



**Council for Court Excellence**  
Annual Report

**20**  
*Improving*  
**10 JUSTICE**

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*For the Washington, DC community*

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# OUR MISSION

The Council for Court Excellence is a nonprofit, nonpartisan civic organization that since 1982 has worked to improve the administration of justice in the local and federal courts and related agencies in the Washington, DC area.

We accomplish this goal by identifying and promoting justice system reforms, improving public access to justice, and increasing public understanding of and support for our justice system.

## HISTORY

After the DC Bar released the ground-breaking “Horsky Report” in 1982 calling for improvements in the local court system, community leaders identified the need for an independent group to promote policy improvements and to engage our community in justice initiatives.

To address these concerns, leaders of the city’s civic, legal, government and business sectors founded the Council for Court Excellence (CCE) to help local and federal courts respond to increasing demands and escalating community expectations.

Under the leadership of founders Charles A. Horsky and Sam Harahan, the Council set an ambitious agenda of identifying, developing and advocating needed justice-system reforms, and programs to improve understanding of and support for the justice system.

CCE has built a substantial record of success in the major justice system reform initiatives it has undertaken.

CCE was the moving force behind adoption of the one day/one trial jury system in the DC Superior Court, modernization of trial jury and



*CCE founder Charles A. Horsky, right, with Judge James A. Belson, center, and Judge John Steadman, left*

grand jury systems, reform of the District of Columbia probate laws and procedures, reform of the DC administrative adjudication system, improvement in court handling of child neglect and abuse cases, expansion of crime victim rights, proposed solutions to speed resolution of criminal cases and to speed resolution of civil cases by the DC trial and appellate courts.

To improve the public’s access to justice and increase understanding of our justice system, the Council over the years has published and disseminated more than 360,000 copies of plain-language booklets and other materials explaining a wide variety of court systems.

# from the **EXECUTIVE DIRECTOR**



Early in 2010, at one of our weekly staff meetings, we realized that this year would be the 100<sup>th</sup> birthday of the Council for Court Excellence's founding father, Charles Horsky. We knew that a very special celebration was in order, and that this event would frame the Council's year.

Some CCE friends know that Mr. Horsky authored a book titled "The Washington Lawyer," and the essays collected here were frequently assigned reading in law schools across the country. One of the book's insightful themes called for the unique legal community in Washington, DC to engage and serve the residents of this vibrant city. This vision is built into CCE's mission.

DC is often cited as the city with the most lawyers per capita in the nation. But only a handful of these attorneys are advocating for local clients, and even fewer serve the many impoverished and disenfranchised in this complex community. But it was Charles Horsky who called on all lawyers working in Washington to fulfill their duties as public advocates for those at the fringes of the justice system. Mr. Horsky imagined the change we could make together if these talented advocates joined forces to support District residents at the fringes. He gathered the very best attorneys, business leaders and judges and challenged them to build nonpartisan, consensus-based solutions for the DC justice system. This has been CCE's strategy for success for almost thirty years.

In 2010, we applied this strategy to projects to improve outcomes for DC children engaged in custody disputes, to open desperately-needed job opportunities for reentering citizens, and to revise laws addressing

disorderly behavior that were more than a century out of date. We brought information and educational programs to all quadrants of the District, training service providers in DC's juvenile justice system, and engaging judges to lead programs about jury service in local classrooms. Our innovative Bench-Bar-Media Dialogue has been a forum for discussion unlike any other program in the country.

Our work this year was filled with Mr. Horsky's spirit of community service, and advanced his vision of engaging all neighbors in the judicial branch of our democracy.

Planning for the event honoring Mr. Horsky at the Supreme Court was such a pleasure, as was working with our wonderful committee of his colleagues and friends, led by Judge Jim Belson and Sam Harahan. Linda Ferren helped us find the original recordings of Mr. Horsky's oral history at the US District Court Historical Society. We digitally remastered these cassettes, and Mr. Horsky's voice filled our offices for a week as we all listened to him recount stories of Montana, his legal career with Covington & Burling, and his White House years in the Kennedy and Johnson administrations.

This year was filled with the spirit of Charlie Horsky. Though I never met him, I have found endless occasions to reflect on his goals and vision for the Council for Court Excellence. And I hope that our achievements this year would make him proud of our organization, and of the Washington Lawyers and community leaders who make this great work possible. I thank our outstanding Board and our generous supporters for advancing these efforts with us. I hope that you enjoy reading about CCE's very successful year in this report.

A handwritten signature in black ink that reads "June". The signature is fluid and cursive.

*June B. Kress, Executive Director*





# LEADERSHIP ACTIVITIES

In early 2010, CCE Chair Marie Johns was nominated by President Barack Obama to a leadership post in the Small Business Administration, which required her to step down from all boards. Marie had served as CCE's Chair since June 2008, and wished the Council every success in our future endeavors in her resignation letter.

Hon. Kathy Patterson was quickly and unanimously elected by the CCE Board to serve as Interim Board Chair as the Nominating Committee, led by Ron Jessamy, conducted a search for a new Chair. Kathy presided over the Justice Stewart Dinner in May alongside President Earl Silbert. The Board was deeply appreciative of Kathy's leadership.

In June, the Board elected Kathleen Walsh Carr to the position of Chair. Kate is the President of Cardinal Bank Washington and a native of the District. She has more than 35 years of experience in the finance industry and has an extraordinary record of service in the local business and civic community. She is a long time member and former Chair of the DC Chamber of Commerce, and a member of the Federal City Council and the Washington Board of Trade.



*Kate Carr, Chair of the CCE Board*

Also at the June Board meeting, several members of the Board were elected to the Executive Committee, including Bruce Berger, Tom Mikula, John Niels, Tyrone Parker, Arabella Teal, and Kurt Wimmer. Patrick McGlone was elected to serve as Vice President, replacing David Cynamon who will oversee the launch of his law firm's new office in Abu Dhabi.

The Board thanks the following members who rotated off the Executive Committee in 2010: Caryl Bernstein, Linda Bostick, Bill Lawler, Joan Strand, and Michael Waldman.

