

REPORT OF THE FAMILY COURT PANELS COMMITTEE

I. INTRODUCTION

On April 26, 2002, Chief Judge Rufus G. King, III, issued Administrative Order No. 02-15, which created an Ad Hoc Committee designated the "Family Court Panels Committee" ("the Committee"). The Committee was constituted for the purpose of creating panels of attorneys for representation of children and other parties who are financially unable to obtain adequate representation in certain Family Court proceedings. The Committee, in consultation with the Presiding and Deputy Presiding Judges of the Family Court, was charged with recommending to the Chief Judge of the Superior Court four panels. The panels were for appointment of attorneys in juvenile proceedings, as guardians *ad litem* ("GAL's"), as special education advocates ("SEA's"), and as counsel to parties in neglect and termination of parental rights proceedings.

The administrative order explained the reasons for creation of the panels:

1. The Criminal Justice Act, D.C. Code Ann. §§ 11-2601 to 2609 (2001) ("the Act") provides that counsel appointed pursuant to the Act to represent juveniles who are alleged to be delinquent or in need of supervision and who are financially unable to obtain adequate representation, "shall in every case be selected from panels of attorneys designated and approved by the courts." D.C. Code Ann. §11-2602 (2001). The Superior Court does not have designated and approved panels of attorneys from which counsel can be selected to provide such representation.

2. The Joint Explanatory Statement of the Committee of the Conference, in a recent Appropriations Act for the District of Columbia, stated:

The conferees strongly urge the D.C. Superior Court to evaluate the quality of the legal services rendered by lawyers appointed under the Criminal Justice Act to handle juvenile delinquency cases. The Court is urged to take immediate, affirmative steps to ensure that lawyers who lack the requisite training, experience and skill are not appointed to delinquency cases.

3. The selection of attorneys from a panel to represent juveniles will assist the Superior Court in complying with the request of the Congressional conferees, with the

Court's statutory obligation under the Act, and with its constitutional obligation to provide effective assistance of counsel to indigents in juvenile cases.

4. In every neglect and termination of parental rights proceeding, the D.C. Code requires the Court to appoint a GAL who is an attorney to represent the best interest of the child. D.C. Code Ann. §16-2304(b)(5) (2001). The D.C. Code also requires the Court to appoint counsel for parents, guardians, custodians, and, in some circumstances, caretakers who are financially unable to obtain adequate representation. D.C. Code Ann. § 16-2304(b)(1) and (b)(4)(B) (2001). In addition, to promote the best interests of children in neglect proceedings, the Court sometimes must appoint a SEA. Designation and approval of panels of attorneys from which to make these appointments will assist the Superior Court in complying with its obligations to act in the best interests of the children and to provide effective assistance of counsel.

5. Designation and approval of panels of attorneys in the Family Court will assist the Superior Court in performing its oversight responsibility to promote the appointment of attorneys with a high level of advocacy skills and will improve the administration of justice in the Family Court.

Attached to this report are the lists of the attorneys whom the Committee recommends for the juvenile panel, the GAL panel, the SEA panel, and the panel for appointment of attorneys other than GAL's in neglect and termination of parental rights proceedings (the Counsel for Child Abuse and Neglect, or "CCAN," panel). Set forth below is an explanation of the process the Committee followed to arrive at these recommendations. The report concludes with some recommendations concerning the administration of the panel system in the Family Court.

II. THE APPLICATION PROCESS

Careful evaluation of hundreds of applicants, each of whom could apply to up to four different panels, requires organization of a considerable amount of data.

