



**DISTRICT OF COLUMBIA COMMISSION
ON JUDICIAL DISABILITIES AND TENURE**

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Washington, D.C. 20001

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August 21, 2026

Donald J. Trump
President of the United States
The White House
1600 Pennsylvania Ave., N.W.
Washington, D.C. 20050

Re: Evaluation Report – Reappointment of the Honorable Corinne A. Beckwith

Dear Mr. President:

The District of Columbia Commission on Judicial Disabilities and Tenure is pleased to report that a majority of the Commission has determined the Honorable Corinne A. Beckwith, Associate Judge of the District of Columbia Court of Appeals (“D.C. Court of Appeals”), to be **Well Qualified** for reappointment. The Commission majority finds that Judge Beckwith is deserving of the highest designation that it is statutorily empowered to classify a judge seeking reappointment. Based on her committed service in administrative and committee responsibilities critical to the functioning of the Court of Appeals, her outstanding reputation for fairness and intellectual rigor among judicial colleagues and members of the Bar, and her abiding dedication to the fair and faithful application of the law, Judge Beckwith’s term shall be automatically extended for a term of fifteen years upon the expiration of her current term on November 28, 2026.

I. Statutory Framework

Among its duties, the Commission is responsible for evaluating Associate Judges in the District of Columbia Courts (“D.C. Courts”) who seek reappointment to additional fifteen (15) year terms. Specifically, if a judge declares his or her candidacy for reappointment, the Commission must “prepare and submit to the President a written evaluation of the declaring candidate’s performance during his or her present term and his or her fitness for reappointment to another term.”¹ Under the statute, the Commission has three options:

- If the Commission determines the declaring candidate to be **well qualified** for reappointment to another term, then the term of the declaring candidate shall be automatically extended for another full term, subject to mandatory retirement, suspension, or removal.
- If the Commission determines the declaring candidate to be **qualified** for reappointment to another term, then the President may nominate the candidate and submit the nomination to the Senate for advice and consent to the renomination of the candidate as judge.
- If the Commission determines the declaring candidate to be **unqualified** for reappointment to another term, 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 recommendation of “well qualified” for those judges whose work product, legal scholarship, dedication, efficiency, and demeanor are exceptional on the bench, and where the candidate’s performance consistently reflects credit on the judicial system. The Commission will find that a judge is “qualified” if he or she satisfactorily performs assigned duties or his or her strong positive attributes are materially offset, but not overborne, by negative traits. The Commission will find a judge “unqualified” if he or she is found to be unfit for judicial service.²

¹ See D.C. Code § 1-204.33 and 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 Commission must file its report not less than sixty days prior to the expiration of the declaring candidate’s term of office. *Id.*

² See 28 DCMR § 2031.2.

II. The Commission's Evaluation of Judge Beckwith as "Well Qualified"

A. Judge Beckwith's Candidacy for Reappointment

Judge Corinne A. Beckwith declared her candidacy for reappointment and submitted a comprehensive written statement and supporting materials on April 20, 2026. Her submission included a detailed personal statement describing her education, training, and approach to the work of the Court, a summary of her judicial assignments, administrative contributions, committee service, and community outreach, and a judicial medical fitness certification from her physician. Judge Beckwith also attached illustrative opinions demonstrating the breadth and analytical quality of her written work. As part of its evaluation, the Commission reviewed her written submission and supplemental materials; conducted interviews of judicial colleagues, court staff, and attorneys; reviewed public comments; and examined the Commission's internal records, including D.C. Bar Judicial Evaluation Surveys spanning multiple cycles.

