

**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

**Members**

Amy L. Bess, Esq., Chairperson  
Hon. Diane M. Brenneman (Ret.), Vice Chairperson  
Thomas Fitton  
Dr. Patrick G. Jackson, MD, FACS  
Hon. Colleen Kollar-Kotelly  
William P. Lightfoot, Esq.  
Nikki Sertso

**Interim Executive Director & Special Counsel**  
Amy Conway-Hatcher, Esq

April 23, 2025

David Alan Warrington, Esq.  
White House Counsel  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, D.C. 20500

**Re: Evaluation Reports for the Reappointment of the Honorable Milton C. Lee, Jr.  
and the Honorable Todd E. Edelman, Superior Court of the District of Columbia**

Dear Mr. Warrington:

At the request of the Commission on Judicial Disabilities and Tenure for the District of Columbia, enclosed please find the Commission's Evaluation Reports for the Reappointment of the Honorable Milton C. Lee, Jr., Chief Judge of the Superior Court of the District of Columbia and the Honorable Todd E. Edelman, Associate Judge of the Superior Court of the District of Columbia.

The Commission recently conducted fitness reviews of Chief Judge Lee and Judge Edelman after receiving their respective declarations of candidacy for reappointment as Associate Judges. Following a thorough evaluation of Chief Judge Lee's judicial performance and qualifications, the Commission determined by unanimous vote that Chief Judge Lee is well qualified for reappointment to another term. Following a thorough evaluation of Judge Edelman's judicial performance and qualifications, the Commission determined by a majority vote that Judge Edelman is well qualified for reappointment to another term; Commissioner Thomas Fitton issued a dissenting opinion, voting Judge Edelman unqualified.

The Commission is an independent body created by Congress in 1970 to provide oversight of the District of Columbia Courts. Among its responsibilities is to conduct fitness reviews of DC Court judges who seek reappointment upon expiration of their terms. The Commission is made up of seven volunteer Commissioners who are duly appointed in accordance with the Commission's statute. The current Presidential appointee, Commissioner Thomas Fitton, was appointed by President Trump in 2020 for a five (5) year term.

David Alan Warrington, Esq.  
April 23, 2025

If you or your staff have any questions regarding the report or the Commission, please do not hesitate to contact us.

Sincerely,

A handwritten signature in blue ink that reads "Amy C Hatcher". The signature is fluid and cursive, with a long horizontal flourish at the end.

Amy Conway-Hatcher, Esq.  
*Special Counsel and Interim Executive Director*

Copy to: Amy L. Bess, Esq., *Chairperson*  
Hon. Diane M. Brenneman (Ret.), *Vice Chairperson*  
Thomas Fitton, *Commissioner*

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**Interim Executive Director & Special Counsel**  
Amy Conway-Hatcher, Esq

April 23, 2025

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

**Re: Evaluation Report - Reappointment of the Honorable Milton C. Lee, Jr.**

Dear Mr. President:

The District of Columbia Commission on Judicial Disabilities and Tenure is pleased to report that we have unanimously determined the Honorable Milton C. Lee, Jr., Chief Judge of the Superior Court of the District of Columbia (“Superior Court”), to be **Well Qualified** for reappointment as an associate judge. The Commission finds Chief Judge Lee deserving of this designation based on his excellent record and performance as an associate judge, as well as his exceptional dedication and strong leadership, thoughtful scholarship, and many contributions to the Court and the community. The Commission finds that Chief Judge Lee not only consistently reflects credit on the judicial system himself, but through his leadership, mentorship, and by example, he encourages and empowers his colleagues and staff to do the same. Therefore, and in accordance with the Commission’s governing statute, Chief Judge Lee’s term shall be automatically extended for a full term of fifteen years upon the expiration of his current term on June 23, 2025.

This Report provides an overview of the Commission’s statutory powers and the basis for the Commission’s determination.

## I. Statutory Framework

Among its duties, the Commission is responsible for evaluating Associate Judges in the District of Columbia Courts (“DC Courts”) who seek reappointment to additional fifteen (15) year terms.<sup>1</sup>

Specifically, if a judge declares his or her candidacy for reappointment, the Commission must “prepare and submit to the President a written evaluation of the declaring candidate’s performance during her or his present term and his or her fitness for reappointment to another term.”<sup>2</sup> Under the statute, the Commission has three options:

- If the Commission determines the declaring candidate to be **well qualified** for reappointment to another term, then the term of the declaring candidate shall be automatically extended for another full term, subject to mandatory retirement, suspension, or removal.
- If the Commission determines the declaring candidate to be **qualified** for reappointment to another term, then the President may nominate the candidate and then shall submit the nomination to the Senate for advice and consent to the renomination of the 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 Commission determines the declaring candidate to be **unqualified** for reappointment to another term, 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.

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<sup>1</sup> [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. See DC Code § 1-204.33.](#) While section 1-204.33(a) governs the nomination and appointment of associate judges to the DC Courts, section [1-204.33\(c\)](#) vests the responsibility of evaluating judges for renomination or reappointment to the Tenure Commission.

<sup>2</sup> The Commission must file its report not less than sixty days prior to the expiration of the declaring candidate’s term of office. *Id.*

[DC Code § 1-204.33\(c\)](#) (emphasis added).

