

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 13, 2013

The Honorable Lee F. Satterfield
Chief Judge
Superior Court of the District of Columbia
500 Indiana Avenue, N.W.
Washington, D.C. 20001

Dear Chief Judge Satterfield:

The District of Columbia Retired Judge Service Act P.L. 98-598, 98 Stat. 3142, as amended by the District of Columbia Judicial Efficiency and Improvement Act of 1986, P.L. 99-573, 100 Stat. provides in part as follows:

“(a)(1) A judge, retired for reasons other than disability, who has been favorably recommended and appointed as a senior judge, in accordance with subsection (b), may perform such judicial duties as such senior judge is assigned and willing and able to undertake. A senior judge shall be subject to reappointment every four years, unless the senior judge has reached his or her seventy-fourth birthday, whereupon review shall be at least every two years, in accordance with subsection (b).”

“(b)(2) The Commission shall submit a written report of its recommendations and findings to the appropriate chief judge and the judge requesting appointment within 180 days of the date of the request for recommendation. The Commission, under such criteria as it considers appropriate, shall make a favorable or unfavorable recommendation to the appropriate chief judge regarding an appointment as senior judge. The recommendation of the Commission shall be final.”

Judge Natalia Combs Greene submitted her request for a recommendation for appointment as a Senior Judge to the Commission on February 25, 2013, and completed her submission of the materials requested by the Commission on April 30, 2013.

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The Commission, in its evaluation of Judge Combs Greene's qualifications and fitness to serve as a Senior Judge, has carefully reviewed her performance and activities as an Associate Judge. As you are aware, Judge Combs Greene completed her 15-year term on October 21, 2013, and she elected to continue her judicial service as a Senior Judge in lieu of seeking reappointment to another full term as an Associate Judge.

During her term of office, Judge Combs Greene has served in various assignments in the Family, Civil, and Criminal Divisions. The Commission received communications praising Judge Combs Greene for her work product, knowledge of the law, and dedication to the Court and commitment to the community. In addition, it is clear she also has made lasting contributions to the Court through the considerable time she has spent serving on several Court Committees.

Though the Commission found many aspects of Judge Combs Greene's performance over the past 15 years to be most favorable, the Commission would be remiss if it did not address the serious issue of the Judge's demeanor, particularly in one assignment. The Commission received numerous critical comments from several different sources regarding what many described as Judge Combs Greene's discourteous and impatient treatment of litigants, especially those who appeared unrepresented by counsel, in Landlord & Tenant Court. In response, the Commission reviewed several transcripts and cassette recordings of proceedings over which Judge Combs Greene presided while in that assignment. It is clear from our review of the cases brought to our attention, that Judge Combs Greene's demeanor was oftentimes less than courteous, and on occasion even rude and intimidating; moreover some of her comments during those proceedings were exceedingly inappropriate. This causes the Commission great concern.

The Commission is aware of the enormous challenges judges face while presiding in high volume Courts such as Landlord & Tenant. Despite the frustration a judge may feel, a raised voice, impatient tone, or off-handed remark only makes the situation more stressful and tense for the litigants and more difficult for the judge.

Canon 2, Rule 2.8(B) of the 2012 Code of Judicial Conduct states:

“A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's direction and control.”

There are no exceptions to Rule 2.8(B). Every litigant deserves to be treated with the utmost respect. The Comment to Rule 2.8(B) provides further instruction to judges when it states:

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“[1] The duty to hear all proceedings with patience and courtesy is not inconsistent with the duty imposed in Rule 2.5 to dispose promptly of the business of the court. Judges can be efficient and businesslike while being patient and deliberate.”

In reaching its final decision, the Commission has reviewed Judge Combs Greene’s total record and has carefully evaluated all of the information presented. During her 15-year term Judge Combs Greene has made a significant contribution to the Court and the Commission has balanced her strong positive attributes against her one negative trait: namely, her demeanor, particularly in Landlord & Tenant Court.

The Commission met with Judge Combs Greene on September 11, 2013, and on November 13, 2013, to discuss her conduct in the aforementioned cases, and the Commission heard the Judge’s explanation and account of the incidents in question. Judge Combs Greene accepts the Commission’s determination and conclusion, and acknowledges that on occasion her conduct was in violation of the Code of Judicial Conduct. Judge Combs Greene has agreed and undertakes to address this problem and to conform her conduct to the standards prescribed by the Code, if appointed a Senior Judge.

The Commission fully understands that its statutory responsibility is limited to evaluating a judge’s fitness for continued judicial service and recommending whether a judge should be appointed to senior status. In concluding our review and making a determination concerning Judge Combs Greene’s fitness for appointment as a Senior Judge, it was apparent that her demeanor problems appeared while assigned to Landlord & Tenant Court. Whether it was the sheer volume of cases, the pace of that assignment, or the special needs of the litigants who regularly appear in that Court, the Commission believes Judge Combs Greene was not well suited for a Landlord & Tenant assignment. The Commission respectfully suggests that should Judge Combs Greene be appointed to senior status, her service would be most productive in assignments other than the high volume Courts.

The Commission hereby finds and determines Judge Natalia Combs Greene fit to continue her judicial service, and the Commission favorably recommends Judge Combs Greene’s appointment as a Senior Judge.

Sincerely,



Gladys Kessler
Chairperson

GK/cjh