

DISTRICT OF COLUMBIA COMMISSION  
ON JUDICIAL DISABILITIES AND TENURE

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Howard C. Westwood, Esq.

May 17, 1976

The Honorable Edward A. Beard  
Associate Judge  
The Superior Court of the  
District of Columbia  
Washington, D.C. 20001

Dear Judge Beard:

On or about February 26, 1975, the Commission received a complaint pertaining to certain actions of yours relating to the release of a defendant in a civil ne exeat proceeding in the Superior Court of the District of Columbia. The Commission, through its special counsel, conducted an investigation which included a review of pertinent Court records and interviews with knowledgeable persons.

At the request of your counsel, discussions were undertaken between your counsel and special counsel exploring the possibility of a disposition short of a formal hearing. To that end, you waived all your rights to a hearing before the Commission.

After consideration of the complaint, the reports of special counsel, and the submissions made by your counsel, the following appears:

On January 3, 1975, there was pending in the Superior Court of the District of Columbia, Family Division, a petition under the Uniform Reciprocal Enforcement of Support Act of Maryland entitled (for purposes of this document only) Jane Doe v. John Doe, RS 000-00R. John Doe, the defendant, was a local artist and an acquaintance of yours, whom you had met in local art circles.

On that date, a Judge of the Superior Court entered an order granting Jane Doe's motion for a writ ne exeat and directing that the United States Marshal require John Doe to give surety in the amount of \$10,000 for the purpose of ensuring John Doe's appearance in Court. This order

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further provided that, if Mr. Doe failed to give such surety, the Marshal was required to commit Mr. Doe to the District of Columbia Jail until such surety was given.

On January 9, 1975, a Deputy United States Marshal executed the said order by taking Mr. Doe into custody and, upon Mr. Doe's failure to satisfy the required bond, caused Mr. Doe to be committed to the District of Columbia Jail.

On the evening of January 9, 1975, another local artist and acquaintance of yours and of Mr. Doe (who for purposes of this document shall be referred to as Mr. Roe) called and enlisted your aid in securing the release of Mr. Doe.

Although you had had no previous contact with the case and were not a designated emergency judge, you took the following actions: On the evening of January 9, 1975, after having received a telephone call from Mr. Roe advising you that Mr. Doe was incarcerated and without counsel, you undertook to review Mr. Doe's bond status; thereafter you called the committing judge and obtained his permission to act; you then requested from the United States Marshal's Office all necessary papers to execute Doe's release. A Deputy United States Marshal brought Mr. Doe to the home of Mr. Roe where they met you. You there and then signed an order releasing Mr. Doe, without surety having been given to the Marshal. He was then released to the custody of Mr. Roe and another individual, who were not required to sign the appropriate release forms. However, Mr. Doe did subsequently appear in Court as required. The Commission does not dispute that you were unaware that the detention was based upon a writ ne exeat and that you had been advised that Mr. Doe was without counsel.

After considering the foregoing, the Commission believes that the release of Mr. Doe was irregular in the following respects: It was done at Mr. Roe's private home, no notification was given to Mrs. Doe's counsel, and appropriate release papers were not signed. Moreover, under all of the circumstances, you should have referred the matter to one of the designated emergency judges.


In fairness, we should note that there is no evidence that personal gain on your part was in any way involved and we are aware of nothing which casts doubt as to your personal integrity.

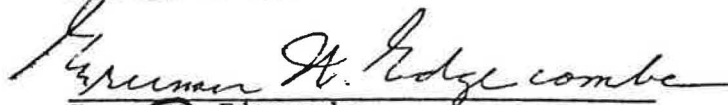
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In conclusion, the Commission believes that your conduct was ill-advised and that its irregularities could have given rise to the appearance of impropriety; it is therefore disapproved.

Pursuant to our agreement, this letter will be made public. With this letter the Commission is closing its inquiry into this matter.

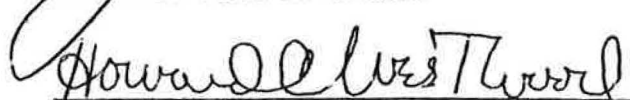
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