

REPORT OF THE SUPERIOR COURT FAMILY COURT PANEL OVERSIGHT COMMITTEE TO CHIEF JUDGE LEE F. SATTERFIELD

February 2012

On June 12, 2009, Chief Judge Lee F. Satterfield issued Administrative Order 09-07, which directed that the Family Court Panels of Attorneys (hereafter “Family Court Panels”) be re-established every four years by the Family Court Panel Oversight Committee. However, in order to stagger the re-establishment process with the Criminal Justice Act Panel, following the initial re-establishment in 2010, the Family Court Panels are to be again re-established in 2012, and then every four years thereafter. As set forth in Administrative Order 09-07, it is in the best interest of the administration of justice that the Court implements a regular and ongoing process for re-establishing the Panels on a predictable schedule and for the consideration of applications from qualified attorneys at any time. This report reflects the process the Committee undertook to re-establish the Family Court Panels in 2012 consistent with the requirements of the applicable Administrative Orders.

The Application Process

The application period commenced on June 1, 2011 and closed on September 1, 2011. Information about the re-establishment process, including the application form, was posted on the D.C. Superior Court’s website throughout the application period. Information was also made available to interested attorneys through the Counsel for Child Abuse and Neglect Branch Office.¹ The Co-Chairs of the Family Court Panel Committee presented information about the application process and answered questions from attorneys at a CCAN brown bag seminar in June 2011. The Hispanic Bar Association also organized an information session in early August 2011 to provide its members with an opportunity to learn more about the Family Court Panels and application process; the Co-Chairs of the Committee both attended. In addition, posters and flyers announcing the re-establishment of the Family Court Panels were posted in the courthouse.

Only minor modifications to the application form utilized in 2009 were made, thus the format was familiar to returning applicants. Applicants were invited to apply for one or more of the four Family Court Panels: Guardian *ad litem* (GAL), Other CCAN, Special Education, and Juvenile. The Committee also considered all applicants for the CCAN panel for admission as a Provisional panel attorney for one year. The application, comprised of 31 questions, requests information concerning the applicant’s educational background, work experience, relevant training, and substantive knowledge about issues impacting upon child welfare and delinquency cases, and trial experience. The application asks for the names of Superior Court judicial officers familiar with the applicant’s work and a description of significant cases handled before the Court. Applicants are asked to detail any criminal history and/or history with the Office of Bar Counsel, as well as to provide a Certificate of Discipline from every jurisdiction in which they are admitted and a Certificate of Good Standing from the District of Columbia Bar.

¹ The Family Court Panels Committee wishes to express its gratitude to the Counsel for Child Abuse and Neglect Branch for the tremendous assistance its staff provided, under the leadership of Director Wilma Brier, in responding to inquiries from interested attorneys, receiving and cataloging the applications, and remaining in regular communication with the Committee Chairs.

The Committee received a total of 283 applications for one or more of the four Family Court Panels by the September 1, 2011 due date. Any applications received after that date will be considered by the Committee in due course.

Evaluation of Applicants by Judicial Officers

The Committee solicited comments electronically from all current D.C. Superior Court Associate and Magistrate Judges, as well as Senior Judges, on the qualifications and abilities of each applicant based upon that judicial officer's own observations and experience.² In addition, Committee members contacted individual judicial officers directly for comments about a specific applicant who cited them as familiar with the applicant's work. While some applicants were unknown to any judicial officer and received no comments, other applicants received numerous evaluations.

Consideration of Applicants by the Committee

Each of the ten Family Court Panel Committee members was assigned approximately 28 applications to review carefully and to present to the full Committee. The Committee met on October 20 and 21, 2011, for over twelve hours. Each applicant was discussed individually, with the assigned Committee member outlining the applicant's background and experience, highlighting any special features of the application, and summarizing the evaluations of the applicant by the judicial officers. After discussion based on all available information, a recommendation was made about whether the applicant should or should not be placed on each of the panels to which he or she had applied. Usually there was a consensus about whether an applicant should be placed on a given panel. Often there was unanimity. In a relatively few instances, a formal vote was taken. In several instances, the decision was deferred so that the assigned Committee member could obtain additional information about the applicant.

