

**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

June 14, 2021

The Honorable Joseph R. Biden, Jr.
President of the United States
The White House
Washington, D.C. 20500

Re: Evaluation of the Honorable Anna Blackburne-Rigsby

Dear Mr. President:

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, provides as follows:

Not less than six months prior to the expiration of his term of office, any judge of the District of Columbia courts may file with the Tenure Commission a declaration of candidacy for reappointment. If a declaration is not so filed by any judge, a vacancy shall result from the expiration of his term of office and shall be filled by appointment as provided in subsections (a) and (b). If a declaration is so filed, the Tenure Commission shall, not less than sixty days prior to the expiration of the declaring candidate's term of office, prepare and submit to the President a written evaluation of the declaring candidate's performance during his present term of office and his fitness for reappointment to another term. If the Tenure Commission determines the declaring candidate to be well qualified for reappointment to another term, then the term of such declaring candidate shall be automatically extended for another full term, subject to mandatory retirement, suspension, or removal. If the Tenure Commission determines the declaring candidate to be qualified for reappointment to another term, then the President may nominate such candidate, in which case the President shall submit to the Senate for advice and consent the renomination of the declaring candidate as judge. If the President determines not to so nominate such declaring candidate, he shall nominate another candidate for such position only in accordance with the provisions of subsections (a) and (b). If the Tenure Commission determines the declaring candidate to be unqualified for reappointment to another term, then the President shall not submit to the Senate for advice and consent the renomination of the declaring candidate as judge and such judge shall not be eligible for reappointment or appointment as a judge of a District of Columbia court.

Report on Chief Judge Anna Blackburne-Rigsby

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 term of Anna Blackburne-Rigsby, as an Associate Judge of the District of Columbia Court of Appeals, expires on August 14, 2021. It has been a fifteen-year term. Chief Judge Blackburne-Rigsby filed with the Commission, her declaration of candidacy for reappointment as an Associate Judge on January 24, 2021. This evaluation is submitted pursuant to Sec. 433 (c) quoted above.

On February 10, 2021, Chief Judge Blackburne-Rigsby sent the Commission a statement that provided a thorough discussion of her judicial activities and accomplishments first as an Associate Judge and later as Chief Judge of the District of Columbia Court of Appeals. Included with her statement was a sample of thirty well-written and carefully reasoned opinions she had authored, plus several additional exhibits relating to her role in judicial administration in the District of Columbia.

The Commission reviewed Chief Judge Blackburne-Rigsby’s monthly time reports and Annual Financial Reports, which are required to be filed by every judge, and reviewed its complaint file concerning the Chief Judge. Her physician submitted the required Judicial

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Medical Form, which indicated that she is in good overall health and physically and mentally fit to continue her judicial service. On May 12, 2021, the Commission met with Chief Judge Blackburne-Rigsby, via a WebEx meeting, to discuss her record.

The Commission has received communications from judicial colleagues, attorneys who practice before the District of Columbia Court of Appeals, and two legal organizations, who have unanimously and enthusiastically endorsed Chief Judge Blackburne-Rigsby's reappointment as an Associate Judge on the appellate Court. In addition, Commission members have personally interviewed the Clerk of the Court and other Court administrative staff, judicial colleagues from the Superior Court of the District of Columbia, and institutional attorneys who have regularly appeared before the Chief Judge. All, without reservation, hold her in high regard, attesting to her unfailing courteous, professional, and respectful treatment of Court staff, colleagues, attorneys, and self-represented litigants. Chief Judge Blackburne-Rigsby was described as fair, well prepared, hard-working, smart, kind, deeply thoughtful, and a judge who never displays anger. The Commission did not receive any negative comments about her personally or about her conduct as a judicial officer. In fact, from all of the comments received, her demeanor and temperament were described as exemplary, and worthy of emulation. Her philosophy concerning the importance of civility and respect was noted in her statement, "We must strive to ensure that judges, as well as court managers and staff work together in an environment of cooperation and support. This environment of collegiality must also extend to the litigants, lawyers, and members of the community who come before our courts."