B. Background, Judicial Career, and Contributions

Judge Beckwith came to the bench with a rich and distinctive background. She was born in Grand Rapids, Michigan, where she attended public schools and became the first in her family to attend college. She earned a Bachelor of Arts in English from Kalamazoo College and worked on the college newspaper. Judge Beckwith then earned a Master of Science in Journalism from the University of Illinois, after which she worked as a newspaper reporter and briefly taught journalism and English composition at Central Michigan University. According to Judge Beckwith, that foundation as a writer (learning to write clearly, concisely, and vividly for a general audience) has remained a hallmark of her judicial work. She attended the University of Michigan Law School, where she served as Editor-in-Chief of the *Michigan Law Review*. Following graduation, Judge Beckwith clerked for Judge Richard Cudahy of the United States Court of Appeals for the Seventh Circuit and for Justice John Paul Stevens on the United States Supreme Court. She then returned to Michigan to work as an appellate

public defender and later joined the D.C. Public Defender Service's appellate unit, where she spent sixteen years handling hundreds of cases, writing briefs, and arguing appeals before the D.C. Court of Appeals and the United States Supreme Court, eventually rising to serve as the office's chief appellate advocate.

Judge Beckwith was appointed by the President of the United States to the D.C. Court of Appeals in November 2011, and she has served with distinction for nearly fifteen years. She is widely recognized for her clear and precise writing, her ability to translate complex legal analysis into accessible language, and her commitment to reaching fair and well-reasoned outcomes. Judge Beckwith has embraced the full scope of judicial service, contributing substantially to the administrative work of the Court and serving as a respected colleague to her fellow judges. During her tenure, she has held significant leadership roles, including serving on the D.C. Access to Justice Commission (and its Self-Help Working Group and Appellate Working Group), the Advisory Committee on Judicial Conduct, the Library Committee, the Clients' Security Fund, and the Criminal Justice Act Committee.

In her written submission, Judge Beckwith was candid about the structural challenges of the Court's workload. When she joined the Court in 2011, there were nine Associate Judges, no judicial vacancies, and thirteen Senior Judges who assisted with merits cases, motions panels, and committee service. From November 2013 through December 2023, there was at least one Associate Judge vacancy (and often more), and from December 2023 until the recent confirmation of two new judges, there were two Associate Judge vacancies. Additionally, the number of Senior Judges has dwindled from thirteen to five. As a result, during most of Judge Beckwith's tenure, each Associate Judge has been assigned twelve to eighteen cases per month and is pre-assigned as the primary drafter of the opinion for a third of those cases. This results in judges producing approximately fifty authored opinions per year in addition to participating in and reviewing colleagues' opinions and deciding

motions. Judge Beckwith reported that she has written roughly 125 published opinions and several hundred unpublished opinions over the course of her term.

To adapt to the increased workload caused by vacancies on the Court, Judge Beckwith described two structural changes she made to improve her chambers' capacity and efficiency. First, in 2021, she transitioned from two law clerks to three, in line with the practice of more recently appointed judges. Second, in 2024, she retained a clerk past the usual one-year term as a long-term career clerk, which allowed her to delegate time-consuming training and administrative tasks and thereby focus her attention on the most complex and significant cases.

C. D.C. Bar Evaluations, Commission Files, and Medical Fitness

Judge Beckwith's most recent D.C. Bar evaluation ranked her with the highest overall score among the D.C. Court of Appeals judges evaluated that cycle. Judge Beckwith received perfect scores in treating counsel with respect, treating counsel without bias, exhibiting appropriate judicial temperament, demonstrating preparedness for oral argument, and treating self-represented parties with respect. The one area where she scored below average was timeliness (deciding cases with reasonable promptness), where her score fell modestly below the average. Written comments across evaluation cycles reflect strong praise for Judge Beckwith's preparation, fairness, and analytical quality, alongside criticism from a portion of the bar regarding delays in issuing opinions. The Commission has carefully considered this feedback, as discussed below.

The Commission's records reflect a small number of complaints filed against Judge Beckwith over the course of her tenure. All were dismissed, either at first review or after preliminary consideration, for lack of jurisdiction or lack of merit. None resulted in any adverse action against her. The complaints do not reflect any pattern of conduct implicating the Code of Judicial Conduct, and the Commission found insufficient cause to proceed with further investigation in each instance.

Finally, the Commission's medical consultant reviewed Judge Beckwith's Judicial Medical Form and reported no medical contraindication to her reappointment. Judge Beckwith is in good health with no medical concerns that would prevent her from serving another fifteen-year term.

