

**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

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Amy L. Bess, Esq., Chairperson  
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**Interim Executive Director & Special Counsel**  
Amy Conway-Hatcher, Esq

February 14, 2025

David Alan Warrington, Esq.  
White House Counsel  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, D.C. 20500

Re: Evaluation Report for the Reappointment of the Honorable Marisa J. Demeo,  
Associate Judge of the Superior Court of the District of Columbia

Dear Mr. Warrington:

At the request of the Commission on Judicial Disabilities and Tenure for the District of Columbia, enclosed please find the Commission's Evaluation Report for the Reappointment of the Honorable Marisa J. Demeo, Associate Judge of the Superior Court of the District of Columbia. The Commission recently conducted a fitness review of Judge Demeo after receiving her declaration of candidacy for reappointment as an Associate Judge. Following a thorough evaluation of Judge Demeo's judicial performance and qualifications, the Commission determined by unanimous vote that Judge Demeo is well qualified for reappointment to another term.

The Commission is an independent body created by Congress in 1970 to provide oversight of the District of Columbia Courts. Among its responsibilities is to conduct fitness reviews of DC Court judges who seek reappointment upon expiration of their terms. The Commission is made up of seven volunteer Commissioners who are duly appointed in accordance with the Commission's statute. The current Presidential appointee, Commissioner Thomas Fitton, was appointed by President Trump in 2020 for a five (5) year term.

If you or your staff have any questions regarding the report or the Commission, please do not hesitate to contact us.

Sincerely,



Amy Conway-Hatcher, Esq.  
*Special Counsel to the District of Columbia  
Commission on Judicial Disabilities and Tenure*

David Alan Warrington, Esq.  
February 14, 2025

Copy to:      Chairperson Amy L. Bess, Esq.  
                 Vice Chairperson Diane M. Brenneman  
                 Commissioner Thomas Fitton

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February 14, 2025

The Honorable Donald J. Trump  
President of the United States  
The White House  
Washington, D.C. 20500

**Re: Evaluation Report - Reappointment of the Honorable Marisa J. Demeo**

Dear Mr. President:

The District of Columbia Commission on Judicial Disabilities and Tenure is pleased to report that we have unanimously determined the Honorable Marisa J. Demeo to be well-qualified for reappointment as an Associate Judge of the Superior Court of the District of Columbia (“Superior Court”). Given Judge Demeo’s commendable judicial service and her extensive contributions to the Court, her colleagues, and the community, the Commission finds Judge Demeo to be deserving of the highest category in which it is statutorily empowered to designate a judge seeking reappointment. Therefore, and in accordance with statute, Judge Demeo’s term shall be automatically extended for a full term of fifteen years upon the expiration of her current term on April 20, 2025.

This Report provides an overview of the Commission’s statutory powers and the basis for the Commission’s determination.

## **I. Statutory Framework**

Among its duties, the Commission is responsible for evaluating Associate Judges in the District of Columbia Courts (“DC 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 her or his present term and his or her fitness for reappointment to another term.”<sup>1</sup> 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 then shall submit the nomination to the Senate for advice and consent to the renomination of the 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 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 a judge is “qualified” if he or she satisfactorily performs his or her

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<sup>1</sup> 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.*

assigned duties or whose 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.

## **II. The Commission’s Evaluation of Judge Demeo as “Well Qualified”**

### **A. Judge Demeo’s Candidacy for Reappointment**

Judge Marisa Demeo is a well-respected Superior Court judge, a dedicated public servant, and talented lawyer who has received high praise from her peers and members of the Bar. She is known as a very hard-working, extremely diligent, fair, and smart judge who selflessly mentors judges and lawyers alike, while also contributing extensively to the Court, her colleagues, and the community through her judicial service, leadership, and collaborative teamwork on important matters.

