

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

515 FIFTH STREET, N.W., BUILDING A, ROOM 246  
WASHINGTON, D.C. 20001  
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June 8, 2020

The Honorable Donald J. Trump  
President of the United States  
The White House  
Washington, D.C. 20500

**Re: Evaluation of the Honorable José M. López**

Dear Mr. President:

The fifteen-year term of the Honorable José M. López, an Associate Judge of the Superior Court of the District of Columbia, expires on August 6, 2020. 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 López’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 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.

Judge José M. López filed his declaration of candidacy for reappointment on March 12, 2020, with a complete submission of materials in support of his candidacy. Included in the submission was a comprehensive statement of his activities as a member of the Superior Court Bench. Also included was a sampling of Orders he authored that, in our view, were clear and well written, and reflected Judge López’s skill in cutting through extraneous matter to focus on

the pertinent issues presented. In addition, the submission included copies of speeches Judge López has given to community groups and professional associations during his tenure, which revealed his deep commitment to the Court and our justice system.

Judge López submitted a current satisfactory medical report from his attending physician, indicating that he is in good physical and mental health. On May 13, 2020, the Commission met with Judge López via a telephone conference call, to discuss the materials and information the Commission had received during the course of its evaluation and to discuss the Judge's reasons for seeking reappointment. His responses to the Commission's inquiries were candid and informative. The Commission also met with Chief Judge Robert E. Morin later that day via a telephone conference call, who furnished additional information concerning Judge López's judicial performance, qualifications, and contributions to the Court.<sup>1</sup>

Judge López's monthly time reports and Annual Financial Reports which are statutorily required to be filed by every judge have been reviewed, as well as the Commission's own complaint file. The Commission conducted several interviews with Court officials and judicial officers, all of whom spoke highly of the Judge's demeanor and temperament. He was complimented for being thoughtful and for his collaborative skills. The Commission reviewed the responses to its electronic survey and to the D.C. Bar Judicial Evaluation Surveys, all of which contained a majority of positive comments concerning Judge López's performance of his duties. There were a few critical remarks concerning lateness in taking the bench, and the

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<sup>1</sup> The Commission met with Judge López and Chief Judge Morin via respective telephone conference calls due to the COVID-19 health crisis.

Commission addressed this issue with Judge López, who explained why he took the bench at a later time. The Judge agreed to change his practice and to take the bench at the appointed hour.

In 2005, The Commission reappointed Judge López to a second 15-year term. During his past 30 years on the bench he has been assigned to every Division of the Court, and has served as the Presiding Judge in two Divisions, Tax and Probate, and Domestic Violence. After his reappointment he served his final two years in Probate during which the Division developed the Probate Practice Standards. The Division also initiated the concept that probate panel attorneys should be required to complete certain credit courses each year to remain on the panel. This practice remains in use today and has been instrumental in the Probate Division maintaining quality representation for litigants.

Subsequent to his assignment in the Probate Division, Judge López spent an extended period (2007-2016) in the Domestic Violence Unit, now Division. He developed the idea for a two-year rotation that he believed was beneficial to all the parties, the end result would not only allow judges to gain more experience in this assignment, but also provide consistency for litigants who would have the same judge assigned to their cases during the 2-year period. Judge López was acutely aware of how difficult, challenging, and heart wrenching an assignment in this Division could be, he wrote, "Managing a DV trial calendar is a unique experience aside from the law and procedure because the cases are drenched with human emotions, anger, fear, torment and betrayal." In addition, with the support of former Chief Judge Lee Satterfield, and in collaboration with other stakeholders, the Division developed the after-hours Emergency Temporary Petition Order (ETPO) process, which previously was not available to victims after

the Court was closed or on weekends. Judge López discussed in some detail the importance of this process and how it gives petitioners much needed protection during the periods when the Court is closed. Judge López was a vocal proponent of training for his judicial colleagues, the Criminal Bar, Probate attorneys, and for law school clinical programs about domestic violence and how it overlaps with other areas of the law. He has attended community association meetings to discuss the issue of domestic violence and to discuss the services at the Court for those directly affected or impacted by this crime.