D. Noteworthy Opinions

Judge Beckwith's written submission highlighted the breadth and quality of her authored opinions across criminal law, civil procedure, administrative law, antitrust, tax, workers' compensation, contracts, and constitutional law, which reflects both the diverse jurisdiction of the D.C. Court of Appeals and her own legal versatility. Most notably, Judge Beckwith recently authored the unanimous en banc decision in *Smith v. United States*, 349 A.3d 1247 (D.C. 2026) (en banc), which clarified the standard trial courts must apply when ruling on a *Batson* challenge to allegedly race-based peremptory strikes. The panel opinion had been a unanimous affirmance and, to Judge Beckwith's credit in garnering consensus, her en banc opinion was a unanimous reversal. Judge Beckwith reported drafting the opinion with a deliberate focus on clarity, persuasion, and how it would prospectively govern future *Batson* challenges by all parties. Other significant authored opinions she identified include: *District of Columbia v. Amazon.com, Inc.*, 320 A.3d 1073 (D.C. 2024), in which the Court reversed the dismissal of the District's antitrust complaint against Amazon; *Redmond v. United States*, 339 A.3d 1274 (D.C. 2025), in which the Court held that the stringent harmless-beyond-a-reasonable-doubt standard governs post-conviction challenges to convictions tainted by the government's knowing presentation of false or misleading expert testimony; *Jones v. United States*, 168 A.3d 703 (D.C. 2017), in which the Court held that the government's use of a cell-site simulator to locate a suspect constituted a Fourth Amendment search requiring a warrant; *Akhmetshin v. Browder*, 275 A.3d 290 (D.C. 2022), in which the Court addressed issues certified from the D.C. Circuit on the scope of the government contacts' exception to the District's long-arm statute; *Steiner v. American Friends of Lubavitch*, 177 A.3d 1246 (D.C. 2018), in which the Court addressed the intersection of contract law and the First Amendment's

religion clauses and formally adopted the equitable reformation doctrine for overbroad restrictive covenants; and *Naccache v. Taylor*, 199 A.3d 181 (D.C. 2018), in which the Court resolved a complex question about the scope of Medicaid liens under federal and District law in the context of a supplemental-needs trust. Several other opinions Judge Beckwith cited addressed novel questions of evidence, procedure, administrative law, and constitutional law, including several issues of first impression in this jurisdiction. The Commission's review of these and other opinions in her record confirms the consistent assessments of her judicial colleagues and bar interviewees. Judge Beckwith's written work is analytically rigorous, carefully reasoned, and clearly expressed. The breadth of subject matter across her authored opinions reflects a jurist who has a firm grasp not only the criminal law that dominated her practice before joining the bench, but the full range of civil, administrative, and constitutional questions that the D.C. Court of Appeals regularly addresses.

E. Public Comments and Interviews

The Commission conducted interviews with judicial colleagues, court staff, and attorneys with significant experience before the D.C. Court of Appeals. The interview record is strongly and consistently positive.

One judicial colleague, who has served for the duration of Judge Beckwith's tenure, described Judge Beckwith as consistently well-prepared, an exceptional writer with a unique ability to describe complex matters in approachable prose, and an even-tempered jurist who asks tough questions in polite and fair ways. A senior colleague and former Chief Judge characterized her as deeply respectful, a careful listener, and a judge whose desire to be faithful to the law was apparent from her earliest days on the bench. Another long-serving judicial colleague praised her seriousness, diligence, writing skills, and willingness to consider all points of view, noting that she is not strident, carefully listens to others, and is open to changing her mind. Each judicial colleague the Commission interviewed expressed enthusiastic support for her reappointment.