We are particularly grateful to Ron Jessamy for his dedicated leadership of the Nominating Committee, and to the members of this committee: Beverly Burke, David Cynamon, Steve Hut, Jim Lee, Carolyn Lerner, Eric Lieberman, Tim May, Dwight Murray, Rod Page, Kathy Patterson, and President Earl Silbert.

CCE made considerable progress in our work to review our bylaws and corporate policies, led by Governance Committee chair Greg Castanias. Additional committee members leading these efforts included Elliott Adler, Tracy Roman, Earl Silbert and Steuart Thomsen.

## Caryl Bernstein receives the Charles A. Horsky Award



*Earl Silbert, right, presents the Horsky Award to Caryl S. Bernstein, who is accompanied by her husband George*

The Executive Committee presented the Horsky Award to long-time Board leader Caryl S. Bernstein on September 20. Earl Silbert, President of the Board, spoke of Caryl's outstanding contributions to CCE's success since the organization's early years.

He said to Caryl, "I thank you for your dedication, your generous support for our mission, and your visionary leadership which has ensured a strong future for CCE."

The Charles A. Horsky Award is given on special occasions to outstanding leaders who embody Mr. Horsky's commitment to public service. The award, named after CCE's founder, was established by the Executive Committee in 1998.

Caryl served as co-chair of the Resource Development Committee. She recently ended eight years of service during two periods on the Executive Committee. She remains an active member of the Finance Committee, continuing 20 years of participation on the CCE Board.

Caryl has advanced the mission of CCE by contributing her astute financial management and her keen business development skills to raise support for our organization. She was a leader of CCE's capital campaign from 2001-2006, which built a reserve fund to ensure CCE's financial stability. Caryl has provided generous personal support to CCE, and has shared her enthusiasm for the Council's mission with her colleagues and friends across the DC community.

# CHILDREN IN THE COURTS

## COMMITTEE

*Under the leadership of Chair Arabella Teal, the committee was active on a broad range of Family Court issues in 2010: domestic relations, juvenile justice, and child welfare.*

### **CCE sponsors Family Court judicial training**

On December 2, judicial officers of the Family Court of the Superior Court of the District of Columbia received three hours of continuing education training about emerging legal issues related to same-sex marriage, DC's new parentage statute, and the interstate recognition of family relationships involving same-sex couples and their children.

The training program was developed by CCE, the American Bar Association's Commission on Sexual Orientation and Gender Identity, and the Williams Institute, a think tank located at the UCLA School of Law. Patrick McGlone, CCE's Vice President and a former member of the ABA Commission, led the planning effort for the Council. Approximately two dozen Associate Judges and Magistrate Judges attended the training, including Chief Judge Lee F. Satterfield and Presiding Judge Zoe Bush of the Family Court, and were an engaged and enthusiastic audience.

The training program consisted of 3 sessions presented by seven experts: Dr. Gary J. Gates, Prof. Nancy D. Polikoff, local attorneys Michele Zavos, Susan Silber, and Shannon Minter, Legal Director of the National Center for Lesbian Rights.

CCE has organized numerous training sessions for judges and other justice-system stakeholders since 1983, and this new area of law is a timely addition. Many thanks to Patrick McGlone for leading this effort.

“ Same-sex marriage was a significant social and legal development for DC. Our courts will face issues unique to new family relationships. CCE has helped judges prepare for changing times.”

*Patrick McGlone, Vice President of  
the CCE Board of Directors*





## Creating practice standards for volunteer attorneys in contested custody cases

Since late 2009, CCE has worked to develop practice standards for volunteer attorneys appointed by Family Court judges to represent children in custody disputes. CCE recruited a broad-based project committee of experienced domestic relations practitioners to undertake the project.

The DC Access to Justice Commission has reported that 77% of the people who seek custody of their children or a divorce in the Superior Court Family Court have no attorneys and thus litigate the cases on their own. Several judges who preside over contested custody cases have expressed concern to CCE and others that some self-represented parties are unable to present reliable evidence to the court about the best interests of the children during such contentious litigation. Understandably, the judges worry that the lack of reliable evidence impairs their ability to make fully-informed decisions in contested custody cases and may place children at significant risk.

Because of this, in some custody cases, Family Court judges appoint volunteer attorneys to serve as *guardians ad litem* for the children. Judges appoint volunteer attorneys who are provided through the Children's Law Center and the DC Volunteer Lawyers Project, as well as by directly asking other experienced domestic relations or child neglect practitioners to volunteer their services as custody GALs.

However, contrary to the norm for court appointments in other areas of Family Court practice, there are no uniform procedures, practice standards, or qualifications for such custody GALs. The DC Bar Family Law Section had for years discussed the absence of standards, but had reached no resolution.

The CCE project committee began its work in March 2010, met monthly for the remainder of 2010, and by year-end had made significant progress towards completing its proposed standards.



Arabella Teal, Chair, Children in the Courts Committee

The project committee did extensive research to guide its discussions and decisions. The committee drafted standards based on a model from the American Bar Association, and comprehensively reviewed approaches to guardians *ad litem* from across the states. The committee then applied a special focus to the neighboring states of Maryland and Virginia.

The research on Maryland proved especially useful, as Maryland recently adopted its own set of standards for custody attorneys representing children. The Committee also engaged in extensive research of District of Columbia case law.

The committee expects to complete its proposed standards by spring 2011 and then to begin to advocate for their adoption and use.

Committee Chair Arabella Teal is joined by CCE Board members Bruce Berger, Barbara Kagan and Joan Strand, along with individual domestic relations attorneys and representatives from a variety of organizations including the Children's Law Center, DC Volunteer Lawyers Project, the Legal Aid Society of DC, and the DC Bar Pro Bono Project.

# 77%

of litigants seeking custody of their children in DC Superior Court Family Court proceed without legal representation

DC Access to Justice Commission report. October 7, 2008

## Training programs for the direct service community

CCE's *Guide to the DC Juvenile Justice System*, published in 2009, continued to be in great demand this year. By the end of the year, CCE had distributed 8,000 English copies and 1,700 Spanish copies, and had ordered a second printing of the English version.

