

DISTRICT OF COLUMBIA COMMISSION
ON JUDICIAL DISABILITIES AND TENURE
515 FIFTH STREET, N.W. BUILDING A, ROOM 246
WASHINGTON, D.C. 20001
(202) 727-1363

September 11, 2012

The Honorable Barack H. Obama
President of the United States
The White House
Washington, D.C. 20500

Re: Evaluation of the Honorable Anita Josey-Herring

Dear Mr. President:

The fifteen-year term of the Honorable Anita Josey-Herring, an Associate Judge of the Superior Court of the District of Columbia, expires on November 11, 2012. She is seeking reappointment to another term.

Pursuant to Section 433(c) of the District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 744, as amended by the District of Columbia Judicial Efficiency and Improvement Act of 1986, P.L. 99-573, 100 Stat. 3228, the District of Columbia Commission on Judicial Disabilities and Tenure (“the Commission”) hereby submits this evaluation of Judge Josey-Herring’s performance during her present term of office and her fitness for reappointment. Section 433(c) provides:

Not less than six months prior to the expiration of his term of office, any judge of the District of Columbia courts may file with the Tenure Commission a declaration of candidacy for reappointment. If a declaration is not so filed by any judge, a vacancy shall result from the expiration of his term of office and shall be filled by appointment as provided in subsections (a) and (b). If a declaration is so filed, the Tenure Commission shall, not less than sixty days

prior to the expiration of the declaring candidate's term of office, prepare and submit to the President a written evaluation of the declaring candidate's performance during his present term of office and his fitness for reappointment to another term. If the Tenure Commission determines the declaring candidate to be well qualified for reappointment to another term, then the term of such declaring candidate shall be automatically extended for another full term, subject to mandatory retirement, suspension, or removal. If the Tenure Commission determines the declaring candidate to be qualified for reappointment to another term, then the President may nominate such candidate, in which case the President shall submit to the Senate for advice and consent the renomination of the declaring candidate as judge. If the President determines not to so nominate such declaring candidate, he shall nominate another candidate for such position only in accordance with the provisions of subsections (a) and (b). If the Tenure Commission determines the declaring candidate to be unqualified for reappointment to another term, then the President shall not submit to the Senate for advice and consent the renomination of the declaring candidate as judge and such judge shall not be eligible for reappointment or appointment as a judge of a District of Columbia court.

The Commission reserves the term "well qualified" for those judges whose work product, legal scholarship, dedication, efficiency, and demeanor are exceptional on the bench, and the candidate's performance consistently reflects credit on the judicial system. The Commission will determine a judge is "qualified" if he or she satisfactorily performs his or her assigned duties or whose strong positive attributes are materially offset, but not overborne, by negative traits. A finding of "unqualified" means the Commission has found the judge to be unfit for judicial service.

Judge Josey-Herring filed her timely declaration of candidacy for reappointment with the Commission on April 2, 2012. In evaluating Judge Josey-Herring's qualifications for reappointment, the Commission carefully reviewed the detailed written statement Judge Josey-

Herring submitted describing her services on the Court. This statement set forth the significant aspects of her judicial, professional and community activities during the past 15 years. The Commission also reviewed a selection of judicial opinions that Judge Josey-Herring has authored. On July 11, 2012, Judge Josey-Herring met with the Commission to discuss her record and her reasons for seeking reappointment, as well as information the Commission had received from Court personnel and members of the D.C. Bar familiar with her work during the course of its evaluation.

In addition, the Commission reviewed a detailed, confidential statement from Judge Josey-Herring's physician attesting to her excellent health and the absence of any medical reason why she cannot continue to perform her judicial duties. The Commission also reviewed Judge Josey-Herring's time reports and annual financial statements, which are required to be filed by every judge. The Commission also reviewed its complaint file concerning the Judge, which disclosed nothing that would adversely affect her appointment.

