

**DISTRICT OF COLUMBIA COMMISSION
ON JUDICIAL DISABILITIES AND TENURE**
515 Fifth Street, N.W., Building A, Room 246
Washington, D.C. 20001
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Amy L. Bess, Esq., Chairperson
Hon. Diane M. Brenneman (Ret.), Vice Chairperson
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July 31, 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 Maribeth Raffinan,
Superior Court of the District of Columbia**

Dear Mr. Warrington:

At the request of the District of Columbia Commission on Judicial Disabilities and Tenure, enclosed please find the Commission's Evaluation Report for the Reappointment of the Honorable Maribeth Raffinan, Associate Judge of the Superior Court of the District of Columbia.

The Commission recently conducted a fitness review of Judge Raffinan after receiving her declaration of candidacy for reappointment as Associate Judge. Following a thorough evaluation of Judge Raffinan's judicial performance and qualifications, the Commission determined by a majority vote that Judge Raffinan is well qualified for reappointment to another term. Vice Chairperson Diane Brenneman voted with the majority and issued a concurrence to the Commission majority report, and Commissioner Thomas Fitton issued a dissent voting Judge Raffinan unqualified.

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.

The Honorable Donald J. Trump
July 31, 2025

Evaluation Report
The Honorable Maribeth Raffinan

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

Sincerely,

A handwritten signature in blue ink that reads "Amy C Hatcher". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Amy Conway-Hatcher, Esq.
Special Counsel

Cc: Amy L. Bess, Esq., *Chairperson*
Hon. Diane M. Brenneman (Ret.), *Vice Chairperson*
Thomas Fitton, *Commissioner*

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July 31, 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 Maribeth Raffinan

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 Maribeth Raffinan, Associate Judge of the Superior Court of the District of Columbia (“Superior Court”), to be **Well Qualified** for reappointment. The Commission majority finds Judge Raffinan is deserving of the highest category in which it is statutorily empowered to designate a judge seeking reappointment based on her demonstrated strong skills as a judge, proven leadership and selfless contributions in support of multiple Chief Judges, each of whom have turned to Judge Raffinan for key assignments at critical periods of the COVID-19 pandemic and during unprecedented judicial shortages in the D.C. Courts. Judge Raffinan continues to be recognized for her exceptional judicial temperament, which is a model for other judges, her ability to manage high-volume dockets, skill in creating meticulous trial and hearing records, and thoughtfulness and impartiality when issuing decisions.

Therefore, and in accordance with statute, Judge Raffinan’s term shall be automatically extended for a term of fifteen years upon the expiration of her current term on September 30, 2025.

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.”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 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.

¹ 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.*

The Commission will find 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. 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 Raffinan as “Well Qualified”

A. Judge Raffinan’s Candidacy for Reappointment

Judge Maribeth Raffinan is a well-respected Superior Court judge and dedicated public servant who has received strong support and high praise from her peers and members of the Bar. Among her many strengths, she is a thorough, collegial, respectful, patient, and deliberative judge, collective traits that are admirable and essential in the city’s busiest courts. She is generous with her time in support of her colleagues and the Court, and by all accounts is among the first to step in when help is needed. She has contributed extensively to the Court, her colleagues, and the community not only through her judicial service, but also through her commitment to mentoring, teaching, and sharing her knowledge locally, nationally, and internationally.

Judge Raffinan formally declared her candidacy for reappointment on October 23, 2024 and submitted her completed written statement and application materials on March 24, 2025, in advance of the applicable statutory deadlines. Judge Raffinan’s comprehensive written submission included: (i) extensive information about her experience as an Associate Judge; (ii) Court committee assignments, accomplishments, and contributions to the Court, the Bar, and the community; (iii) her District of Columbia Court of Appeals record; and (iv) medical forms from her physician confirming her medical fitness for service.

The Commission publicly announced Judge Raffinan’s candidacy for reappointment on February 13, 2025, and opened a public comment period seeking input from the community, the Bar, and the bench. The public comment period remained open until April 10, 2025.²

As part of its reappointment evaluation, the Commission: (i) reviewed Judge Raffinan’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 Raffinan’s assignments and her updated appellate record;³ and (v) reviewed the Commission’s internal records.⁴ Prior to her interview with the full Commission on May 14, 2025, Judge Raffinan 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 Raffinan’s qualifications and provided his strong, unwavering support for her reappointment as an Associate Judge.

B. Background, Contributions, and Leadership

Judge Raffinan attended law school at Catholic University of America Columbus School of Law from September 1992 to May 1995. During her law school career, she volunteered and interned with various legal agencies in the District of Columbia, including the District of Columbia

² See Commission Press Release at [The District of Columbia Commission on Judicial Disabilities and Tenure Announces Fitness Reviews of Judges Seeking DC Court Reappointments| cjdt](#) (Feb. 13, 2025). 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 Raffinan. 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.

³ This appellate record was provided by the court at the Commission’s request and was reviewed separate and apart from the appellate record provided by Judge Raffinan in her submission for reappointment.

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

Bar, Family Representation Task Force, the District of Columbia Office of Corporation Counsel (now the Office of the Attorney General), Intra-Family Offense Unit and the Superior Court of the District of Columbia. As this Report and her record make clear, Judge Raffinan's service as an Associate Judge is consistent with her commitment to professional excellence and her selfless commitment to improve the practice of law in her area of specialty and within the District of Columbia legal community.

From March 1996 to September 1999, Judge Raffinan worked for the Office of the Federal Public Defender for the District of Columbia, which represents indigent clients charged with crimes in the United States District Court for the District of Columbia. As a research and writing specialist, she worked with both the trial and the appellate divisions, preparing cases for trial in District Court and assisting in researching and drafting appellate briefs, petitions for *certiorari*, and other appellate matters. For eleven (11) years thereafter, Judge Raffinan served as a staff attorney, including four (4) years as a supervisor, at the District of Columbia Public Defender Service defending indigent clients charged with criminal offenses in the D.C. Superior Court.

In addition to her many accomplishments as a trial attorney during her tenure at the Public Defender Service, Judge Raffinan co-chaired the 2006 Deborah T. Creek Criminal Practice Institute, served on the Superior Court's Drug Court Committee, conducted training for Criminal Justice Act panel attorneys, led trial practice groups, and served as a rotating attorney with the Special Litigation Division. In 2006, she served as an adjunct professor at Catholic University of America, the Columbus School of Law, where she taught a clinical seminar on Client Interviewing, Counseling and Negotiating. Prior to that, she served as a teaching assistant with then-Federal Public Defender, Mr. Neil Jaffee, teaching an appellate advocacy course. Judge Raffinan also was an instructor for the AFL/CIO Coordinating Committee Litigation Skills Training in 2007 and

2009, and she served on the DC Bar Committee on Criminal Law and Individual Rights in 2010, prior to her judicial nomination.

