

**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

May 18, 2009

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

Re: Evaluation of the Honorable Judith Bartnoff

Dear Mr. President:

The fifteen-year term of the Honorable Judith Bartnoff, an Associate Judge of the Superior Court of the District of Columbia, expires on July 18, 2009. She is seeking reappointment to another term.

The Commission hereby submits this evaluation of Judge Bartnoff's performance during her present term of office and her fitness for continued judicial service, pursuant to section 433(c) of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198, 87 Stat. 774 ("The Home Rule Act"), as amended by the District of Columbia Judicial Efficiency and Improvement Act of 1986, P.L. 99-573, 100 Stat. 3228. Section 433(c) provides as follows:

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. To be “qualified,” a judge must at least satisfactorily perform his or her assigned duties or be one whose strong positive attributes are materially offset but not overcome by negative traits. “Unqualified” signifies that the judge is unfit for judicial service.

Judge Bartnoff filed her timely declaration of candidacy for reappointment with the Commission on January 13, 2009, and completed her submission of the materials and information required by the Commission on February 13, 2009.

In evaluating Judge Bartnoff’s qualifications for reappointment, the Commission carefully reviewed her comprehensive written statement, as well as letters of support endorsing her reappointment from fellow judges, and attorneys who have appeared before

her. The Commission conducted a number of interviews with persons having first hand knowledge of Judge Bartnoff's performance on and off the bench including attorneys in private practice, institutional litigators, and Court personnel.

The Commission reviewed Judge Bartnoff's time reports and annual financial statements that are required to be filed by every judge of the District of Columbia courts. The Commission examined its complaint file concerning Judge Bartnoff, which disclosed nothing that would adversely affect her automatic reappointment. The Commission also reviewed the Judicial Medical Form submitted by Judge Bartnoff's physician attesting to her excellent health, and confirming that the Judge is physically and mentally fit to continue her judicial service.

The Commission met with Judge Bartnoff on April 8, 2009, to discuss her reasons for seeking reappointment, and to discuss her many accomplishments during this present term of office. The Commission met with Superior Court Chief Judge Lee F. Satterfield later that day, who described Judge Bartnoff as an "excellent judge", and confirmed the many accolades the Commission had heard concerning Judge Bartnoff during the course of its evaluation.

Judge Bartnoff supplemented her statement with a selection of opinions she had authored concerning a variety of Civil and Domestic Relations cases, some of which addressed very complex and volatile issues. A review of the opinions provides a glimpse of Judge Bartnoff's considerable talents. The opinions are carefully thought out, fully

cited to authority and the record, unmistakably clear as to how and why the Judge reached her decision, and reflect a scholarly comprehension of the legal issues presented.

Judge Bartnoff has shown exemplary qualities in discharging her judicial duties. Attorneys and Court staff consistently describe her as “smart, prompt, and fair”, “very dignified”, “a pleasure to appear before”, and, “incredibly capable”. Judge Bartnoff was praised for her skill and objectivity, and described as “adept at handling complicated issues”, “deliberate in making decisions” and a judge who “makes decisions based on the law”. The Judge was also praised for her respectful and balanced demeanor with attorneys, litigants, jurors, and Court staff. All of the comments received were unfailingly complimentary and each individual enthusiastically endorsed Judge Bartnoff’s reappointment.

Judge Bartnoff was appointed to the bench in 1994. She has served in all Divisions of the Superior Court, except the Probate and Tax Division. Her work in the Family Division and, in particular, the Mental Health calendar and the Domestic Violence Unit of the Domestic Relations Branch are where she has most distinguished herself. Judge Bartnoff began her judicial career in the Family Division, where she has spent more than a third of her time during the past 15 years.

The first assignment in the Family Division was a Mental Health calendar, which she found “both challenging and fascinating”. During this assignment she initiated a practice of requiring pretrial statements and setting pretrial conferences in cases set for

jury trials. That practice has since been adopted and now is the standard procedure for judges on the Mental Health calendar, and has greatly assisted judges in managing their cases more efficiently. Though no longer on that calendar, Judge Bartnoff continues her involvement in issues relating to mental health cases through her service on the Mental Health/Mental Retardation Rules Committee, and often serving as the back-up mental health judge.

Following her rotation from the Mental Health calendar, the Judge was assigned to the Intrafamily calendar, now known as the Domestic Violence Unit. While in that assignment Judge Bartnoff handled both Abuse and Neglect, and Domestic Relations cases. Judge Bartnoff completed her first rotation in the Family Division in 1996. She started her second rotation in that Division in 2001 and in recognition of her skill and experience in successfully handling domestic relations cases, former Presiding Judge Lee F. Satterfield designated Judge Bartnoff as the team leader of the judges appointed to the domestic relations calendars. During this rotation in the Family Division, Judge Bartnoff became involved in developing a program, in conjunction with the Family Law Section of the District of Columbia Bar, for alternative dispute resolution in domestic relations cases. The program, which remains operational in the Family Division, has achieved much higher settlement rates than the traditional mediation program previously in effect. In addition, Judge Bartnoff was further recognized for her expertise and proficiency with

domestic relations and domestic violence cases, with her appointment as Presiding Judge of the Domestic Violence Unit for calendar year 2006.