The Commission reserves the recommendation of “well qualified” for those judges whose work product, legal scholarship, dedication, efficiency, and demeanor are exceptional on the bench, and where the candidate’s performance consistently reflects credit on the judicial system. The Commission will find 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. The Commission will find a judge “unqualified” if he or she is found to be unfit for judicial service.

## **II. The Commission’s Evaluation of Chief Judge Milton C. Lee, Jr. as “Well Qualified”**

Chief Judge Lee is a widely respected and admired leader, a tireless public servant, and lifelong resident of the District of Columbia who is deeply committed to the city. He is a talented judge who interprets and applies the law fairly and impartially, while ensuring those who appear before him feel seen and heard. He aptly describes his approach to judicial service as one that “promotes fair and comprehensive case resolution aimed toward administering justice of the highest quality.” When viewed against the entirety of his record, this approach is evident not just in individual cases over which he presides, but in the broader initiatives, committee assignments, and community outreach that he has engaged in over his judicial career.

Chief Judge Lee has a very strong work ethic, manages his calendars efficiently, and brings a wealth of experience to his judicial and leadership responsibilities. In individual cases, the Commission finds his decision-making to be sound, and that he adeptly maintains the difficult balance of being tough but fair, and firm but patient as he carries the weight of decisions that inevitably impact the lives of those before him.

The Commission was most impressed with Chief Judge Lee’s innate ability to bring

stakeholders together to understand and solve difficult problems cooperatively where justice cannot otherwise be served. As described further herein, examples include initiatives like the “Fathering Court” and the development of the Arraignment Court Operations Manual, where Chief Judge Lee has shown that he is a true collaborator and team builder. His leadership of the Superior Court could not be more important at this challenging moment in the District’s history where the court is forced to navigate extensive judicial shortages, budget cuts, burgeoning caseloads, and changes in the practice of law in the post-COVID environment.

#### **A. Chief Judge Lee’s Candidacy for Reappointment**

Chief Judge Lee formally declared his candidacy for reappointment on October 21, 2024, and submitted all required materials before the statutory deadline. Although he had just completed a thorough review as part of the competitive process related to his designation as Chief Judge, he approached this reappointment evaluation with equal attention, thoughtfulness, purpose, and seriousness.

Chief Judge Lee’s comprehensive written materials in support of his candidacy were superb and a model for judges seeking reappointment, including: (i) extensive information about his experience as Associate Judge of the Superior Court, including professional experiences that informed his approach to judicial service; (ii) calendar and Court committee assignments, including related leadership roles, accomplishments, and contributions to the DC Courts, the Bar, and the community, (iii) writing examples, including written opinions and orders, publications, and the Superior Court Arraignment Court Operations Manual, which he helped author; (iv) his experience with teaching, training, community engagement, public speaking, and publications; and

(v) updated medical forms confirming medical fitness for service.<sup>3</sup> The Commission publicly announced Chief Judge Lee’s candidacy for reappointment on December 2, 2024, and opened a public comment period seeking input from the community, the Bar, and the bench. The public comment period remained open until January 31, 2025.<sup>4</sup>

As part of its reappointment evaluation, the Commission: (i) reviewed Chief Judge Lee’s written statement and application materials, (ii) reviewed public comments and other information shared with the Commission; (iii) conducted extensive independent interviews of judicial colleagues, court staff, attorneys, Sentencing Commission staff, Law School Deans, and others; (iv) evaluated Chief Judge Lee’s assignments and appellate record; (v) reviewed the Commission’s internal records; and (vi) reviewed information published by the Judicial Nominations Commission (“JNC”) as part of his designation as the thirteenth Chief Judge of the Superior Court.<sup>5</sup> Chief Judge Lee also made himself available to meet with Commissioner Patrick Jackson, the commissioner assigned to lead his fitness review. On March 12, 2025, the full Commission met with Chief Judge Lee for a formal interview.

### **A. Background and Contributions**

At the outset of his written submission, Chief Judge Lee shared a heartfelt statement of his abiding commitment to the Superior Court, his colleagues, and the citizens of the District of

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<sup>3</sup> The selection of Chief Judge is determined by the Judicial Nominations Commission (“JNC”) following a rigorous candidacy and review period. On July 26, 2024, the JNC announced its designation of the Honorable Milton C. Lee, Jr., to succeed retiring Chief Judge Anita Josey-Herring as Chief Judge.

<sup>4</sup> See Commission Press Release at [The Commission on Judicial Disabilities and Tenure Opens the Public Comment Period for Reappointment Evaluations of Chief Judge Milton C. Lee, Jr. and Judge Todd E. Edelman, Superior Court of the District of Columbia | cjdt](#) (Dec. 2, 2024). As part of its broad solicitation of inputs and commentary, the Commission contacted numerous highly regarded legal institutions and organizations in the District of Columbia to encourage input and commentary from a wide range of practitioners who have appeared before or worked with Chief Judge Lee. To encourage candid and open feedback on the judge’s judicial service and performance, the Commission does not disclose the identity of a commenter without the commenter’s consent.

