15 minutes in the cold weather just to get inside the courthouse. Observers believed that this slow security screening at the entrances caused delays in court proceedings, because people did not expect such long lines and were late arriving at their destinations in the courthouse. There were also some complaints that the security guards did not help with the high traffic volume and instead appeared distracted and not paying attention.

***Recommendation: DC Courts administration should increase the number of security stations at the DC courthouse.***

As one observer stated, “I think that with the number of people who pass through the DC Superior Court they should develop or refine their system.” The line congestion could be lessened if court administration increased the number of public entrances to the building or increased the number of security stations inside the current entrances.

***11. Finding: The DC Courthouse has inadequate disability access and accommodations.***

Court observers frequently remarked about the lack of disability accommodations at the courthouse entrance as well as in the courtrooms. This problem was reported in last year’s study of the DC Superior Court Civil Division, and no improvements are apparent since that time. Observers noticed the absence of accessibility push-buttons to open the courthouse entrance doors and wondered how a wheelchair-bound visitor could enter the building without asking for assistance. In one instance, an observer “watched a person in a wheelchair try to get into the courthouse and he had severe difficulty, and [was not] offered any assistance.” Observers were also dismayed by insufficient disability accommodations inside the courthouse. They noted that the sign directing people to the handicapped restroom was not at eye level for a person in a wheelchair, and that some push-button entrances and exits to the restroom doors were not working. Similarly, observers found that the courtroom doors did not have push-buttons for access by the disabled. They also noted that once in the courtroom, there was no place for a wheelchair-bound spectator or juror to situate themselves without intruding into an aisle.

***Recommendation: DC Courts administration should improve the wheelchair accessibility of the courthouse.***

As was recommended in last year’s observation report, the DC courthouse entrance should be modified to allow easier entry for persons in wheelchairs or with limited strength to pull and hold the double doors. Power-assisted buttons should be installed on courtroom doors and those outside and inside all restrooms should be kept in good repair. In the courtrooms, court officials should remove some of the fixed seating or make other space accommodations for disabled individuals. Court administration should make space for wheelchair-bound people near the jury and witness boxes in the courtrooms. Finally, better and more visible signs should be installed throughout the building.

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## Appendix I

### The Court Community Observers

Lindsay Allazetta	Kyesha Gatison	Thomas Monheim
Walter Alprin	Kimberly Gill-Keating	Millicent Neusner
Alfred Baer	Jessie Ginsburg	Kathleen Olson
Eva Baer	Morton Gluck	Elizabeth Orr
Brenda Balla	Virginia Gorman	Nathaniel Parker
David Bavli	Jenna Gruenstein	Judith Peabody
Nathalie Black	Laura Gubisch	Nelida Price
Linda Bostick	Barbara Halpern	Brian Riley
Krystal Branton	Aisha Hankerson	Carmelitta Riley
Melissa Brennan	Stephen Harlan	Angela Rogers
Susan Brinkerhoff	Audrey Hatry	Harriet Rotter
Jamie Brown	Elizabeth Hedges	Carla Scarmazzi
Renee Bruggink	Laura Henriksen	Kristen Schenker
Kathleen Burke	Daniel Herbert	Kathryn Schmidt
Laura Butera	Maria Hicks	Erica Scott
Vincent Carbonaro	Lorinda Holderness	Rena Seward
Joseph Castelli	Barbara Holland	Kathleen Shea
Elizabeth Clark	Rashida Holman	Beatrix Siman
Barbara Coleman	Tammy Huskey	Christopher Sprigman
Kimberly Cook	K. C. Johnson	Christetta Stone
Brittany Coppage	Brenda Jones	Meredith Story
Margaret Coughlan	Florene Jones	Mary Jane Suskind
Joseph Cuccurullo	Matthew Kessler	Constance Tate
Ute Daley	Christopher Lane	Patricia Taylor
L'Tonya Davis	Tni LeBlanc	Matthew Tikonoff
Christina Davis	Ginny Leikam	David Urias
Judy Deason	Sharon McLaughlin	Tonya Waller
Molyneau DuBelle	Alexander McRae	DeShana Washington
Ellen Eager	Jill Mikelonis	Leonard Washington, Sr.
Andrea Ellard	Heidi Miller	Angela Wilburn
Elizabeth Festa	Katherine Mills	Eugene Wooden
William Frankel		