Accordingly, the Committee first worked with the Information and Technology Division of the Superior Court to develop necessary application and evaluation materials.¹

Thereafter, on July 18, 2002, the Presiding Judge of the Family Court, Lee F. Satterfield, issued a memorandum announcing the application process. The memorandum advised that all attorneys interested in serving on one or more of the Family Court Panels should submit an application by 5:00 p.m. on October 1, 2002.² Judge Satterfield encouraged applications from attorneys of all experience levels who were enthusiastic and committed to providing high quality representation in connection with this important work. He directed all interested persons to obtain a copy of "Directions For Applying For a Family Court Panel or Panels" from the CCAN office. The Committee made an effort to inform all attorneys who might be interested in applying for a panel about the application process and deadline.³

¹ The Committee offers special thanks to Kenneth Foor, Director of the Information and Technology Division, and Rosann Colovos and Ronald Simmons, employees of that division, for their assistance in creating the databases and reports that were critical to the Committee's work.

² At the request of the Family Court Trial Lawyers Association, the deadline was extended to November 1, 2002.

³ Copies of Judge Satterfield's memorandum were provided to Wilma Brier, Branch Chief of the CCAN Office, to be distributed in the folder of each CCAN attorney and posted in the CCAN Office. Copies of the memorandum were also placed in each attorney folder in the Criminal Justice Act ("CJA") Office. The Committee also sent every D.C. Superior Court Judge and Magistrate Judge notification of the Committee's establishment of the application process for attorneys seeking inclusion on the panels. All judicial officers were provided with a copy of Judge Satterfield's memorandum and were asked to post a copy in a prominent place in their courtrooms, or on the door of their courtrooms. A copy was also sent to the D.C. Bar, which posted an article about the panels on its official website.

Leah Gurowitz, Director of Legislative, Intergovernmental and Public Affairs of the D.C. Courts, contacted the Washington Daily Law Reporter, the Legal Times, and The Washington Lawyer. She provided each of these publications with information about the establishment of the Committee and the application process for attorneys, as well as a copy of Judge Satterfield's memorandum. A short article appeared in the September 2002 issue of The Washington Lawyer.

On July 26, 2002, the Committee also notified over 30 representatives from District of Columbia legal service providers, law schools, private bar associations and other legal organizations via e-mail. A copy of Judge Satterfield's memorandum was attached to the e-mail. The e-mail recipients were urged to disseminate the information to attorneys and law students at meetings, through list serve groups, and by any other means of distribution. Notification was sent via e-mail to the Office of Career Services at the following law schools: University of the District of Columbia, Georgetown University Law Center, the Catholic University School of Law, the Washington College of Law at American University, the George Washington University Law

The directions for applying asked applicants to obtain application materials by sending an e-mail request, in response to which the application materials would be sent by reply e-mail. For those applicants who could not obtain application materials by email, application materials were made available in the CCAN office. The application materials in the CCAN office included a hard copy of the application and a computer disk containing the application materials.

In addition to submitting hard copies of their applications, applicants were required to submit a data sheet by e-mail.⁴ This was necessary to create a database of the names of the applicants, the panels to which they were applying, and other important information about the applicants. Because some applicants might not have access to an e-mail account, or might have difficulty opening the data sheet materials on their personal computers, a computer was dedicated for use by applicants in the office of the Director of the Family Court.⁵

For various reasons, some applicants did not succeed in e-mailing their data sheets. In those instances, a court employee entered the information from the hard copy of the data sheets submitted with the applications and e-mailed the data sheet for the applicant. The Committee is not aware of any applicant who was denied the opportunity to apply for a panel because of difficulties with sending the data sheet electronically.

School, the Howard University School of Law, and the George Mason University Law School. In addition, an e-mail was sent to at least one Dean, Director, or Professor of the clinical programs at each of these law schools. The e-mail was also sent to Herbert Robinson, Chief of Staff of the Defender Services Office; Joseph Jorgens for posting on the CJA list serve; Ed Shacklee, Supervisor of the Juvenile Division at the Public Defender Service; Betty Ballester, President of the Superior Court Trial Lawyers Association, for posting on SCTLTA's list serve; Betty Sinowitz, President of the Family Court Trial Lawyers Association for posting on the FCTLA list serve; Margaret McKinney, co-chair of the Family Law Section Steering Committee of the D.C. Bar; the D.C. Bar Pro Bono Program; the Bar Association of the District of Columbia (BADC); the Young Lawyers Section of the BADC; the Hispanic Bar Association of the District of Columbia; the Washington Bar Association; the Washington Council of Lawyers; the Women's Bar Association of the District of Columbia; Lawyers for Children America; Children's Law Center; and the D.C. Consortium of Legal Service and Family Legal Service Providers List Serve.