<sup>5</sup> The Commission’s files include, among other things, Annual Financial Reports filed by Chief Judge Lee, DC Bar Evaluations, complaints received and resolved by the Commission over his fifteen (15) year career, judicial timesheets, and correspondence with the Commission.

Columbia. His introductory statement also introduced his approach to problem-solving and collaboration. The 248 pages that followed spoke to the truth of what he wrote.

*It has been a privilege and an honor to serve as an Associate Judge of the District of Columbia Superior Court since June 23, 2010. In my more than 27 years in the Superior Court, and a lifetime in my beloved city, I have developed excellent relationships with every segment of the court family, the many justice stakeholders and the community, which have allowed me to develop an approach to judicial service that promotes fair and comprehensive case resolution aimed toward administering justice of the highest quality. My professional career has been dedicated to the Superior Court, and I respectfully submit the following statement and materials in support of my request for reappointment to a second term so that I can continue to serve the citizens of the District of Columbia as an Associate Judge.*

Chief Judge Lee's service on the Superior Court of the District of Columbia spans almost three decades. He joined the court as a Magistrate Judge under then-Chief Judge Eugene Hamilton in 1997 and began his service as an Associate Judge in June 2010. During this time, he developed and maintained an exceptional relationship with colleagues and staff on the DC Courts, as well as the many stakeholders and community members whom the court serves.

Chief Judge Lee earned his Juris Doctor from the Catholic University of America Columbus School of Law in 1985. Following law school, he joined the Public Defender Service for the District of Columbia as a staff attorney, representing clients in the Family, Misdemeanor, and Felony Divisions of the Superior Court. In late 1997, he joined the Superior Court as a hearing commissioner, a position that was re-designated in 2002 as a magistrate judge. He served as the presiding magistrate judge from 2006 until 2010 when he was appointed to serve as an associate judge.

During his current fifteen (15) year term, he has served in each of the Court's Divisions, except for the Probate and Tax Division, including the Family Court Delinquency, Paternity and Child Support, and Fathering Court calendars, the Domestic Violence calendar, the Criminal

Division Felony I, Felony II, and Misdemeanor Community calendars, and the Civil Division calendar.

While his judicial record and service in all assignments were consistent with the high standards set for the District's judges, two assignments stood out as representative of his goal of *"promoting fair and comprehensive case resolution aimed toward administering justice of the highest quality,"* an approach that recognizes he serves within a complex ecosystem where a party's compliance and success (or ability to comply and succeed) are dependent on a variety of factors within the system, some of which may be beyond the party's or the judge's individual control.

### **1. Fathering Court Initiative**

Chief Judge Lee presided over the Fathering Court Initiative from 2008-2014, an initiative that brought together multiple public and private agencies and organizations in a coordinated effort to create transformative change in the child support system.

Based on materials reviewed by the Commission, the Fathering Court Initiative recognized that the existing child support system was not designed for success for some litigants, particularly men re-entering the community from incarceration. The initiative's goal was to give them tools to be both financially and emotionally engaged with their children, a concept that seems simple but can be elusive depending on one's own developmental experiences as a child. The Superior Court's Fathering Court Initiative involved a collaborative partnership between the court, several governmental agencies<sup>6</sup> and the private sector to create opportunities for non-custodial parents to become meaningful contributors to the development of their children through employment,

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<sup>6</sup> Referrals to the program came from probation and parole officers, judges, the District of Columbia Office of the Attorney General.

educational training, parenting training and support groups as well as wrap around services for the entire family.<sup>7</sup> The Fathering Court Initiative received national recognition for its innovative approach to reuniting families, achieving successes in child support cases that previously would have failed, and, importantly, reducing recidivism.<sup>8</sup> With few exceptions, the men in Fathering Court not only complied with child support orders, they did not reoffend.<sup>9</sup>

## **2. Criminal Division – Presiding and Deputy Presiding Judge**

While serving on demanding Felony I and Felony II criminal calendars, two of the most difficult assignments in Superior Court, Chief Judge Lee was designated to serve as Deputy Presiding Judge and then Presiding Judge of the Criminal Division. These roles require essential engagement with stakeholders, both inside and outside of the court, on a range of complex issues to ensure the fair administration of justice. Stakeholders included the United States Attorney’s Office, Office of the Attorney General, Public Defender Services, Criminal Justice Act Attorneys, Pretrial Services Agency, the Metropolitan Police Department, the US Marshals Services, Department of Corrections, the Court Services and Offender Supervision Agency, the Department of Behavioral Health, and the Department of Youth Rehabilitation Services. Some of the complex issues included: streamlining and broadening the criminal discovery process to make information available sooner to facilitate earlier case resolutions and avoid unnecessary delays in trials;

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<sup>7</sup> To pay child support, men needed jobs. To become good fathers, they (and their families) needed mentoring and other services, such as basic financial management and parenting skills.

<sup>8</sup> In testimony before the Subcommittee on Income Security and Family Support of the House Ways and Means Committee in 2010, Chief Judge Lee reported that fathers had employment opportunities, paid child support, did not re-offend, and received support in building a relationship with their children. The entire family benefited.