## **Appendix II**

### **Listing of All Observer Recommendations**

#### **Physical Facilities**

1. Make signs clearer, i.e., where important places on floor are, what is on other floors, how to get to cafeteria, directional signs, etc.
2. Elevators need new carpet.
3. Make escalators and door entrances wider to better accommodate disabled persons.
4. Fix bathroom soap dispensers, door handles, etc.
5. Need signs outside of Judiciary Square Metro directing you to Superior Court.
6. Need centrally located directory on each floor and floor plan with room numbers.
7. Need signs on courtroom doors if proceedings are closed, i.e., family or juvenile matters.
8. Nameplate for Judge on the bench.
9. More seats added to the courtroom.
10. Courtrooms should have the sign outside lit when it is about to begin, and is in progress, otherwise the sign should not be lit.
11. Judge's bench needs remodeling and needs a larger table to fit computer equipment.
12. Post signs in different languages.
13. Make signs bigger and brighter.
14. Post judge courtroom changes on screen similar to arrival/departure screen at airports.
15. Post a directory at the Indiana entrance to courthouse.
16. Post docket on courtroom doors.
17. Post signs on courtroom doors indicating when court is scheduled to begin.
18. Have signs in braille.
19. Post a sign on courtroom doors when observers can't watch jury selection.
20. Tile walls throughout building need repair.
21. Reduce congestion in hallways.

#### **Courthouse Entrance**

22. Make the courthouse handicapped accessible at the entrance and in the courtrooms.
23. Clean the trash at the entrance on a continuing basis.
24. Have both security checks open at all times to avoid long lines.
25. Add a third magnetometer to speed up the process at the entrance.
26. Fix the entrance security; as it is now is inefficient and a hassle.
27. Widen the entrance doors for disabled persons.
28. The metal detectors at the entrance should be readjusted so that they do not detect harmless objects, but still catch dangerous weapons.
29. Put clocks in courthouse entrances.
30. Place benches in courthouse entrances for people to sit.

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### **Inside the Courtroom**

31. Employ a better microphone system for judges, lawyers, and witnesses because it was difficult to hear the proceedings.
32. Trials should be in courtrooms of ample size, so as not to cause overcrowding.
33. Attorneys should be better prepared when presenting their cases.
34. The deputy clerks should be required to wear jackets to make them appear more professional.
35. Place handicapped electronic controls on doors.
36. Create handicapped seating in the courtrooms.
37. Judge's benches need remodeling and more desk space for computer equipment.
38. Move easel exhibits to location where everyone can see them.

### **General Improvements**

39. Improve the condition and cleanliness of the bathrooms.
40. Improve the condition of the cafeteria.
41. There should be better lighting in the hallways.
42. Have the elevators in working order.

### **Timeliness / Efficiency**

43. Court should start on time and court personnel (judges, court reporters) should be on time to foster this.
44. The court should adhere to a rigid schedule.
45. Case jackets should be given to judges so that they have adequate time to review the documents before conducting hearings about them.

### **Jurors' Lounge**

46. The court should manage its time better so that the jurors do not spend large amounts of time with nothing to do.
47. There should be ample reading material and entertainment (i.e. newspapers, magazine, etc.) for those waiting in the jurors' lounge.
48. The waiting room (presumably the jurors' lounge) needs to be cleaned and organized.
49. More notification when judges will not be in need of a jury and there will be some down time.

### **Drug Court**

50. Videotape drug court sessions to show in schools.
51. More publicity for drug court and its results.

**Appendix III**  
**Sample Observation Form**

Council for Court Excellence Court Community Observers Project  
Criminal Division Observation Form

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"/> Arraignment Court<br>(please fill out 1-9, 11, & 15) | <input type="checkbox"/> Preliminary Hearings Court<br>(please fill out 1-9, 12, & 15) | <input type="checkbox"/> Criminal Div. Clerk's Office<br>(please fill out 1-3, 13, & 15) |
| <input type="checkbox"/> Criminal Court<br>(please fill out 1-10 & 15)        | <input type="checkbox"/> Juror's Lounge<br>(please fill out 1-3, 14, & 15)             |                                                                                          |

**1. Physical Facilities**

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

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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.

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## 2. Court Personnel

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

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Based on your observations or interactions, were court personnel efficient, helpful, and polite?

 Yes.

 No.

Please explain.