Judge Demeo formally declared her candidacy for reappointment on July 31, 2024, and submitted her completed written statement and application materials on October 18, 2024 in advance of the statutory deadline. Judge Demeo’s comprehensive materials included: (i) extensive information about her experience as Associate Judge, and previously as Magistrate Judge, of the Superior Court; (ii) Court committee assignments, accomplishments, and contributions as an Associate Judge to the Court, the Bar, and the community, (iii) her District of Columbia Court of Appeals record, (iv) updated medical forms from her physician confirming her medical fitness for service; and (vi) materials and unique perspectives from her recent 2024 candidacy for the position of Chief Judge of the Superior Court.<sup>2</sup>

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<sup>2</sup> The selection of Chief Judge is determined by the Judicial Nominations Commission (“JNC”) following a rigorous candidacy and review period. On July 26, 2024, the JNC announced its designation of Judge Demeo’s esteemed colleague, the Honorable Milton C. Lee, Jr., to succeed retiring Chief Judge Anita Josey-Herring.

The Commission publicly announced Judge Demeo's candidacy for reappointment on September 25, 2024, and opened a public comment period seeking input from the community, the Bar, and the bench. The public comment period remained open until November 13, 2024.<sup>3</sup>

As part of its reappointment evaluation, the Commission: (i) reviewed Judge Demeo's written statement and application materials, (ii) conducted interviews of judges, court staff, and attorneys; (iii) reviewed public comments and other information shared with the Commission during the public comment period, (iv) evaluated Judge Demeo's assignments and appellate record; and (v) reviewed the Commission's internal records.<sup>4</sup> Prior to her interview with the full Commission on January 8, 2025, Judge Demeo also made herself available to meet with Commissioner Nikki Sertsu, the commissioner assigned to lead her fitness review. Further, the Commission met with Chief Judge Milton C. Lee, Jr., who confirmed Judge Demeo's qualifications and provided his strong and unqualified support for her reappointment as an Associate Judge. Chief Judge Lee also commended Judge Demeo's commitment to the Court and the mutual respect and collegiality they shared during their respective candidacies for Chief Judge.

## **B. Background and Contributions**

Judge Demeo was nominated to the bench by President Barack Obama and was sworn in as an Associate Judge of the Superior Court on May 10, 2010. At the time of her declaration to

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<sup>3</sup> See Commission Press Release at [The Commission on Judicial Disabilities and Tenure Announces the Reappointment Evaluation of Associate Judge Marisa Demeo of the Superior Court of the District of Columbia | cjdt](#) (Sept. 25, 2024). As part of its broad solicitation of inputs and commentary, the Commission contacted numerous highly regarded legal institutions and organizations in the District of Columbia to encourage input and commentary from a wide range of practitioners who have appeared before or worked with Judge Demeo. To encourage candid and open feedback on the judge's judicial service and performance, the Commission does not disclose the identity of a commenter without the commenter's consent.

<sup>4</sup> The Commission's files include, among other things, Annual Financial Reports filed by Judge Demeo, DC Bar Evaluations, complaints received and resolved by the Commission over her fifteen (15) year career, judicial timesheets, and correspondence with the Commission.

seek reappointment in 2024, Judge Demeo had been serving as the Presiding Judge of the Criminal Division at the request of then-Chief Judge Anita Josey-Herring.

As of the date of this report, Judge Demeo has now served in every division of the Superior Court. Prior to her leadership in the Criminal Division, she previously served as the Deputy Presiding Judge of the Probate and Tax Divisions, and as a trial judge in the Civil and Domestic Violence Divisions. To round out her experience, Judge Demeo has requested multiple times to be assigned to the Family Division, one of the toughest trial court assignments in Superior Court. Her request was initially deferred by then Chief Judge Josey-Herring given the needs of the Court and Judge Demeo's exceptional leadership skills and experience in the Criminal Division. Chief Judge Lee has since granted Judge Demeo's request; as of January 1, 2025, she is assigned to the Family Division where she serves among a team of judges handling matters involving child abuse and neglect, juvenile delinquency, adoption, divorce, custody, guardianship, visitation, paternity, child support, termination of parental rights, as well as mental health and habilitation.