⁴ The directions for applying gave step by step instructions for completing the data sheet on a computer, with illustrations.

⁵ Again, the Committee recognized that persons using the court computer might lack expertise in the use of computers. Thus, detailed, step by step instructions for using the computer and completing the data sheet, with illustrations, were provided in the Director's office.

Together, the data sheet and the application were designed to elicit information about the professional background and experience of the attorneys. In addition to names, addresses and phone numbers, and the panels to which they were applying, applicants were asked to provide the following information:

1. languages other than English in which they are fluent;
2. whether they had previously applied for a Superior Court CJA panel, and if so, the panel for which they were selected;
3. the percentage of full-time employment they hoped to devote to the Family Court and to each panel for which they were applying;
4. their current caseload by number of cases;
5. when they first received appointments for juvenile, GAL, special education, and CCAN cases;
6. their educational background, including the place and date of their law school degree, the colleges they attended, and any honors they received or significant activities or work in which they were involved while in school;
7. their office locations or client meeting places; their system for receiving messages from clients; their support staff, if any; their arrangements for coverage of cases when absent; and their modes of transportation for visiting children or clients;
8. whether they were a member in good standing of the District of Columbia Bar and all courts to which they have been admitted to practice;
9. their work history since law school and any other work experiences that might be of assistance in assessing their qualifications;
10. legal education programs they had attended within the previous five years; any course work or clinical training they completed concerning the law of evidence; and, their litigation experience;
11. their experience and expertise concerning residential placement; special education programs and procedures; adoption procedures, including adoption subsidies; legal guardianship and custody proceedings; the Interstate Compact for Placement of Children; Section 8 and other housing programs for low-income persons; drug treatment programs; teen mother programs; independent living programs; mental health programs and issues; and domestic violence programs;

12. the names of up to five D.C. Superior Court judicial officers who would have the most information about their qualifications to serve on the panel or panels to which they were applying;

13. the number of cases in which they served as counsel, for each panel; the number of such cases they tried to verdict; and a description of not more than five such cases;

14. with respect to the SEA panel, whether they were willing to be compensated exclusively from the D.C. Public Schools ("DCPS") for their services;

15. whether since admission to the D.C. Bar they had ever been convicted of a crime carrying a potential sentence of 180 days or more in prison; been sued by a client; been the subject of disciplinary proceedings; or, been cited for a breach of ethics or unprofessional conduct in the District of Columbia or elsewhere;

16. any further information they believed might be of assistance in assessing their qualifications.

Finally, applicants were required to submit a Certificate Concerning Discipline from the Office of Bar Counsel. The directions for applying provided detailed information about how to obtain this certificate.

Throughout the application process, the CCAN office staff and other court employees provided assistance to applicants who had any questions or experienced any difficulty. In addition, a member of the Committee answered questions about the application process at two meetings that applicants wanting additional information were invited to attend.

The application period originally ran from mid-July to October 1, 2002, and was extended at the request of the Family Court Trial Lawyers Association to 5:00 p.m. on November 1, 2002. Some applicants filed after the application deadline. Records were kept of these late filings and brought to the attention of the Committee, but all of the late-filed applications were considered.

A total of 351 people applied for one or more panels: 282 applied for the GAL panel, 203 for the Juvenile panel, 128 for the SEA panel and 280 for the CCAN panel.