Judge Raffinan was nominated to the bench by the President of the United States and confirmed by the Senate in 2010. She formally assumed the role of Associate Judge of the Superior Court on October 1, 2010. Her tireless work on the Court and in service to the citizens of the District of Columbia is evident in her judicial record over the last fifteen (15) years.

Judge Raffinan has served in every division of the Superior Court except the Probate Division. Her service includes extended assignments and key leadership roles at the request of multiple Chief Judges. For example, while most judges serve two years in the Domestic Violence Division, Judge Raffinan served four years, including three (3) years as Presiding Judge during the global COVID-19 pandemic, at the request of then-Chief Judge Robert E. Morin. At the outset of the pandemic, Judge Raffinan quickly shifted the Domestic Violence Division from in-person hearings to online hearings (a first for the District of Columbia), a move which was critical to maintaining public safety given the urgent and often time-sensitive nature of the matters the Division handles and the vulnerable members of the community it serves. Judge Raffinan's professionalism, agility, composure, collaborative disposition, knowledge of complex and shifting legal issues, and steadfast commitment not only avoided a pause in operations but assured that a critical public safety resource in the District remained available to District residents.

Another example clearly demonstrating Judge Raffinan's strong, thoughtful, and skilled leadership and her contribution to public safety in the District is evident from the Superior Court's response to new District legislation passed by the DC Council regarding two new classes of civil protective orders, known as "Extreme Risk Protection Orders" (ERPOs), and Anti-Stalking Orders. In both cases, Judge Raffinan was instrumental in overseeing the Superior Court's

response to the legislation including the modification of existing court operations and procedures to ensure effective implementation of these new laws and to accommodate increased filings, many of which involve imminent circumstances.

The Commission majority was impressed with Judge Raffinan’s leadership as well as her ability to handle high-volume calendars, a skill she aptly demonstrated during her tenure in the Domestic Violence Division.⁵ Despite significant leadership responsibilities, Judge Raffinan continued to manage her own high-volume calendar of challenging cases in the same division. In 2018 alone, Judge Raffinan presided over 893 requests for Civil Protection Orders. From 2019 to 2020, she heard 418 domestic violence misdemeanor cases resulting in final judgments. From 2019 to 2021, she heard 20 requests for precedential ERPOs in accordance with newly passed legislation. As Presiding Judge from 2019 to 2021, Judge Raffinan was also responsible for oversight of all calendars of judges assigned to the Division, which is among the highest volumes in Superior Court. These hefty responsibilities and statistics speak highly of Judge Raffinan’s efficiency, dedication, organizational skills, and ability to tackle significant complex matters and leadership challenges – all of which must be viewed against the backdrop of an unprecedented global pandemic and judicial shortages.

In addition to her many impressive contributions and leadership of the Domestic Violence Division, Judge Raffinan is a known, trusted, and experienced judge who has handled some of the most serious, high-stakes, complex, and challenging criminal cases in the District. She has had the unusual distinction of being requested by Chief Judges to remain for extended periods on some of the most challenging criminal Felony I and Felony II calendars, each of which requires

⁵ This Division’s heavily scheduled and fast-moving calendar presents unique challenges for judges given the nature of the matters, which include many *pro se* litigants in extremely volatile situations.

exceptional, nuanced judgment, and experience on complex legal matters. The Commission majority found it noteworthy that Judge Raffinan has demonstrated her ability to handle serious criminal matters with skill, a measured approach, and the utmost compassion for all involved.

As a Felony II judge from 2016-2017, she was assigned to a high-volume criminal calendar involving, among other offenses, cases involving firearms, robbery, burglary, felony assaults, drug distribution, and carjackings. She conducted approximately 74 trials (47 jury trials and 27 bench trials), in addition to extensive preliminary and evidentiary hearings on detention and non-detention matters.

Given her skill, experience, and reputation, Judge Raffinan also served with distinction as a Felony I calendar judge in recent years, overseeing the most serious and traumatic cases brought in Superior Court, including murder, rape, and sexual crimes against children. Due in part to the pandemic, the Commission was advised that Judge Raffinan inherited a substantial backlog of Felony I criminal cases, including jury trials, which she diligently and methodically presided over and effectively managed. Among her accomplishments in her final two (2) years on the Felony I calendar, she conducted 24 jury trials and 9 non-jury trials, including regularly accepting non-jury trials off of the “cert list” to support other busy judges in the Criminal Division when her trial schedule permitted. Notable Felony I trials include *United States v. James Mayfield and Robert Moses*, 2017 CF1 021905 & 2017 CF1 018408, a lengthy, complex case tried from October to December 2022 involving a gang-related shooting that resulted in the death of a high school graduate and injuries to three innocent bystanders. Both defendants were found guilty of first-degree murder, conspiracy, and other related charges and resulted in significant sentences of incarceration of 61 years and 50 years respectively.

C. Committee Assignments

In addition to her duties as a trial judge during her tenure, Judge Raffinan has held eleven (11) substantive committee assignments, including additional related leadership positions. Among her committee assignments include, for example:

- **Standing Committee on Fairness and Access to the DC Courts**, focusing on fairness and access issues in the justice system through reasonable accommodations and the removal of architectural and procedural barriers for court users (Member, 2011-2018; 2025)
- **Committee on Jury Instructions**, reviewing and making changes to jury instructions in the Civil and Criminal Divisions. (Member, 2016-2017; Chair 2020-present)
- **Advisory Committee on Domestic Violence Rules**, making recommendations to the full Rules Committee for rule changes specific to the domestic violence division (Member, 2019-2021)

As a mentor and teacher, Judge Raffinan has contributed to the legal community by training and teaching juvenile, criminal, and domestic violence law to local law students, legal service providers, attorneys, and fellow judges. In addition, beyond the local area, Judge Raffinan has helped law students refine their trial skills by serving on the faculty of the Trial Advocacy Workshop at Harvard Law School for close to a decade.

D. Appellate Record

The Commission reviewed Judge Raffinan's appellate record, which reflects the District of Columbia Court of Appeals' rulings on Judge Raffinan's decisions at the trial court level. Judge Raffinan's appellate record is overwhelmingly positive, reflecting her thoughtful and well-studied legal analysis and application of the law. In her 15 years on the bench, Judge Raffinan's appellate record includes 95 appeals, the vast majority of which were affirmed or dismissed in their entirety, with only a handful of matters remanded, reversed, or vacated in their entirety. The Commission found the number of Judge Raffinan's decisions affirmed or dismissed by the Court of Appeals is

consistent with her reputation as being a highly competent jurist who is intellectually rigorous, and even-handed in her application of the law.

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

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

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

The Commission reviewed the anonymous responses summarized in D.C. Bar Evaluation Surveys for Judge Raffinan from 2014-2015, 2016-2017, 2020-2021, and 2023-2024.⁶ While the value of anonymous surveys is limited in some ways, these evaluations offer an important opportunity for attorneys to share feedback which to the judge and aids the Commission in providing periodic constructive feedback to judges, both positive and constructive.

