

**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

August 21, 2013

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

Re: Evaluation of the Honorable Neal E. Kravitz

Dear Mr. President:

The fifteen-year term of the Honorable Neal E. Kravitz, an Associate Judge of the Superior Court of the District of Columbia, expires on October 21, 2013. He is seeking reappointment for 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 Kravitz’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 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 Kravitz filed his timely declaration of candidacy for reappointment with the Commission on February 15, 2013. In evaluating Judge Kravitz’s qualifications for reappointment, the Commission carefully reviewed the extensive written statement he submitted describing his services on the Court. This statement set forth the significant aspects of his judicial, professional,

and community activities during the past 15 years. Judge Kravitz met personally with the Commission on July 10, 2013, to discuss his record, as well as information the Commission had received during the course of its evaluation from Court personnel, members of the D.C. Bar engaging in private practice who were familiar with his performance, and government attorneys. The Commission also reviewed a detailed, confidential statement from Judge Kravitz's physician attesting to his excellent health and the absence of any medical reason why he cannot continue to perform his judicial duties.

During the 15 years on Superior Court, Judge Kravitz has served on three of its major divisions: seven years in the civil division, four and a half years in the criminal division, including a two year Felony 1 assignment, and three and a half years in the Family Court, including three years on the Court's only Domestic Relations 1 Calendar.

Judge Kravitz has written extensively on a wide range of subjects arising in all three major divisions of Superior Court. Many of his opinions have addressed novel issues which, at the time of their writing, had not been resolved by the District of Columbia Court of Appeals. His opinions have contributed greatly to the development of the law in the areas of landlord-tenant, domestic relations, and child custody.

The decisions covered a wide range of issues, such as parent relocation in child custody cases; the interplay between the child custody statute, which requires consideration of the mental health of all individuals involved in custody disputes, and the statutory provision in the District of Columbia, which creates a very broad area of privilege for mental health professionals, see D.C.

Code 7-1201.01(11) (2001); consideration of whether the confrontation clause of the Sixth Amendment and Crawford v. Washington, 541 U.S. 36 (2004), apply in involuntary civil commitment proceedings; and the finding that a residential landlord was in civil contempt of court for prosecuting an eviction action in violation of a pending receivership order. In that case, Loewinger and Loewinger & Brand, PLLC v. Stokes, 977 A.2d 901 (D.C. 2009), the Court of Appeals affirmed Judge Kravitz and took the unusual action of adopting Judge Kravitz's opinion *in toto* and referred to his opinion as "thorough and scholarly."

In addition to his many trial court opinions, he also sat on the Court of Appeals "by designation" five times since 2004, and wrote opinions on behalf of the Court in each of those five sittings.

Judge Kravitz has been a member of the Superior Court Rules Committee since 2000. He has been deeply involved in the Court's efforts to improve the transparency and fairness of the Landlord-Tenant Court, which has the highest volume of cases and of *pro se* litigants of any division in Superior Court. As a member of the Rules Committee, he has worked on completion of major revisions of the Superior Court Rules of Civil and Criminal Procedure, and revamping of virtually every rule governing the procedures of the Landlord-Tenant Court.

Since 2006, Judge Kravitz has also served on the Standing Committee on Fairness and Access to the District of Columbia Courts and the Improved Court Access Subcommittee, since 2006. In the winter and spring of 2012, he took the lead role on behalf of the Standing Committee in devising a training program for all Superior Court judges on evolving judicial approaches in cases

involving self-represented parties. After devising the training program to aid the Judges in handling the pro se cases, Judge Kravitz then led the training at the Court's 2012 Annual Spring Conference.

Judge Kravitz has taught trial advocacy to law students and young lawyers in many venues, including as a visiting instructor in the trial advocacy workshops held at Harvard Law School. He has led many training sessions, has lectured on evidence law at the District of Columbia Neglect and Abuse Practice Institute, and has served on the faculty of a number of trial advocacy programs presented by the National Institute of Trial Advocacy and the American College of Trial Lawyers.

The Commission has also reviewed Judge Kravitz's Complaint file and all were dismissed.

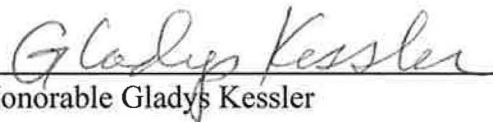
In investigating Judge Kravitz's qualifications for reappointment, the Commission heard numerous statements of praise for his scholarly legal work and for his excellent demeanor. Given the fact that Judge Kravitz sat in a number of the most stressful assignments on Superior Court, it is significant that he received a vast number of expressions of support and admiration from both the Court staff and the Bar. Finally, his Evaluation, conducted by the District of Columbia Bar, was also extremely favorable.

Finally, the Commission met with Chief Judge Lee Satterfield, who recommended Judge Kravitz's reappointment. The Chief Judge reported that Judge Kravitz has been an extremely hard working and productive member of the Superior Court bench, that he has an excellent reputation with the Bar, the Superior Court Staff, and among his colleagues, and has been involved in efforts to improve the treatment of *pro se* litigants.

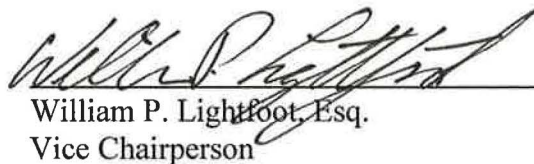
Judge Kravitz, by virtue of his intellect, his energy, and his patient and good-humored demeanor, clearly deserves the term “well qualified” for the exceptional service he has provided the citizens of the District of Columbia as a Superior Court Judge. His performance is a credit to our justice system and great benefit to the District of Columbia community. For all these reasons, the Commission unanimously finds Judge Kravitz well qualified for reassignment and his term shall be automatically extended for a full term of 15 years from October 21, 2013.

Respectfully submitted,

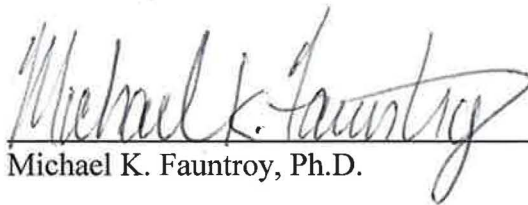
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Honorable Gladys Kessler  
Chairperson



William P. Lightfoot, Esq.  
Vice Chairperson



Michael K. Fauntroy, Ph.D.



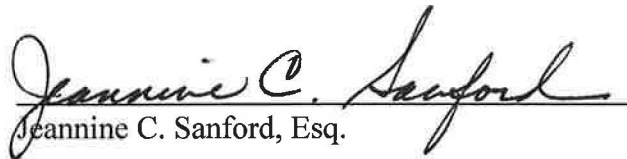
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Shirley Ann Higuchi, Esq.



Jeannine C. Sanford, Esq.

cc: Honorable Neal E. Kravitz