Report on Chief Judge Anna Blackburne-Rigsby

Chief Judge Blackburne-Rigsby was appointed to the District of Columbia Court of Appeals in 2006. Prior to that appointment she served as an Associate Judge on the Superior Court of the District of Columbia from 2000-2006, and served as a Magistrate Judge on the Superior Court from 1995-2000. Her wealth of experience from the trial to the appellate levels of the judiciary, have provided her not only with a unique perspective concerning the role and responsibility of a judicial officer, but also how vitally important the Courts are in ensuring access to justice for all in our community.

The Commission, as required by statute, has not evaluated Judge Blackburne-Rigsby's administrative performance as Chief Judge of the District of Columbia Court of Appeals, as distinguished from her performance as an Associate Judge of that Court. The Commission, however, will discuss her challenges and accomplishments as Chief Judge later in this report to complete its evaluation of her fitness for reappointment. In addition to her duties as Chief Judge, Judge Blackburne-Rigsby has assumed a substantial case load. She has considered and decided over 2,000 cases and authored nearly 700 decisions, both published and unpublished over the past 15 years. In addition to her caseload, as an Associate Judge, she chaired the D.C. Courts' Standing Committee on Fairness and Access to the District of Columbia Courts from 2011-2016. The mission of the Standing Committee is to serve as a permanent entity within the District of Columbia Courts to focus on continually improving access to justice, and in particular to identify racial, ethnic, and elder biases preventing access to court services, by developing strategies to eliminate those barriers. She also chaired two other important Committees, namely, the District of Columbia Court of Appeals Criminal Justice Act (CJA) Panel Implementation Committee and

the Court's Library Committee. The CJA Panel Implementation Committee ensures the critical and constitutional obligation of the District of Columbia Court of Appeals to provide effective assistance of counsel to indigent criminal appellants, by recommending to the Chief Judge only attorneys who meet the qualification standards to provide the effective legal representation required. As Chair of the Library Committee during the Court's relocation from the Moultrie Courthouse to the renovated and restored Historic Courthouse, she was tasked with assessing the legal research needs of judges, attorneys, and law clerks as the Court envisioned a state of the art library.

In 2017, Judge Blackburne-Rigsby was appointed by the District of Columbia Judicial Nomination Commission to a four-year term as Chief Judge of the District of Columbia Court of Appeals, and earlier this year the Nomination Commission reappointed her to another four-year term, due to her outstanding leadership, masterful multi-tasking, and her skill and grace in responding to the demands of that office. A preeminent example of her leadership is found in the challenges she faced during her tenure as Chief Judge, including the seemingly perpetual judicial vacancies on the Court of Appeals, budgetary restraints, a five-week Federal government shutdown, local protests for equal justice, and the Covid-19 pandemic.

When reviewing the aforementioned list of matters needing the Chief Judge's utmost attention, the Covid-19 pandemic was perhaps the most demanding as it significantly impacted the operations of the District of Columbia Courts. In March 2020 Chief Judge Blackburne-Rigsby convened the Joint Committee on Judicial Administration and invoked the District of Columbia Courts' statutory authority to declare a Judicial Emergency. The Chief Judges of both

Courts declared a tolling, and extended statutory and rules-based time limits during the emergency that were consistent not only with balancing health and safety concerns, but also the factors that were in the best interest of the administration of justice. She worked tirelessly with the Courts' Judicial and Executive Leadership Team and the Chief Judge of the Superior Court to develop and implement health and safety protocols for the staff working in person, protocols that enabled the vast majority of Court staff to work remotely, while enforcing specific limitations on the number of individuals entering the courthouse.

Chief Judge Blackburne-Rigsby is also to be applauded for her foresight in focusing on the importance of adopting and leveraging new technologies that would safely and securely improve the orderly functioning of the Court system. She created the District of Columbia Court of Appeals Information Technology Steering Committee in response to that need. The Committee was responsible for the Covid-19 technology initiatives that have been implemented including remote oral argument with live streaming for public access, the ability to review and process motions, and the issuance of court orders remotely.

The Chief Judge also led the reorganization of the Courts' ITT Division, which enabled the Court of Appeals to fully utilize and leverage the expertise of that Division, thereby reducing ITT costs, and ensuring more compatibility between software systems of the District of Columbia Courts and Court Systems. This collaboration led to the launch of the new District of Columbia Courts' website which now provides rapid up-to-date information to the public and links to vital information about Court operations. The new ITT Division was also able to quickly begin the necessary training for judges and Court employees to access their work computers

from home during the pandemic. They also provided critical outreach and training for these new technologies and approaches to litigants, attorneys, witnesses, and other Court users. Chief Judge Blackburne-Rigsby also recognized that a significant portion of the population that the District of Columbia Courts serve did not have access to the internet and other technological tools. In response to that need, remote sites were set up in all four quadrants of the District of Columbia for users without computers, or who felt uncomfortable participating in a Court proceeding from home.