Attorneys who regularly appear before the D.C. Court of Appeals offered equally strong assessments. A senior attorney in the Appellate Division of the United States Attorney's Office described Judge Beckwith as an excellent judge who is well-prepared, respectful of advocates, and consistently thoughtful and well-reasoned in her opinions. A senior attorney in the Office of the Solicitor General of the District of Columbia described her as smart, well-read on D.C. law, and thorough in her preparation, characterizing her written opinions as well-reasoned and clearly drafted. A D.C. Court of Appeals staff attorney with extensive experience interacting with Judge Beckwith through her committee and motions panel work described her as kind, patient, and a genuine pleasure to work with, adding that she takes her responsibilities seriously. An attorney with a local legal aid organization who has practiced extensively before the D.C. Court of Appeals offered a wholehearted endorsement, describing Judge Beckwith as calm, measured, and kind on the bench even when pressing a lawyer on a weak argument, and noting that her opinions are thorough, well-reasoned, and notably respectful of the litigants. Additionally, the Commission received a public comment from a former law clerk who offered high praise for Judge Beckwith.

On the question of opinion timeliness, which is the one area of consistent concern in the record, the Commission notes that Judge Beckwith has taken meaningful and demonstrable steps to address the issue. In her written submission, Judge Beckwith addressed this directly and candidly, addressing the two structural changes she made (described above) to increase her efficiency. Chief Judge Blackburne-Rigsby also confirmed that Judge Beckwith is now communicating decisions at a rate comparable to her colleagues and that the older backlog is being worked through by her experienced career clerk. Every interviewee who raised timeliness as a concern stated that it was not disqualifying and did not diminish their support for her reappointment. The Commission finds Judge Beckwith's candid acknowledgment of the issue, her concrete steps to address it, and her demonstrated progress to be fully consistent with a Well Qualified determination.

III. Response to Objections Raised in the Dissent

The Commission majority acknowledges and has carefully considered the objections raised by Commissioner Thomas Fitton in his dissent. Commissioner Fitton's dissent rests principally on two grounds: (1) that Judge Beckwith's record of judicial decisions—including *District of Columbia v. R.W.*, in which the Supreme Court subsequently issued a summary reversal—are incompatible with a Well Qualified designation; and (2) that her timeliness issues independently place her outside the Well Qualified standard. For the reasons set forth below, the Commission majority respectfully but firmly rejects both grounds and concludes that the totality of Judge Beckwith's record clearly supports a Well Qualified determination.

First, with respect to Commissioner Fitton's critique of Judge Beckwith's judicial decisions: the Commission's role in a fitness review is not to act as an appellate court sitting in judgment of the legal merits of a judge's opinions. The Commission evaluates judicial performance, temperament, demeanor, legal scholarship, efficiency, and fitness for continued service. It does not review—nor is it qualified to review—the correctness of any particular legal conclusion. Judicial decisions, including those with which any Commissioner may disagree, are precisely the matters that the adversarial system and the appellate process exist to review and correct. Appellate courts, including the United States Supreme Court, regularly reverse lower courts, and a reversal does not, without more, speak to a judge's fitness for office. Indeed, the Commission must be especially cautious about evaluating fitness through the lens of any one perspective on criminal justice, public safety, or constitutional interpretation. Judges are expected to follow the law as they understand it, even when that leads to results that some may find unwelcome. The record before the Commission reflects that Judge Beckwith does exactly that. She follows the law carefully, writes with rigor and nuance, and decides cases in a manner that has earned broad respect across the bar and the bench.

The majority notes that the Supreme Court’s recent summary reversal in *District of Columbia v. R.W.*, No. 25-248 (U.S. Apr. 20, 2026), is a data point that the Commission appreciates and has considered. The Commission also acknowledges that Commissioner Fitton has identified other decisions he views as troubling. The majority does not dismiss these concerns. However, disagreement with legal outcomes, even strong disagreement, does not establish any particular judge’s unfitness. That is especially so with regard to D.C. Court of Appeals judges, who decide cases in three-judge panels, such that no one judge should be held solely accountable for the determination reached by the (often-unanimous) majority. The Commission’s evaluation standard does not ask which cases a judge decided correctly; it asks whether, on the whole, the judge’s performance consistently reflects credit on the judicial system. The answer, on this record, is plainly yes.

The Commission majority is also concerned that Commissioner Fitton’s approach to this evaluation would, if adopted as a Commission standard, fundamentally threaten the independence of the D.C. Courts. Judges must be free to decide cases according to their best understanding of the law, uninfluenced by the prospect that good-faith decisions will be used against them in fitness proceedings. The Commission declines to adopt an approach that would have a chilling effect on judicial independence.

