

Panel Provides Insider's View on How to Become a D.C. Judge

After a judge from the District of Columbia Courts retires, resigns, or otherwise vacates his or her position, a process begins to fill the newly created vacancy. While the process has become more transparent, many legal professionals with judicial aspirations are uncertain of how the judicial nomination process functions in practice.

On April 17 a panel of experts, including two judges and a White House lawyer, discussed the ins and outs of the process, giving attendees an insider's view on how to become a judge in the District. The panel, moderated by Addy R. Schmitt, counsel at Miller & Chevalier Chartered, was held as part of the 2015 District of Columbia Judicial and Bar Conference.

Upon the announcement of a new vacancy, the D.C. Judicial Nomination Commission (JNC) has 60 days to collect applications and nominate three individuals. The JNC then sends those three names to the White House for evaluation by the president, who has 60 days to select his nominee and submit that individual's name to the U.S. Senate for confirmation.

Natalie O. Ludaway, D.C. chief deputy attorney general and JNC commissioner, stressed the importance of an applicant's ability to articulate exactly why he or she wants to be a judge. The JNC looks for applicants who are aspiring to the bench for the right reasons and, according to the panel, "better work-life balance" is not a good answer.

Additionally, the JNC searches for applicants who demonstrate excellent judgment and integrity, as well as a stable temperament, punctuality in arriving at court, and timeliness in drafting and releasing opinions.

Applicants are asked to provide a list of cases that boost their qualifications for the position.

D.C. Superior Court Judge Russell F. Canan, chair of the court's Committee on the Selection and Tenure of Magistrate Judges, said applicants should avoid creating a "greatest hits" list of victories, highlighting instead those cases "that taught [them] something about being a judge."

JNC Chair Judge Emmet G. Sullivan of the U.S. District Court for the District of Columbia also emphasized that applicants must be bona fide residents of the District for at least 90 days prior to nomination. A P.O. Box or a second residence in the District does not qualify one to become a judge, and neither does a promise to relocate following confirmation of a judicial appointment.

The competition is stiff, but the panelists encouraged anyone meeting the qualifications to apply, citing that many sitting judges applied more than once before making it to the bench.

"Don't get discouraged," Judge Sullivan said. "Having been through this process as an applicant, and as a member of this committee, I know how emotional this process can be. I know how it drains people."

Woody N. Peterson, senior counsel at Dickstein Shapiro LLP and a commissioner on the JNC, said those interested in becoming a judge may be hesitant to apply because they "self-select," telling themselves they don't have enough experience or have the wrong kind of experience for particular judicial positions.

But, according to the panelists, the JNC looks for diverse candidates with varied backgrounds and experience. Qualified interested individuals should ignore any doubts they might have and apply anyway.

"Don't assume that you can't be a candidate," Peterson said. "Let somebody else decide that for you."

At the White House, after the JNC has forwarded the names of three candidates, Christopher D. Kang, deputy assistant to the president and deputy counsel to the president at the Office of White House Counsel, and his team look for thoughtful, self-aware, and honest applicants.

Kang said he asks the candidates three questions: Why do they want to be a judge on the court, why are they applying now, and what is their biggest challenge. In particular, Kang looks for applicants who project both confidence and humility when answering those questions.

If an applicant makes it through the gauntlet of the judicial nominations process, his or her career options do not necessarily end on a D.C. court. Many judges have gone on to positions at the U.S. Court of Appeals for the District of Columbia Circuit, the U.S. District Court for the District of Columbia, the U.S. Department of Justice, the District government, or at law firms.—
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