In addition to her duties as a trial judge, in the last eight (8) years, Judge Demeo has held thirteen (13) committee assignments, both as a member and in leadership positions, on important substantive issues including, for example:

- **Joint Committee on Judicial Administration in the District of Columbia**, the policy-making body for the District of Columbia Courts (Member, 2021-present);
- **D.C. Courts Strategic Planning Leadership Council**, which led the process for the development of the 2023-2027 Strategic Plan for the District of Columbia Appeals, the Superior Court, and the Court System. (Co-Chair, 2021-2024);
- **District of Columbia Sentencing Commission**, which implements, monitors, and supports the District's Voluntary Sentencing Guidelines (Member, 2022-present);
- **Committee on Selection and Tenure of Magistrate Judges**, which makes recommendations to the Chief Judge regarding the selection and tenure of magistrate

judges to the Superior Court, a critically important role given the high number of vacancies in the Superior Court (Member, 2020-present);

- **Advisory Committee on Criminal Rules**, which makes recommendations to the full Rules Committee for rule changes specific to the criminal division (Co-Chair, 2021-present); and
- **Judicial Education Committee**, which organizes training for all judges at the court, including onboarding training for new judges and continuing education for all active and senior judges (Chair 2016-2019; Member 2014-2015).

Judge Demeo has further contributed to the legal community by teaching at local law schools, including a course on problem solving courts at Georgetown University School of Law, and criminal procedure and immigration law at Howard University School of Law. She also served as the Vice Chairperson and Chairperson of the Hispanic Bar Association of the District of Columbia Judicial Council and currently serves on the prestigious Princeton University Board of Trustees.

### **C. Notable Leadership Accomplishments**

Among Judge Demeo's notable accomplishments that stood out to Commissioners and commenters beyond her work as a trial court judge was her 2021-2024 leadership of the Criminal Division, which was substantially affected by the 2020 pandemic. A key challenge for Judge Demeo and her colleagues was to safely restart jury trials to address the significant backlog of criminal cases, particularly for detained defendants, while assuring a safe environment for the participants and jurors. During Judge Demeo's tenure and through her work with her Deputy Presiding Judge, colleagues, and staff, and building on steps taken by prior leadership, criminal jury trials returned to pre-pandemic levels by 2024. Judge Demeo credits the success of this effort to the collaboration, patience, creativity, communication, and compromise of all involved, both internal and external to the court. However, the Commission finds that Judge Demeo's

stewardship, work ethic, vision, and persistence were significant contributing factors to the division's ability to return to pre-pandemic operations and substantially reduce a backlog of criminal cases. While work remains to be done, Judge Demeo left the Criminal Division in a stronger place, a view the Commission, many colleagues, and lawyers share.

#### **D. Appellate Record**

The Commission reviewed Judge Demeo's appellate record from her first term, as well as decisions by the Court of Appeals on matters over which she presided. Judge Demeo's appellate record is excellent and a testament to her knowledge of and application of the law. In her 16 years on the bench (2008-2024), including her time as a Magistrate Judge, Judge Demeo's appellate record includes 282 appeals, the majority of which were affirmed or dismissed with only a handful of matters remanded, reversed, or vacated. The Commission found the number of Judge Demeo's decisions affirmed by the Court of Appeals demonstrates that she is smart, thorough, consistent, rigorous in her application of the law, and a highly competent jurist.

#### **E. Commission Files and Medical Fitness**

The Commission examined its own files containing historical information regarding Judge Demeo's tenure on the Court and found no cause for concern.

The Commission has received only a handful of complaints regarding Judge Demeo over her current fifteen (15) year term, none of which were deemed to be serious and each of which was dismissed for lack of jurisdiction and/or lack of merit.<sup>5</sup>

The Commission reviewed the anonymous responses summarized in DC Bar Evaluation

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<sup>5</sup> The Commission often reviews audio files of hearings in the event of temperament concerns. Again, there were not notes of any concerns by the Commission's counsel.

Surveys of Judge Demeo in 2014-2015, 2016-2017, 2020-2021, and 2023-2024.<sup>6</sup> While the value of anonymous surveys is limited in some ways, these evaluations offer an important opportunity for attorneys to share feedback, for the Commission to assess potential patterns or areas of concern, and for the judge to receive periodic constructive feedback to highlight what she or he is doing well and where she or he can improve as a judge. Depending on the feedback, the Commission may at times meet with judges to facilitate reflections on their performance.