The written D.C. Bar comments include many strengths and skills that Judge Raffinan brings to the Court. Overwhelmingly, three attributes stood out across the surveys over Judge Raffinan's tenure on the bench, namely: she is "fair to both sides", she is "kind and respectful to everyone before her," and she creates an "excellent, meticulous record... document[ing] every decision and articulat[ing] her reasoning in detail."

One attorney commented in 2023-2024:

Judge Raffinan is fair and follows the law. She takes to the time to familiarize herself with the relevant law and then rules fairly. She treats the parties with respect and shows restraint in high tension situations. Judge Raffinan is clearly committed to executing her responsibilities as a judge on a criminal docket in a fair and

⁶ 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 by the Evaluation Committee based on years of service and certain other factors.

professional manner. She exhibits a great deal of patience and allows the parties the opportunity to make their record and argue their positions.

Several lawyers complimented Judge Raffinan's understanding of complex legal issues.

One attorney wrote of Judge Raffinan's aptitude for complex criminal law issues:

Judge Raffinan ... has an excellent understanding of relevant legal principles..... She is very well-qualified to handle the most serious criminal matters on the felony I calendar.

Attorneys further commented glowingly on Judge Raffinan's demeanor, temperament, and patience. Examples include:

[Judge Raffinan is] [v]ery thoughtful and understanding. [She] [t]akes the care and time in making complex decisions and balancing the law appropriately. [Judge Raffinan] [r]uns the court promptly but does not unnecessarily rush proceedings. As a DVM Judge, she has been incredibly effective. Further, she has made me a better lawyer practicing in front of her. Patience, excellent judicial temperament, willing and intelligent grasp of unfamiliar or unusual facts, excellent procedural and substantive legal knowledge, demonstrates a consistently fair[-]minded approach.

As is the case with most judicial evaluations, Judge Raffinan received some critical feedback. In her case, the feedback contradicted the majority of positive comments and appeared to be related to more limited, unidentified experiences. The two areas of concern included: (1) the perception of the speed in which she decides matters and her willingness to hear more extended arguments from parties; and (2) a perception that she is somehow more deferential to the defense. No specific cases were named, and the Commission was unable to evaluate the context of the comments, which is often critical to fairly evaluate such concerns. The Commission majority notes that criminal cases are high stakes, high stress matters involving emotionally charged issues which can, at times, skew perceptions of the participants "in the heat of battle". Absent specific details and the ability to review the context of such matters, the Commission must weigh comments against other anonymous comments, as well as the judges' record, reputation, and filed complaints.

Here, the Commission majority found the critical commentary of the judge's courtroom management style and her willingness to fully consider and allow sufficient time for arguments from the parties was significantly offset by many more comments that praised the same attributes, as well as her respectful courtroom demeanor, her willingness to hear different perspectives and allow the parties to be heard, her intelligence and thoughtful deliberative approach, and the care she takes in making fair decisions and important trial court records.

F. Public Commentary and Interview Feedback on Judge Raffinan's Candidacy for Reappointment

The Commission had the opportunity to conduct interviews and review written and oral statements from the public, litigants, colleagues, and staff on Judge Raffinan's performance, including her demeanor and temperament. Given the DC Bar Evaluation concerns and the dissent, discussed below, the Commission majority's review probed further to fairly evaluate any concerns.

Commenters described Judge Raffinan as a well-respected, dedicated, thoughtful colleague who cares about the work of the Court, and someone who is "*one of the first to volunteer*" when help is needed. One judge commented that Judge Raffin is "*a great colleague [who] really wants to get it right.*" Judge Raffinan is appropriately deliberative and always asks questions, but even so, makes good decisions and often has a sense of what she wants to do. Another judge spoke of Judge Raffinan's collegiality when they served together on the Felony 1 calendar. "*She's always willing to chip in and one of the first to volunteer.*" Colleagues shared that Judge Raffinan is not only gracious with her time, but she also cares about her colleagues, friends, and the work. She does not complain; she keeps her sleeves rolled up and gets the work done. She is deliberate and diligent in her thought process. She thinks about every case and ruling. One judge commented, "*Yes, she crosses all t's and dots all i's, it's more of a byproduct of her style.*"

A former law clerk to Judge Raffinan expressed great admiration for Judge Raffinan

because “*she takes her job seriously and feels an obligation to do her very best.*” The clerk described Judge Raffinan as “*respectful and fair, even tempered, and even-keeled.*” The clerk observed that in the two years they worked for Judge Raffinan, the clerk learned a lot and never heard the judge raise her voice. The law clerk commented that Judge Raffinan “*looks at all the evidence and rules based on fairness, not bias. She does her best to balance things.... [she] takes very seriously the government’s burden to prove their case beyond a reasonable doubt and holds the government to meeting that burden,*” as is consistent with the law.

Comments by attorneys who regularly appear before Judge Raffinan were also overwhelmingly positive in their support. Judge Raffinan is highly respected as an effective and fair judge who manages her courtroom effectively and efficiently, even if more measured in her approach. She received rave reviews for her temperament, civility, and compassion for those who appear before her, both attorneys and the public. Government and defense lawyers alike recommended her for reappointment. Commenters shared similar themes including that Judge Raffinan is polite, thoughtful, smart, careful rulings, allowing everyone to speak, making a careful record, getting to the right answer, and striking a good balance by not being under- or overly efficient. One attorney commented that Judge Raffinan “*keeps an open mind and wants to do the right thing.*” Judge Raffinan runs her courtroom fairly and treats people with respect, even when defense counsel may not be the most experienced or competent. Commenters described Judge Raffinan as firm but respectful. While some did not view her as “the most efficient” judge, she was not viewed by the vast majority as extremely slow either. Some commented that they would much rather have a deliberate judge who is willing to listen to all the arguments over a rash overly efficient judge who will not listen or is rude or disrespectful. Judge Raffinan was more often viewed as deliberate and thoughtful, and not unreasonably slow. Another commenter praised the

judge for her work on the “ERPOs”, noting that Judge Raffinan was on the forefront of developing the District’s approach to these new laws and referring to her as a “*pioneer*.”

Comments regarding the judge’s temperament and demeanor were particularly laudatory. According to commenters, among her best attributes are her “*etiquette*,” “*fairness*,” “*graciousness*,” and “*kindness*.” Several commenters shared that she does not lose her cool even in highly charged situations, which can be extraordinarily difficult for similarly situated judges in the District’s busy courts. Several commenters thought Judge Raffinan “*struck the appropriate balance*” between holding both the government and defense counsel to high standards. She “*listens to both sides. She is fair to both sides. She never loses sight of our roles or her own.*”

A colleague called Judge Raffinan an invaluable partner “*who offered creative solutions to unfamiliar problems and was always available to address crises, including personnel shortages and larger legal questions.*” Another colleague described her as “*an exemplary and valued colleague*” who wears her experience lightly and is approachable and generous with her colleagues, law clerks, and community members.