In addition to making the *Juvenile Justice Guide* widely available, the committee also continued using the guide as a training tool in presentations to organizations that provide direct service to the youths and families who are involved in the juvenile system. With funding from the Mayor's Office on Latino Affairs, some trainings in 2010 included a special focus on outreach to Latino organizations and community groups in the city.

CCE made seven juvenile justice training presentations during the year: for staff members of the Latin American Youth Center (LAYC); in Spanish for staff members and foster and birth parents convened by the LAYC; for staff members of CentroNía; for parents and youth at the Youth Services Center of the Department of Youth Rehabilitation Services; for staff members from nearly 25 Ward One community organizations, convened by the Columbia Heights/Shaw Neighborhood Collaborative; for residents of Faircliff Plaza Apartments in Columbia Heights; and for staff members



*Lynette Collins (Office of the Attorney General for DC) and Gabriel Diaz (PDS)*



*Fred Rogers, DYRS*



*One of the trainees at Columbia Heights/Shaw program*

of Evidence Based Associates, family therapists serving youth in the juvenile system.

CCE thanks our Board members, Julia Alanen who led the Spanish-language session at LAYC, and Sam Harahan who attended the English-language session there. Priscilla Skillman, CCE's Assistant Director, participated in all seven trainings and recruited the following expert presenters who each participated in one or more sessions to field the many questions from the trainees: Hanna McElhinny and Gabriel Diaz of the Public Defender Service; David Muhammad and Fred Rogers of the Department of Youth Rehabilitation Services; Lynette Collins and Robert Hildum of the Office of the Attorney General; Terri Odom and Fannie Barksdale of Family Court

Social Services; and Timothy Curry of Georgetown Law Center's Juvenile Justice Clinic. CCE sincerely thanks all of them for their generosity with their time and expertise.

# 9,700

copies of our *Guide to the DC Juvenile Justice System* distributed to date, in English and Spanish



## Facilitating the DC Child Welfare Leadership Team

In 2010, CCE continued work - continuous since 1999 - as facilitator of the District's Child Welfare Leadership Team. This voluntary group is comprised of the leaders of the public agencies that share responsibility for the performance of the city's foster care system: the Child and Family Services Agency, the Office of the Attorney General for DC, the Department of Mental Health, and DC Superior Court Family Court, as well as the federal court-appointed monitor of the system.

The Team met quarterly to review system performance data from all the agencies and to identify and delve into cross-agency issues hindering progress.

CCE also testified twice in March 2010 at oversight hearings about the performance of the DC foster care system, once to the DC Council Committee on Human Services and once to the US Senate Subcommittee on Oversight of the District of Columbia. CCE's statements used published data from 2004 through 2009 to express concern that, despite a significant drop in the number of DC children in foster care over that period, system performance on achieving prompt permanent homes for foster children had declined throughout the six year period.

## Focusing on policy and performance

Members of the Children in the Courts Committee met in 2010 to discuss highly publicized events involving DC's juvenile justice system and what role CCE should play, beyond its efforts to inform the public about how the system works. One decision was that CCE should continue to analyze available data and speak out about juvenile justice policy and performance.

**Despite a significant drop in the number of DC children in foster care, system performance on achieving prompt permanent homes for foster children had declined**

CCE presented testimony to the DC Council three times in 2010 about the performance of the District's juvenile justice system: at an oversight hearing in February, at a budget hearing in April, and at another oversight hearing in September following the third leadership change of the year at the Department of Youth Rehabilitation Services (DYRS).

In its several statements, the Council for Court Excellence urged attention to crucial juvenile justice public policy issues facing the city:

- The need to understand what factors account for the surge in the court's commitments of youth to DYRS over the past five years, despite stable or reduced juvenile arrests for serious offenses, which strains DYRS's capacity and budget;
- Overcrowding at both DYRS locked facilities, the Youth Services Center for pretrial detainees, and New Beginnings Youth Development Center for committed youth;
- Significant diversion of the sixty beds at New Beginnings from their intended purpose of multi-month rehabilitation services to use as short-term transitional housing for youth awaiting placement in other facilities;
- Overuse of out-of-area residential treatment and other facilities for committed youth;
- The need for thorough case plans for all committed youth and rigorous case management oversight for all committed youth, especially those being supervised in the community; and
- The need to view the performance of the District's juvenile system as a whole rather than focusing only on the minority of the system that is entrusted to DYRS.

# CRIMINAL JUSTICE

## COMMITTEE

“It was essential that this project balance public order and safety priorities with individual rights. We didn’t want to see some behavior overly criminalized.”

*Cliff Keenan,  
Project Co-Chair*



### **Revised disorderly conduct legislation enacted**

On December 7, the DC Council unanimously passed the “Disorderly Conduct Amendment Act of 2009” (Bill number B18-425) as a result of the research, drafting efforts and sponsorship of CCE’s *Disorderly Conduct Arrest Project Subcommittee*, which released its report in October 2010. Please contact CCE’s offices if you wish to receive a copy of the subcommittee report. A copy of the bill can be found at <http://www.dccouncil.washington.dc.us/images/00001/20110105110704.pdf>

The prior local disorderly conduct statutes, DC Code §§ 22-1307 and 22-1321, dated from 1892 and 1953, respectively. The courts had ruled that certain of the provisions were vague and ambiguous, or that the laws improperly infringe on citizens’ First Amendment rights. Also, the statutes were thought to give too much discretion to police to decide what conduct is disorderly, thereby facilitating improper arrests rather than arrests for conduct that threatens the public peace and good order.

Members of the subcommittee reviewed the existing DC disorderly conduct statutes and the comparable statutes of Maryland and Virginia, as well as disorderly conduct provisions in other states. They also reviewed the disorderly conduct provisions in the Model Penal Code.