III. EVALUATION OF APPLICANTS BY THE JUDICIAL OFFICERS

In early December 2002, all active judges, senior judges and magistrate judges of the Superior Court were e-mailed an evaluation form listing all of the applicants and the panels to which they had applied. The judicial officers were told that the Committee was seeking evaluations of each applicant for each panel to which he/she had applied and were asked to evaluate all applicants with whom they were familiar. The evaluations were to be based on the judicial officer's personal knowledge of the applicant's competence and the quality of the applicant's work.

The evaluation form gave judicial officers the opportunity to grade applicants separately with respect to each panel to which they applied according to the following grading scale:

- A -- strong recommendation in favor;
- B -- recommendation in favor;
- C -- recommendation in favor with reservations;
- D -- mild recommendation against;
- E -- strong recommendation against.

Judicial officers were instructed to leave a blank if they did not have sufficient information to provide an evaluation.

The form also enabled judicial officers to provide a comment, of any length, concerning each applicant. Whenever possible, judicial officers were encouraged to provide comments in addition to letter evaluations.

The judicial officers were assured that the Court and the Committee would keep their grades and evaluations confidential.

The response rate to the evaluation request is a mark of the importance the judicial officers attached to the panel project. Over 90% of the active judges and magistrate judges submitted evaluation forms. Some senior judges also submitted evaluation forms.

IV. PANEL SELECTION

Before meeting to discuss the qualifications of individual applicants, the Committee members were provided with many materials to review. As background for the selection work, each Committee member was provided draft attorney practice standards for child abuse and neglect attorneys.⁶

In addition, every Committee member received a copy of the entire application packet for each of the 351 applicants. Committee Members were also provided with reports on evaluations of the applicants by the judicial officers. One such report showed, by applicant and by judicial officer, all of the grades and comments concerning the applicant for each panel to which the applicant applied.

Committee members were also provided reports concerning the applicants' grades. Numerical values were assigned to each grade, with A= +3; B=+2; C=+1; D=-1 and E=-3. For each applicant and for each panel to which the applicant applied, total and average scores were calculated based on the numerical values. The reports also showed the number of grades and the distribution of grades for each applicant, by panel. These summary reports were provided in various formats to facilitate comparisons among applicants.

Prior to the selection meetings, Committee members independently reviewed the applications and evaluation reports for each applicant. In addition, each Committee member was randomly assigned responsibility for presenting approximately 30 applicants to other members at one of the meetings.

The selection meetings occurred on February 28th and during several days in March, including all day meetings on Saturday March 1st and Tuesday March 4th and some evening meetings. The Committee member presenting a particular applicant summarized the applicant's background and experience, highlighting any special features of the application, and summarized the evaluations of the applicant by the judicial officers, including grades and comments. In preparation for the presentation, Committee members sometimes contacted judicial officers directly for further

⁶ The final attorney practice standards were implemented by Administrative Order 03-07 on February 28, 2003.

explanation of the grades or elaboration of the comments they had submitted about an applicant.

Following these presentations, the entire Committee discussed each applicant. Committee members supplemented the written information about the applicant with information about the applicant from their own experience and observations, including information acquired since the applications and judicial evaluation forms had been submitted.

After discussion based on all of the available information, a tentative decision was made about whether a particular applicant should or should not be placed on each of the panels to which he or she had applied. Usually there was a consensus about whether an applicant should be placed on a given panel. Often there was unanimity. In a relatively few instances, a formal vote was taken. In some cases the decision whether to place the applicant on a panel was deferred, sometimes so that the Committee could try to get additional information about the applicant.

After these initial meetings, Committee members reviewed a tentative list of panelists for each panel and identified any decisions about inclusion or exclusion they wanted the Committee to reconsider. At final selection meetings and after further discussion, the Committee resolved each of the panel decisions that had previously been deferred and reconsidered every decision that any Committee member had asked to have reconsidered. The panel lists that are attached to this report are the final product of the selection meetings.

Some attorneys were excluded from a panel because their work is well known to the Court judicial officers and the work was found to be deficient. Others, however, were excluded, particularly from the GAL panel, because they lacked sufficient experience, because judicial officers had insufficient information about the quality of their work, or because they had not previously demonstrated a commitment to the work of the panel to which they applied. Many of these applicants may be outstanding additions to the panels in the future if they obtain appropriate experience and/or training.

