

**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

July 6, 2021

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

Re: Evaluation of the Honorable Jennifer M. Anderson

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 Judge Jennifer M. Anderson

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 Jennifer M. Anderson, an Associate Judge of the Superior Court of the District of Columbia, expires on September 4, 2021. It has been a fifteen-year term. Judge Anderson filed with the Commission, her declaration of candidacy for reappointment as an Associate Judge on February 24, 2021. This evaluation is submitted pursuant to Sec. 433(c) quoted above.

On March 4, 2021, the Commission received Judge Anderson’s submission in support of her request for reappointment to another 15-year term. The Commission reviewed the Judge’s comprehensive written statement and considered the illustrative materials she appended which provided an overview of her impressive service to the Court and the community, as well as her judicial training activities locally and abroad.

The Commission reviewed Judge Anderson’s monthly time reports and Annual Financial Reports, which are required to be filed by every judge, and reviewed its complaint file concerning the Judge which was unremarkable. Her physician submitted the required Judicial Medical Form, indicating that she is in overall good health and physically and mentally fit to

continue performing judicial duties. The Commission met, via WebEx, with Superior Court Chief Judge Anita Josey-Herring on June 9, 2021, who provided additional information concerning Judge Anderson's judicial qualifications and contributions to the Court. Later that day, the Commission also met with Judge Anderson remotely, to discuss her record, the information the Commission had received during the course of its evaluation, and her reasons for seeking reappointment.

Judge Anderson has served in every Division of the Court except the Probate Division. When first appointed to the bench in 2006, she was assigned to the Civil Division, Civil II Calendar where she handled a wide variety of matters, including medical malpractice, personal injury, landlord and tenant, and discrimination claims. It was also in this assignment that Judge Anderson realized the tremendous benefit of having a mentor and seeking the wisdom of more senior colleagues particularly when faced with difficult issues presented for resolution. As a result of her intuition to seek feedback from colleagues concerning her performance on the bench, Judge Anderson has become a very good trial judge. In addition, having realized the benefit of senior colleagues providing counsel and guidance, she in turn has done the same for newly appointed judges.

In 2009, she was assigned to a Criminal Division, Misdemeanor Calendar, followed by a Felony II Calendar in that Division until the end of 2011. Judge Anderson was assigned to the Domestic Violence Division Criminal Misdemeanor Calendar in 2012 and moved to that Division's Civil Protection Order Calendar for 2013, where she and a judicial colleague also

Report on Judge Jennifer M. Anderson

assigned to that Division, worked together and successfully cleared a substantial backlog of cases in just four months.

From 2014 through 2015, Judge Anderson returned to the Criminal Division on a Felony I Calendar. With three years in the Division earlier in her tenure, this latest assignment gave her a total of five years of invaluable experience in this Division. She handled every type of criminal case from arraignments, to drug distribution and murder cases. The Felony I Calendar was especially challenging because the cases often presented complicated issues involving discovery, evidentiary problems, and reluctant witnesses. In addition, another unpredictable task all judges face in any trial is managing the jury. Judge Anderson has received praise for her ability to move complex matters quickly, while understanding the value of the time commitment made by jurors and witnesses. In her statement the Judge noted, "I feel strongly we should be respectful of jurors' time. They are fulfilling their civic duty and it is up to the judge to ensure that their experience is a positive one."

Judge Anderson's service in the Criminal Division was followed by three years in the Family Division, first on a Juvenile Delinquency Calendar and then the Domestic Relations Calendar. While on the Juvenile Calendar Judge Anderson worked valiantly to ensure that the young people who appeared before her charged with crimes ranging from theft to homicide, received as much support as possible to realize and envision their lives' outside the criminal justice system. The Domestic Relations Calendar was equally difficult with the number of pro se litigants dealing with very emotional, personal, and contentious issues revolving around child custody and divorce. When budget cuts affected the availability of guardian ad litem, Judge

Report on Judge Jennifer M. Anderson

Anderson was able to recruit recent law school graduates, who were well trained and supervised by a local law firm to fill the void and enter appearances on behalf of the children who needed the assistance.

In 2019 Judge Anderson returned to the Civil Division to handle two Civil I Calendars that had been partially combined due to the number of judicial vacancies on the Superior Court. She handled a wide variety of matters ranging from medical malpractice to landlord and tenant disputes. The Judge clearly enjoyed this return to the Civil Division, she remarked in her statement, “The assignment was interesting and gave me an opportunity to learn how to be a judge outside the context of the Criminal Division. I found the legal issues to be fascinating and diverse.” During this assignment Judge Anderson was also praised by Court staff and judicial colleagues for routinely volunteering to assist when the Civil Division was short-handed. She was described as, “an incredibly hard worker”, and a judge who “consistently volunteers for the least attractive assignments, and is an overall great colleague”.

Judge Anderson returned to the Domestic Violence Division, Civil Protection Order Calendar in January of this year, where she inherited a backlog of over 250 motions. By the end of February she had cleared the backlog. The Commission commends Judge Anderson for her dedication, efficiency, and unfailing willingness to assist the Court where and when needed.

