

**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

October 16, 2015

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

Re: Evaluation of the Honorable Michael L. Rankin

Dear Mr. President:

The fifteen-year term of the Honorable Michael L. Rankin, an Associate Judge of the Superior Court of the District of Columbia, expires on December 16, 2015. He is seeking reappointment to another term.

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

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

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

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

The Commission received Judge Rankin's declaration of candidacy for reappointment on May 8, 2015. In evaluating Judge Rankin's qualifications for reappointment, the Commission

carefully considered the written statement he submitted which provided a detailed review of his judicial assignments and participation with Court administrative matters, as well as his scholastic and community activities since his reappointment in 2000. Judge Rankin met with the Commission on September 9, 2015, to discuss his record, as well as information the Commission had received during the course of its evaluation from Court personnel and members of the D.C. Bar. The Commission met with Chief Judge Lee F. Satterfield on August 12, 2015. He praised Judge Rankin for his skill in handling all of his judicial assignments and for his cooperation and collegiality. Chief Judge Satterfield wholeheartedly supported Judge Rankin's reappointment. The Commission also reviewed the Judicial Medical Form from Judge Rankin's physician attesting to his overall good health and his physical and mental fitness to continue performing judicial duties.

The Commission was provided with a sampling of orders and opinions authored by Judge Rankin in diverse Civil and Criminal cases. A review of these orders and opinions indicated that they were well reasoned, clearly written, and of a superior professional quality. In addition, Judge Rankin submitted the appellate decisions from a selection of interesting Civil and Criminal cases he had presided over where he had been affirmed, and in some instances, remanded on appeal.

Judge Rankin was first appointed to the Superior Court in 1985, and he was reappointed by the Commission in 2000 to another 15-year term. The Commission applauds Judge Rankin for his thirty years of service on the Superior Court, and for his desire and commitment to

continue his judicial activities and public service. He is only the second judge in Superior Court history to request and receive a third term. Judge Rankin's reasons for requesting another appointment are reflected in his written statement, "...I still find the work of a judicial officer to be intellectually challenging and emotionally satisfying, which is simply to say that when a case is handled correctly and decided fairly, there is a great deal of satisfaction that comes with doing the job well."

Judge Rankin served as Presiding Judge of the Criminal Division from 2000 until the close of 2001. In 2002 he began a three-year assignment in the Civil Division managing a Civil II calendar of approximately 350-370 cases on the docket. These cases concerned a variety of issues including breach of contract real estate transactions, mortgage foreclosures, medical negligence, employment law, bank fraud, and real property cases involving landlord and tenant actions.

In 2005 Judge Rankin was designated Presiding Judge of the Superior Court Drug Intervention Program, better known as Drug Court. The Drug Court is one of several problem solving Courts that the Court operates to offer pre-trial diversion in nonviolent misdemeanor cases and alternatives to prison sentences in certain felony cases. Judge Rankin described his work in Drug Court as a, "unique and challenging assignment for a judicial officer...", "The work is non-traditional and requires the judge to take on a leadership role in managing the progress of the individuals participating in the program." It is clear that he relished this

assignment and the opportunity to engage “each individual participant in a motivational discussion aimed at achieving a successful outcome for the participant.”

In 2008 Judge Rankin was assigned to the Felony I criminal calendar where he presided over numerous highly contested trials oftentimes with multiple defendants charged with the most heinous crimes. It is a challenging assignment that requires a judge to deftly manage every aspect of the case from jury selection to sentencing. Judge Rankin presided over this calendar with great skill.

Since 2011 Judge Rankin has been assigned to the Civil Division, first on the Civil II calendar and most recently on the Civil I calendar where the cases tend to have more complex issues, multiple parties, counter claims and cross claims, and all of the asbestos litigation. The Judge realizes that this assignment also required a certain skill set, namely “good calendar management skills and the ability to motivate counsel to work harmoniously in resolving discovery disputes.”