Considerations relevant to selection of attorneys for the panels are discussed below:

A. The GAL Panel

As the only attorney whose sole responsibility is to represent the child's best interest, the GAL plays a crucial role in abuse and neglect proceedings. Faced with difficult and very significant decisions affecting the safety and welfare of children, the Court relies considerably on the GAL. The GAL is expected to provide information based on first-hand observations and to make recommendations about suitable placements, needed services, and, of course, permanency decisions.

Recognizing the importance of the GAL to informed and wise decision-making concerning matters of critical importance to children, the Committee applied a strict standard before including attorneys on the GAL panel. To be selected for the GAL panel, an attorney had to have significant relevant experience; favorable evaluations from a substantial number of judicial officers; and **not** have significant unfavorable evaluations or reservations expressed about his or her competence to serve as GAL.

This is not to say that persons selected for the GAL list had no detractors or that an applicant was eliminated from the list based on the opinion of only one or two judicial officers. But, before placing an attorney on the GAL list, the Committee required a consensus (although not a unanimous opinion) among judicial officers that the attorney had the qualifications and experience to be entrusted with this vitally important role. Accordingly, attorneys who had many favorable judicial evaluations, but also many unfavorable evaluations, were not included on the GAL panel.

Despite outstanding legal and other training and expressed interest in working on behalf of children, some applicants were not included on the GAL panel because of lack of experience in neglect and abuse cases and lack of familiarity with the many issues about which an able GAL must have knowledge, including residential placement; the Interstate Compact for Placement of Children; independent living programs; kinship care programs; and adoption subsidies, to name just a few. Some applicants, who may be qualified to serve as GAL's, were excluded from the panel because the court's judicial officers had insufficient experience with the applicant's work. Many

unsuccessful GAL panel applicants were placed on the CCAN panel. Others would have been placed on the CCAN panel if they had applied to it.⁷

The Committee recommends 77 attorneys for the GAL panel. Recognizing that the Family Court may need additional GAL's, the Committee recommends that judicial officers be permitted to appoint GAL's from the CCAN panel if necessary to meet the Family Court's needs.

B. The CCAN Panel

The Committee recommends 181 attorneys for the CCAN panel. Many attorneys were chosen for the CCAN panel because they received very favorable evaluations from the majority of judicial officers and had outstanding training and experience. In contrast to the GAL panel, the Committee chose some attorneys for the CCAN panel who did not have substantial CCAN experience and whose work was not known to as many of the judicial officers. The deciding factor was whether the applicant showed great potential based on any of a variety of criteria, such as favorable evaluations or comments from the few judicial officers with knowledge; an outstanding education and work history; prior service as teachers, social workers or counselors or as attorneys in neglect and abuse cases in other jurisdictions; substantial continuing legal education related to neglect and abuse; and the like. In addition, experienced practitioners who had a significant number of favorable evaluations, but also a significant number of unfavorable evaluations were selected to the CCAN panel if on average their evaluations and ratings were favorable.

The decision to exclude certain longtime practitioners from the CCAN panel deserves separate comment. Longtime practitioners were excluded from the CCAN panel only if their net overall evaluations and comments from the judicial officers were decidedly unfavorable. Unfavorable assessments from only a few judicial officers did not result in exclusion from the CCAN panel.

⁷ The Committee believes less experienced new attorneys or experienced attorneys new to the Superior Court can obtain valuable experience and demonstrate competence and interest in neglect and abuse work by working on the CCAN panel.

C. The Juvenile and Special Education Panels

The Committee recommends 75 attorneys for the juvenile panel and 34 attorneys for the SEA panel. In addition to recognized competence, a prerequisite to selection to the juvenile and SEA panels was specialized experience.