We thank CCE Board members and co-chairs Leslie McAdoo Gordon and Cliff Keenan for leading this important, long-term project. Their subcommittee is comprised of CCE Board members and representatives from key criminal justice stakeholder agencies, including CCE Board members Judge Mary Ellen Abrecht, Jim Berry, Cary Feldman, Rich Gilbert, Steve Gordon, Michael Hays, Jim Nathanson, and Bob Spagnoletti; and representatives from the ACLU of the Nation’s Capital, the DC Superior Court, Georgetown University Law Center, DC Office of Police Complaints, the DC Public Defender Service, the DC Office of the Attorney General, the Metropolitan Police Department, and the United States Attorney’s Office for the District of Columbia.



Photo by dckaleidoscope blog



Image created by U.S. Census Bureau



Photo by takomabibelot  
(Creative Commons, flickr)

## Measuring perceptions of crime in DC's Trinidad neighborhood

More than half of the residents, business owners, and visitors to the Trinidad (DC) neighborhood reported being very concerned about crime but were not familiar with a DC program designed to prevent crime, according to a CCE crime survey of Trinidad. In August 2010, CCE released its report on the perceptions of crime in the Trinidad neighborhood and that community's knowledge of the DC Safe City Program. CCE was funded by the Washington DC Police Foundation in 2009 to manage the distribution and analysis of the crime perception survey.

The neighborhood survey process included two questionnaires: one in Spring 2009 *before* the implementation of the Safe City Program and one in Spring 2010 *after* implementation. Each anonymous survey asked four major questions, about personal safety, concern with specific classes of crime, police services and familiarity with the Safe City Program. Of those familiar with the Safe City Program, the survey asked additional questions about perceptions of the program's effectiveness in reducing the fear of crime and reducing the overall crime rate. Each survey posed optional demographic questions about race, age, gender, recent crime victimization, Trinidad residency status, length of

residency in Trinidad, and household size. The only variance between the two surveys was a question in the second survey asking if the respondent had completed the first survey.

The Safe City Program was publicly announced by Mayor Adrian Fenty and Metropolitan Police Department Chief Cathy Lanier in December 2008 as a response to serious and persistent crime problems in the Trinidad neighborhood. Much of the program's funding was directed towards the deployment of nine closed-circuit TV cameras and developing the infrastructure to accommodate a total of up to twenty cameras in the future. The cameras were placed at strategic locations throughout the Trinidad neighborhood to act as a "force multiplier" for the MPD crime prevention approach. The Safe City Program also distributed high-intensity light bulbs through their program "Light Up the Night," provided cell phones programmed to call 911 as part of their "Live Link" initiative, and added recreational equipment at the Joseph Cole and Trinidad Recreation Centers.

CCE would be happy to provide copies of the full report to interested parties. Please contact our offices by phone (202-785-5917) or email ([info@courtexcellence.org](mailto:info@courtexcellence.org)) to request a copy.



## Identifying and removing barriers to employment for returning citizens

The Council for Court Excellence's DC Reentry Initiative is working to identify and address some of the systemic barriers to employment for former DC offenders. CCE led important initiatives related to DC's Criminal Record Sealing Act of 2006, and is an experienced leader in local policy matters related to criminal justice.

Research strongly supports the importance of employment in reducing recidivism. As recently as July 2009, a study in the Journal of Labor Economics found that unemployed former offenders are re-incarcerated twice as quickly as those who are employed.

CCE has surveyed DC employers and previously incarcerated persons (PIPs) about their employment experiences and conducted a best practices review of other jurisdictions' efforts to address legal barriers to employment for persons with a criminal record. Over 550 PIPs responded to the CCE survey; respondents were either those who, in Summer and Fall 2010, voluntarily appeared at the DC Office on Ex-Offender Affairs (OEOA) seeking assistance or were under the supervision of the US Probation Office and responded to a letter request from a probation officer.

The unemployment rate among respondents to CCE's PIP survey is devastatingly high, at 46% - quite close to the 50% unemployment rate of former offenders reported in a July 2008 Washington Post report. This figure is particularly troubling considering that about 90% of PIPs were on government supervision through probation, parole, or supervised release, which indicates that even government agencies face difficulty helping their clients secure employment.

Even when offenders used their time in prison productively to increase their skills – in prison 30% received a GED or higher and 35% receiving a job training certificate – in our sample we found no difference in the unemployment rate for those who had earned a GED or job certificate in or after prison compared to those who did not. Perhaps those who did not advance their skills in prison or after their release already possessed a high level of skills, perhaps not. In the end, in our sample, it did not matter. On the positive side, 75% report finding steady employment within seven months of their release and just over 60% report that there is opportunity for them to move up in their company.

This important initiative adds data, where little exists, upon which local policy judgments can be made; and CCE seeks to promote a broader public discussion about the effects of collateral consequences for former offenders.

The Initiative's next steps are to release a full report with specific policy recommendations, including possible legislative initiatives, which at this point include certificates of rehabilitation or employability and potential bases for liability protection for employers who hire former offenders. Both concepts, particularly certificates of rehabilitation, are of interest to the committee and have been implemented in other jurisdictions. These topics are also of interest to the employers who completed our survey.

Considerable thanks are due to committee chair and CCE Board member Ted Whitehouse for leading this important project. Thanks also to the other members of the committee, including Judge Mary Ellen Abrecht, John Clark, Susan Lynch, Avis Buchanan of the DC Public Defender Service, Phil Fornaci of the DC Prisoners' Project, Judi Garrett of the Federal Bureau of Prisons, Cedric Hendricks of the Court Services and Offender Supervision Agency, Albert Herring of the US Parole Commission, Cliff Keenan of the DC Pretrial Services Agency, Ann Cuninghame Keep of the Visitors' Services Center, Robert Okun of the US Attorney's Office, Tyrone Parker of the Alliance of Concerned Men, Margaret Singleton of the DC Chamber of Commerce, and Charles Thornton of the DC Office on Ex-Offender Affairs.