Judge Demeo's overall ratings in the above surveys are typically just above or slightly below the average from an overall rating. But Judge Demeo also received many scores in specific areas that surpassed her peers. Further, written comments included many strengths that Judge Demeo brings to the Court. Overwhelmingly three attributes stood out across the surveys - she's "fair but firm", "treats litigants and lawyers with respect", and is always "prepared". One attorney wrote in the 2023-2024 DC Bar Evaluation,

*Judge Demeo is the best of the best. She is smart, fair, and has an excellent courtroom demeanor. I've appeared in front of her off and on since 2015 and she remains my favorite judge at D.C. Superior. Before the time period in question, when I was first practicing, she ruled in favor of my client, but also made a point of giving me constructive criticism on my case presentation that was incredibly helpful to my professional development as an attorney. More recently I always feel like she treats attorneys and litigants with respect. Listens attentively, but manages her courtroom well to remain efficient. She applies law to facts appropriately and even when ruling against me, I feel she's always being prepared.*

Themes of the Bar Evaluations also complimented Judge Demeo's clear and thorough written rulings, measured and thoughtful decision making, humility, patience, and the ability to manage her courtroom efficiently, while allowing every party to be heard,

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<sup>6</sup> Each year, the D.C. Bar Judicial Evaluation Committee invites Bar members who have appeared before certain selected judges who serve on the D.C. Court of Appeals and the D.C. Superior Court to provide their feedback in an anonymous survey. Judges are selected for review each year based on years of service and certain other factors.

and command respect. An attorney wrote:

*Judge Demeo also shows a humility on the bench that is rare. She is willing to reconsider her decisions, and will reverse herself when presented with the controlling authority. Her willingness to do so ensures that the parties receive fair treatment and an accurate and just outcome.*

As with any evaluations, Judge Demeo also received critical feedback which she shared with the Commission that she took very seriously. For example, regarding commentary that she moved too slowly in issuing orders earlier in her career, she made efficiency changes in how she managed her workload, and the staffing and management of chambers to assure rulings were issued with fewer delays. While some anonymous reviewers viewed her as overly serious or gruff, the Commission viewed Judge Demeo's professionalism and the seriousness with which she takes her responsibilities as a judge to be an overall asset.

Judge Demeo has filed all statutorily required Annual Financial Reports. Further, and importantly, the Commission and its consultant physician have reviewed the report from Judge Demeo's physician. The Commission's physician concurred with Judge Demeo's physician that she is in good medical condition and is medically fit for service.

#### **F. 2024 Public Commentary on Judge Demeo's Candidacy for Reappointment**

The Commission had the opportunity to conduct interviews and review written and oral inputs from the public, litigants, colleagues, and staff on Judge Demeo's performance, including her demeanor and temperament.

Judge Demeo's colleagues were consistent in their praise and overwhelming support for Judge Demeo. Colleagues describe Judge Demeo as smart, ethical, fair, collegial, and efficient. She is known to "run a tight ship." Colleagues commented on her extraordinary work ethic, noting that she gets the work done and "understands and lives the embodiment of equal justice under the

law”. Although she is no nonsense on the bench and has high standards, she also is known as a wonderful colleague who is always ready to volunteer and mentor younger judges.

Staff and lawyers who appear before her also noted her high standards and expectations, as well as her professionalism and business approach to court and her work. She expects punctuality and preparation, but she is fair, listens to both sides, and decides issues thoughtfully and effectively. Commenters said she is “tough but fair,” “a great judge,” “extremely diligent,” “even-keeled,” “open and receptive,” “never rattled,” “all business and focused on the job,” and “respectful, but doesn’t coddle anyone.” While some commenters noted her lack of warmth or affability, they nonetheless expressed respect and admiration for her work. One staff member who has worked for other judges stated, “Judge Demeo is one of the best judges on the bench”.

Judge Demeo is respected by prosecutors and defense counsel alike. Multiple defense counsel said she is tough but fair, “top of the list,” “all business but ... not off-putting,” “understanding but not overly so,” “takes her job really seriously,” and that she is “focused and impeccably prepared... and she expects others to be too.” She is a tough sentencer, but she will consider anything, and she expects lawyers to do their job. A government lawyer commented on her willingness to mentor lawyers and to share feedback when a case is over. Multiple lawyers said that she holds herself and others in her courtroom to the highest standards, she is not scared to think about and research tough issues, and she gives both sides an equal shot at arguments and strives to always be fair. Multiple lawyers complimented her thoughtful well-written orders and her ability to make a good record.

While some commenters viewed Judge Demeo as “prickly” and serious, even offering episodic instances where her temperament felt off-putting, the Commission did not find the

observations to be part of a concerning pattern, and they were clearly outweighed by her overall performance, positive commentary, and the quality of her judicial decision-making.

