

April 30, 2007

The Honorable George W. Bush
President of the United States
The White House
Washington, DC 20500

Re: Evaluation of the Honorable Judith Retchin

Dear Mr. President:

The fifteen-year term of the Honorable Judith Retchin, an Associate Judge of the Superior Court of the District of Columbia, expires on June 29, 2007. She is seeking reappointment to another term.

Pursuant to section 433(c) of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. (93-198, 87 Stat. 77) 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 Retchin’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. To be "qualified," a judge must at least satisfactorily perform his or her assigned duties or be one whose strong attributes are materially offset, but not overcome by negative traits. "Unqualified" signifies that the judge is unfit for judicial service.

Judge Retchin timely filed her declaration of candidacy for reappointment with the Commission on October 31, 2006. On November 20, 2006, Judge Retchin provided the Commission with a written statement of her service on the Court. The statement

reviewed the significant aspects of her judicial, professional, and community activities during the past fifteen years.

Judge Retchin met personally with the Commission on April 11, 2007, and discussed her record, including the materials and information the Commission had received during the course of its evaluation from other judges, Court personnel, Government attorneys, and members of the D.C. Bar engaged in private practice, who are familiar with Judge Retchin's performance.

The Commission has also reviewed a number of Judge Retchin's written opinions; and has examined her monthly time reports and annual financial statements that are required to be submitted by all judges. Further, the Commission's own complaint file on Judge Retchin has been reviewed. The Commission found nothing in its files that would adversely affect Judge Retchin's reappointment.

Moreover, as required, Judge Retchin's physician has submitted a written statement to the Commission attesting that she is in good health, and that there is no medical reason why she could not perform her judicial duties.

Finally, the Commission met with Chief Judge Rufus G. King, III, who furnished favorable additional information about Judge Retchin's judicial performance and qualifications for reappointment, describing her as a very productive judge who has made a substantial contribution to the Superior Court.

Judge Retchin has served in every Division of the Court with the exception of Probate; for three years she has presided over the Felony I Calendar. She is currently presiding over the Civil II Calendar. According to data maintained by the Criminal Clerk's Office, Judge Retchin has often handled the most trials per month and had the fewest number of cases pending of any judge at the Superior Court. In this connection, Judge Retchin has submitted to the Commission samples of her opinions. The opinions are well written and scholarly. As of October 25, 2006, 391 of her cases have been appealed; only ten have been reversed.

Judge Retchin was honored with the Superior Court Medal of Excellence in 2000 for her "outstanding work in improving the administration of justice and the quality of life in the District of Columbia" by then-Chief Judge Eugene Hamilton. She was also honored by then-Chief Judge Annice Wagner who, on several occasions, requested Judge Retchin to sit on the Court of Appeals by designation.

Through her involvement in extensive and time consuming committee work, Judge Retchin has had a direct impact on the criminal justice system in Superior Court through her work on a Committee of the Court designed to identify qualified attorneys suitable for appointment under the Criminal Justice Act. Her work on the Committee included the creation of an attorney application process, the review of the applications of hundreds of lawyers, and the solicitation of input from judicial colleagues. She also participated in the Council for Court Excellence Jury Project in 1996-1998. The project made 32

recommendations to improve the jury system in the District of Columbia, and Judge Retchin has implemented all the recommendations in her court room, thereby giving jurors better tools to do their job.

Judge Retchin has trained attorneys from the Office of the Attorney General, has actively participated in the legal education and training of her colleagues during the “in-service training” programs, and participated in the orientation training for newly appointed judges. Her skill as an educator was recognized when she was asked to represent the United States in instructing judges and prosecutors in programs in Sarajevo, Bosnia, and Nairobi, Kenya.

Judge Retchin has also devoted significant time to community endeavors. She has presided over mock trials and oral arguments for area law schools, is a regular participant in mock trials for high school students, and tutors students through the Friends of Tyler Elementary School.

Judge Retchin is to be commended for her enviable efficiency and skill in managing her judicial assignments, for her tireless participation in training judicial officers and attorneys, for her efforts in making juror service for our citizens more “juror-friendly”, and for her judicious temperament and demeanor which she consistently displays even during the most difficult and contentious Court proceedings. Her dedication, industry, and innovation have strengthened the Court as an institution.

The Commission finds that Judge Retchin has made an outstanding contribution to the Superior Court, and to the citizens of the District of Columbia.

For the foregoing reasons, the Commission unanimously finds that Judge Judith Retchin is well qualified for automatic reappointment to another term on the Superior Court of the District of Columbia, and that such term is hereby extended for a full term of fifteen years from June 29, 2007.

Respectfully submitted,

DISTRICT OF COLUMBIA COMMISSION
ON JUDICIAL DISABILITIES AND TENURE

William P. Lightfoot, Esq., Chairperson

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cc: The Honorable Judith Retchin