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Promoting Public-Interest Law and Pro Bono Service

February 6, 2023

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VIA EMAIL
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Ms. Tracy Nutall
Executive Director
Judicial Nomination Commission
515 5th Street, NW
Suite 235
Washington, D.C. 20001

RE: Letter of Support for Katherine Oler, Candidate for
Appointment to the Superior Court for the District of Columbia

Dear Ms. Nutall:

Washington Council of Lawyers is very pleased to submit this letter in support of Katherine Oler's candidacy for a judgeship on the Superior Court of the District of Columbia. Ms. Oler's distinguished legal career has been marked by her commitment to ensuring equal access to justice, through both pro bono representation and her work for systemic change, for members and former members of the military -- a group of deserving citizens whose legal needs are often sadly neglected. As set forth below, Ms. Oler has devoted her entire 26-year career as a lawyer to public service, most of it as a lawyer and judge in the United States Air Force. In addition, for the last five years she has served as a Special Master at the United States Court of Claims. Her deep and abiding commitment to serving the public and to increasing access to justice have led us to endorse her candidacy with enthusiasm.

Washington Council of Lawyers is the public interest bar association of the District of Columbia. Our large and diverse membership includes a broad range of lawyers, legal professionals, law students, and others committed to advancing issues important to the public interest legal community. We base our endorsements on a candidate's demonstrated commitment to pro bono and public interest law issues, as well as the candidate's actual personal experience in promoting equal access to justice.

Ms. Oler graduated from Boston University School of Law in 1996, where she was an editor of the American Journal of Law and Medicine. She also graduated with honors from Wellesley College in 1993. After graduating from law school she joined the United States Air Force, where she has served as a Judge Advocate in a variety of capacities, both in America and around the world, giving her a wide range of both lived and legal experiences. For example, she has served as an Air Force lawyer in Panama, Germany, and Korea, while here at home she has been stationed in Mississippi, Maryland, Texas, and the District of Columbia.

The scope of her duties was extremely broad, and, as her military career progressed, the level of her responsibilities rose dramatically. Her areas of practice have included work as both a military prosecutor and a criminal defense lawyer, giving her valuable insight into both sides of the criminal cases that would come before her as a Superior Court Judge. Other areas of practice have included torts, sexual misconduct and assault, ethics, and budgeting and fiscal issues.

Ms. Oler is a very experienced courtroom lawyer, having tried dozens of felony and misdemeanor criminal cases around the country, including both jury and bench trials. Her abilities led the Air Force to assign her responsibility for many of its most difficult and high-profile criminal cases. As her career advanced, she was assigned to supervise other trial lawyers in literally hundreds of criminal trials and appeals, adding to her depth of experience. This work culminated in three years of service as the Chief Prosecutor and Chief Government Appellate Counsel, making her the Air Force's top prosecutor.

Moreover, Ms. Oler has extensive experience in judicial capacities. From 2008 until 2011, she served as Deputy Chief Trial Judge of the Air Force, in which capacity she presided over dozens of criminal trials and other judicial proceedings and drafted judicial opinions. In addition, as noted above, since 2017 she has served as a Special Master at the United States Court of Claims, where she functions as a trial judge and presides over cases brought pursuant to the National Childhood Vaccine Injury Act. In that capacity, she presides over liability and damages hearings for a caseload of approximately 180 cases, and also serves as a mediator in the court's ADR program.

We suspect that few candidates reviewed by the Judicial Nomination Commission can match Ms. Oler's record of actual trial and courtroom experience, let alone bring the added dimension of years of service as a judge in both criminal and civil matters. For many lawyers, these qualifications would seem to be more than enough to recommend her candidacy for the Superior Court.

Washington Council of Lawyers, however, looks for more. Before we endorse a candidate for any judicial office, we must satisfy ourselves that she is not only committed to the ideals of pro bono and public interest law, but that she has also been personally involved, in a meaningful way, as a participant in the effort to promote equal access to justice. We are pleased to say that Ms. Oler has the commitment and personal involvement that we believe are so important for a judge.

Not surprisingly, her efforts have centered around legal services for military personnel. During her career in the Air Force, she provided legal assistance to hundreds of service members and their families who might not have been able to afford a lawyer. In addition, Ms. Oler has been heavily involved in systemic efforts to ensure that such persons obtain legal assistance. From 2019-22, she served as Chair of The ABA Legal Assistance for Military Personnel (LAMP) Committee, which works to provide free or affordable legal services to members of the military, their families, and veterans. These services involve the kinds of issues that so often come before the DC courts, such as family law, domestic violence, and mental health problems.

Moreover, as Chair of LAMP, Ms. Oler prepared and shepherded to passage in the ABA House of Delegates two resolutions that specifically related to the legal rights of members of the military who have struggled with disfavored statuses. The first involved an effort to require the Department of Veterans' Affairs to address the problems of veterans from indigenous populations, such as American Indians, native Alaskans and Hawaiians, and Pacific Islanders, who are heavily represented in the military but do not receive benefits commensurate with their numbers. This effort to address institutional racism has resulted in proposed legislation that, if enacted, should go a long way to getting these veterans the benefits they deserve.

The second ABA resolution that she obtained urges the government to address a longstanding problem involving discharges. When a veteran leaves the service with anything less than an honorable discharge, she or he may lose the right to obtain veterans' benefits. The reasons for less than honorable discharges are many and frequently arise from the kinds of problems faced by so many Superior Court litigants, such as sexual assault or harassment, mental health problems, or physical health issues -- problems which are often service-related and not the individual's fault; indeed, the discharged veteran often deserves to be regarded as a victim. Ms. Oler's demonstrated commitment to ensure justice for members of the military who have lost benefits or

suffered other ill effects from discrimination based on race or disability is exactly the kind of commitment that our judges need to demonstrate -- and exactly the kind of qualities that Washington Council of Lawyers looks for in considering an endorsement.

Finally, we note that Ms. Oler has a demonstrated commitment to improving the quality of the justice system through legal training. She was involved in training efforts during her time in the Air Force, and she continues her involvement today by working with us. Washington Council of Lawyers is the leading provider of litigation skills training to public interest lawyers in DC, and Ms. Oler, who is one of our members, has been active as an instructor in our training sessions. She also teaches trial advocacy at Harvard Law School and the National Institute for Trial Advocacy. I would add that in working with us on trainings she has demonstrated the thoughtfulness and compassion that are the hallmarks of a good judge.

In sum, Ms. Oler combines an extraordinarily high level of experience as both a trial lawyer and a judge, as well as a demonstrated commitment to equal justice for people for whom life has been difficult and unfair -- the kinds of litigants she would often see as a judge in DC. Accordingly, Washington Council of Lawyers is pleased enthusiastically to endorse her candidacy to be a judge on the DC Superior Court.

Respectfully submitted,

A handwritten signature in black ink that reads "Deborah C. Hill". The signature is written in a cursive style with a large initial "D" and a clear "C. Hill" at the end.

Deborah Cuevas Hill
President
Washington Council of Lawyers