After review and verification by all Committee members of the final list of recommended panelists, the list was forwarded to the District of Columbia Office of Bar Counsel to determine whether any applicant recommended for inclusion is currently the subject of disciplinary action or investigation. In addition, the Committee sought the input of the Family Court Advisory Selection Committee, established pursuant to Administrative Order 04-15. The Advisory Committee requested and received all applications for the Juvenile and Special Education Panels and made recommendations to the Family Court Panel Committee, which were factored into the Committee's deliberations. The attached list represents the final recommendations of the Family Court Panels Committee with respect to each panel.

Recommendations of the Family Court Panel Oversight Committee

The Provisional Panel continues to serve a very useful function in enabling the Court to admit to the CCAN panel, on a one-year trial basis, attorneys with a demonstrated interest in and knowledge of family law, but who may be unknown to the D.C. Superior Court. Based upon review of the applications, the Committee recommends that 17 attorneys be admitted to the Provisional CCAN Panel.

² The Committee expresses its gratitude to the members of the Information and Technology Division who developed and maintained the database, and responded to questions from judicial officers.

With respect to the GAL Panel, the Committee recommends that 95 attorneys be deemed eligible for appointment as guardians *ad litem*. With respect to the CCAN Panel, the Committee recommends that 148 attorneys be deemed eligible for other CCAN appointments. With respect to the Special Education Panel, the Committee recommends that 35 attorneys be included. Finally, with respect to the Juvenile Panel, the Committee recommends that 67 attorneys be included.

During the deliberations of the Committee, the advisability of creating a new Panel of attorneys to handle cases involving Persons In Need of Supervision (PINS) as defined in DC Code § 16-2301(8)(A) and (B), was discussed. Given that a number of attorneys have developed expertise in this area, the Committee is recommending that a PINS Panel be established at this time, to include those lawyers who have applied for the Juvenile Panel, and who have been practicing in this area and performing a valuable service for the Court. Accordingly, we have included an Appendix 6, listing 11 attorneys to be included on the newly created PINS Panel. In addition, applications from any other persons wishing to be included on that panel may be accepted at any time.

The Committee recommends that any applicant not recommended for inclusion on the Family Court Panels at this time be required to wait for a period of eighteen months before reapplying, except for persons who may apply for the newly created PINS Panel. This will ensure that such applicant has sufficient time to engage in additional training and/or gather additional relevant experience.

The Committee further recommends that continued efforts be made to encourage applications from qualified attorneys who are fluent in a foreign language, particularly Spanish speaking attorneys.

As previously provided by Administrative Order 03-11, with respect to existing panel members who are not included on the re-established panels, the Committee recommends that judicial officers replace guardians *ad litem* with a GAL panel attorney within six months after the re-establishment of the panels, unless to do so is contrary to the best interests of the child, and that judicial officers replace other attorneys with a CCAN or Juvenile panel attorney within six months, unless to do so is not in the interests of justice.

The Committee recommends that the effective date of the additions to the Panels be the date of the issuance of the Administrative Order, or as soon thereafter as practicable.

After careful review and thorough consideration of each applicant, the Committee firmly believes that implementation of the recommendations concerning the panelists to be included on each of the Family Court Panels will result in panels comprised of the most highly qualified applicants, will be in the best interests of children and the legal interests of indigent parties, and will promote the administration of justice. The recommended panels seek to ensure that sufficient attorneys are available for appointment to represent the legal needs of indigent persons appearing before the Family Court, while also ensuring that each attorney is able to maintain a sufficient case load.

On behalf of the District of Columbia Superior Court, the Committee thanks all attorneys who applied to the Family Court Panels, particularly those who have previously served on a Panel, but who are not recommended for inclusion at this time.

Respectfully submitted:

Family Court Panel Oversight Committee

Judge Juliet J. McKenna, Co-Chair
Magistrate Judge William W. Nooter, Co-Chair
Magistrate Judge Julie Breslow
Judge Carol Ann Dalton
Magistrate Judge Tara Fentress
Judge Milton Lee
Magistrate Judge Lori Parker
Judge Hiram Puig-Lugo
Magistrate Judge Mary Grace Rook
Judge Maurice Ross

Date: February 27, 2012