In the case of the juvenile panel, the successful applicant had to have juvenile court or criminal law experience. To a certain extent, the Committee limited the number of persons recommended for the juvenile panel because of the substantial number of juvenile cases assigned to the Public Defender Service.

Persons selected for the SEA panel had to have performed a not insubstantial amount of SEA work in the past.

IV. FURTHER RECOMMENDATIONS OF THE COMMITTEE

In the process of selecting attorneys to serve on the four panels, the Committee devoted considerable time and effort to discussions of issues related to implementation of the panel system. Based upon these discussions, the Committee makes the following recommendations:

1. The Chief Judge should:

a. Require judicial officers to appoint attorneys who will be compensated from CJA and CCAN funds from the panels, except in exceptional circumstances.

After the date when the panels are established, appointment of attorneys, other than GAL's, who will be compensated from CJA and CCAN funds in juvenile proceedings, as SEA's, and in neglect and abuse and termination of parental rights proceedings should be from the juvenile, SEA and CCAN Panels, respectively, except in exceptional circumstances. Exceptional circumstances justifying the appointment of a non-panel attorney would generally arise from unique circumstances of the party to be represented, such as that party's inability to speak English and need to have a lawyer who speaks his or her native language.

For a non-panel attorney appointed after the establishment of the juvenile, SEA and CCAN panels to receive compensation for the work of those panels from CJA and CCAN funds, the appointing judge should be required to issue a written order setting forth in detail the particular exceptional circumstances justifying such appointment.

Other than in exceptional circumstances, after the date when the panels are established, appointment of GAL's who will be compensated from CCAN funds should be from the GAL panel, or if necessary to meet the needs of the Family Court, from the CCAN panel. For a person appointed as GAL who is on neither the GAL or CCAN panel to receive compensation from CCAN funds, the appointing judge should be required to issue a written order setting forth in detail the particular exceptional circumstances requiring appointment of a non-panel attorney in the case.

Without an Order describing the exceptional circumstances warranting appointment of a non-panel attorney, a voucher should not be issued and payment should not be made for work on the case.

Exclusion from the panels is not an absolute bar to performing the work of the panels. This is especially true for SEA's, many of whom look to private persons or DCPS for compensation, as well as for attorneys providing legal services *pro bono publico*. Rather, inclusion on the panel is a prerequisite to receiving compensation from CJA or CCAN funds, other than in exceptional circumstances.

Inclusion on a panel does not guarantee a panelist appointments to or retention on cases. The decision whether or not to appoint or remove a particular panelist as counsel in a case is left to the discretion of the judicial officer responsible for the case.

b. Establish a goal that:

i. as soon as practicable, but in any event no later than six months after the establishment of the panels, judicial officers presiding over neglect and termination of parental rights cases in which the GAL's are compensated from CCAN funds but are not on the GAL panel shall replace the GAL with a GAL panel attorney, or a CCAN panel attorney if necessary to meet the needs of the Family Court, unless to do so is not in the best interest of the child;

ii. within six months after the establishment of the panels, judicial officers presiding over neglect and termination of parental rights cases in which the attorneys other than GAL's are compensated from CCAN funds but are not on either the GAL or CCAN panels shall replace the attorneys with panel attorneys, unless to do so is not in the best interest of the child;

iii. judicial officers presiding over juvenile cases shall exercise their discretion to determine whether a replacement of a non-panel attorney with a panel attorney is in the interests of justice.

2. The Presiding Judge of the Family Court should create a subcommittee of the Family Court Implementation Committee -- The Family Court Panel Oversight Subcommittee -- to implement and monitor the Family Court panels system.

As part of its work, we recommend that the Family Court Panel Oversight Subcommittee ("the Subcommittee") address the following issues:

a. establish policies and procedures for new applications and reapplications to the Family Court panels.