The Commission discussed both extensive positive and more limited constructive feedback with Judge Raffinan, which she humbly and graciously took to heart. It is clear Judge Raffinan is always open to feedback and has a strong desire to continue to hone her judicial skills and experience to excel in her job and her service to the DC Courts, District residents, and those who litigate in the District. Her attitude, approach, dedication, intellect, flexibility, compassion for those who appear before her as a legal professional or layperson is highly admirable. Given the shortage of judges and the significant caseloads and pressures facing the District’s Courts, not all judges have the special and unique combination of skills that Judge Raffinan embodies.

III. Response to Objections Raised in the Dissent

The Commission majority acknowledges and carefully considered objections made by Commissioner Thomas Fitton in his dissent. For the reasons detailed in this Report, the Commission majority respectfully disagrees with and rejects the dissent’s characterizations of Judge Raffinan’s judicial performance. The Commission majority also disagrees with the allegation of ethical violations argued by Commissioner Fitton related to a November 28, 2023 letter signed by Judge Raffinan and 22 other judges in support of their colleague’s nomination for the federal bench (the “Letter”), as described further below. Further, the Commission majority categorically rejects any argument that the Commission is institutionally conflicted from evaluating Judge Raffinan’s judicial performance and fitness for reappointment to an additional 15-year term as an associate judge. In fact, the record in this matter belies any such conclusion.⁷

A. The Dissent’s Characterization of the November 28, 2023 Letter and the Commission Majority’s Reference to the Letter in its Report on the Reappointment of the Honorable Todd E. Edelman is Flawed and Mischaracterizes the Record

On April 23, 2025, the Commission majority issued a comprehensive 46-page Report to the President of the United States regarding the reappointment of the Honorable Todd E. Edelman to the District of Columbia Superior Court. *See* Evaluation Report – Reappointment of the Hon. Todd E. Edelman (“the Report”). The Report described in extensive detail Judge Edelman’s exceptional qualifications, performance, and contributions to the DC Courts, and found him to be Well-Qualified, over Commission Fitton’s objection. The Report also discussed in detail its analysis of Judge Edelman’s brief handling of one aspect of a particular criminal case, upon which

⁷ While the Commission majority declines to address each and every inaccuracy, the Commission majority notes that the dissent is rife with factual inaccuracies (and, in some cases, inaccurate or incomplete characterizations) of the record both herein and in the Judge Edelman matter. In sum, we must agree to disagree with the entirety of the dissent, its recitation of the record, and its conclusions.

Commissioner Fitton relied as the sole basis for his separate finding that Judge Edelman was Unqualified to continue his judicial service.

The Commission majority's Report on Judge Edelman's exceptional qualifications as a judge speaks for itself and is well-supported by the extensive information reviewed and presented by the Commission. The Letter, referenced by the dissent here, was cited on pages 39 and 40 in the final pages of the Report; it was *not* relied upon as a core part of the Commission majority's finding of Well Qualified.⁸ Rather, the Letter was referenced by the Commission majority in connection with the Commission majority's expression of deep concern and caution regarding the risks attendant with holding judges to impossible standards or pressuring them not to follow the law for fear of public or political backlash or criticism. As discussed in the Report, and to refute the potential impact of standards argued by the dissent and avoid a chilling effect on judicial independence, the Letter presented further context for Judge Edelman's pretrial detention decision and the application of District of Columbia law, by 23 judges who had extensive and direct personal experience making similar weighty legal and factual decisions.⁹

Further, the Commission majority expressly declined to abandon its long-standing precedent for evaluating a judge's qualifications and the importance of steadfastly maintaining an independent, fair, and impartial judiciary that is duty bound to follow the law. In short, judges must base their decisions on the applicable law and facts of each individual case – not motivated by a fear of retribution, or based on the whim of public opinion, criticism or politics. The

⁸ Notably, the Letter was not referred to in Commissioner Fitton's objection regarding Judge Edelman's reappointment. Rather, it was raised by Commissioner Fitton as a point of concern after the fitness review was completed.

⁹ While not the main point, the Commission majority noted that the views expressed in the Letter were fully consistent with its findings in the Report and the extensive record supporting Judge Edelman's reappointment.

Commission majority's views and rejection of the dissent in the Judge Edelman matter remain firm, sound, and unchanged.

B. The Commission Rejects the Dissent's Claims of Ethical Violation and Community Safety Concerns

Commissioner Fitton's dissent contends that the Commission majority has a conflict in evaluating Judge Raffinan's participation in the Letter because the majority relied on the Letter in finding Judge Edelman "well qualified" for reappointment and resoundingly concluded that it does not. First, the Commission majority notes that the Commission – as a whole – regularly calls upon and, in fact, relies on judges to provide confidential commentary and information on their colleagues' requests for reappointment in the DC Courts.¹⁰ Such input is often invaluable to the Commission's understanding of a judge's performance and contributions to the courts, the Bar, and the public, as well as providing more nuanced feedback regarding the judge's collegiality and his or her strengths and weaknesses as a judge. Judicial colleagues also are uniquely positioned to provide the Commission with unique insights into the realities of judicial service in the District, especially in light of the unprecedented number of current judicial vacancies, overwhelming caseloads, complex matters, and the sensitive nature of the disputes that come before the DC Courts.¹¹ Regarding specific cases, experienced judges can provide important information on applicable laws and the relevant context that must be considered in applying those laws. While the Commission's role is not to review the legal or factual decisions of any judge, the ability to

¹⁰ In some circumstances, judges are duty bound to provide information to the Commission. *See, e.g.*, Commission Public Statement concerning its decision in the matter of the Honorable Steven N. Berk at <https://cjdt.dc.gov/sites/default/files/dc/sites/cjdt/publication/attachments/berk2.pdf>.

¹¹ Such insights are so valuable that, in recent years, the Commission has made extensive efforts to meet and/or speak with judges outside of the fitness review process to gather their unique perspectives on various matters of import to the DC Courts, and it encourages judges to proactively contact the Commission on certain types of issues. These efforts have resulted in a positive response from the DC Courts and its judges which all Commissioners have viewed as important and extraordinarily useful in meeting the Commission's statutory mission.

understand the legal backdrop against which decisions are made is often instructive (even crucial) to helping to provide volunteer Commissioners – both lawyers and non-lawyers – with important context on their evaluation of performance and ethical matters.