**46%** the unemployment rate among previously incarcerated individuals is devastatingly high

# COURT IMPROVEMENTS

## COMMITTEE

### DC Bench-Bar-Media Dialogue Project



Peter Zeidenberg and Alexandra Walsh



Lee Levine



Judge Reggie Walton

The CCE Bench-Bar-Media Dialogue Project is an educational program series designed to foster discussion on issues of current interest to the bench, bar and media and, by so doing, to promote a better understanding among them. It is the direct result of the process that led to the publication of the 2009 CCE *Journalists' Handbook to the Courts in DC*.

CCE's project committee convened two programs in the second half of 2010.

The first program, entitled "Sharing Perspectives," was an off-the-record conversation in July among almost forty local and federal judges, print and broadcast reporters, and media lawyers about issues of common interest and occasional complaint. The program was moderated by Kevin Baine of Williams & Connolly, one of the nation's leading First Amendment litigators, having represented media clients in libel cases, access to documents and sources, and reporter's privilege cases. Special thanks to Jennifer O'Connor and Wilmer Hale for hosting the July program and a wonderful reception.

The second program, entitled "High Profile Trials and the *Libby* Case," was a panel discussion about the considerable media issues related to *US v. Libby* by some of the trial participants and press who covered the case. Among the issues covered were the US District Court's views about the success of its media center, which the court established for the coverage of high profile trials; the value to the court of having a press liaison; the consideration by the judge of issuing a gag order in response to a prosecutorial press conference; a blogger's eligibility for a press credential; the court's perspective on press coverage by a blogger;

attorney perceptions of press coverage; reporter's privilege; waivers offered by prosecutors to permit press to testify; members of the media appearing to testify in court; whether the *Libby* case was a good test case for further court consideration of reporter's privilege; media access to juror *voir dire*; and jurors speaking with the press.

The second program was moderated by Dialogue Committee co-chair Laura Handman. Panelists included Lee Levine, CCE Board member from Levine, Sullivan, Koch & Schulz, who represented Tim Russert in the *Libby* case; Walter Pincus, a reporter for The Washington Post who was subpoenaed in the case; Alexandra Walsh (Baker Botts) who was a member of the defense team; Judge Reggie Walton of the US District Court for DC who presided over the trial; Marcy Wheeler, FireDogLake's primary live-blogger of the trial; and Peter Zeidenberg, Deputy Special Counsel for the US Department of Justice in the investigation and prosecution.

Laura Handman and Eric Lieberman co-chair this initiative. CCE Board members on the committee are Andy Glass, Politico; Lee Levine, Levine Sullivan; Jennifer O'Connor, WilmerHale; Justin Shur; Arabella Teal; and Kurt Wimmer, Covington & Burling. Other committee members include Henri Cauvin, The Washington Post; Barry Coburn, Coburn & Coffman; Lucy Dalglish, Reporters Committee for Freedom of the Press; Leah Guowitz, DC Courts; Jack Murphy, Maryland-Delaware-District of Columbia Press Association; Sheldon Snook, US District Court for DC; Jerrienne Timmerman, National Association of Broadcasters; and Barbara Wall, Gannett Co., Inc.



*The Bench-Bar-Media Dialogue* (from left): Co-Chair Eric Lieberman, Alexandra Walsh, Judge Reggie Walton, Co-Chair Laura Handman, Lee Levine, Peter Zeidenberg, Marcy Wheeler, and Walter Pincus



## New DC business organization laws enacted

CCE is planning a public education program in 2011 regarding the District's major overhaul of its business laws, which are set to become effective in January 2012. The program will be directed towards corporate attorneys, business owners, and non-profit organizations.

The legislation aims to modernize antiquated, incomplete, and unorganized DC business laws. The bill was drafted by an ad hoc group of the DC Bar DC Affairs Section.

In April, CCE submitted written testimony for the record in support of the concept underlying the proposed "DC Official Code Title 29 (Business Organizations) Enactment Act of 2009," bill number B18-0500. The testimony was submitted to the DC Council Committee on Public Services and Consumer Affairs, chaired by Councilmember Muriel Bowser.

We thank CCE Treasurer Marc Sherman (Alvarez & Marsal) and Court Improvements Committee Chair Jay Hulme (Arent Fox) for their work on this initiative.

## Testimony regarding the DC Office of Administrative Hearings

CCE testified twice in 2010 regarding the DC Office of Administrative Hearings (OAH), a DC Government agency that CCE helped establish following its 1999 study entitled, "Creating a Unified Administrative Hearings Agency in the District of Columbia."

At the January 2010 confirmation hearing for Chief Administrative Law Judge Mary Oates Walker, CCE testified about the importance of the OAH, the challenges facing the Office, and about some of the characteristics of any incoming chief administrative law judge (ALJ). CCE did not take a position on the Chief ALJ candidate, consistent with its practice of not advocating for political candidates or appointed officials.

CCE testified in support of the OAH FY 2011 budget and opposed the Mayor's proposal to return the adjudication of unemployment insurance cases to the Department of Employment Services. CCE said "to the contrary,

the District of Columbia's interest should be in expanding the scope of OAH's jurisdiction, because OAH and the central hearing panel model provides residents with:

- An established platform of services and economies of scale that provide for more efficient and effective case processing, as well as a quality control process that provides for more accurate and consistent decisions.
- Increased perceptions of fairness and decisional independence.
- An administrative law judge cadre with higher professional qualification standards than in other DC Executive Branch agencies."

We thank Court Improvements Committee Chair, Jay Hulme, for leading CCE's support for this important agency, and CCE Board members Ron Jessamy, Jim Mercurio, and Jim Nathanson for participating in ad hoc efforts related to OAH.