Second, with respect to opinion timeliness, the Commission majority acknowledges that Judge Beckwith’s pace of issuing opinions has been a consistent area of concern over the course of her term. The Commission does not minimize this issue. Parties deserve timely resolution of their appeals. However, the majority finds that the dissent’s proposed treatment of timeliness as a basis for downgrading Judge Beckwith to Qualified or lower is not warranted by the record taken as a whole. As noted, Judge Beckwith has made demonstrable and measurable progress in addressing her backlog, including through meaningful structural changes to her chambers, and Chief Judge Blackburne-Rigsby confirmed that Judge Beckwith is now producing opinions at a rate comparable to her colleagues.

Additionally, every interviewee who raised timeliness as a concern stated that it was not disqualifying and did not diminish their support for Judge Beckwith's reappointment. The majority further notes the institutional context: the Court of Appeals is a panel-based appellate court that has operated with significant vacancies for over a decade, and the collaborative nature of its decision-making means that output speed is not solely within any individual judge's control. On the full record, the majority is satisfied that Judge Beckwith's progress in this area, combined with the extraordinary strength of the remainder of her record, supports a Well Qualified designation.

IV. Conclusion

The Commission reserves the recommendation of "Well Qualified" for those judges whose work product, legal scholarship, dedication, efficiency, and demeanor are exceptional on the bench, and where the candidate's performance consistently reflects credit on the judicial system. Judge Corinne A. Beckwith more than satisfies that standard.

Taken as a whole, the record before the Commission presents a clear and consistent picture of an exceptionally able and dedicated jurist. Judge Beckwith has served the D.C. Court of Appeals with distinction for nearly fifteen years, bringing to her work an intellectual seriousness, a commitment to fairness, and a clarity of expression that have earned her the respect of colleagues and practitioners across the bar. Judge Beckwith has taken on substantial administrative and committee responsibilities in addition to her judicial work. And she has made meaningful progress on the timeliness concerns that have been a consistent feature of her record, and the trajectory is clearly positive. The most recent cycle of D.C. Bar evaluations ranked Judge Beckwith highest among the appellate judges reviewed, and there have been no substantiated complaints or adverse medical findings. The dissent's characterization of Judge Beckwith's judicial record as reflecting a disqualifying ideological bias is not a function of the Commission's proper role in fitness review and, in the majority's judgment, is inconsistent with both the record and with the principles of judicial independence that the

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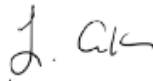
Commission is obligated to protect. Accordingly, the Commission majority determines that Judge Beckwith is **Well Qualified** for reappointment, and her term shall be automatically extended for a term of fifteen years upon expiration of her current term on November 28, 2026.

Respectfully submitted,

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Amy L. Bess, Esq.
Chairperson



Hon. Loren L. AliKhan
Vice Chairperson



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Commissioner



Lloyd Liu, Esq.
Commissioner



Nikki Sertsu
Commissioner



Maria Velleca, Ph.D.
Commissioner

DISSENT

Dear Mr. President:

I respectfully dissent from the majority's decision to find Judge Corinne A. Beckwith "Well Qualified" for reappointment to a new fifteen-year term on the D.C. Court of Appeals. I have carefully reviewed and considered her record and, for the reasons set forth below, I conclude that Judge Beckwith is "Unqualified" for reappointment. Her judicial record demonstrates a sustained pattern of decisions that systematically expands criminal-defendant protections at the expense of law enforcement authority and public safety, culminating in a recent 7–2 summary reversal by the United States Supreme Court. On that record, I cannot support another fifteen-year term.

As my colleagues in the majority acknowledge, Judge Beckwith has genuine strengths. She is regarded as intelligent, well-prepared, and respectful of advocates. The D.C. Bar evaluation record reflects high marks for temperament and courtroom demeanor. I do not dispute those qualities. However, the Commission's standard for a Well Qualified finding and, I submit, the minimum threshold for any favorable recommendation requires that a judge's performance "consistently reflect credit on the judicial system." A judge's demeanor in the courtroom and the quality of her writing cannot, by themselves, satisfy that standard when the substance of her work product repeatedly undermines law enforcement, erodes public safety, and places the court at odds with established federal constitutional law.