Against this backdrop, the Commission majority finds the November 28, 2023 letter to be consistent with the letter, intent, and spirit with District of Columbia Code of Judicial Conduct Canon 1, Rule 1.2 and Rule 1.3, and Canon 3, Rule 3.1, and the related commentary. *See* Canon 1, Rule 1.2, Comment 6 (stating “[a] judge should initiate and participate in community outreach activities for the purpose of promoting public understanding of and confidence in the administration of justice. In conducting such activities, the judge must act in a manner consistent with this Code.”); Canon 1, Rule 1.3, Comment 2 (stating “[a] judge may provide a reference or recommendation for an individual based upon the judge’s personal knowledge. The judge may use official letterhead if the judge indicates that the reference is personal and if there is no likelihood that the use of the letterhead would reasonably be perceived as an attempt to exert pressure by reason of the judicial office.”) and Comment 3 (stating “[j]udges may participate in the process of judicial selection by cooperating with appointing authorities and screening committees, and by responding to inquiries from such entities concerning the professional qualifications of a person being considered for judicial office.”); and Canon 3, Rule 3.1, Comment 1 (stating “[t]o the extent that time permits, and judicial independence and impartiality are not compromised, judges are encouraged to engage in appropriate extrajudicial activities. Judges are uniquely qualified to engage in extrajudicial activities that concern the law, the legal system, and the administration of justice, such as by speaking, writing, teaching, or participating in scholarly research projects. In addition, judges are permitted and encouraged to engage in educational, religious, charitable, fraternal or civic extrajudicial activities not conducted for profit, even when

the activities do not involve the law.”).

The Commission majority also finds that the dissent inaccurately conflates professional support among judges for a colleague’s judicial nomination with political activity. Moreover, the Commission disagrees with the dissent’s characterization that in writing and signing the Letter, the judges engaged in prohibited “extrajudicial activities” or a “political process” as contemplated in Canons 3 and 4.¹²

The Commission majority finds nothing in or about the Letter that would call into question the respective signatory judges’ independence, integrity, or impartiality regarding any current or future cases. Rather, the Letter provides important context for the application of the relevant statute, the procedural backdrop for the case in question, factual information regarding the process employed in the D.C. Superior Court for holding hearings in 2020 given the many challenges posed by the COVID-19 pandemic, and the judges’ views of and support for a colleague based on their important, direct, personal and professional experience working alongside him.

The majority further finds no merit to the dissent’s unsupported claim that the Letter predicts how the signatory judges will decide pretrial release questions in future cases, nor any basis to conclude that the impartiality of the signatory judges is in question. Quite the opposite is true. As evidenced by its plain language, the Letter is reflective of the signatory judges’ uniform resolve to apply District of Columbia law in each case to the best of their ability based

¹² The Letter was not a political campaign endorsement nor an abdication of independence. The District of Columbia Code of Judicial Conduct specifically permits a judge’s commentary on judicial qualifications when directed to appropriate governmental bodies in furtherance of the administration of justice and related to a peer colleague’s judicial competence.

on the facts of each case – without fear or favor.¹³ Such views are a testament to these judges’ unwavering commitment to independence, the integrity of the judicial system, and the fair and unbiased application of the law, irrespective of politics or outside influences.

The Commission majority fully embraces the belief that each individual Commissioner is entitled to his or her opinion regarding the evaluation of judges of the District of Columbia Courts; it is unreasonable to assume that Commissioners will agree on everything. Given the Commission’s statutory mandate, however, coupled with the importance of an independent judiciary, the Commission as an institution must remain steadfastly committed to fairly and independently evaluating judges based on the entirety of their judicial record, their commitment to fairly and diligently applying the law to the best of their ability in all cases, and the quality of the contributions they have made to the Court, their colleagues, the Bar, and the community. To do otherwise not only would have a potential chilling effect on judicial independence and potentially set arbitrary standards for and risk undue outside influence on judges, it would also risk compromising the independence of the Commission itself and, thus, the District’s judiciary.¹⁴

Here, consistent with the Commission’s statute, the intent of its drafters, and longstanding precedent, the Commission majority’s determination is based on the entirety of Judge Raffinan’s record and her extensive contributions as a judge to date. The Commission majority finds that Judge Raffinan’s record and the public commentary received reveals that she is a consistently deliberative, thoughtful, and fair judge who is polite and shows compassion to those in her courtroom, thorough in her rulings, a judge who listens to all arguments, lets litigants be heard,

¹³ Respectfully, the majority notes that any suggestion by the judges that they should simply default to pretrial detention in the future to avoid potential public criticism – a position the dissent appears to endorse – would violate both the judges’ duty of impartiality as well as the Code of Judicial Conduct.

¹⁴ The Commission majority notes the dissent’s stated concerns about decisions based on politics. While the majority shares this concern, we must agree to disagree on where political influence has occurred.

and is focused on creating a comprehensive record for litigants – attributes that are fully consistent with the fair, independent, and impartial judge that she is. Judge Raffinan has an excellent track record and holds herself to the highest standards as a judge. She strikes an appropriate balance of managing her courtroom and making decisions but, where appropriate, she takes feedback seriously and looks for opportunities to both improve her performance and the DC Court’s service to the community. Judge Raffinan’s commitment to judicial service is admirable, despite the extraordinary work required and the many challenges faced by the District and its courts. The Commission majority is grateful for Judge Raffinan’s judicial service and her continued willingness to serve. The Commission majority finds that she is more than deserving of a Well Qualified determination.

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.

For the foregoing reasons, the Commission majority¹⁵ finds that Judge Raffinan’s performance as a judge has been commendable, honorable, and worthy of the highest category rating permitted by statute. The Commission majority finds that Judge Raffinan’s judicial service

¹⁵ The Commission majority includes Chairperson Amy Bess, Esq., Vice Chairperson Diane M. Brenneman, Commissioner Colleen Kollar-Kotelly, Commissioner William P. Lightfoot, Esq., and Commissioner Nikki Sertso. Commissioner Thomas Fitton dissented. Vice Chairperson Brenneman also prepared a separate Concurrence. In 2024, Commissioner Patrick Jackson notified the Commission of his intent to resign due to the significant demands of his medical and surgery practice and related scheduling conflicts. At the request of the full Commission, Commissioner Jackson graciously agreed to remain on the Commission for a period of time to assist the Commission with several sensitive matters, operational challenges due to lack of staff, and pending the DC Council’s appointment of a replacement. After over six months, which was longer than the agreed upon time discussed, Commissioner Jackson resigned on June 11, 2025. All Commissioners are extraordinarily grateful for Commissioner Jackson’s selfless dedication, specialized medical guidance, thoughtful contributions, and exceptional service during his term of service. We also are thankful for his willingness to continue to serve beyond his initial notification at a critical time for the Commission. His contributions were of the utmost importance to the Commission, the DC Courts, and the community. Commissioner Jackson’s position remains vacant pending the DC Council’s appointment of a replacement.

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merits her automatic reappointment to the bench and, therefore, determines Judge Raffinan to be well qualified for reappointment. Judge Raffinan's term shall be automatically extended for a term of fifteen years upon expiration of her term on September 30, 2025.

Respectfully submitted,

DISTRICT OF COLUMBIA COMMISSION ON
JUDICIAL DISABILITIES AND TENURE



Amy L. Bess, Esq.
Chairperson



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



Hon. Colleen Kollar-Kotelly
Commissioner



William P. Lightfoot, Esq.
Commissioner



Nikki Sertso
Commissioner

AB/ach

Cc: Chief Judge Milton C. Lee, Jr.
Hon. Maribeth Raffinan

CONCURRENCE

Dear Mr. President:

I am in complete concurrence with the majority opinion. However, I write this Concurrence as an individual Commissioner to emphasize what I consider to be important longstanding facts about the Commission, how it has conducted its work for more than 50 years, and my respectful concerns about the ever-present dangers of abandoning – or politicizing – its critically important work.