During her tenure, Judge Anderson has served on more than a dozen Court Committees and Panels, namely the Information and Technology Committee, the Committee on Appointment of Mental Health Commissioners, Advisory Committee on Family Court Rules, Committee on Juvenile Proceedings, and she Co-Chairs the Committee on Security. She noted that one of her

most rewarding contributions to the Court has been her assignment to the Criminal Justice Act Panel Committee in 2009. This Committee evaluates lawyers eligible to be appointed cases under the Criminal Justice Act, including qualified Spanish-speaking attorneys, and determines the composition of the panel every four years. Judge Anderson takes great pride in the work of the Committee and its members who are committed to ensuring indigent defendants receive the best possible legal representation.

Judge Anderson has also conducted trainings for pro bono attorneys in domestic violence matters through the D.C. Volunteer Lawyers Program, for Georgetown University law students on effective advocacy, and for the Metropolitan Police Department on effective court testimony. In addition, she has participated in a variety of training sessions with the United States Attorney's Office for the District of Columbia, the Department of Justice's Civil Rights Division, the Public Defender Service and the National Institute for Trial Advocacy. Also, some of Judge Anderson's equally interesting contributions to furthering the development of the law have been sponsored by the United States Department of Justice Overseas Prosecutorial Development Assistance and Training. These opportunities to teach, train, and also learn, have taken her to Kosovo, Morocco, Malta, and the Republic of Georgia.

In addition to serving the Court, training new attorneys, and contributing to strengthening legal systems in other countries, Judge Anderson has been active in community service in our city. She has volunteered at Children's National Hospital since 2009, and served on the Hospital's Volunteer Advisory Committee from 2010-2020. She also volunteers with a non-profit organization that provides assistance to senior citizens in her neighborhood, helping

Report on Judge Jennifer M. Anderson

residents with transportation needs, grocery shopping, technology issues, and other daily challenges. Judge Anderson has also served on the Board of Trustees of Mount St. Mary's University in Maryland, since 2009.

The Commission interviewed several attorneys, Court personnel, and judges concerning Judge Anderson's qualifications for reappointment and her contributions to the Court. The comments regarding her strengths were very solid. She was described as, "efficient, always prepared and punctual, intelligent, and hard-working". And as noted earlier in this report, she has received accolades for eliminating case backlogs and for her willingness to help the Court regardless of the task needing her attention.

In evaluating each candidate for reappointment, the Commission also reviews the candidate's most recent D.C. Bar Judicial Evaluation Survey reports. It should be noted, that the Commission understands the limitations of such surveys, in particular the number of respondents and the types of responses provided, however when a survey contains several negative like comments, it's usually an indication that a problem exists. Judge Anderson's 2017 D.C. Bar Judicial Evaluation Survey report contained several negative comments concerning the Judge's temperament and demeanor on the bench. In September, 2017, the Commission met with Judge Anderson to discuss its concerns regarding the criticism she received from attorneys who had participated in the Survey. The Commission believes that the discussion was productive and that Judge Anderson understood the Commission's concerns, which prompted her to evaluate her demeanor and to make changes in how she interacted with attorneys and litigants. The Commission reminds Judge Anderson and all judges, that it is not enough for a judge to be

The Honorable Joseph R. Biden, Jr.
July 6, 2021
Page Eight

Report on Judge Jennifer M. Anderson


focused on efficiency at the risk of an attorney or litigant feeling they have been slighted or treated harshly by the bench. Courtesy and patience are paramount to parties feeling they have received a fair day in Court. The Commission urges Judge Anderson to remain determined and vigilant in this important quest to balance efficiency with grace.

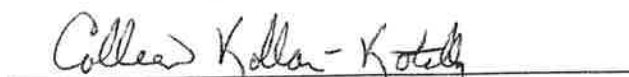
After consideration of all of the materials the Commission received concerning Judge Anderson's request for reappointment, the Commission does not believe that the one critical area discussed above precludes her from automatic reappointment. Judge Anderson has proven that her work product, legal scholarship, dedication, and efficiency reflect credit on the judicial system. She has proven herself a hard worker who has tirelessly given of her time and efforts to help the Court and the legal community when called upon. She also recognizes when she needs counsel and responds positively to constructive criticism.

For the foregoing reasons, the Commission unanimously finds Judge Anderson well qualified for reappointment and her term shall automatically extend for a full term of 15 years from September 4, 2021.

Respectfully submitted,

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


Jeannine C. Sanford, Esq.
Chairperson

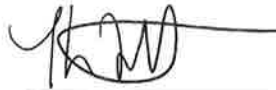

Hon. Colleen Kollar-Kotelly
Vice Chairperson

The Honorable Joseph R. Biden, Jr.
July 6, 2021
Page Nine

Report on Judge Jennifer M. Anderson



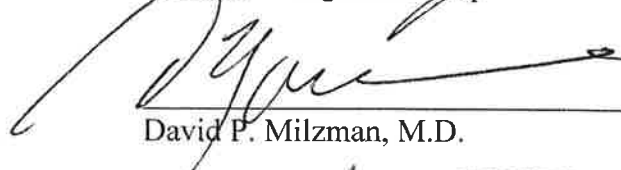
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Cc: The Honorable Jennifer M. Anderson