The Judicial Record

The majority contends that it is not the Commission's role to evaluate the correctness of a judge's legal decisions, and I agree that the Commission does not function as an appellate court sitting in judgment of individual rulings. But a pattern of decisions, particularly one that is consistent across many years and that culminated in a recent summary reversal by seven Justices of the United States Supreme Court, speaks directly to whether a judge's work product reflects credit on the judicial system.

That is precisely what the Commission is charged with evaluating. I do not rely on any single decision in isolation. I rely on the accumulated record of Judge Beckwith's judicial output, which reveals, among other issues, an approach to criminal law and the Fourth Amendment that is at odds with established precedent and that places the D.C. Court of Appeals in continued conflict with the Supreme Court.

The most consequential item in the record is the Supreme Court's decision in *District of Columbia v. R.W.*, No. 25-248 (U.S. Apr. 20, 2026). Seven Justices, spanning the full ideological range of the Court, summarily reversed the panel decision that Judge Beckwith joined, without briefing or oral argument, condemning its reasoning as the "divide-and-conquer analysis" forbidden by established precedent and finding that the officer "clearly had reasonable suspicion."

The *R.W.* reversal is significant but not isolated. It is the product of *Mayo v. United States*, 315 A.3d 606 (D.C. 2024), an en banc restructuring of reasonable-suspicion doctrine that Judge Beckwith joined over the dissent of Judge McLeese, who later warned that *Mayo* had set the court "on a path contrary to" Supreme Court direction. The record also includes authored and joined opinions that suppressed firearms based on legal theories that drew sharp dissents from colleagues, a new en banc jury-selection doctrine authored by Judge Beckwith that reportedly is under consideration by the Solicitor General for certiorari review, a respondeat superior ruling in *Trump v. Carroll* that Judge McLeese described as "choosing to adopt a new principle of law" unsupported by prior decisions or other jurisdictions, and a Fourth Amendment seizure ruling in *Carter v. United States*: a ruling that Justices Alito and Thomas described as "dangerous." Taken together, these decisions reflect not a series of isolated good-faith disagreements about difficult legal questions but a consistent jurisprudential posture that places Judge Beckwith's jurisprudence in activist tension with the rule of law.¹

¹ The foregoing does not exhaust the record. Additional opinions reflecting the same pattern include: *Greer v. United States*, No. 23-CF-0389 (D.C. May 14, 2026) (authored; reversing firearm convictions after holding seizure occurred before officers had reasonable suspicion despite responding to an active

Timeliness

The Commission's review also confirms a persistent record of below-average timeliness across multiple evaluation cycles. I acknowledge that Judge Beckwith has taken steps to address this concern in recent years, and I note the majority's observation that the collaborative nature of appellate decision-making distributes some responsibility for case output across the panel. I do not minimize those points. But the timeliness concern has been documented across the full span of her term, and parties who depend on the Court of Appeals for resolution of significant legal questions bear real