<sup>9</sup> During the five years Chief Judge Lee presided over the Initiative only three men returned to prison, three graduates were granted custody of their children and two couples wed. In short, the program changed the focus of the child support system from the size of the child support award to the creation of meaningful opportunities for men, women and children to work in a system that put their collective needs first. Chief Judge Lee authored two articles that provide more information on the initiative, its goals, and successes: [“Fatherhood in the Child Support System: An Innovative Problem-Solving Approach to an Old Problem”](#) and [“Fathering Court: A New Model for Child Support Enforcement.”](#)

improved processes around competency screenings; and the efficient processing of criminal arraignments and presentments each day in Courtroom C-10 requiring collaboration among agencies with very different yet essential functions.

This collaborative approach took on even greater importance for Chief Judge Lee as Presiding Judge, and now as Chief Judge, given the unusually high number of judicial vacancies which show no signs of abating. In times where the Court cannot staff calendars due to multiple judicial vacancies, in particular in the Criminal Division, the impact of multiple judicial vacancies can result in a criminal calendar (or other calendars on the court) not having a permanent judge assigned and the need to develop creative ways of calendar sharing among already overburdened judges, including those in leadership positions. Chief Judge Lee has nothing but praise for his many colleagues who have sacrificed a great deal and worked long hours to support each other and to assure cases in the Criminal Division and other divisions continue to be managed.

The Honorable Lynn Leibovitz, who served as Presiding Judge during Chief Judge Lee's tenure as Deputy Presiding Judge, noted their different prosecution and defense backgrounds and highlighted the importance of their successful partnership. In a letter to the Commission, she wrote:

*[W]hen complicated issues of law and practice came up in our matters or were raised by other judges, it turned out that we agreed on how to handle these much more often than predicted. Judge Lee was a great partner in our management team.*

Judge Leibovitz further wrote of her great respect for Chief Judge Lee's judgment and decision making:

*Judge Lee is measured and fair and is not in any way doctrinaire or biased toward one side of the podium over the other. He is kind to and patient with litigants, even when he feels that they have overstepped. He works hard to insure that safety is a consideration in his decisions, and that due process is afforded to all persons who appear before him. He has common sense and demonstrates deep knowledge of the law and rules that govern his decisions. Judge Lee is not fearful of criticism and does not hesitate to do the right and generous thing and does not act for reasons of favor, outside pressure, or public opinion.*

*As a judicial leader, Judge Lee always has been tremendously supportive of his colleagues. He understands the value of 'paying it forward.' When a colleague is facing an unanticipated personal issue, he is the first to pick up and personally handle that colleague's daily calendar, without saying a word or asking for recognition. When he sees a need for support in a particular courtroom because of high volume, he is the first to volunteer or seek volunteers to assist. He distributes information about honors and awards received by other judges and recognizes contributions to the Court's functioning by others. He is a remarkable partner with outside stakeholders, finding common ground and giving credit where credit is due. I believe he is a great Chief Judge. Judge Lee has given a lot to the DC Superior Court. He hopefully will continue to serve us all and the citizens of our city for a long time.*

These sentiments are consistent with those shared by colleagues and Court partners alike and are representative in the admiration for Chief Judge Lee's approach to his cases, his leadership, and style of problem-solving.

### **3. Committees**

The role of a Superior Court associate judge requires extraordinary commitment beyond calendar assignments, case management, and legal rulings. Judges take on added responsibilities for Committee assignments and leadership positions over the course of their terms, as assigned by the Chief Judge.

In addition to his duties as a trial judge, between 2016-2024, Chief Judge Lee has held more than twenty (20) committee and subcommittee assignments that further exemplify his unwavering commitment to the DC Courts, his colleagues and staff, the improvement of the practice of law in the DC Courts, and the improvement of court services that benefit the community of all who come before the District's local courts. Each year, he has served as the Chair on at least one (1) of the respective committees or subcommittees, for a total of nine (9) designated leadership positions. While all assignments are of significance, two committees of note are described below.

- **The Joint Committee on Court Administration.** Chief Judge Lee served on the Joint Committee on Court Administration in 2018-2019, and he has returned to the Committee

as Chief Judge. The Committee, which consists of both Chief Judges, a member of the District of Columbia Court of Appeals, and two members of the Superior Court bench, oversees and manages the Court's budget and sets Court policy. His membership on the committee then and now spans budget cycles where the Court has faced and is facing significant challenges due to judicial vacancies and a multi-million dollar decrease in appropriated funds. Given the negative impact on the Court's ability to perform at expected levels, extensive work is required to protect the core functions of the Court and impacts on staff. Chief Judge Lee's experience in 2018-2019 makes him uniquely capable of leading the Court through the current crisis where judicial vacancies are at unprecedented levels amidst increasing workloads and the resulting inevitable backlogs and delays in the administration of justice. Chief Judge Lee's collaborative leadership approach and vision are invaluable to sustain the Superior Court during what may prove to be one of the most challenging times for the Court post-pandemic.

