

**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

November 16, 2015

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

Re: Evaluation of the Honorable Gerald I. Fisher

Dear Mr. President:

The fifteen-year term of the Honorable Gerald I. Fisher, an Associate Judge of the Superior Court of the District of Columbia, expires on January 15, 2016. 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 Fisher'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 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 subsection (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.

Judge Fisher filed a timely declaration of candidacy for reappointment with the Commission on May 24, 2015, and completed his submission of the required materials on September 14, 2015. The Judge’s submission included a comprehensive written statement which provided a thorough and very interesting discussion of his service on the Court and his personal

assessment of specific contributions he has made to the Court and the community. Judge Fisher also provided a sampling of written orders he had authored concerning a variety of criminal, civil, and probate law issues which displayed legal scholarship and sensitivity in dealing with challenging and sometimes competing legal principles.

The Commission reviewed the Judicial Medical Form completed by Judge Fisher's physician attesting to his good health and physical and mental fitness to continue performing judicial duties. Judge Fisher's monthly time reports and annual financial statements were reviewed for accuracy and statutory compliance. The Commission met with Chief Judge Lee F. Satterfield on October 14, 2015, who enthusiastically endorsed Judge Fisher's reappointment due to his exemplary qualifications, and the Commission met with Judge Fisher on November 10, 2015, for an interview to discuss his record over the past 14½ years.

Attorneys who have appeared before Judge Fisher and Court personnel who have worked closely with him during his tenure were interviewed. Judge Fisher received broad and resounding support for his reappointment. Evaluative comments received by the Commission describe Judge Fisher as "smart, fair, and unfailingly polite to litigants and counsel", "one of the finest judges on the Superior Court bench", and, "a diligent, very astute, and attentive jurist". He was praised for "issuing decisions and orders that are well written and well researched", for being "a good listener who is responsive to both sides in a given case", and for being "very capable and good at handling whatever litigants throw at him".

The Commission also reviewed Judge Fisher's complaint file which contained four complaints that had been filed against him since his appointment. The Commission dismissed

three of the complaints at first review: two for lack of merit, one for lack of jurisdiction, and dismissed the fourth complaint after a preliminary investigation.

Judge Fisher was evaluated by the D.C. Bar in 2014-2015 and in 2007-2008. His overall evaluation scores exceeded the average scores for all Judges in the two surveys, in virtually all of the 20 ranking factors. The written comments in both surveys were overwhelmingly complimentary.

Judge Fisher was appointed to the Superior Court in 2001 by President William Jefferson Clinton, and he has served with distinction in all divisions of the Court except the Family Court. He was first assigned to the Traffic and D.C. Branch of the Criminal Division, which was followed by a two-year assignment on a Misdemeanor Calendar. In 2004, Judge Fisher spent most of the year in the Domestic Violence Unit, which is a very challenging experience for any trial judge, due to the volatility of the issues presented and the large number of pro se litigants. Judge Fisher's outstanding judicial temperament served him well during this assignment. In his statement he remarked, "I believe I was successful in lowering the tension of the proceedings and bringing about just and long-lasting results by treating everyone respectfully and neutrally." Judge Fisher was praised by Court staff and attorneys for being "very kind to and patient with all parties", in his handling of these cases.

Judge Fisher served in the Civil Division from 2005 through 2008. He returned to the Criminal Division in 2009, where he was assigned to a Felony I calendar for two years and a Felony II calendar for two years. He participated in the certification list system whereby all

Criminal Division judges not in trial agree to take and complete trials and hearings of their colleagues, in order to prevent Misdemeanor and Felony II trials and preventive detention hearings from being continued because a judge is unavailable. Not only did Judge Fisher take many of these trials and hearings in addition to his assigned Calendar, he was also asked to run the certification list on several occasions by the Presiding Judges of the Division.

In 2013 Judge Fisher was assigned to the Probate & Tax Division, and earlier this year he was appointed Deputy Presiding Judge. The Probate & Tax Division has the fastest-growing caseload of any Division in Superior Court due to demographic changes in the community and a greater awareness of the community's need to help those suffering from mental illness. As the Deputy Presiding Judge, Judge Fisher carries a sizeable caseload, but he also has become immersed in the administrative work of the Division. He has joined the Tax Rules Advisory Committee, and he participated as a member of the Probate Fiduciary Panel Selection Committee which recently completed the first revision of the Fiduciary Panel in several years. He will also chair a committee to study the payment practices for Fiduciary Panel members appointed in intervention and estate cases.

Judge Fisher has also made significant contributions to the Superior Court by serving on various Court Committees in addition to those mentioned above. He has been Chair of the CJA Continuing Legal Education Committee since 2001, and as Chair he oversees compliance by CJA Panel Members with the annual requirement of completing 8 hours of CLE classes related to the practice of criminal law. He has served on the Criminal Jury Instructions Committee since

2011, the Civil Jury Instructions Committee since 2013, and he was recently appointed to the Superior Court Rules Committee.

Judge Fisher has participated extensively in other projects and activities designed to further the administration of justice; he has been affiliated with the D.C. Law Students in Court Program for nearly 20 years, training and supervising third-year law students who were permitted to practice law before the Superior Court; teaching trial advocacy at Georgetown University Law Center since 1984; conducting Evidence training with a judicial colleague for all new Associate and Magistrate Judges since 2001, and for the entire Court since 2013; and conducting Evidence and Criminal Law training for Bar organizations and the Office of the Attorney General. Judge Fisher is to be applauded for his leadership and continuing efforts in this area.

The Commission also notes that in 2001 Judge Fisher was the recipient of the Lever Award from the D.C. Law Students in Court Program in recognition of his work promoting the quality of criminal defense representation for indigent citizens in the District of Columbia.

For the foregoing reasons, and based upon the data assembled, the Commission is pleased to report that it unanimously finds Judge Gerald I. Fisher well qualified for reappointment. His work product, legal scholarship, dedication, efficiency, and most notably his demeanor have been exceptional and his performance has reflected credit on the judicial system. His term shall be automatically extended for a full term of 15 years from January 15, 2016.

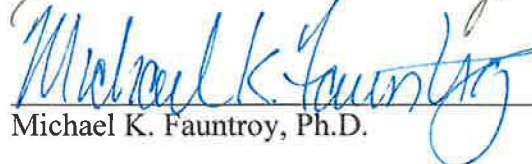
Report on Judge Gerald I. Fisher

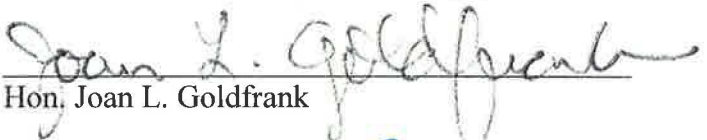
Respectfully submitted,

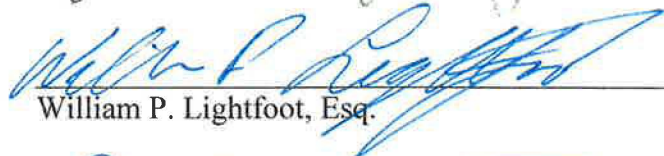
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Hon. Gladys Kessler, Chairperson

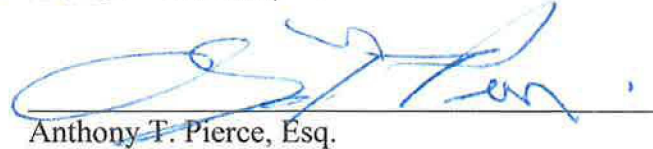

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