After nine years in the Domestic Violence Division, Judge López was assigned to the Criminal Division. For two years he sat in Felony-1 where the more serious and complex cases are heard, and one year in Felony-2. In his statement he provided a significant discussion of the complexities of managing a felony calendar and the overriding concern he had for “the rights of the individual and the safety of the community”. Judge López also explained his very thoughtful process and the factors he considers during sentencing, particularly communicating with victims acknowledging their pain and sense of loss, and likewise with defendants explaining why a sentence is merited and in many cases how a defendant could aspire to a better life.

Judge López currently serves in the Civil Division where he was assigned in 2019. He has not served in that assignment for 26 years, but has met the challenge of an increased motions practice and the increase of self-represented litigants that were not the norm during his last assignment in that Division.

Judge López has served on several Court Committees, most notably the Strategic Planning Leadership Council, on which he became Co-Chair in 2015, with Judge Phyllis

Thompson from the D.C. Court of Appeals. The Leadership Council was tasked with and developed a 5-year Strategic Plan for the District of Columbia Courts for 2018-2022. In 2018 Judge López was appointed to the Committee on Selection and Tenure of Magistrate Judges, which makes recommendations to the Chief Judge on candidates to be appointed as Magistrate Judges. In addition, the Committee reviews these Judges at the midpoint of their tenure and recommends whether reappointment is merited. The Committee also investigates complaints filed against Magistrate Judges. In addition, it was Judge López who advanced the idea to elevate the training level of Magistrate Judges to the same level as provided for Associate Judges. Judge López's insight was prescient, given the Court's recent reliance on Magistrate Judges when numerous Associate Judge vacancies created significant challenges for the Court. It is obvious that Judge López has enjoyed his work on this Committee, noting in his statement, that his service on the Selection Committee "is at the top of all my experiences in serving the Court."

In addition to his judicial duties, Judge López has been a speaker on occasion at the Federal District Court Naturalization Ceremony, and he served for many years on the Advisory Board of the Leadership Institute on Judicial Education out of the University of Memphis. His work with the Leadership Institute and their philosophy helped influence judicial education at the Superior Court. Judge López has served as an Access to Justice Commissioner for 2 years, and has for several years participated in the Youth Law Fair which conducts a full day of mock trials.

It is abundantly clear to the Commission, that Judge López is a great asset to the Court, and continues to have a passion for the work. He is patient and courteous to those who not only appear before him, but also to his judicial colleagues and Court staff that he works with each

**Report on Judge José M. López**

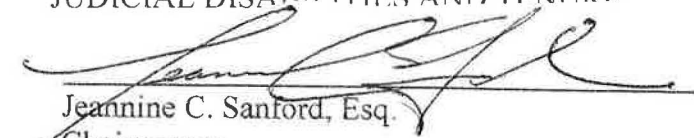

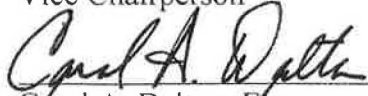
day. Judge López has faithfully and diligently served in all Divisions of the Court, and after 30 years on the bench still enjoys and takes great pride in being a judge.

For the foregoing reasons, the Commission finds that the manner in which Judge López has performed his duties as a Judge entitles him to a rating of well qualified, and merits automatic reappointment to the bench. The Commission is unanimous in its view that Judge José M. López is well qualified for reappointment. He will commence serving a new term on August 6, 2020.

Commissioners William P. Lightfoot, Esq. and Anthony T. Pierce, Esq. recused themselves from discussion and voting on Judge López's reappointment because they both have pending legal matters before the Judge.

Respectfully submitted,

DISTRICT OF COLUMBIA COMMISSION ON  
JUDICIAL DISABILITIES AND TENURE

  
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Cc: The Honorable José M. López