- **The District of Columbia Sentencing Commission.** Chief Judge Lee's service on the District of Columbia Sentencing Commission, both as a member and Chair, also is notable. The Commission's mission is to implement, monitor, and support the District's Voluntary Sentencing Guidelines, promote fair and consistent sentencing policies, increase public understanding of sentencing policies and practices, and evaluate the effectiveness of the guideline system to recommend changes based on actual sentencing and corrections practice and research. The Commission actively engages with the community to better educate the city's residents on its mission and function to provide greater transparency and hear the concerns of the community. In response to the Secure DC Omnibus Amendment Act of 2024 on March 11, 2024, the Sentencing Commission ranked a series of twelve new offenses and several sentencing enhancement provisions, largely by consensus, which was no small accomplishment given the Commission's diverse composition and the need to find common ground among vastly different institutional, governmental and private entities.

### **B. Designation as Chief Judge**

After an extensive and competitive evaluation process, Chief Judge Lee was designated by the Judicial Nominations Commission ("JNC") on July 26, 2024 to succeed Hon. Anita Josey-Herring as the thirteenth Chief Judge of the Superior Court of the District of Columbia. He assumed office on October 1, 2024. In its public announcement, the JNC stated:

*"In making this designation, the Commission carefully considered the results of each candidate's background investigation, interviews, public comments, and statement of interest. The Commission also took into consideration each candidate's experience, qualifications, judicial temperament, interest and experience in Court administration, ethics, commitment to diversity, leadership skills, ability to advocate for and promote confidence in the judicial*

*system, intellectual leadership, and vision for the Superior Court, including plans for addressing the unique challenges facing the Court in the coming years.*

*The Commission invited public comment on each candidate, and it is pleased to note that it received more than 300 letters, evaluations, and calls from a diverse group of individuals and organizations. The Commission expresses its sincere appreciation to all those who took the time to submit the many thoughtful and insightful comments received...”*

See [The Honorable Milton C. Lee, Jr., Designated Chief Judge of the Superior Court of the District of Columbia | jnc](#). While the Commission on Judicial Disabilities and Tenure plays no role in the selection of Chief Judges by the JNC, this Commission was requested to and did provide information to the JNC for its evaluation. Commissioners also attended several events to hear each of the highly respected candidates speak on their vision for the Superior Court, leadership style, judicial ethics, and their approach to the many challenges the court faces. In its press release regarding Chief Judge Lee’s designation, the JNC wrote:

*Judge Lee has devoted his legal career to serving the citizens of the District of Columbia. He is a native of the District of Columbia. Judge Lee obtained his Juris Doctor degree from the Catholic University of America, Columbus School of Law. Following law school, he joined the Public Defender Service for the District of Columbia as a staff attorney, representing indigent persons in the Family, Misdemeanor, and Felony Divisions of the Superior Court. He also argued a number of cases before the District of Columbia Court of Appeals.*

*Judge Lee joined the Superior Court as a Hearing Commissioner in November 1997. The position of Hearing Commissioner was redesignated as Magistrate Judge in 2002 with the passage of the Family Court Act. Judge Lee served as the Presiding Magistrate Judge from 2006 until President Barack Obama appointed him to serve as an Associate Judge in 2010. Since joining the Superior Court nearly twenty-seven years ago, Judge Lee has served in the Family, Civil, and Criminal Divisions.*

*Judge Lee has demonstrated exceptional leadership abilities throughout his tenure at the Superior Court. He has served as the Presiding and Deputy Presiding Judge of the Criminal Division. Judge Lee served on the Joint Committee on Judicial Administration and the Superior Court’s Judicial Leadership Team. He has also led numerous initiatives to improve the quality of justice and service to litigants and attorneys alike. For instance, he is credited with spearheading the development of the Superior Court’s Fathering Court. The initiative represented a partnership*

*between the Court, several governmental agencies, and the private sector that was directed toward creating opportunities for noncustodial parents to become meaningful contributors to the development of their children. The Fathering Court Initiative garnered national recognition for its innovative problem-solving approach to reuniting families. . . .*

Since Chief Judge Lee began his tenure in October, this Commission has met with him almost monthly on various issues ranging from fitness reviews of judges, community concerns, operational issues that may impact judicial performance, and other matters. In addition, Commission leadership and the Commission's Special Counsel have regular contact with the Chief Judge and his staff. Despite his extraordinarily busy schedule, the Commission has found Chief Judge Lee to be generous with his time, very thoughtful, informative, responsive, humble, supportive, candid, and a strong advocate for the court and his colleagues while also providing the Commission with trusted input on sensitive matters. The Commission has found its working relationship with Chief Judge Lee to be productive and highly professional. He is a dedicated public servant who is deeply committed to the public and the Court as an institution. Importantly, we have found him to be a strong leader who has high performance expectations and who leads with integrity to advance the public interest in the fair, competent, and efficient administration of the courts, while also remaining a strong advocate and support for his colleagues wherever possible.

### **C. Appellate Record, Written Orders, and Scholarship**

The Commission reviewed Chief Judge Lee's appellate record from 1998 to 2024, including his time as magistrate and associate judge. As the statistics show, he has an excellent appellate record, including a total of 175 appeals over a twenty-six-year period, the majority of which were affirmed or dismissed and only four (4) were reversed.

