

**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 24, 2017

The Honorable Donald J. Trump
President of the United States
The White House
Washington, D.C. 20500

Re: Evaluation of the Honorable Robert Ray Rigsby

Dear Mr. President:

The fifteen-year term of the Honorable Robert Ray Rigsby, an Associate Judge of the Superior Court of the District of Columbia, expires on July 28, 2017. 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 Rigsby'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 the 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 overcome, by negative traits. A finding of “unqualified” means the Commission has found the judge to be unfit for judicial service.

Judge Rigsby filed a timely declaration of candidacy for reappointment with the Commission on January 6, 2017. In evaluating Judge Rigsby’s qualifications for reappointment, the Commission carefully reviewed the detailed written statement and supporting materials Judge Rigsby submitted describing his services on the Court. The statement and attached materials described the significant aspects of his judicial,

professional, and community activities during the past 15 years. The Commission considered an analysis of his record on appeal. The Commission reviewed Judge Rigsby's time reports and annual financial statements.

In addition, the Commission reviewed a confidential statement from Judge Rigsby's physician attesting to his health.

The Commission interviewed many people concerning Judge Rigsby'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 Robert Morin to discuss Judge Rigsby's request to be reappointed. The Chief Judge recommended Judge Rigsby's reappointment, stating that Judge Rigsby is "doing well" in his current assignment and is "fully motivated and engaged." Chief Judge Morin also recently reappointed him to Court committees, considering committee member reports that Judge Rigsby is a "substantial contributor" to the work of the committees. Judge Rigsby met personally with the Commission on April 12, 2017, 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 Rigsby 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. Specifically, Judge Rigsby has served in the Family Court, the Criminal Division, the Domestic Violence Branch, and the Civil Division. His judicial

demeanor is good. His decisions are fair. He treats *pro se* litigants with respect. His record on appeal is sound.

Judge Rigsby also provides service to the Court off the bench. He has served on several Court committees. He is a member of two significant committees: the Committee on the Selection and Tenure of Magistrate Judges; and the Judicial Education and Training Committee. He previously has served as a member of the Family Court Panels Subcommittee and Implementation Committee.

Judge Rigsby is engaged in extra judicial activities. He was a member of the Judge Advocate General Corps, retiring in May 2014. During 2009 he was deployed for six months to Kuwait, Iraq and Afghanistan. Judge Rigsby has taught at local universities and law schools. In addition, he has instructed military judges and lawyers in the Democratic Republic of the Congo and judges from several Caribbean countries. Finally, Judge Rigsby participates in community activities that benefit underprivileged youth. He serves as the Chairman of the Board of the District of Columbia National Guard Youth Challenge Foundation. He served on the Board of the National Capitol Area Council for the Boy Scouts of America. Significantly, he founded Law Camp to provide youth with the opportunity to understand the legal system and government.

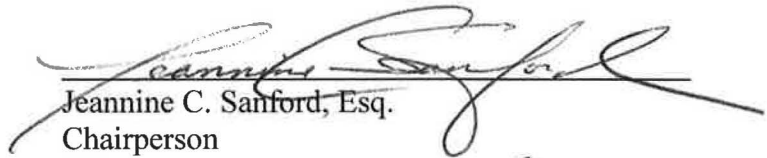
The Commission received several adverse comments from judges, staff and attorneys concerning Judge Rigsby's serious untimeliness, impacting the efficient administration of justice, the attorneys and the parties. This issue arose during Judge Rigsby's assignments in two Court Divisions. His lack of timeliness caused attorneys and parties to wait significant periods for his appearance, causing court to extend beyond


the end of the court day, which consequently impacted court staff. We were informed that Court management discussed this issue with him. The Commission also discussed the significance of these concerns with Judge Rigsby. We understand that he responded to the constructive criticism and appropriately modified his behavior. Most importantly, there are no reports concerning his lack of timeliness and its negative impact on the administration of justice since his assignment in the Civil Division. The Commission concludes that Judge Rigsby is aware of how his conduct impacted the fair and efficient operation of the judicial system. Based on all of the information before it, the Commission is confident that Judge Rigsby seriously addressed the Commission's concerns regarding the administration of justice and appropriately changed his behavior.

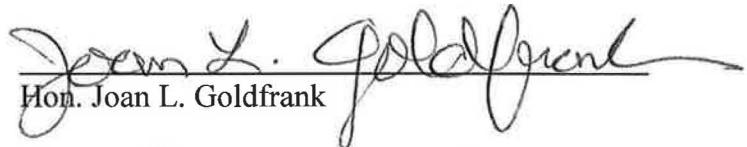
In light of Judge Rigsby's record of judicial performance, his dedication to the Court and the community, and after a careful and thorough evaluation of all the information received and compiled, it is the view of the Commission that Judge Rigsby should continue his judicial service. The Commission considered Judge Rigsby's positive response to constructive criticism. He acknowledged that he matured as a judicial officer. The Commission is confident that he will continue to develop as a judicial officer. For all these reasons, the Commission finds Judge Rigsby well qualified for reappointment, and his term shall be automatically extended for a full term of fifteen years from July 28, 2017.

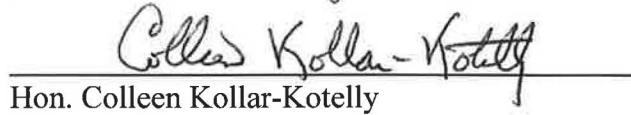
Respectfully submitted,

DISTRICT OF COLUMBIA COMMISSION
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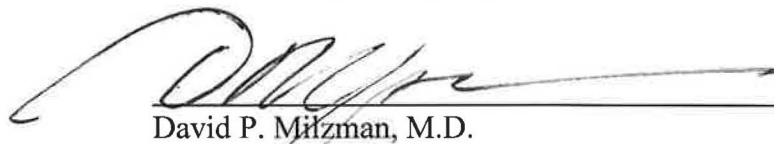

Jeannine C. Sanford, Esq.
Chairperson

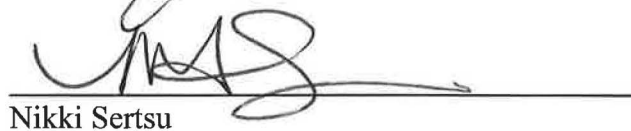

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Nikki Sertsu

cc: The Honorable Robert Ray Rigsby