The District of Columbia Commission on Judicial Disabilities and Tenure was created by Congress in 1970 as an independent agency when the DC Court system was established. The Commission's singular statutory mission from its inception is to maintain public confidence in the DC Courts. In sum, we hold judges to the highest ethical and performance standards, a responsibility each of my fellow Commissioners and I take very seriously.

Although the Commission's governing statute evolved in its early years, for many decades now, the Commission's esteemed, seven (7) volunteer members were appointed by its major stakeholders as follows: the President of the United States (1 member); the District of Columbia Mayor (2 members); the District of Columbia Council (1 member); the DC Bar (2 members); and the Chief Judge of the United States District Court for District of Columbia (1 member). All Commissioners serve a term of six (6) years, except the President's appointment, who serves a term of five (5) years. The term lengths reflect the Commission's longstanding tradition of being untethered to election cycles or politics and to provide for important stability to an institution that statutorily and in practice requires independence from local and federal politics.

I am an attorney of over forty years and a retired District of Columbia magistrate judge. I was appointed to the Commission by the DC Bar Board of Governors on February 10, 2021 to

replace a departed Commissioner. Since October 2021, with the endorsement of the full Commission, I have served as the Commission's Vice Chairperson – and have, at times, dedicated full-time volunteer hours to assist in maintaining the Commission's critically important operations, which has allowed me to deeply immerse myself in the Commission's history and precedent. This personal sacrifice has not been easy, but it has been my honor to serve this important body and to serve as a steward of the District's busy courts. I am deeply grateful to all of my fellow appointed Commissioners, past and present, for their hard work and honorable service. Regardless of our varied backgrounds or outside views, as Commissioners, we share a single mission and an abiding commitment to the DC courts and the community.

As a Commission, we are stewards of maintaining public confidence in the DC Courts. Thus, as we hold judges to the highest ethical and performance standards, we also must hold ourselves, our staff and legal counsel to the same. We are bound by statutory confidentiality and while we do not agree on all matters, Commissioners have traditionally refrained from speaking publicly about individual or collective decision-making or shared personal information about each other or our respective personal views. In recent years, as a unified group, we have worked hard to work with the DC Courts to gain important and unique insights into the realities of judicial service in the District, especially in light of the unprecedented number of current judicial vacancies, overwhelming caseloads, complex matters, the residual impacts of the COVID-19 pandemic, and the sensitive nature of the disputes that come before the DC Courts. Such efforts have been critically important to build important, trusted relationships with the DC Courts and its leadership, sitting judges, court staff, members of the District of Columbia Bar who practice in the District's courts, and the public, allowing the full Commission to act quickly and early when

delicate challenges emerge, and to provide needed support and problem-solving for frustrated litigants and overburdened judges.

I stand with the Commission majority in fully embracing the belief that each individual Commissioner is entitled to his or her opinion regarding the evaluation of judges of the District of Columbia Courts; it is unreasonable to assume that Commissioners will agree on everything. However, in recent months, I have become deeply concerned about traditions abandoned and the Commission's future. As my term is ending and this is my final reappointment report, I felt it important to share my views and to encourage my fellow Commissioners to stand firmly and unified in protecting the Commission's independence, to remain neutral in its oversight of the Courts and reappointment of judges, and to resist the temptation to cede to politics or to set new precedent that hold judges to impossible, unreasonable standards that may unintentionally encourage judges to base their decisions on anything but the rule of law.

Given the Commission's statutory mandate, however, coupled with the importance of an independent judiciary, the Commission as an institution must remain steadfastly committed to fairly and independently evaluating judges based on the entirety of their judicial record, their commitment to fairly and diligently applying the law as it is currently written and practiced to the best of their ability in all cases, and the quality of the contributions they have made to the Court, their colleagues, the Bar, and the community. The decisions of the Commission should not be based on political arguments or campaigns. And, while we may individually disagree as to what the law should or should not be or whether it should be changed, as Commissioners we are limited to what the law is and what it actually requires judges to follow as we review each individual judge's record for ethical or conduct violations. We do not review judges' legal decisions. That is for the Court of Appeals to decide should a litigant seek review.

In the case of Judge Maribeth Raffinan, consistent with the Commission's statute, the intent of its drafters, and longstanding precedent, the Commission majority's determination is based on the entirety of Judge Raffinan's record and her extensive contributions as a judge to date. I strongly agree with the Commission majority's finding that Judge Raffinan's strong judicial record, including the majority of the public commentary received regarding her judicial performance and service, reveal that she is a consistently deliberative, thoughtful, and fair judge who is polite and shows compassion to those in her courtroom and thorough in her rulings. She is a judge who listens to all arguments, lets litigants be heard, and is focused on creating a comprehensive record for litigants – attributes that are fully consistent with the fair, independent, and impartial judge that she is. Judge Raffinan has an excellent track record and holds herself to the highest standards as a judge. She strikes an appropriate balance of managing her courtroom and making decisions but, where appropriate, she takes feedback seriously and looks for opportunities to both improve her performance and the court's service to the community. Judge Raffinan's commitment to judicial service is admirable, despite the extraordinary work required and the many challenges faced by the District of Columbia and its courts. Based on my personal review and knowledge of her judicial performance, leadership in the Court, commitment to colleagues and the community, and the mentorship and kindness she shows even in the most difficult of circumstances, I am firmly convinced that the District has and will continue to benefit greatly from Judge Raffinan's judicial service. For these reasons, I voted Judge Raffinan Well Qualified.

I humbly and respectfully disagree with many statements in the dissent and am deeply troubled by the unfounded accusations lodged against Judge Raffinan, her colleagues, and my fellow Commissioners. I am also greatly concerned about what I believe are serious inaccurate characterizations of the Commission's record, the facts and procedural history of the case

referenced, and the letter prepared by multiple judges in support of a colleague. In my judgment and review of the record, the very serious allegations lodged by the dissent are unfounded and unsupported.

While I have great respect for my dissenting colleague and value the important collaborative work we have accomplished in past years, based on my deep knowledge of the record (both public and confidential by statute), the law, the District of Columbia Code of Judicial Conduct, Commission precedent and longstanding tradition, I must strongly and publicly disagree with the alleged facts, conclusions, and opinions expressed in the dissent regarding Judge Raffinan, her colleagues, and the Commission. I must also express my strong disagreement and disappointment with what I perceive as polarizing language and public commentary by my colleague that I personally conclude is harmful to the Commission, its relationship with the Courts and the public, and the perception of its critically important independence.

It has been my honor and privilege to serve as a Commissioner and its longstanding Vice Chairperson. Without reservation, I fully support the Commission majority's Well Qualified determination and endorse Judge Raffinan's automatic reappointment as an associate judge of the Superior Court of the District of Columbia.