Judge Rankin continues to be an active member of the Superior Court Rules Committee, and he remains active in the field of legal education participating in the National Judicial College and teaching at Howard University School of Law and George Washington University School of Law. Since his reappointment in 2000, Judge Rankin served two three-year terms as a voting member of the District of Columbia Officers Standards and Training Board, having been appointed by former Mayor Anthony Williams. The Judge did note in his statement that he has

engaged in fewer activities off the bench over the past 15 years, than in his initial term, in order to focus his efforts on being a better trial judge and family man.

Judge Rankin received many accolades concerning his excellent knowledge of the law and understanding of judicial procedure, and for being pleasant and compassionate. He was described as “one of the best judges I’ve tried a case before”, “excellent judge”, and “an exceptional jurist”. He also received high marks from some attorneys and Court personnel for his patience and good judicial temperament.

All of the comments the Commission received were not complimentary. The Commission heard such comments as, “He does not treat attorneys with respect in the courtroom.”, “very volatile”, “appears to have as a goal to humiliate litigants and counsel alike”, and “regularly insults litigants before him and brings disrepute to the bench.” In addition, the Commission received four complaints during the past fifteen years concerning Judge Rankin and demeanor issues. The Commission found the allegations troubling and of such a serious nature that it met with Judge Rankin on two occasions to discuss his comments, conduct, and temperament during the four unrelated proceedings. The Commission was satisfied at the conclusion of the two informal conferences that Judge Rankin understood that his comments were inappropriate, and gave the Commission cause for concern.

The Commission discussed the issue of demeanor and temperament at length with Judge Rankin during his September 9, 2015, reappointment interview. The Commission listened to

Judge Rankin's reflections of how he continues to strive for improvement in this area, and the progress he has made since his last informal conference with the Commission in 2008. The Commission expects Judge Rankin to remain vigilant in his efforts to be patient, courteous, and dignified at all times in the course of his judicial activities.

The Commission believes that Judge Rankin has made several noteworthy contributions to the Superior Court and the community, and that his positive attributes are not overborne by the demeanor issues discussed above. He has consistently handled difficult and challenging assignments over the past fifteen years, and in light of his dedication and commitment to the Court, the Commission believes that Judge Rankin should continue his judicial service.

For the foregoing reasons, the Commission has determined that Judge Michael L. Rankin is "well qualified" for reappointment and his term shall be automatically extended from December 16, 2015.

Respectfully submitted,

DISTRICT OF COLUMBIA COMMISSION ON
JUDICIAL DISABILITIES AND TENURE

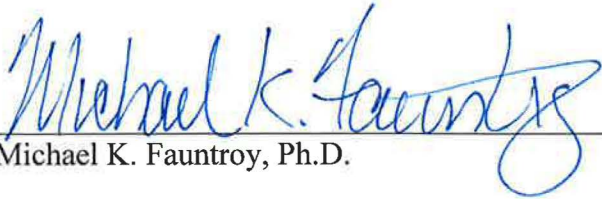


Hon. Gladys Kessler, Chairperson

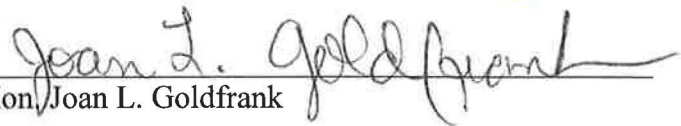


Jeannine C. Sanford, Esq., Vice Chairperson

Report on Judge Michael L. Rankin




Michael K. Fauntroy, Ph.D.



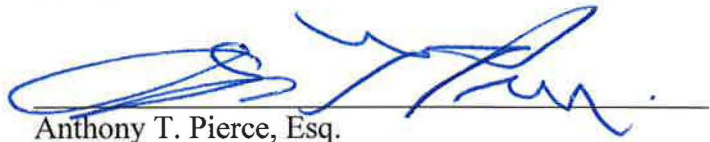
Hon. Joan L. Goldfrank



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