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Did anyone appear to have trouble understanding or making themselves understood, in English or otherwise?

If so, please explain.

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## 3. 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.

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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.

#### 4. Proceedings

What kind of proceedings did you observe? 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.

- Arraignment \_\_\_\_\_  Preliminary Hearing \_\_\_\_\_  Pre-trial Hearing \_\_\_\_\_
- Bench Trial (No Jury) \_\_\_\_\_  Jury Trial \_\_\_\_\_  Sentencing Hearing \_\_\_\_\_
- Accepting a Plea \_\_\_\_\_  Other (please describe) \_\_\_\_\_

#### 5. Utilization of Court Time

What time was the court session scheduled to begin? \_\_\_\_\_ What time did it actually begin? \_\_\_\_\_

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? \_\_\_\_\_

#### 6. 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.

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### 7. Prosecuting Attorneys

Were the prosecuting 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 attorneys' performance? Please comment.

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### 8. 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.

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### 9. 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.

### **10. Criminal Courtroom 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: \_\_\_\_\_

### **11. Arraignment Court**

- Did the magistrate make sure defendants understood the proceedings?  Yes.  No.  Don't know.
- If any defendant plead 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: \_\_\_\_\_

### **12. Preliminary Hearings Court**

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: \_\_\_\_\_

\_\_\_\_\_

### 13. Criminal Division 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. 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

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.

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**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.)**

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**⚠ 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

**The Court Community Observers  
February - April 2002**

Lindsay Allazetta  
Walter Alprin  
Alfred Baer  
Eva Baer  
Brenda Balla  
David Bavli  
Nathalie Black  
Linda Bostick  
Krystal Branton  
Melissa Brennan  
Susan Brinkerhoff  
Jamie Brown  
Renee Bruggink  
Kathleen Burke  
Laura Butera  
Vincent Carbonaro  
Joseph Castelli  
Elizabeth Clark  
Barbara Coleman  
Kimberly Cook  
Brittany Coppage  
Margaret Coughlan  
Joseph Cuccurullo  
Ute Daley  
Christina Davis  
L'Tonya Davis  
Judy Deason  
Molyneau DuBelle  
Ellen Eager  
Andrea Ellard  
Elizabeth Festa  
William Frankel

Kyesha Gatison  
Kimberly Gill-Keating  
Jessie Ginsburg  
Morton Gluck  
Virginia Gorman  
Jenna Gruenstein  
Laura Gubisch  
Barbara Halpern  
Aisha Hankerson  
Stephen Harlan  
Audrey Hatry  
Elizabeth Hedges  
Laura Henriksen  
Daniel Herbert  
Maria Hicks  
Lorinda Holderness  
Barbara Holland  
Rashida Holman  
Tammy Huskey  
K. C. Johnson  
Brenda Jones  
Florene Jones  
Matthew Kessler  
Christopher Lane  
Tni LeBlanc  
Ginny Leikam  
Sharon McLaughlin  
Alexander McRae  
Jill Mikelonis  
Heidi Miller  
Katherine Mills

Thomas Monheim  
Millicent Neusner  
Kathleen Olson  
Elizabeth Orr  
Nathaniel Parker  
Judith Peabody  
Nelida Price  
Brian Riley  
Carmelitta Riley  
Angela Rogers  
Harriet Rotter  
Carla Scarmazzi  
Kristen Schenker  
Kathryn Schmidt  
Erica Scott  
Rena Seward  
Kathleen Shea  
Beatrix Siman  
Christopher Sprigman  
Christetta Stone  
Meredith Story  
Mary Jane Suskind  
Constance Tate  
Patricia Taylor  
Matthew Tikonoff  
David Urias  
Tonya Waller  
DeShana Washington  
Leonard Washington, Sr.  
Angela Wilburn  
Eugene Wooden

**Council for Court Excellence**

**Project:** Linda Bostick, Chair

**Sponsored by:** Public Service Committee, Hon. Vanessa Ruiz, Chair

**Executive Director:** Jeanne Milliken Bonds

**Founding Executive Director:** Samuel F. Harahan

**Project Staff:** Peter Willner and Priscilla Skillman

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**Council for Court Excellence**  
1717 K Street, NW  
Suite 510  
Washington, DC 20036  
Phone: 202-785-5917  
Fax: 202-785-5922  
Website: [www.courtexcellence.org](http://www.courtexcellence.org)