Finally, the Commission met with Chief Judge Lee F. Satterfield, who recommended Judge Josey-Herring's reappointment. Judge Satterfield reported that she has been an extremely dedicated member of the Superior Court bench, has an excellent reputation among her colleagues, and has been heavily involved in leadership positions at the Court.

Appointed to the Superior Court of the District of Columbia in 1997, Judge Josey-Herring was briefly assigned to the Family Division and then, after serving a year in the Criminal Division, she returned to the Family Division on the Domestic Relations Calendar. She soon

became the Deputy Presiding Judge in the Family Division and provided instrumental leadership as it reorganized and transitioned to being the multijurisdictional Family Court. From January of 2006 through December of 2008, she served as the Presiding Judge of the Family Court. Since January 2009, Judge Josey-Herring has been assigned to the Civil Division, most recently to the complex Civil I calendar. During her tenure, Judge Josey-Herring has presided over hundreds of trials and issued thousands of orders, several of which have been published and demonstrate legally sound reasoning for her conclusions and decisions.

As Deputy Presiding Judge of the Family Division, Judge Josey-Herring worked closely with the Chief Judge, the Family Division Presiding Judges, Court Administrators and Congressional staff to create the Family Court. She was deeply involved in the transition plan that Congress adopted as the Family Court Act of 2001. As Presiding Judge of the Family Court she worked diligently to implement the vision of centralized Court services that has become a national model and she developed an array of initiatives to better serve District of Columbia families and youth.

In addition to her highly regarded work on developing and implementing the Family Court and her service on several committees related to that work, Judge Josey-Herring has served on numerous other Court committees including the Superior Court Rules Committee, the Criminal Justice Act Panel Implementation Committee, and the Privacy and Public Access to Electronic Court Records Committee. She also served on the Court's Strategic Planning Leadership Council.

Judge Josey-Herring's many contributions to the administration of justice have not been limited to her service on the Court. She has been appointed to numerous Mayoral Commissions and District of Columbia Committees dedicated to improving child welfare systems including the juvenile justice system and the abuse and neglect system. She is presently a member of the Board of Trustees for the National Council of Juvenile and Family Court Judges and has served as faculty for a multitude of trainings both locally and nationally.

Finally, Judge Josey-Herring has been active in the community, serving as a mock trial judge for law schools and youth programs, serving as president of the local chapter of Jack and Jill of America, Inc., and serving on the Community Council for the local public radio station.

For the foregoing reasons, the Commission finds that Judge Josey-Herring's exceptional judicial service, and the manner in which she has performed her duties on behalf of the citizens of the District of Columbia, merits her "well qualified" for reappointment as an Associate Judge of the Superior Court of the District of Columbia. Her term shall be automatically extended for a full term of fifteen years from November 11, 2012.

Respectfully submitted,

DISTRICT OF COLUMBIA COMMISSION
ON JUDICIAL DISABILITIES AND TENURE

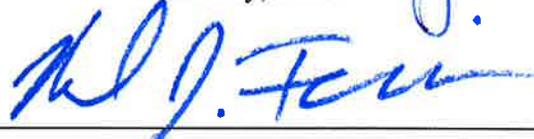

Hon. Gladys Kessler, Chairperson



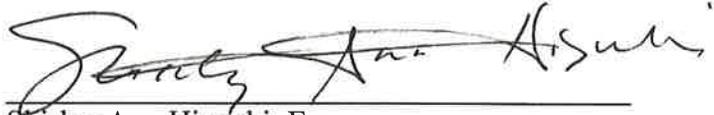
William P. Lightfoot, Esq., Vice Chairperson



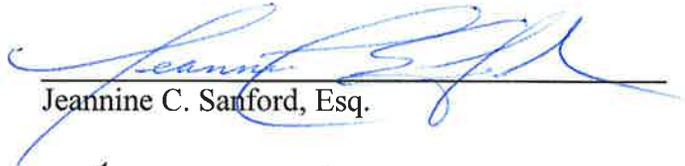
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cc: The Honorable Anita Josey-Herring