With Respect,



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

DB/ach

DISSENT

Dear Mr. President:

I respectfully dissent from the majority’s decision to find Judge Maribeth Raffinan “Well Qualified” for reappointment to a new 15-year term on the D.C. Superior Court. Based on the record before us—including public comment, the Commission’s review, and her participation in a November 28, 2023 letter endorsing Judge Todd Edelman for federal judicial appointment—I conclude that Judge Raffinan falls short of the ethical and professional standards required for such a designation.

Public comments submitted to the Commission raised serious concerns regarding Judge Raffinan’s capabilities, legal acumen, and bias in the performance of her judicial duties. These include perceptions of “clear bias for PDS attorneys” and “heavy-handed” favoritism toward the defense, struggles with “basic law” and “frequently mixed important facts,” and “taking far too long to decide issues,” sometimes requiring “several months for non-complex issues.” My direct review of the record has led me to conclude that these concerns have a substantial basis. At a minimum, these unresolved concerns preclude me from supporting her with the Commission’s highest designation of “Well Qualified.” Under normal circumstances, if these issues were the only concerns facing Judge Raffinan’s reappointment, I would vote ‘Qualified.’ However, given the addition of serious ethical concerns associated with her participation in the November 28th letter discussed below, I must conclude that she is “Unqualified” for reappointment to the D.C. Superior Court.

1. Background

On April 22, 2020, Christen Wingfield, a 22-year-old on probation for a 2017 felony handgun conviction, was arrested for illegally possessing a Glock handgun and an extended magazine. Two Superior Court judges detained Wingfield pending trial. On May 22, 2020, Judge Edelman ordered Wingfield's release. On July 4, 2020, Wingfield, while on release, was armed and present at the fatal shooting of 11-year-old Davon McNeal. He fled and discarded his weapon. He later pled guilty to involuntary manslaughter for his role in the child's death.

On November 28, 2023, Judge Raffinan joined 22 other active D.C. Superior Court judges in signing a letter endorsing Judge Todd Edelman's nomination to the U.S. District Court for the District of Columbia. Issued on official court letterhead without a personal-capacity disclaimer, the letter defended Edelman's controversial pretrial release decision in the *Wingfield* case, falsely claiming that detaining Wingfield would have been inconsistent with D.C. Code § 23-1321.¹⁶ Sent after the Senate Judiciary Committee's February 2023 vote but before a full Senate vote, when Edelman's nomination faced bipartisan opposition due to the Wingfield matter, the letter was a political gambit to rescue a faltering nomination.

2. Ethical Violations

I have concluded that Judge Raffinan's participation in the November 28, 2023 letter defending Judge Todd Edelman violates multiple provisions of the D.C. Code of Judicial Conduct.

A. Canon 1: Appearance of Impropriety (Rule 1.2 and 1.3)

Rule 1.2 states: "A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety" The Commentary specifies: "The test for appearance of

¹⁶ This statute governs pretrial release.

impropriety is whether the conduct would create in reasonable minds a perception that the judge violated this Code or engaged in other conduct that reflects adversely on the judge's honesty, impartiality, temperament, or fitness to serve as a judge." (Rule 1.2, Comment 5).

Rule 1.3 requires judges to avoid "Abuse of the Prestige of Judicial Office: A judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so." The Commentaries on the rule state: "[2] A judge may provide a reference or recommendation for an individual based upon the judge's personal knowledge. The judge may use official letterhead if the judge indicates that the reference is personal and if there is no likelihood that the use of the letterhead would reasonably be perceived as an attempt to exert pressure by reason of the judicial office. [3] Judges may participate in the process of judicial selection by cooperating with appointing authorities and screening committees, and by responding to inquiries from such entities concerning the professional qualifications of a person being considered for judicial office."

The November 28 letter, issued on official D.C. Superior Court letterhead, lacked a disclaimer clarifying it was a personal statement. This presentation suggested institutional endorsement, implying that Judge Raffinan and her colleagues used their judicial authority to support Edelman's political nomination. The letter's timing—sent months after the Senate Judiciary Committee vote but before a full Senate vote, when Edelman's nomination faced scrutiny over the Wingfield case—creates a perception of partisanship. By charitably, if not misleadingly, characterizing a ruling that contributed to a child's death, Judge Raffinan appeared to prioritize collegial loyalty over accountability, a perception that aligns with public comment concerns about her bias.

The letter's misleading omissions, such as failing to mention Wingfield's probation status or manslaughter plea, further erode public confidence in Judge Raffinan's integrity.

The Commentary to Rule 1.2 emphasizes: "Public confidence in the judiciary is eroded by improper conduct and conduct that creates the appearance of impropriety" (Comment [1]). A reasonable observer, aware of the letter's official presentation and factual inaccuracies, would question Judge Raffinan's impartiality, particularly given public criticisms of her legal acumen and bias. These violations of Rule 1.2 and Rule 1.3 are a direct breach of the Code's mandate to uphold judicial trust.

B. Canon 2: Public Comments on Impending Matters (Rule 2.10)

Rule 2.10(A) provides: "A judge shall not make any public statement that might reasonably be expected to affect the outcome or impair the fairness of a matter pending or impending in any court." An "impending matter" is "a matter that is imminent or expected to occur in the near future" (p. 3). The November 28th letter's assertions that Edelman's pretrial release decision was both required by statute (which is incorrect) and was "well within the bounds of judicial discretion" are public statements on a class of matters routinely adjudicated in D.C. Superior Court. The Wingfield case involved D.C. Code § 23-1321, which governs pretrial detention and requires judges to assess public safety risks in cases involving firearm offenses, probation violations, or gang-related activity—issues Judge Raffinan had handled and is likely to again handle in her docket. By commenting on the legality and the appropriateness of a lenient release decision, Judge Raffinan and her colleagues risk influencing perceptions of fairness in similar cases.

The Commentary to Rule 2.10 warns: "This Rule's restrictions on judicial speech are essential to the maintenance of the independence, impartiality, and integrity of the judiciary" (Comment 1).

C. Canon 3: Extrajudicial Activities (Rules 3.1)

Rule 3.1 states: “when engaging in extrajudicial activities, a judge shall not: (A) participate in activities that will interfere with the proper performance of the judge’s judicial duties; (B) participate in activities that will lead to frequent disqualification of the judge; (C) participate in activities that would appear to a reasonable person to undermine the judge’s independence, integrity, or impartiality; (D) engage in conduct that would appear to a reasonable person to be coercive; or (E) make use of court premises, staff, stationery, equipment, or other resources, except for incidental use for activities that concern the law, the legal system, or the administration of justice, or unless such additional use is permitted by law.”

Rule 3.1(A) & (B): The letter’s defense of a controversial pretrial release—especially one that resulted in a tragic death—creates the appearance of a predetermined stance on pretrial detention. This undermines Judge Raffinan’s ability to appear impartial in similar cases and increases the likelihood of disqualification motions under Rule 2.11.

