

EXECUTIVE SUMMARY

NOVEMBER 2023 FAIRFAX GENERAL DISTRICT COURT JUDICIAL SCREENING

MARY CATHERINE VERGONA

Mary Catherine Vergona currently lives in Fairfax Station with her family. From 1998 to 2022, Ms. Vergona had a long, distinguished, and impressive career with the United States Army, eventually retiring as a Lt. Colonel in 2022. At the time of her separation from the Army, she served as a Circuit Judge in the Army Trial Judiciary. She held a variety of other positions within the Army as a Judge Advocate General, including serving as both defense counsel, a prosecutor, general counsel to command staff, a judicial clerk, appellate counsel, and providing civil legal advice. After her retirement, she served as an immigration judge with the Executive Office of Immigration Review. She holds an LL.M in Military Law from The Judge Advocate General's Legal Center and School, a J.D. from The University of Akron School of Law, and a B.S. in Education from Miami University.

EXPERIENCE AND LEGAL ABILITY

Ms. Vergona has a great deal of legal experience and ability when it comes to the military justice system. She also has some experience in the immigration court context. This experience has included mostly criminal law, but also included assignments relating to civil law and military law. Ms. Vergona provided prior written opinions to the Committee that shows she has the legal ability to deal with evidentiary and substantive legal issues in the fields in which she has served.

The Committee found Ms. Vergona's answers regarding her experience and preparation for state court practice to be lacking. While many of the skills of a judge are transferable, Virginia state court law and practice differs from the federal, military, and immigration systems. Ms. Vergona has observed a few dockets and spent some time studying Virginia law, but needs more experience with state law and the practice of Fairfax County to be found qualified by the Committee. Ms. Vergona would benefit by having more experience, ideally by taking cases in the courthouse, in order to become familiar with the law and practice in the General District Court. The Committee hopes that Ms. Vergona will engage in the practice of law here in the General District Court, either on a pro bono basis or otherwise, as the people of Fairfax could greatly benefit from her increased involvement in both the Courthouse and the Bar.

FAIRNESS AND TEMPERAMENT

As demonstrated above, it is clear from her resume and experience that Ms. Vergona had demonstrated that she has the fairness and temperament to be a judge on the General District Court because she has already served in a similar role as a jurist in both the U.S. Army and an Immigration Judge. As Ms. Vergona could not demonstrate experience in Fairfax or Virginia

state courts; the Committee lacked tangible knowledge of her fairness and temperament; however, her resume and interview gave the Committee enough information to feel like she, at a minimum, possesses the fairness and temperament to be a judge. The Committee would feel better about this conclusion if Ms. Vergona had more experience in state court and in Fairfax specifically so that members of the Bar would have first-hand knowledge of her temperament. The Committee was impressed by the anecdotes shared by Ms Vergona about her comparisons between the military justice system and the immigration court system. Ms. Vergona clearly has a deep concern for both due process and equal protection of the law for all litigants who appeared before her.

PROFESSIONALISM AND INTEGRITY

Ms. Vergona has been entrusted by the United States with several important offices requiring professionalism, integrity, and trust. Her resume demonstrates that she will at least meet the minimum qualifications in these areas as a judge. Ms. Vergona has been involved in several national organizations that assisted military members and their families; however, she has not been involved in the Fairfax Bar Association or other local or state bar or professional organizations that would give her a greater understanding of the practice in Fairfax and Virginia courts. Ms. Vergona's application would improve in the future if she were a member of the General District Court Committee or other parts of the Fairfax Bar Association or other similar state level groups.

OVERALL EVALUATION

The Committee was very impressed by the breadth and quality of Ms. Vergona's legal and judicial experience. She had a distinguished career in the U.S. Army, including service as a Circuit Judge. She was forthcoming in her interview and showed the Committee that she will be able to demonstrate the temperament, fairness, and integrity to be a judge. All of these qualities are also clearly demonstrated by her service as an immigration judge and an attorney and judge in the Army. The Committee's concern is that Ms. Vergona does not have the experience in state court, especially in Fairfax County, to be found qualified at this time as a judge of the General District Court. Ms. Vergona has demonstrated a commitment to this County in her personal life, and the Committee encourages her to gain experience practicing law in Virginia state court, and in Fairfax in particular, to learn more about our law and practices. This experience, combined with the wealth of experience Ms. Vergona already has, will serve her very well in future applications to a judicial office in Fairfax.

COMMITTEE RECOMMENDATION: NOT FOUND QUALIFIED