Chief Judge Blackburne-Rigsby was also faced with unprecedented challenges in administering the D.C. Bar Exam and licensing attorneys to practice in the District of Columbia during the pandemic. She led the Court's efforts in making several changes to the bar admissions process to provide greater flexibility to applicants. The District of Columbia Court of Appeals cancelled the July and September 2020 bar exams for health reasons due to the pandemic, but initiated and administered its first ever remote bar examination in October 2020, and in February of this year the Court offered the newly available Remote Uniform Bar Exam.

As Chief Judge, Judge Blackburne-Rigsby also has dual roles of presiding over the administration of the District of Columbia Court of Appeals and Chairing the District of Columbia Courts' Joint Committee on Judicial Administration. In fulfilling these dual responsibilities as Chief Judge and Chair of the Joint Committee she has lead by example and modeled her leadership style on the six values of the District of Columbia Courts' "Living Our Values" initiative: integrity, fairness, respect, transparency, accountability, and excellence.

Chief Judge Blackburne-Rigsby is also actively involved in several notable national legal organizations, in particular, the National Conference of Chief Justices, the National Consortium on Racial and Ethnic Fairness in the Courts and the National Association of Women Judges. She has been honored no less than thirteen times over the past few years. Thus far in 2020 she has received, the Washington Bar Association Charles Hamilton Medallion of Merit; the American Bar Association Margaret Brent award honoring Women in the Legal Profession; and, the National Association of Women Judges Lady Justice Award. Her accomplishments, contributions to the administration of justice, and leadership have been recognized locally as well as nationally.

In her several appearances before the Commission in connection with matters not related to her candidacy, Chief Judge Blackburne-Rigsby has consistently been candid and forthright and of immense benefit to the Commission. She has served during a period of change, conflict, and pandemic with extraordinary devotion to her duties, tactfully and energetically advancing the District of Columbia Court of Appeals to meet its highest responsibilities for the fair administration of justice in our community.

Chief Judge Blackburne-Rigsby has been described as “a great leader and human being” who knows the name of all of the Clerk’s Office staff and who makes an effort to visit with the staff on a regular basis. She has received “high marks all around” and praised for the manner in which she interacts with her judicial colleagues. The President of a local Bar Association also noted that the Bar relationships with the Court of Appeals bench and the Court staff “has never been better” under her leadership. She has repeatedly shown her abiding concern for the

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underserved communities in the District of Columbia, and has been a champion for all citizens to have equal access to justice in the District of Columbia Courts. In addition she has shown her excellent leadership qualities, masterful multi-tasking abilities, and her efficiency, legal scholarship, and an exemplary demeanor and temperament.


For the foregoing reasons, the Commission is unanimous in finding Chief Judge Anna Blackburne-Rigsby well qualified for reappointment to another fifteen-year term as an Associate Judge of the District of Columbia Court of Appeals. Her judicial service has been exceptional and she is deserving of automatic reappointment. Her term as an Associate Judge, therefore, shall be extended for a period of fifteen years from August 14, 2021.

Respectfully submitted,


DISTRICT OF COLUMBIA COMMISSION ON
JUDICIAL DISABILITIES AND TENURE



Jeannine C. Sanford, Esq.
Chairperson



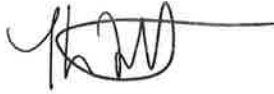
Hon. Colleen Kollar-Kotelly
Vice Chairperson



Diane Brenneman, Esq.

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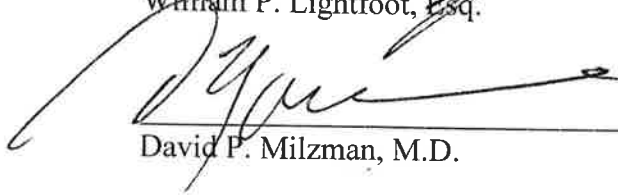
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Thomas Fitton



William P. Lightfoot, Esq.



David P. Milzman, M.D.



Nikki Sertsu