

THE HONORABLE JERRY STEWART BYRD
ASSOCIATE JUDGE
SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Jerry Stewart Byrd, formerly a Magistrate Judge with the Superior Court of the District of Columbia, was appointed to become an Associate Judge of the Superior Court in 2003 by President George W. Bush.

Judge Byrd was born in Greenville, South Carolina on December 11, 1935, one of five children born to Elliott and Ethel Byrd. He attended the Greenville County Public Schools, graduating from high school in June 1953. In September 1954, Judge Byrd enlisted in the United States Army where he served as a gunner in a field artillery battalion in Wertheim, Germany and later in April 1956 at Fort Carson, Colorado. He also served in the Fort Carson Colorado Army Band and was honorably discharged in September 1957.

After his discharge, Judge Byrd entered Fisk University in Nashville, Tennessee, where he graduated, *cum laude*, in June 1961, with an A.B. degree in physics. He was a member of the Beta Kappa Chi Scientific Society, president of the Omega Psi Phi Social Fraternity, and in his senior year was elected president of the Student Council. Declining graduate scholarships in physics at the Northwestern and Michigan State Universities, Judge Byrd enrolled in the Howard University School of Law. He was a member of the Howard Law Journal and authored a note entitled, *Parental Immunity in Negligence Actions Abolished*, 9 How. L.J. 183 (1963). He graduated from Howard Law School, *cum laude*, in June 1964. In April 1975, Judge Byrd obtained an Associate Degree in Business Administration from the Southeastern University in Washington, DC.

Judge Byrd was admitted by examination to the District of Columbia Bar in January 1965 and by examination to the South Carolina Bar in April 1965. Between August 1964 and January 1965, Judge Byrd worked for the Regional Advice Branch of the National Labor Relations Board. He resigned to join the staff of the Neighborhood Legal Services Program in January 1965. He was promoted to managing attorney September 1965, and became Deputy Director in early 1970.

While at the Neighborhood Legal Services Program, Judge Byrd was the appellate and trial attorney in *Thompson v. Mazo*, 421 F.2d 1156, 137 U.S. App. D.C. 221 (1970), *rev'g* 345 A.2d 122 (D.C. App. 1968), a case of first impression at the time. The U.S. Court of Appeals held that a D.C. statute which required the posting of a money bond before the issue of title could be raised in a landlord and tenant action did not mandate the payment of a *lump-sum* money bond by a tenant who did not have the ability to pay a *lump-sum* amount, and where the tenant could provide another form of security, such as paying the monthly rent into the registry of the court.

In late 1971 Judge Byrd entered the private practice of law, working briefly with the firm of Thompson, Evans and Dolphin, and finally as a sole practitioner where he argued the appeal in *Dormu v. Gill*, 227 A.2d 104 (D.C. App. 1970). The Court of

Appeals for the District of Columbia held that the summary dismissal of a false arrest and false imprisonment case at the pre-trial conference was error, where the *pro se* plaintiff did not plead one element of his case and where there were factual disputes. The Court said that the *pro se* plaintiff should have been given an opportunity to supply a statement of facts that would support the cause of action. The case was remanded for a trial.

During this period, Judge Byrd was also employed by the Washington Center for Metropolitan Studies and taught undergraduate courses in Constitutional Law, Administrative Law, and American Judicial Process in the Political Science Department of Howard University.

Between January 1972 and March 1973, Judge Byrd worked as the supervising attorney for the United Planning Organization's Model Cities Consumer Protection Program. While in that position, he testified before the Federal Trade Commission on consumer matters (*see Federal Register*, Vol. 40, No. 223, p. 53515-6) and before the D.C. Council. In October 1974, Judge Byrd was appointed by Mayor Walter Washington to serve on the five-member D.C. Consumer Repair Board. He remained a member until November 1977.

In February 1981, Judge Byrd became a hearing commissioner (now Magistrate Judge) in the Superior Court of the District of Columbia. He served until September 1997 at which time he resigned to take a position as a U.S. Administrative Law Judge with the Office of Hearing and Appeals of the Social Security Administration in Harrisburg, Pennsylvania. He later resigned the Administrative Law Judge position and returned to the Superior Court in January 1998.

Judge Byrd has authored and published over twenty decisions in the Daily Washington Law Reporter, the most recent ones being, *Y.J.K. v. D.A.*, 133 Daily Wash. L. Rptr. 1979 (Super. Ct. September 9, 2005); *Prisco v. Stroup*, 132 Daily Wash. L. Rptr. 2513 (Super. Ct. November 2, 2004); *S.B. v. A.D.W.*, 131 Daily Wash. L. Rptr. 2429 (Super. Ct. October 23, 2003) (Concealment of the custodial parent and minor child is a defense to child support arrears that accumulated during the period of concealment); *Neely v. McCray*, 129 Daily Wash. L. Rptr. 2397 (Super. Ct. September 26, 2001) (Superior Court retains continuing, exclusive jurisdiction to terminate its child support order, even though both parents and the minor child have moved out of the District of Columbia); *Terrace Manor, Ltd. Partnership v. Tillery*, 129 Daily Wash. L. Rptr. 1029 (Super. Ct. Feb. 14, 2001) (Mistake of law by a *pro se* litigant is not grounds for vacating a judgment under Rule 60(b)(1)); *District of Columbia v. Lederman*, 127 Daily Wash. L. Rptr. 685 (Super. Ct. November 30, 1998); *United States v. Burke*, 125 Daily Wash. L. Rptr. 2137 (Super. Ct. June 11, 1997) (Amendment to D.C. Traffic regulation was unconstitutional on its face because not narrowly drawn).

Judge Byrd is a member of the American Bar Association, the Special Judges Division of the American Bar Association, the Washington Bar Association, the Judicial Council of the Washington Bar Association, and the National Child Support Enforcement Association. He is also a member of the Sigma Delta Tau Legal Fraternity.

Judge Byrd's hobbies include listening to classical music, especially Wolfgang Mozart and Ludwig Beethoven; the study of philosophy and religion; engaging in competitive Olympic style weightlifting; and the practice of Tae Kwon Do, he obtained his Black Belt from the Jhoon Rhee Institute Of Tae Kwon Do in 1982.

Judge Byrd has a son, Jerry, Jr., who attends George Mason University.