- 72-Affirmed
- 5-Affirmed/Reversed/Remanded in Part

- 76-Dismissed
- 8-Order Denying Petition
- 4-Remanded
- 3-Reversed
- 1-Reversed and Remanded
- 1-Vacated and Remanded
- 2-Vacated and Affirmed
- 2-Vacated/Remanded in Part

In addition to his appellate record, the Commission reviewed several written orders and articles written by Chief Judge Lee. His written orders and legal analysis are clear, well-written, and demonstrate his sound application of the law. The Commission has no doubt that he is thorough, thoughtful, and a highly competent jurist.

#### **D. Medical Fitness**

The Commission and its consultant physician have reviewed the report from Chief Judge Lee's physician. The Commission's physician concurred with Chief Judge Lee's physician that he is in good medical condition and is medically fit for service.

#### **E. Commission Files**

The Commission examined its own files containing historical information regarding Chief Judge Lee's tenure on the Court and found no cause for concern. Chief Judge Lee has filed all statutorily required Annual Financial Reports. In addition, Chief Judge Lee has never been the subject of a serious complaint. In fact, the Commission has received only three (3) complaints concerning Chief Judge Lee over his current fifteen (15) year term, none of which was serious, and each of which was dismissed at first review for lack of jurisdiction and/or lack of merit.<sup>10</sup>

#### **F. DC Bar Evaluations**

Each year, the D.C. Bar Judicial Evaluation Committee ("JEC) invites Bar members who

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<sup>10</sup> The Commission often reviews audio files of hearings in the event of temperament concerns. Again, there were not notes of any concerns by the Commission's counsel.

have appeared before certain selected judges who serve on the D.C. Court of Appeals and the D.C. Superior Court to provide their feedback in an anonymous survey.<sup>11</sup> Chief Judge Lee was reviewed in 2014-2015, 2016-2017, 2020-2021, and 2023-2024. Among the distinguishing elements of his evaluations are the high number of responders relative to other judges, the high ratings received, and the overwhelming positive comments. In fact, Chief Judge Lee received many scores in specific areas that surpassed his peers. Chief Judge Lee's overall rating from the most recent 2023-2024 D.C. Judicial Evaluation Survey was higher (3.47) than the average for all judges (3.23) with 39 survey responses, and the written comments included many strengths that Chief Judge Lee brings to the Court.

Consistent themes and adjectives used in his evaluations include his respectful treatment of litigants, collegiality, neutrality and his fairness, patience, compassion, temperament, good nature, and calm presence. Nearly every respondent confirmed his kind, generous demeanor while determining all cases based on his deep knowledge of the law. He is viewed as smart, well-prepared, straightforward, attentive, and someone who *“deeply cares about the community and the people who find themselves in his courtroom.”* Among the specific comments the Commission reviewed included: *“Judge Lee is very patient and allows litigants to be heard. He has a kind demeanor on the bench and sets a positive tone for his courtroom and keeps cases moving in a timely manner,”* all of which are important skills in a trial judge in one of the busiest courts in the nation. Another comment included: *“He knows the law. He is exceptionally smart. He is*

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<sup>11</sup> Judges are selected for review each year based on years of service and certain other factors. The evaluation reports are provided to the Commission, the judge, and the Chief Judge of the judge's court. While there are some limitations on the evaluation's utility depending on the quality and specificity of the responses and the fact that evaluations are anonymous, these evaluations do offer an important opportunity for attorneys to share – and judges to receive and reflect on – constructive feedback on his or her performance, including both strengths and opportunities for improvement during their judicial term. The Commission will often meet with judges formally or informally to discuss their reviews and if a potentially concerning pattern of conduct or incident of concern is disclosed, the Commission will discuss it with the judge and monitor for improvement.

*personable and has a good sense of humor.*” Even when a party loses, there is respect for his rulings:

*“I tried two cases in front of Judge Lee within the past month. He presided over a very fair trial both times. He grasped the subtleties of both sides’ arguments. For example, in finding my client guilty in the second case, he re-stated my arguments better than I had. I knew I had been heard.”*

Among other notable comments included:

*“Judge Lee is one of the most neutral judges to appear in front of. He never appears biased, is always thoughtful and respectful in how he communicates his reasoning, and treats everyone in the courtroom (including defendants and victims’ and their families) with respect.”*

*“Judge Lee is smart and knows the law. That is bedrock. What is exceptional about him is his personal touch in the courtroom. He is warm and generous to staff and litigants. Judge Lee is smart, fair, and has a perfect judicial temperament for handling serious criminal cases.”*

*“There’s a good reason that litigants and family/community members leave Judge Lee’s courtroom feeling heard and fairly treated - he is an amazing judge who really listens and speaks to everyone in the courtroom. More than any other judge on the bench, you can tell he deeply cares about the community and the people who find themselves in his courtroom. Defendants he releases early seem to be the most likely of any early released defendants to actually comply with supervision and stay on the right path.”*

As with all judges, Chief Judge Lee received some constructive and some critical feedback, which was worthy of awareness and reflect. Such feedback, however, was outweighed by many positive comments.<sup>12</sup> For example, while there were a few comments on his personal approach in the courtroom, others genuinely welcomed it and saw it as a strength in maintaining order, putting