shooting); *Champion v. United States*, No. 18-CF-1128 (D.C. Jan. 4, 2024) (authored; suppressing a loaded handgun with extended magazine; Glickman, J., dissenting, writing the majority added a requirement that "unnecessarily adds to the jeopardy of police officers conducting traffic stops and others in the vicinity"); *James v. United States*, No. 19-CF-0445 (D.C. Aug. 1, 2024) (authored; suppressing rifle found by police dog tracking carjacking suspect and reversing convictions); *Ervin v. United States*, No. 24-CF-0803 (D.C. 2026) (joined; reversing all convictions after holding five officers who encircled defendant at a playground had seized him before he admitted to having a firearm); *Jones v. United States*, 168 A.3d 703 (D.C. 2017) (authored; reversing two knifepoint sexual assault convictions; Thompson, J., dissenting); *Wills v. United States*, 147 A.3d 761 (D.C. 2016) (authored; reversing domestic-violence conviction on Confrontation Clause grounds); *United States v. Bumphus*, No. 17-CO-441 (D.C. May 21, 2020) (joined; affirming suppression of firearm because police waited a weekend to obtain a warrant; Fisher, J., dissenting); *Parker & Rollerson v. United States*, No. 16-CF-1098 (D.C. 2025) (dissenting alone from affirmance of armed robbery convictions); *Williams v. United States*, No. 14-CF-1089 (D.C. 2024) (joined; reversing second-degree murder and gang convictions in a case involving three shootings and two deaths; Fisher, J., dissenting, quoting the trial judge's finding that the defendant "played a major role" in the murder); *Redmond v. United States*, No. 22-CO-0555 (D.C. July 31, 2025) (authored; vacating a 1996 sexual assault conviction on post-conviction review, applying the most defendant-favorable rule at every contested doctrinal choice — standard of review, burden allocation, and harmless error); *District of Columbia v. Amazon.com, Inc.*, 320 A.3d 1073 (D.C. 2024) (authored; reversing dismissal of the DC Attorney General's antitrust suit against Amazon based on a tendentious market definition — online retail only, excluding all brick-and-mortar competition — that artificially inflated Amazon's apparent dominance and subjected the nation's largest retailer to expansive government antitrust liability); *In re Ta.L.*, 149 A.3d 1060 (D.C. 2016) (en banc) (joined Parts III and IV of the majority, which Judge Glickman condemned as unnecessarily "reach[ing] out to disavow this jurisdiction's settled constitutional precedent on a matter of fundamental importance" without notice to or briefing by the parties; then dissented from the judgment itself, voting to reverse the adoption of two children in foster care for three years whose parents had failed every reunification benchmark; Glickman, J., writing that her position "is contrary to decades of prior decisions of this court" and was raised for the first time by the dissenters, not any party; she and a colleague then used the dissent to directly petition the DC Council to rewrite DC adoption law); *Bado v. United States*, 154 A.3d 1270 (D.C. 2017) (en banc) (joined; holding deportation consequences can transform a petty misdemeanor sexual-abuse-of-a-minor offense into one requiring a Sixth Amendment jury trial; Glickman and Fisher, JJ., dissenting).

consequences from extended delays. The timeliness concern warrants a finding of “Qualified” because it falls squarely within the Commission’s standard for a judge whose “strong positive attributes are materially offset, but not overborne, by negative traits.” Accordingly (my concerns about judicial-decision-making aside) the Commission’s own standards simply preclude a finding of “Well Qualified” for Judge Beckwith.

Response to the Majority

The majority characterizes my approach as one that would subject judges to screening of their decisions and thereby threaten judicial independence. The Commission is an evaluative body charged by statute with assessing judicial performance and fitness for continued service. That assessment necessarily involves examining what a judge has done during her term, including what she has decided and how she has decided it. It is the Commission’s statutory responsibility to fully evaluate judicial performance by considering *the substance* of a judge’s work product. The Commission’s own reappointment standard confirms this point: a candidate is “Well Qualified” only where the candidate’s “work product, legal scholarship, dedication, efficiency, and demeanor are exceptional, and the candidate’s performance consistently reflects credit on the judicial system.” That rule necessarily permits—and indeed requires—the Commission to consider the substance of a judge’s judicial work product, including significant judicial decisions and the reasoning reflected in them. Our rules require commissioners to form a judgement about the opinions of judges before us. No one doubts that the President and Senate, whose combined authority we exercise, evaluate judges on their decisions and the ideology that drives them. It is entirely appropriate that the Commission do the same.

Conclusion

I have carefully reviewed Judge Beckwith’s record and the majority’s difference of opinion with my approach. But the Commission’s duty and responsibility is to evaluate the totality of her

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performance against the demanding standards the governing statute and rules impose. When I consider the pattern of decisions affecting public safety, the rule of law, and the persistent below-average timeliness record across her term, I cannot conclude that Judge Beckwith is fit for reappointment to another fifteen-year term. I therefore respectfully dissent and find Judge Beckwith to be Unqualified for reappointment.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'TFitton', with a stylized, cursive flourish.

Thomas Fitton
Commissioner