

**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

March 25, 2010

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

**Re: Evaluation of the Honorable Linda Kay Davis**

Dear Mr. President:

The fifteen-year term of the Honorable Linda Kay Davis, an Associate Judge of the Superior Court of the District of Columbia, expires on May 25, 2010. She is seeking reappointment for another term.

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 overborne by negative traits. “Unqualified” signifies that the judge is unfit for judicial service.

Judge Davis filed her declaration of candidacy for reappointment with the Commission on October 13, 2009, and completed her submission of the materials and information required by the Commission on November 10, 2009. Judge Davis’ submission included a comprehensive and thoughtful written statement that not only discussed her Court assignments and Committee involvement, but also revealed the many challenges she has faced that have made her a better judge and helped her to mature as a judicial officer.

The Commission also was provided with copies of several opinions and orders authored by Judge Davis in selected mental health, mental retardation, domestic relations, and neglect cases over which she presided. The cases addressed a variety of complex legal issues and involved litigants facing emotionally charged, and in some cases, heartbreaking situations. The opinions showed the unbelievable complexity of the cases on the Family Court Calendars, and Judge Davis' skill in analyzing the applicable case law and in providing a thorough and clear discussion of all facets of the issues presented.

In evaluating Judge Davis' qualifications for reappointment, the Commission carefully reviewed communications from members of the bar, and interviewed attorneys and Court personnel who were familiar with her performance and contributions to the Court. The comments revealed significant respect and regard for Judge Davis' legal ability, fairness, and diligence. She also received much praise for "her passionate concern for the children and citizens who appear before her", and, "for all of her efforts that have made Adoption Day such a great success".

The Commission also reviewed Judge Davis' time reports and annual financial statements, which are required to be filed by every judge. The Commission reviewed its complaint file concerning the Judge, and found nothing that would negatively impact her reappointment. Judge Davis' physician submitted a detailed statement attesting to her excellent health and the absence of any medical reason why she should not continue her judicial duties.

The Commission met with Chief Judge Lee F. Satterfield on March 10, 2010, who recommended Judge Davis' reappointment, and discussed her many contributions to the Court. The Commission met with Judge Davis later that same day and discussed the materials and information that had been received during the course of its evaluation, and discussed her service on the Court and her reasons for wanting to continue her judicial service.

Judge Davis' judicial career began with her appointment to the bench in 1995. She has served in every Division of the Superior Court except the Probate and Tax Division. Her first assignment was for a six month period on a dedicated neglect and abuse calendar in the then Family Division. Of that assignment she wrote, "While this assignment was brief, it was momentous for me and shaped the remaining structure of my judicial career." She notes in her written statement that the challenging cases in the Family Court have contributed to her growth as a judge and as a human being. Judge Davis' assignments in the Family Court have included managing calendars in the following branches: neglect and abuse, domestic violence, juvenile delinquency, domestic relations, mental health, and adoption.

After her initial assignment in the Family Division, Judge Davis served for three years in the Criminal Division, on a misdemeanor calendar for one year, followed by a Felony II calendar for two years. During the assignment in the Criminal Division she "learned how to manage jury trials", and "came to enjoy managing a jury and tried diligently to respect jurors' time and to be efficient."

In 2001 she was assigned to the Civil Division where she handled a Civil II calendar, and enjoyed the challenge of trying a variety of civil cases involving traffic accidents, employment discrimination, malpractice, contract disputes, and landlord-tenant matters. Following the assignment in the Civil Division she returned to the Family Court and for several years was assigned to the Mental Health calendar, where she presided over cases concerning involuntary civil commitment for the mentally ill and mentally retarded.

Since July of 2009 Judge Davis has volunteered to handle one day of hearings in the Mental Health Diversion Court, in addition to her assignment in the Family Court. The Mental Health Diversion Court, is actually a part of the Criminal Division, and focuses on misdemeanor defendants who have been diagnosed with mental illness and may qualify for deferred prosecution while undergoing treatment for their illnesses. Chief Judge Lee Satterfield in recognition of Judge Davis' enthusiastic and outstanding participation has requested her to continue her service on the MHDC and possibly to expand the Court's jurisdiction to include persons charged with nonviolent felony offenses.

Judge Davis' service to the Superior Court and the community extends beyond the courtroom. She has actively participated in several Court Committees. One Committee in particular, the Adoption Day Planning Committee, she has co-chaired for the past two years. This Committee organizes the Court's annual Adoption Day celebration in November. and recognizes and promotes the adoption of children from the abuse and

neglect system. The Adoption Day celebration receives local media coverage and has served as a model for other jurisdictions. Judge Davis also has served on the Family Court Implementation Act Committee, the Mental Health and Mental Retardation Panel Selection Committee, the Family Rules Advisory Committee and co-chairs that Committee's Adoption Rules Subcommittee. Judge Davis is to be applauded for her tireless efforts and hard work with a judicial colleague to revise the Adoption Rules.

Judge Davis also has served on Moot Courts, judging mock trials with local high school students, and meeting with visiting international judges. In addition, she has met with local high school students to discuss the issues of domestic violence as they relate to teenagers.

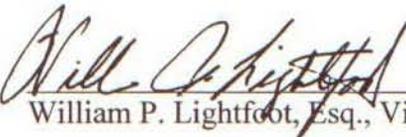
Based on its evaluation, the Commission concludes that Judge Davis is well deserving of reappointment. She has worked hard, has made noteworthy contributions to the Superior Court, and has had a very positive and visible impact on the lives of many children and families in the District of Columbia. The Commission deems her well qualified for reappointment.

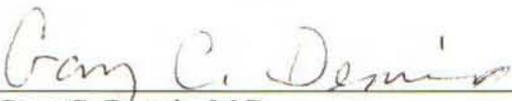
For the foregoing reasons, the Commission finds Judge Davis' judicial service merits automatic reappointment to the bench. We therefore determine Judge Linda Kay Davis to be well qualified for reappointment, and her term shall automatically be extended from May 25, 2010.

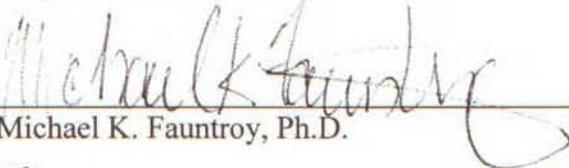
Respectfully submitted,

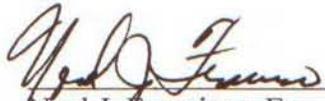
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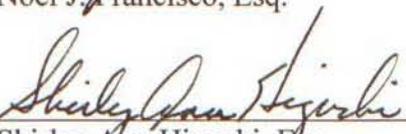
  
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Hon. Gladys Kessler, Chairperson

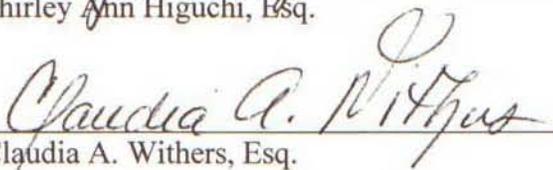
  
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