

**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 6, 2015

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

**Re: Evaluation of the Honorable Thomas J. Motley**

Dear Mr. President:

The fifteen-year term of the Honorable Thomas J. Motley, an Associate Judge of the Superior Court of the District of Columbia, expires on July 6, 2015. 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 Motley’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 Motley filed a timely declaration of candidacy for reappointment with the Commission on January 5, 2015. In evaluating Judge Motley’s qualifications for reappointment, the Commission carefully reviewed the extensive written statement Judge Motley submitted describing his services on the Court. This statement set forth the significant aspects of his judicial, professional, and community activities during the past 15 years. The Commission also considered a selection of judicial opinions that Judge Motley

has authored during his first term on the bench and an analysis of his record on appeal.

In addition, the Commission reviewed a confidential statement from Judge Motley's physician attesting to his "good physical" health and Judge Motley's time reports and annual financial statements. None of these documents indicates any reason why Judge Motley should not continue to serve as a judicial officer.

The Commission interviewed 19 people concerning Judge Motley's performance as a Judge, including Court personnel, Superior Court judges, and attorneys who had appeared before him representing the Government and individuals. The Commission met with Chief Judge Lee F. Satterfield to discuss Judge Motley's request to be reappointed. The Chief Judge recommended Judge Motley's reappointment, stating that he is intelligent, works well with his colleagues, and is a productive member of the Superior Court bench. Judge Motley met personally with the Commission on April 8 and April 20, 2015, to discuss his reappointment, including the information that he filed with the Commission, as well as information the Commission had received during the course of its evaluation.

At this time, Judge Motley serves in the Civil Division of the Superior Court. During his tenure, he has served in all the Divisions of the Superior Court, except for the Probate and Tax Division. Judge Motley has served in the Family Court, the Criminal Division, the Domestic Violence Branch, and the Civil Division. He appreciates the challenge of unrepresented litigants and ensures them that their day in court is equal to represented parties. Judge Motley has written several substantial opinions concerning difficult issues. His decisions are fair and reflect his thoughtful consideration of the facts and application of the relevant law. Moreover, Judge Motley's record on appeal is sound.

Judge Motley also provides service to the Court off the bench. He has served on several Court committees. He is a member of a committee that evaluates how the Court should proceed regarding the cause of wrongful convictions. In addition, he is a member of the Rules Committee and the Landlord and Tenant Subcommittee. He previously has served as a member of the Voucher Committee. Judge Motley also has provided judicial training on a variety of topics. In addition, Chief Judge Satterfield asked Judge Motley to act as a coach to a newer Associate Judge of the Superior Court. Judge Motley agreed to perform this role, and he is currently coaching another Associate Judge.

Judge Motley is engaged in appropriate extra judicial activities. He is a member of the Washington Bar Association Judicial Council, which provides a vehicle for judges to interact with the community. As a member of the Judicial Council, Judge Motley has visited public schools to speak with students about the judiciary and has conducted forums at Howard University to educate college students about law school. Judge Motley also has represented the Court in making presentations to bar organizations and at community meetings.

Judge Motley, by virtue of his intellect, hard work, fairness, and legal scholarship, deserves the term “well qualified” for the overall exceptional service he has provided the citizens of the District of Columbia as a Superior Court Judge. He appreciates the seriousness of his job and works hard to reach the correct decision in his consideration of each case.

The Commission, however, received several adverse comments from attorneys concerning Judge Motley’s temperament, including recommending that he not be


reappointed. The Commission discussed this issue with Judge Motley at great length when it met with him in person, expressing the critical nature of a judge's temperament to the fair operation of the judicial system. The Commission is concerned that Judge Motley was unaware of his temperament issue and how it affects the public, and in particular, the lawyers who appear before him. However, no complaint was ever filed with the Commission prior to his application for reappointment raising any issue regarding his temperament. Thus, the Commission only learned of this issue in the course of its investigation of Judge Motley's application for reappointment. Therefore, it was only during the reappointment process that the Commission had the opportunity to discuss the issue with Judge Motley. Based on all of the information before it, including Judge Motley's response to the Commission's concerns, the Commission now believes that Judge Motley takes seriously the Commission's concerns regarding his judicial temperament and will vigorously address those concerns in the future.


In light of Judge Motley's commendable record of judicial performance and his dedication to the Court, and after a careful and thorough evaluation of all the information received and compiled, it is the view of the Commission that Judge Motley should continue his judicial service. The Commission balanced the high quality of Judge Motley's work product, legal scholarship and dedication to the Court against his need to gain insight into and to improve his temperament. For all these reasons, the Commission finds Judge Motley well qualified for reappointment, and his term shall be automatically extended for a full term of fifteen years from July 6, 2015.

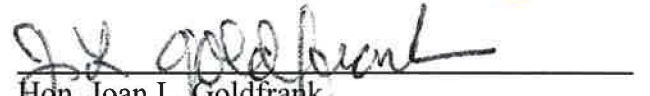
Respectfully submitted,


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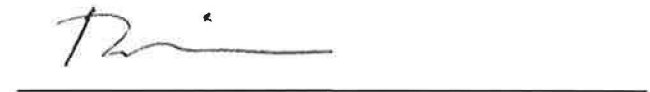
  
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Hon. Gladys Kessler, Chairperson

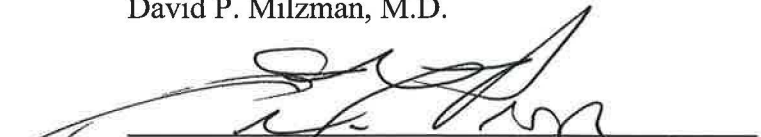
  
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Jeannine C. Sanford, Esq., Vice Chairperson

  
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Michael K. Fautroy, Ph.D.

  
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Hon. Joan L. Goldfrank

  
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William P. Lightfoot, Esq.

  
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David P. Milzman, M.D.

  
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Anthony T. Pierce, Esq.

cc: The Honorable Thomas J. Motley