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<sup>12</sup> Where comments are negative or harsh for any judge, the Commission must rely on commenters to be specific to fairly evaluate any issues of concern. General negative comments without specific details or examples or pattern can be less probative, reflect a personal perception or reaction of a litigant, and/or limit the Commission’s ability to follow-up with the judge. As with all judges, there were a few negative individual commenters that raised questions about the judge’s treatment of them. However, without details, and against the backdrop of overwhelmingly positive feedback and lack of complaints, there was nothing for the Commission to review. That said, the Commission is aware that Chief Judge Lee takes all comments seriously and, to demonstrate his interest in improvement, at least one commenter in the 2014-2015 evaluation specifically commented on his improvements, how he has “*grown into the job,*” and described him as “*a great judge now.*”

people at ease, and making people feel heard and seen. Others were concerned his approach was too casual and detracted from serious matters under review. However, comments that generally critiqued the manner of his rulings were offset by equally positive and praiseworthy comments on the same point. On constructive points, such as scheduling challenges and backlogs, Chief Judge Lee is aware of the challenges, but the Commission also fully acknowledges the very real and correlating impact of the significant rise in cases filed and impact of judicial vacancies across the DC Courts and on the Superior Court as a whole.

### **G. Public Commentary on Chief Judge Lee’s Candidacy for Reappointment**

The Commission had the opportunity to conduct interviews and review written and oral inputs from judicial colleagues and peers, courtroom staff, clerks, attorneys, Sentencing Commission staff, Law School Deans, and others regarding Chief Judge Lee’s performance, including his demeanor and temperament. In every discussion, the interviewees could not be more complimentary about Chief Judge Lee, including his investment in the community, his respect for all parties and employees with whom he interacts, and his command of the law.

He was described as *“personable, approachable, and deeply committed to providing an explanation to all defendants, allowing the law to be understood,” “intelligent, dedicated, kind, and reaffirming,” “always collegial and an excellent temperament,”* and he treats everyone equally no matter your role, title, or stature. Another commenter said Chief Judge Lee has the *“ability to make the court more accessible by demystifying the process and increasing the transparency of the Court. In every instance, he never failed to make himself available in a civic regard, and professional regard. He is deeply committed to his work and to the District of Columbia.”*

Among comments from institutional litigators who commented, one wrote:

*“Chief Judge Lee embodies the qualities essential for judicial leadership: fairness, integrity, and an unwavering commitment to justice. Throughout his*

*tenure, he has demonstrated a deep understanding of the complexities of the legal system and the challenges faced by all stakeholders. His approach is marked by intelligence, responsiveness, and a dedication to problem-solving, ensuring that the court operates with both efficiency and fairness.*

*Judge Lee's leadership is defined by his willingness to engage with all actors in the justice system—defense attorneys, prosecutors, advocates, and court personnel alike—working collaboratively to strengthen the administration of justice in the District. His thoughtful and solution-driven approach has been instrumental in addressing critical issues, improving court processes, and fostering a system that serves the community with integrity and respect.*

*His commitment to these principles makes him not only an outstanding Chief Judge but also a trusted and respected leader in the D.C. legal community.*

Colleagues spoke admiringly of Chief Judge Lee's common sense, intellect, encyclopedic knowledge of the law, and his collegiality. They commented on his dedication to the Court and community, his investment in other judges by sharing his knowledge, his universal investment in staff and their admiration of him. One judge who has known Chief Judge Lee for 25 years, remarked: *"He is a natural teacher, so clear and instructive, and he has made a difference in so many lives."* Another commented that his best asset is that he is a great listener, an outstanding leader, first among equals. A newer judge to the Court complimented him on his candor, stating, *"he is honest, astute, and provides well thought out opinions... and a skilled judicial officer who is meeting the challenges of the difficult environment of today. He is a genuine person who loves the DC Court and the community."*

All active former Chief Judges confirmed their unequivocal support of Chief Judge Lee's reappointment and shared observations that are consistent with other positive information provided to the Commission and the Chief Judge's overall record. Hon. Judge Robert E. Morin, former Chief Judge and now a senior judge, stated:

*"In my opinion Chief Judge Lee is an exemplary judicial officer who is a credit to the Court and his community. When I became Chief Judge, he was in the important*

*position of Presiding Judge of the Criminal Division, which is a challenging position during which he presided over a Felony I Calendar. During my tenure as Chief Judge I nominated him, and the Board of Judges voted that he be appointed as a member of the Joint Committee on Judicial Administration, the policy-making body of the Courts. I relied very much on his advice and counsel during my tenure as Chief Judge. He is always thoughtful and insightful in his advice and decision-making. He is respected by his colleagues and members of the bar and public because of his fair treatment of those who come before him. He is a person who is generous with his time working with others, and with whom I have great respect. I wholeheartedly support his request for renomination.”*

Another former Chief Judge has similar positive comments regarding Chief Judge Lee and the tremendous respect he has earned inside and outside the Court.

Regarding the Fathering Court program, one commenter attributed the program’s success to Chief Judge Lee’s engagement. He said, “[t]he newly released, formerly incarcerated fathers needed a leader in that court who would meet them where they were, empower them to re-engage in their families and hold them to a high standard without making them feel ashamed of prior transgressions. Judge Lee embodied those needs.”