The Judge has also received much praise and credit for her leadership in the development and implementation of the Parent Coordinator Project pilot program. Parent coordinators are trained psychologists and social workers who work with parents involved in child custody disputes. The success of the pilot program prompted the Court to establish an Office of the Parenting Coordinator. Judge Bartnoff continues as a member of the Advisory Board that oversees the program.

In between the two lengthy Family Division assignments Judge Bartnoff was assigned to the Criminal Division from 1996-1998 during which she initially managed a Misdemeanor Calendar before rotating to a Felony II Calendar. Her next assignment was in the Civil Division from 1999-2000, managing a Civil II calendar. Judge Bartnoff returned to a Civil II calendar in 2007, and currently presides over Civil I cases.

Judge Bartnoff's contributions are not limited to the Family Division, she has also been an innovator during her assignments in the Civil Division. She writes, "Throughout my term as a judge, I have attempted to manage my cases efficiently and effectively. Some of the innovations I initiated have become standard practice throughout the court." During her first rotation in the Civil Division Judge Bartnoff began a regular practice of setting a status conference at the close of discovery in medical malpractice cases. This practice enabled her to resolve many discovery problems without extensive delays, and it

proved quite useful in managing the cases prior to trial. The Judge then used the status conference at the close of discovery to set a trial date in a more reasonable time frame. Many other judges now follow that practice as well. In addition Judge Bartnoff has also implemented the practice of conducting individual *voir dire*, permitting jurors to take notes, and sending thank you letters to jurors after long trials.

Though this evaluation report provides an overview of Judge Barnoff's service on the Court, the Commission believes it important to discuss briefly a particular case that further highlights the Judge's exceptional abilities. Judge Bartnoff recently presided over a civil case that received substantial press coverage and international attention. She deservedly was praised and commended for her fair and equal treatment of the parties involved, maintaining control of the courtroom, and conducting the proceedings in a manner that promoted public confidence in the judiciary. Judge Bartnoff's skills as a trial judge, sensitivity to the litigants, and her ability to maintain the dignity of the Court were indispensable in bringing this matter to its rightful conclusion.

Judge Bartnoff has also distinguished herself through her service on several Court Committees. In addition to the Committee assignments mentioned earlier, Judge Bartnoff has been a member of the Bench Book Committee and served as Chair of that Committee. It should be noted that she rewrote the bench book for Neglect and Abuse cases, updating it annually for several years. Judge Bartnoff has also served as the

Court's representative on the District of Columbia Domestic Violence Fatality Review Board.

In addition, Judge Bartnoff serves on the Court's Rules Committee, and in 2002 was appointed to the District of Columbia Child Support Guideline Commission. The Chief Judge reappointed her to the Commission in 2006. The Commission was created by the City Council and was charged with annually reviewing the Child Support Guideline and making recommendations to the Mayor concerning operation of the Guideline and general child support issues. Judge Bartnoff was involved in all aspects of the Commission's review, and the final recommendations that were issued in 2004. The City Council passed legislation in 2006 based in similar form to the Commission's final recommendations. Judge Bartnoff has received much praise for the "significant contribution" she made to, and on behalf of the Guideline Commission, and ultimately to the many children and families in the District of Columbia directly effected.

In 2004 the Family Law Section of the District of Columbia Bar honored Judge Bartnoff for her "extraordinary contributions to the ADR Program, the Child Support Guideline Commission, the Parent Coordinator Project, and the Family Division of the Superior Court of the District of Columbia." In 2007 The American Psychological Association also honored Judge Bartnoff for her work on the Parent Coordinator Project. She was again honored along with the other members of the Commission in 2008, by the Family Law Section, for their work on the new Child Support Guideline.


Judge Bartnoff has conducted training on domestic relations law for other judges on the Superior Court, for attorneys in the Office of the Attorney General for the District of Columbia, and for graduate students in the Parent Coordinator Program. She has participated in numerous law school moot courts and served as a judge for trial practice classes at many local law schools.

These are only the highlights of the many and varied contributions Judge Bartnoff has made to the Court and to the community over the past fifteen years. She is to be congratulated for a job well done.

For the foregoing compelling reasons, the Commission finds that Judge Bartnoff's outstanding judicial service merits her reappointment. The Commission is unanimous in finding Judge Bartnoff well qualified for reappointment. Her term, therefore, shall be extended for a period of fifteen years from July 18, 2009.

Respectfully submitted,

DISTRICT OF COLUMBIA COMMISSION
ON JUDICIAL DISABILITIES AND TENURE




William P. Lightfoot, Esq., Chairperson



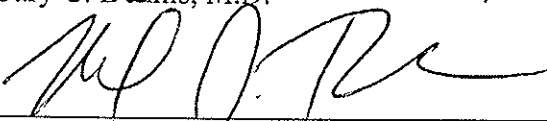
Hon. Gladys Kessler, Vice Chairperson

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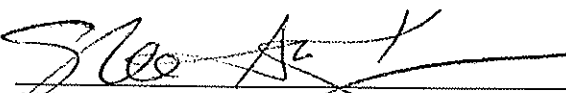
Report on Judge Judith Bartnoff



Gary C. Dennis, M.D.



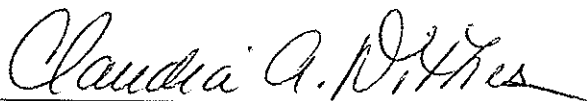
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cc: The Honorable Judith Bartnoff