*CCE Chair Kate Carr, right, with new Board representatives (from left) Diana Savit, Tyrone Parker, Alec Farr, and Stephen Stern*



*CCE President Earl Silbert, right, with new Board representatives Chief Administrative Law Judge Mary Oates Walker and Hal Segall*

*CCE would be happy to provide copies of testimony to interested parties. Please contact us by phone (202-785-5917) or email ([info@courtextcellence.org](mailto:info@courtextcellence.org)) to request a copy.*

# **PUBLIC SERVICE**

## **COMMITTEE**

*The Public Service Committee, chaired by Judge Noël Anketell Kramer, had an active year with activities focused on jury education at home and outreach to justice systems in other nations.*

### **School Jury Education Project**

CCE's longstanding jury education program continued throughout 2010. CCE uses its video mock-trial, *Guilty or Not Guilty? You Decide*, to teach students about the jury system by challenging them to become the jurors in the case and try to reach a unanimous verdict. CCE brings a judge to each session to offer introductory remarks, provide jury instructions, assist the jury's deliberation, and engage in a question and answer session with the students after their verdict. During 2010, CCE presented the jury lesson nine times in DC schools.

Charisma Howell, of the Street Law Program at Georgetown Law Center, and Brittany Thomas and Kate Civitello, CCE summer legal interns from American University's Washington College of Law and George Washington University Law School respectively, made the 2010 programs possible by arranging for their law schools to partner with the Public Service Committee on this initiative and inviting CCE into their Street Law and constitutional law classes at DC schools.

CCE thanks the following judges and schools who participated in teaching the District's next generation of jurors in 2010: Woodrow Wilson High School and U.S. District Judge Richard Roberts; Bell Multicultural High School and U.S. Magistrate Judge Deborah Robinson; Cardozo High School and U.S. District Judge James Robertson; Duke Ellington School of the Arts and DC Superior Court Magistrate Judge Joseph Beshouri; Dunbar High School and DC Superior Court Magistrate Judge Karen Howze; Ballou High School and DC Superior Court Judge Craig Iscoe; Roosevelt High School and DC Court of Appeals Judge Noel Kramer; and Center City Public Charter School Brightwood campus and DC Superior Court Judge Neal Kravitz.

Finally, sincere thanks also go to U.S. District Judge Richard Roberts and his colleagues, and to an anonymous foundation for providing the essential financial support for this civic education partnership. The jury education project will continue in 2011.

“ I loved this experience because it was one of the first times that the majority of the class participated.”

*A student from  
Woodrow Wilson High School*



*Judge Craig Iscoe with students at Ballou High School*

## CCE visits Russia to discuss jury systems and the international rule of law



*The Moscow Opera House*

For three days in March 2010, CCE Executive Director June Kress represented the Council for Court Excellence in an historic discussion among Russian activists, reformers, and judges, seeking greater transparency within that country's judicial system.

Entitled "Courts and NGO's in Russia: From Confrontation to Co-Operation," the roundtable was sponsored by the US Departments of Justice and State. It included representatives from 25 non-governmental organizations throughout Russia, ranging from human rights to the Moscow Bar.

The discussion explored ways in which civil society institutions can strengthen the court system in Russia, a system currently handicapped by corruption and a pervasive lack of public confidence and trust.

Much economic and political upheaval has taken place in Russia since the fall of the Soviet Union in 1989. The increased centralization of the state and the re-nationalization of the economy have produced a politicization of state institutions like the courts, the police, and other components of the justice system. Corruption is pervasive,<sup>1</sup> and consumes, even by the government's own estimates, one-third of the national budget.<sup>2</sup> It is hardly surprising then that a sense of cynicism, fear, and hopelessness pervades the

1. According to Transparency International's 2008 Corruption Perceptions Index, Russia was ranked 147 out of 180 countries surveyed.

2. Julia Ioffe, "My Homeland, But Not My Home," *Washington Post*, April 25, 2010, p. B2.

3. *Ibid.*

population. Russia is a country "where 85% of adults, according to a recent poll, think they can do nothing to make an impression on their government."<sup>3</sup>

With these realities as a backdrop, the first two days of the dialogue served as a prelude to a meeting on the third day with five of Russia's most progressive judges. The former was chaired by Leonid Nikitinskiy, head of the Guild of Court Reporters and founder of the Russian Jurors' Club. CCE has previously met with Mr. Nikitinskiy and a delegation of journalists, lawyers, and others in March 2009 when CCE led a seminar in Washington on court observation.

In a series of spirited presentations and discussion, NGO representatives struggled with how civil society institutions might strengthen the Russian court system. June had several opportunities to talk about CCE's experience with and impact on the court system in DC, CCE's court observation projects - in which the Russians are most interested - and CCE's history of exporting the model to other jurisdictions and nations including Colombia.

On the third and final day of the conference, the NGO representatives engaged in a sometimes tense but overall productive dialogue with the group of Russian judges, including the chairman of the Council of Judges of the Russian Federation. This series of presentations and discussions was chaired by Ella Pamfilova, chair of the Presidential Council and



▲ Above and below: NGO representatives at the forum ▼





member the Public Chamber, a 126-member consultative council that analyzes draft legislation, monitors the activities of federal and regional authorities, and provides feedback to the government.

There, June had another opportunity to present CCE's experience over the last 28

years as an independent civic organization that has had a positive impact on the local judiciary, with a particular focus on the role played by judges

who are members of CCE's Board of Directors.

This conference began a dialogue between Russian civil society and the judiciary, a dialogue which is an essential element of a transparent and reliable legal system. Several times throughout the conference June heard a common refrain from human rights activists and leaders of the judiciary alike: "The courts are peace. Russian society is tired of fighting wars."

In other international legal matters earlier in the year, Meridian House International arranged for three judges from Slovenia to visit CCE during their Department of State-sponsored tour in the United States. The judges, Majda Irt, Janja Roblek, and Spela Prodan, wanted to learn more about DC's Family Court, DC's judicial selection and performance evaluation process, and CCE's court observation projects. Slovenia is preparing to establish family courts, and the Department of State had brought the judges to the United States to explore a range of approaches.

**“The courts are peace.  
Russian society is tired  
of fighting wars.”**



*June Kress at the Kremlin*

# JUSTICE POTTER STEWART

## AWARD DINNER

### Rainey Brandt and Pauline Schneider receive the Justice Stewart Award

A sold-out crowd gathered at the US Chamber of Commerce on Wednesday May 12 to honor two outstanding advocates for justice in the DC community: Rainey Ransom Brandt and Pauline Schneider.