### **G. Commission Interviews of Judge Demeo**

In her interviews with Commissioner Sertsu and the full Commission, there was no doubt that Judge Demeo is deeply committed to the District of Columbia and the Superior Court. When asked for her reflection on running for Chief Judge and not being selected, Judge Demeo said that she has “no regrets” and she is glad she “put herself up for it.” She believed then and believes now that “competition for the [Chief Judge] role is good for the Court.” She also complimented Chief Judge Lee’s attributes and their agreement to compete collegially based on their respective visions. Even though she was not selected, she was very complimentary of the entirety of the process and thoughtful about the learning experience.

Judge Demeo is aware of the perception that she is not warm and fuzzy. However, she believes there is a time and place for levity outside the courtroom. On the bench, her goal is to stay focused, maintain professionalism, do her job well, and treat others with respect, even when faced with challenging courtroom behaviors.<sup>7</sup>

### **H. Interview of Chief Judge Milton C. Lee, Jr.**

The Commission met with Chief Judge Milton Lee about Judge Demeo’s candidacy for reappointment on January 8, 2024. Chief Judge Lee described Judge Demeo as an asset to the court. He also expressed his admiration for Judge Demeo and her approach to the Chief Judge

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<sup>7</sup> Judge Demeo and other judges have described in detail to the Commission some of the challenging and sometimes unprofessional behaviors they experience from litigants. To the extent attorneys, staff, or members of the community provided critical feedback on any judge’s temperament or treatment, the Commission reviews them very closely and critically in fairness to both sides. The determinations made herein are based on the majority of inputs received by the Commission while acknowledging isolated critiques that did not diminish Judge Demeo’s overwhelmingly positive record.

selection process. He further confirmed her selfless request to be assigned to the Family Division to round out her experience, which is one of the toughest assignments at the Court.

Chief Judge Lee fully supports Judge Demeo's reappointment. In follow-up correspondence with the Commission for inclusion in this Report, Chief Judge Lee wrote:

*Judge Demeo has been an outstanding judge for the Superior Court. As the Court emerged from the pandemic, her leadership guided the Criminal Division through an incredibly difficult time. Her commitment and dedication to restoring the Division to pre-pandemic operational levels demonstrated her ability to work with justice partners in a collaborative manner that was necessary given the obstacles the Court faced in returning to in-person proceedings. Judge Demeo has set an example for judges and staff in her willingness to take on difficult assignments and committee work. She is highly respect[ed] by all who appear before her because she treats everyone with respect and dignity even when the most complex and difficult cases are on her calendar. The Superior Court is fortunate to have her, and her reappointment will undoubtedly permit the Court to better serve the citizens of the District of Columbia.*

### **III. 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.

The Commission finds that Judge Demeo's exceptional and unwavering dedication, leadership, judicial decision-making, and commitment to the courts, her colleagues, the Bar, and the community to be commendable. In addition, her work ethic, professionalism, and collegiality are much needed assets for the Superior Court during this period of judicial vacancies and, as new judges are appointed and confirmed, her mentorship and experience will become even more valuable to new colleagues.

For the foregoing reasons, the Commission finds that Judge Demeo's judicial service merits her automatic reappointment to the bench. The Commission further finds that her

The Honorable Donald J. Trump  
February 14, 2025

Evaluation Report  
The Honorable Marisa J. Demeo

performance as a judge has been exceptional, and that she has earned the highest category rating permitted by statute.

We therefore unanimously determine Judge Marisa J. Demeo to be well qualified for reappointment and her term shall be automatically extended for a term of fifteen years upon expiration of her term on April 20, 2025.

Respectfully submitted,

DISTRICT OF COLUMBIA COMMISSION ON  
JUDICIAL DISABILITIES AND TENURE



Amy L. Bess, Esq.  
*Chairperson*



Hon. Diane M. Brenneman (Ret.)  
*Vice Chairperson*



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*Commissioner*



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*Commissioner*



Hon. Colleen Kollar-Kotelly  
*Commissioner*



William P. Lightfoot, Esq.  
*Commissioner*



Nikki Sertso  
*Commissioner*

CJDT/ach

cc: Hon. Marisa J. Demeo