Rule 3.1(C): The letter, issued during a politically sensitive moment, appeared to prioritize collegial loyalty over public accountability. A reasonable observer could view it as compromising judicial independence and impartiality, particularly given its omission of key facts and its timing, which appears to be specifically designed to aid a faltering nomination.

Rule 3.1(D): The collective nature of the letter—signed by 23 judges without a disclaimer—could appear coercive, signaling institutional pressure to support a particular judicial philosophy or colleague.

Rule 3.1(E): Use of official court letterhead conveyed the false impression that the letter carried institutional endorsement. Rule 3.1(E) limits such use to incidental matters directly related to the administration of justice—not unsolicited advocacy in a federal political process.

D. Canon 4: A Judge or Candidate for Judicial Office Shall Not Engage in Political or Campaign Activity that is Inconsistent with the Independence, Integrity, or Impartiality of the Judiciary.

The November 28 letter constitutes an impermissible intervention by judicial officers into a politically charged confirmation process, and it violates multiple provisions of Rule 4.1(A), which bars judges from engaging in political activity inconsistent with judicial independence.

Rule 4.1(A)(3) – Publicly Endorsing or Opposing a Candidate for Public Office

By publicly supporting Judge Todd Edelman’s nomination to the United States District Court—a federal public office subject to Senate confirmation—Judge Raffinan engaged in a political endorsement. The Senate confirmation process is inherently political, and Rule 4.1(A)(3) prohibits judges from endorsing any candidate for public office, whether elective or appointed. The politically sensitive timing of the letter only exacerbates the violation.

Rule 4.1(A)(10) – Use of Court Resources in Political Context

The letter was printed on D.C. Superior Court letterhead and signed in the collective name of active judges. This use of court resources to support a politicized nomination effort violates Rule 4.1(A)(10), which bars the use of court staff, facilities, or other court resources in such advocacy.

Rule 4.1(A)(11) – False or Misleading Statements

The letter minimized and distorted the facts surrounding Judge Edelman’s release of Davon Wingfield, omitting his prior felony gun conviction, probationary status, and the previous judicial findings against release. These omissions misrepresented material facts and violated Rule 4.1(A)(11), which specifically prohibits judges from knowingly or recklessly disregarding the truth when making false or misleading statements. In addition, contrary to the letter’s portrayal of an ambiguous "altercation" involving "another man firing shots," the public record shows that on July

4, 2020, Wingfield and three others were part of an uncontrolled group at a Fourth of July barbecue. One member—armed and running toward an alley—fired recklessly; multiple others, including Wingfield, dropped their weapons and fled as stray bullets struck and killed 11-year-old Davon McNeal. The incident was not a mutual confrontation, but a chaotic and dangerous spree. Wingfield later pled guilty to involuntary manslaughter.

Rule 4.1(A)(12) – Statements Affecting Impending Matters

The subject of the letter—pretrial detention decisions—remains a live and recurring issue before the D.C. Superior Court. The letter offered unqualified praise for Judge Edelman’s pretrial release decision, signaling a stance on a legal issue likely to come before Judge Raffinan and other signatories. Such statements risk affecting the outcome or perceived fairness of future cases, in violation of Rule 4.1(A)(12). (Judge Raffinan’s endorsement of Judge Edelman’s handling of the Wingfield matter also informs my dissent. I found Judge Edelman to be unqualified for service on the court due to the grave threat to public safety posed by the exercise of his judicial discretion. Insofar as Judge Raffinan endorses Judge Edelman’s approach, I cannot support her being in a position for another term to recklessly release dangerous individuals onto the streets.

Rule 4.1(A)(13) – Commitments Inconsistent with Impartiality

The letter expressed full-throated support for Edelman’s approach to pretrial detention, notwithstanding public concern and prior judicial findings that weighed against it. This may be reasonably interpreted as a commitment to a shared philosophy, inconsistent with the impartial performance of judicial duties.

This letter is a significant breach of Rule 4.1 and undermines the principle that judges must remain above partisan or political processes. The conduct was not incidental, personal, or invited—it was coordinated, institutional in appearance, and issued at a moment of clear political import.

3. Recusal Obligations and Impact on Service

Judge Raffinan’s participation in the November 28th letter creates significant recusal obligations under Rule 2.11(A), which requires: “A judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned” At p. 12. The Commentary specifies that recusal is necessary when a judge has “made a public statement, other than in a court proceeding, judicial decision, or opinion, that commits or appears to commit the judge to reach a particular result or rule in a particular way.” Rule 2.11, Comment [5]. By endorsing Edelman’s Wingfield decision, falsely claiming detention was contrary to statute, and misrepresenting the killing, Judge Raffinan publicly aligned with a lenient pretrial release approach. In Superior Court, where she has and will adjudicate pretrial detention and firearm cases, litigants could reasonably question her impartiality.

This could require recusal in a significant category of cases, including detention hearings involving firearm offenses or probation violations, which would limit her ability to serve effectively. This recurring risk will further burden an already overburdened court with reassignments, undermining judicial efficiency and public trust. Judge Raffinan’s self-imposed recusal obligations, stemming from her unethical conduct, further render her unfit for reappointment.

4. Institutional Concerns

Finally, I must note that the Commission has a conflict in evaluating Judge Raffinan’s participation in the November 28th letter. The Commission’s majority explicitly relied on that same letter in its April 2025 report to President Trump on the Commission’s 6-1 finding that Judge Edelman is “well-qualified” for reappointment. The majority report cites the November 28th letter as persuasive evidence of his fitness for federal judicial service. That reliance now materially

compromises the Commission’s ability to fairly assess the propriety of a judge who signed it. At the very least, this creates the appearance of a conflict of interest, as the Commission cannot objectively evaluate conduct it previously ratified without qualification. This is not a technical concern—it goes to the integrity of our process. Given the Commission majority’s reliance on the letter, we have an affirmative obligation to alert the President that a structural deficiency may taint this report, and that our findings on Judge Edelman should not be presumed impartial. Without disclosure, we risk concealing from the public and the Executive Branch a key procedural defect that undermines the fairness of this evaluation.

While Judge Raffinan is under scrutiny in this specific reappointment process, nearly two dozen other active judges also signed this letter. This dissent, at least as far as this Commissioner is concerned, is the beginning and not the end of the Commission’s scrutiny of this ethics issue.

5. Conclusion

I carefully reviewed and considered Judge Raffinan’s request for reappointment. I must respectfully disagree with my colleagues in the majority; Judge Raffinan does not warrant a Well-Qualified ranking. I fear the Commission is compounding its mistake in the Edelman matter by voting to automatically reappoint another judge who not only endorses Judge Edelman’s faulty decision that helped lead to the death of a child, but who did so in a way at odds with numerous judicial ethics standards.

The Honorable Donald J. Trump
July 31, 2025

Evaluation Report
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Due to my concerns regarding public safety and judicial accountability, I therefore respectfully dissent and find Judge Raffinan to be Unqualified for reappointment.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'TF', written in a cursive style.

Thomas Fitton
Commissioner

TF/ach