The Council for Court Excellence's 14<sup>th</sup> Annual Justice Potter Stewart Award Dinner was full of memorable moments. Chief Judge Lee Satterfield presented the Award to Rainey Brandt, Special Counsel to the Chief Judge of Superior Court of the District of Columbia. In one of the evening's highlights, Chief Judge Satterfield invited all judges to join him onstage and applaud Rainey's extraordinary work. As Rainey received her award, the crowd gave a standing ovation and smiling judges lined the stage from side to side.

Congresswoman Eleanor Holmes Norton gave a lively speech praising Pauline Schneider's contributions to the DC legal community. A partner at Orrick, Herrington & Sutcliffe LLP and past president of the DC Bar, Pauline chairs Congresswoman Norton's law enforcement merit-selection commission and previously led that commission in Clinton administration. She has served in DC's own government, directing Mayor Barry's Office of Intergovernmental Relations for four years and serving as the liaison with the DC Council, the Congress, and the White House.

The Justice Potter Stewart Award Dinner is the most significant annual fundraising event for CCE. This year's sold-out event raised almost \$160,000 in support of our mission to improve justice in the DC community.

We are grateful to Mrs. Potter Stewart for her continued support and guidance for this annual event. We also thank Peter Kolker of Zuckerman Spaeder for chairing his final year of the Award Selection Committee after several years of leadership, and Steve Hut of WilmerHale and Rod Page of Bryan Cave for co-chairing the Dinner Committee.



Honorees Rainey Brandt, left, and Pauline Schneider



Chief Judge Lee Satterfield with Judge Rufus King



Arabella Teal and Judge Richard Roberts



Interim Chair Hon. Kathy Patterson with Bill Robinson, center, and founding executive director Sam Harahan



# CCE thanks the generous contributors to the 14<sup>th</sup> Annual Justice Potter Stewart Award Dinner



*Rainey Brandt receives applause and high fives from DC Superior Court judges*



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*Pauline Schneider with, from left, Christopher Noland, Vice President Pat McGlone, and President Earl Silbert*



*◀ From left: Larry Hinton, Lois Frankel, Kelly Sue-Ling, and Bill Robinson*



*Judge Mary > Ellen Abrecht & husband Gary*

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# **Celebrating Charles A. Horsky**

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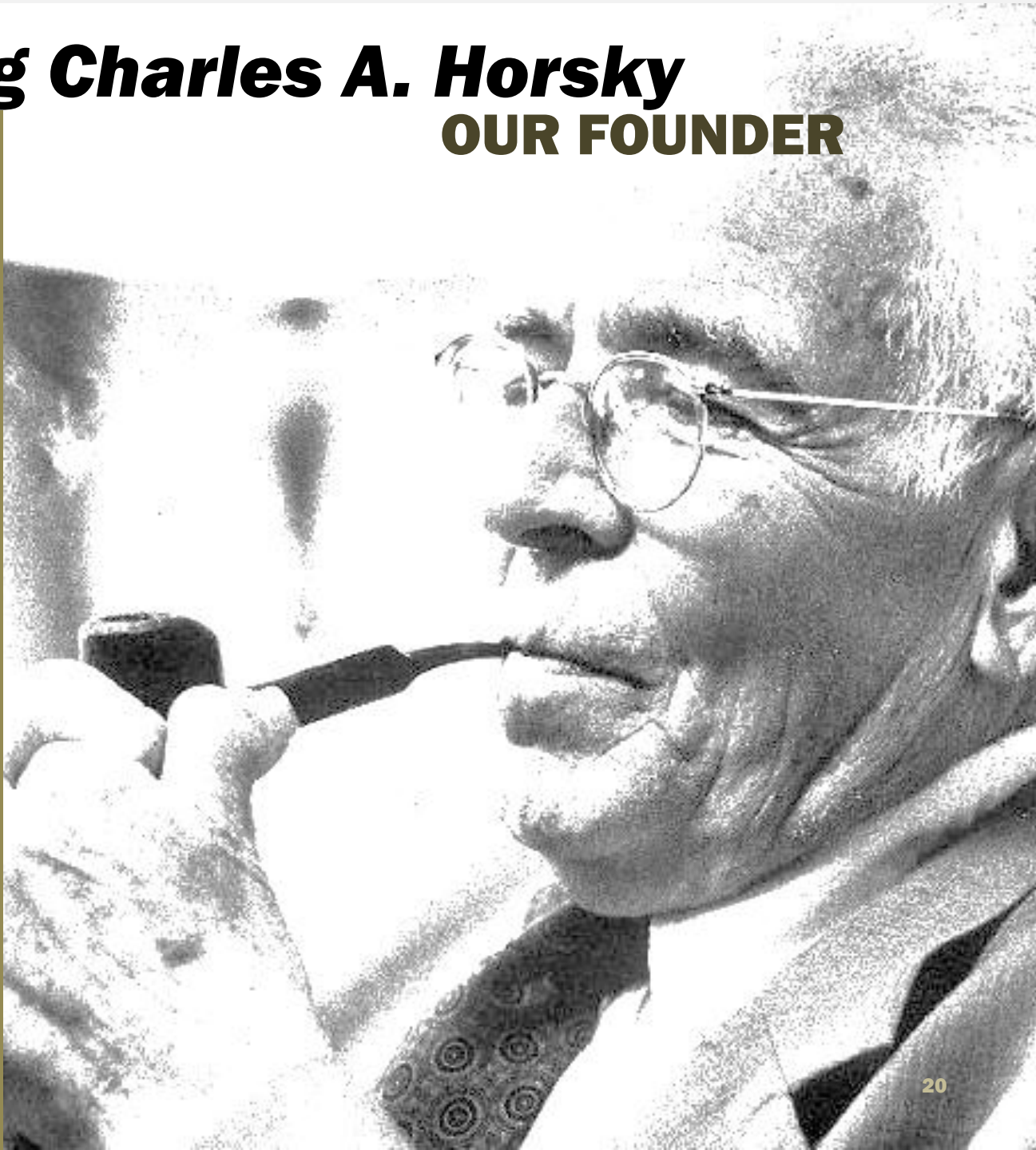
The Council for Court Excellence gathered with our Board and friends on October 19 to honor our founder Charles A. Horsky in a very special evening at the Supreme Court.