To serve the best interests of children and other parties in the Family Court, it is important to continuously add qualified attorneys to the Family Court panels. For this reason, the Committee recommends that applications to the panels be accepted on an on-going basis and evaluated periodically during the year. To avoid repeated applications from attorneys whose applications have been evaluated and rejected, the Committee recommends that applicants rejected from a panel be required to wait one year before reapplying to that panel. Reapplicants would be expected to demonstrate that they have obtained additional training or experience in the interim.

b. establish programs that will attract and qualify for panel work additional talented attorneys who are committed to serving children and families and programs that will enhance the skills of panel attorneys.

Congress recently appropriated funds for a GAL project. In conjunction with the organization that is selected to run that project and the Public Defender Service, the Court should support the establishment of intensive training programs that would recruit and qualify promising new attorneys, or attorneys new to the Superior Court, for the

Family Court panels. Consideration should also be given to creating mentoring programs and enhancing continuing legal education programs for the Family Court.⁸ Until other programs are developed, the Committee recommends that the court continue to require attorneys in neglect and termination of parental rights cases to complete the mandatory CCAN training prior to appointment.

c. re-examine the system for appointing counsel to new CCAN and juvenile cases, especially on Saturdays and holidays.

The panel attorneys may have suggestions for improving the appointment process. The Subcommittee should consult with them to create a system that is convenient and economical and that ensures the availability of qualified attorneys to meet the Family Court's needs.

Special attention should be focused on the operation of the new referral court on Saturdays and holidays. The lack of qualified CCAN attorneys and GAL's to staff neglect cases on Saturdays in the new referral court has been a continual problem. Because it is impossible to predict how many cases, if any, will require staffing, there are not enough qualified attorneys some Saturdays for new cases. On other Saturdays, attorneys wait for hours when they are not needed, without compensation. The Committee recommends that the Subcommittee address this issue, in consultation with the CCAN office and the GAL and CCAN panel members.⁹

In consultation with the panel members and the Public Defender Service, the Subcommittee should also review the procedures for appointing attorneys to juvenile cases on Saturdays and holidays.

d. create policies and procedures for maintaining panels containing competent attorneys, of the highest quality possible, in numbers that promote the administration of justice in the Family Court.

In the future, judicial officers may have concerns about the performance of certain panel members. The Subcommittee should develop policies and procedures for

⁸ The newly-adopted practice standards require attorneys in the Family Court to obtain at least 16 hours of continuing legal education credits each year.

⁹ One solution would be a system of stand-in attorneys compensated to appear each Saturday and holiday to cover the new referral court, with assignment immediately thereafter of the cases to permanent attorneys from the appropriate panel. Alternatively, the Court could require attorneys to provide Saturday

responding to alleged deficiencies in the performance of panel members, including policies and procedures for removing attorneys from the panels.

Moreover, it will be important for the Subcommittee to monitor the size of the panels. Sufficient numbers of attorneys are needed to provide representation for those entitled to the appointment of counsel. At the same time, too many attorneys can lead to an unwieldy system or one that drives away attorneys who are unable to get enough cases to maintain their practices. An earlier recommendation addresses the need to attract new talent to panels. At some point, the Subcommittee may need to consider a mechanism for reducing panel size.

* * *

The Committee firmly believes the creation of a panel system in the Family Court is in the best interests of children and indigent parties and will promote the administration of justice. Accordingly, we recommend implementation of the panel system at the earliest possible time.

Respectfully submitted:

FAMILY COURT PANEL COMMITTEE

Judge Ronna Lee Beck, co-chair
Judge Ramsey J. Johnson, co-chair
Judge Anna Blackburne-Rigsby
Judge William M. Jackson
Magistrate Judge Juliet J. McKenna
Judge Robert E. Morin
Judge Thomas J. Motley
Magistrate Judge William W. Nooter
Judge Hiram E. Puig-Lugo
Judge Robert I. Richter
Judge Susan R. Winfield
Judge Rhonda Reid Winston

Dated: March 20, 2003

and holiday coverage as a condition of serving on the panels. In that way, permanent attorneys would be present at the initial hearings instead of stand-ins.