All interviewees spoke of Chief Judge’s commitment to the community. In finalizing this report, Commissioner Jackson, who was assigned to Chief Judge Lee’s review, reported to the full Commission that he found these comments to be “wonderfully reinforcing about the leaders we have in the court system, especially in the Chief Judge, and their role in the adjudication of justice in the District and that kindness and community investment are not antithetical to strong leadership and high performance.”

#### **H. Technology Advancements and Artificial Intelligence in the Future**

Chief Judge Lee has demonstrated a commitment to using technology to improve the administration of justice and the productivity of the court system. He has formed a task force to study and recommend best practices to utilize artificial intelligence, changes that are inevitable in the practice of law and in litigation. As part of creating awareness and ongoing dialogue in the

profession, he and Chief Judge Blackburne-Rigsby prepared a cutting edge presentation for the upcoming DC Bar Judicial Conference this week to inform the public about potential uses of artificial intelligence. The presentation is titled "Traditions of Civility and Ethics in the Age of Artificial Intelligence" and will review the impact of the rapid advancement of artificial intelligence on the legal profession, as well as the implications of AI as the profession finds itself at a crossroads between innovation and tradition. The presentation will explore the costs and benefits of AI integration into the legal system and will reflect on the lessons learned from going virtual during the COVID-19 pandemic. The presentation also will examine ethical challenges AI presents for judges and attorneys, as well as possible balanced approaches to innovation that respects behavioral norms and professional responsibilities.<sup>13</sup> This type of innovative and critical thinking and leadership will serve the Superior Court well at a critical time in the DC Court's and the legal profession's history.

### **I. Commission Interview of Chief Judge Lee**

In Chief Judge Lee's formal interview on March 12, 2025, true to his nature, he was humble in his remarks and generously shared credit for his successes with his colleagues and staff. He reflected on the deep connection he feels to the community and how privileged he is to serve as a judge, all while remaining focused on his new duties as Chief Judge and responsibilities to tackle daunting challenges ahead with cautious optimism. In the closing to his written submission, he wrote:

*I began a four-year term as Chief Judge of the Superior Court on October 1, 2024. Reappointment to a second term as an Associate Judge will permit me to continue to lead the Court and to serve the citizens of the District of Columbia. For the Superior Court of the District of Columbia to continue to meet its mission, the Court will need to continue to reset and expand its relationship with its stakeholders as well as every segment of the community. To accomplish this goal, the Court must*

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<sup>13</sup> The presentation received continuing legal education certification.

*continue efforts directed toward removing barriers that limit access to justice through the continued use of remote technologies. This must include efforts to carefully manage the Court's budget so that sufficient funding will be available to meet operational needs.*

*The Court has faced challenges before and has always developed innovative solutions that promote trust and confidence in the judiciary. We have continually demonstrated the strength and commitment of our more than 800 employees as we move forward together in this new justice landscape. As Chief Judge, I will continue the great work of the Court. To confront these new challenges, I will draw on my judicial and administrative experience to work closely with the bar, agency leaders and the community to collaboratively resolve issues consistent with the Court's mission. Throughout my career, I have worked within systems, worked to change systems, and, in some instances, created systems designed to dispense justice in a fair, efficient and equitable manner. I was born in this city, and it raised me. I owe this city and its residents the best that I have to offer. Every section of the District of Columbia community is important, and our justice efforts must be inclusive of all. The Superior Court is already a great place to work. If reappointed to a second term, I will continue the Court's rich tradition by working each day to ensure that every member of the Court family lives our values. We are Superior Court Strong, and the Court will always be a place that represents the very best of what the District of Columbia has to offer.*

### **III. Conclusion**

The Commission reserves the recommendation of “well qualified” for those judges whose work product, legal scholarship, dedication, efficiency, and demeanor are exceptional on the bench, and where the candidate’s performance consistently reflects credit on the judicial system. The Commission finds that Chief Judge Lee is not only a well-qualified judge but an exceptional leader. For the foregoing reasons, the Commission finds that Chief Judge Lee’s judicial performance merits the highest category rating permitted by statute.

The Honorable Donald J. Trump  
April 23, 2025

Evaluation Report  
The Honorable Milton C. Lee, Jr.

We therefore unanimously determine that Hon. Milton C. Lee, Jr., Chief Judge of the Superior Court of the District of Columbia, to be well qualified for reappointment, and that his term shall be automatically extended for a term of fifteen years upon expiration of his term on June 23, 2025.

Respectfully submitted,

DISTRICT OF COLUMBIA COMMISSION ON  
JUDICIAL DISABILITIES AND TENURE



Amy L. Bess, Esq.  
*Chairperson*



Hon. Diane M. Brenneman (Ret.)  
*Vice Chairperson*



Thomas Fitton  
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Dr. Patrick G. Jackson, MD, FACS  
*Commissioner*



Hon. Colleen Kollar-Kotelly  
*Commissioner*



William P. Lightfoot, Esq.  
*Commissioner*



Nikki Sertsu  
*Commissioner*

CJDT/ach

cc: Hon. Milton C. Lee, Jr.