The year 2010 marks what would have been Mr. Horsky's 100<sup>th</sup> birthday.

A program of keynote speakers celebrated his legacy to our organization, and his many contributions to the local and federal justice system. In addition to event co-chairs Hon. James A. Belson and Sam Harahan, speakers included Julie Rogers of The Meyer Foundation, Ken Sparks of the Federal City Council, along with CCE Board member Charles Miller of Covington & Burling LLP. A video about Mr. Horsky's career finished with long and enthusiastic applause from the crowd of guests.

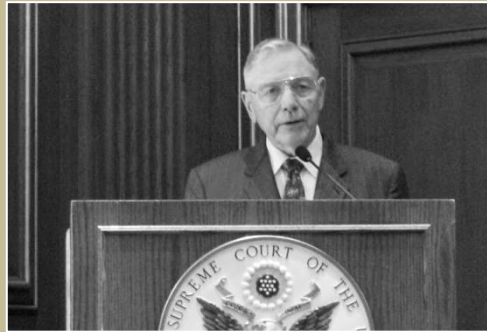
CCE President Earl Silbert began the program with welcoming remarks, and at the reception he introduced Justice Ruth Bader Ginsburg, who sponsored the event and shared a few words about Mr. Horsky and the Council's "outstanding mission" in the DC community. Justice Ginsburg noted that CCE's mission is dear to the heart of our Board member and her friend Mrs. Andy Stewart, and she wished the Council many years of continued success.

Our most sincere thanks go to those who made this special evening possible: Covington & Burling, the Meyer Foundation, and an anonymous foundation. We are deeply grateful for their endorsement of Mr. Horsky's legacy which endures in CCE's mission and work.

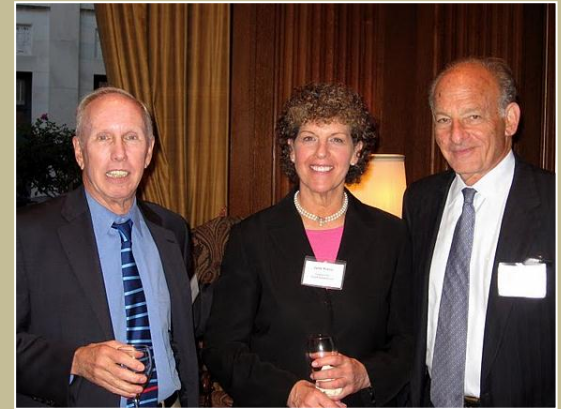




Guests filled the East Conference Room of the Supreme Court for the program



Hon. James A. Belson, DC Court of Appeals

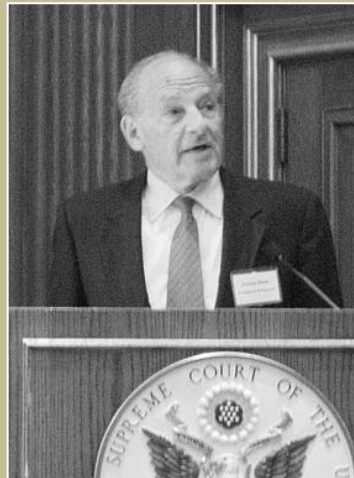


Sam Harahan, CCE founding executive director, June B. Kress, CCE Executive Director, and Charles A. Miller, Covington & Burling LLP

**“ Thinking of Charlie always makes me smile. ”**  
Julie Rogers  
The Meyer Foundation



Julie Rogers, President & CEO of The Eugene & Agnes E. Meyer Foundation



Charles A. Miller, Covington & Burling LLP



Justice Ruth Bader Ginsburg, with CCE President Earl J. Silbert, spoke at the reception

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*\* Until April 2010, at which time he became an Ex-Officio member of the Board in his role as the United States Attorney General for the District of Columbia.*

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### ***DC Department of Corrections***

Devon Brown

### ***Public Defender Service for DC***

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### ***DC Office of Administrative Hearings***

Chief Administrative Law Judge Mary  
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### ***Federal Public Defender for DC***

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Chief Cathy Lanier

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Honorable Phil Mendelson

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Chief Judge David B. Sentelle  
Betsy Paret

### ***United States Attorney for DC***

Honorable Ronald C. Machen, Esq.

### ***DC Courts***

Anne B. Wicks

# **FINANCIAL** **STATEMENT**

<b>Income</b>	<b>Amount</b>	<b>Percent of Total</b>
Voluntary Board Membership Dues	\$ 242,500	33.5%
Donations	\$ 72,082	10%
Special Events	\$ 182,345	25%
Grants & Contracts	\$ 193,500	27%
Other Income	\$ 31,684	4.5%
<b>Total Support and Revenue</b>	<b>\$ 722,111</b>	
<b>Expenses</b>	<b>Amount</b>	<b>Percent of Total</b>
Program	\$ 567,958	80.5%
Administrative	\$ 57,638	9%
Fundraising	\$ 64,867	10%
<b>Total Expenses</b>	<b>\$ 680,463</b>	
<b>Excess (deficiency)</b>	<b>\$ 41,648</b>	

*unaudited*



# OUR **STAFF**

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**Priscilla S. Skillman**

*Assistant Director*

**Lauren J. Hines**

*Development Director*

**Peter M. Willner**

*Senior Policy Analyst*

**Jeff C. Capley**

*Office Administrator*

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## **2010 Interns**

Sowande Brown-Lawson

Robby Busch

Kate Civitello

Tatiana Harris

Christina Rogers

Nick Spiva

Brittany Thomas

Bennie Thurman

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