

## DISTRICT OF COLUMBIA COURT OF APPEALS

<u>FY 2007 Enacted</u>		<u>FY 2008 Enacted</u>		<u>FY 2009 Request</u>		<u>Difference</u> <u>FY 2008/2009</u>	
FTE	Obligations	FTE	Obligations	FTE	Obligations	FTE	Obligations
94	9,198,000	94	10,800,000	94	13,983,000	-	3,183,000

The District of Columbia Court of Appeals is the highest court of the District of Columbia. The Court consists of a Chief Judge and eight Associate Judges. The Court is assisted by the service of retired judges who have been recommended and approved as Senior Judges. The cases before the Court are determined by randomly selected three judge divisions, unless a hearing or rehearing before the Court sitting *en banc* is ordered.

As the court of last resort for the District of Columbia, the Court of Appeals is authorized (1) to review all final orders and judgments, as well as specified interlocutory orders, of the Superior Court of the District of Columbia; (2) to review decisions of administrative agencies, boards, and commissions of the District government; and (3) to answer questions of law certified by the Supreme Court of the United States, a Court of Appeals of the United States, or the highest appellate court of any state. The Court also: (1) is responsible for attorney admissions and discipline; (2) manages the resolution of complaints of unauthorized practice of law; (3) promulgates its own rules and the rules of professional conduct for members of the District of Columbia Bar, and (4) reviews proposed rules of the D.C. Superior Court.

### Organizational Structure

#### The Office of the Clerk of the Court

The Clerk's Office of the Court of Appeals is divided into five components: the public office, case management, the immediate office, the staff of the Committee on Admissions and the Committee on the Unauthorized Practice of Law, and the administrative staff. Functionally, these components are involved in three major activities: case processing, bar admissions and unauthorized practice of law matters, and administration.

- Public Office - The public office is responsible for receiving and docketing all incoming papers and pleadings, maintaining the official case files, receiving and answering telephone and in-person inquiries, providing internal mail service, and staff support for courtroom operations. This office currently has 12 FTEs.
- Case Management Division - The case management division oversees the processing of cases prior to calendaring for argument or submission without argument. The process includes all motions matters, establishment of briefing schedules and oversight of all deadlines and of matters that are expedited by order of the court. The division reviews all incoming motions and pleadings, and prepares proposed orders, *sua sponte* or in response to motions filed by the parties, for approval by the Clerk, Chief Judge, or a motions division (three judges). Attorneys in the division provide legal analyses (and recommended dispositions) in substantive motions and emergency matters and matters

brought under the court's original (e.g., mandamus) and discretionary jurisdiction (e.g., small claims and interlocutory matters). This division currently has 16 FTEs.

- Immediate Office - The immediate office, which includes the Clerk and the Chief Deputy Clerk, is responsible for the general administration of the Clerk's Office; coordination of the processing of appeals after briefing such as calendaring, case screening, and the processing of motions and orders in calendared matters; coordination of the issuance of opinions and mandates, petitions for rehearing and/or rehearing *en banc*; the processing of bar-related disciplinary, admissions, and unauthorized practice of law matters; the processing of vouchers submitted by attorneys appointed under the Criminal Justice Act and the Counsel for Child Abuse and Neglect Program; and the preparation of court statistics. This office currently has 7 FTEs.
- Committee on Admissions and the Committee on the Unauthorized Practice of Law - The staff of the Committee on Admissions and the Committee on Unauthorized Practice of Law administers the Bar examination; processes applications for admission to the Bar by examination and motion, applications for authorization to practice as special legal consultants, applications by law students to practice under D.C. App. R. 48 and motions to appear *pro hac vice*; collects admissions and related fees; provides staff support for the investigation of complaints against unauthorized persons practicing law; and provides support to the two committees, which ensure that local legal needs are met by properly qualified and licensed attorneys. The office currently has 6 FTEs.
- Administrative Office - The administrative staff is responsible for the provision of budget and accounting, personnel, data processing, telecommunications, library, procurement, and facilities management services for the Court. This office currently has 7 FTEs.

### Organizational Objectives

- Strategic Plan: Fair and Timely Case Resolution

Goal 1.2: The Courts will resolve promptly and efficiently.

Strategy 1.2.1: Use time standards, alternative dispute resolution, and best practices to manage cases.

Management Action Plan (MAP): Ensure appropriate and timely processing of appeals by developing and implementing practices and internal procedures consistent with the new rules of procedure.

- Strategic Plan: Fair and Timely Case Resolution

Goal 1.2: The Courts will resolve promptly and efficiently.

Strategy 1.2.3: Provide accurate and timely information to judicial officers, court personnel, and other court participants.

MAP: To review and revise, as appropriate, time standards for responding to requests for information and documentation, docketing information submitted for appeal purposes, case processing and implementing quality assurance review throughout the operations

unit (Intake and File Room) to ensure that new cases, pleadings, motions, records on appeal, transcripts, etc. are all processed promptly and efficiently by staff.

- Strategic Plan: A Strong Judiciary and Workforce

Goal 3.1. The Court will maintain skilled and diverse workforce and an environment that fosters high achievement and satisfaction.

Strategy 3.1.1: Provide training to judicial officers and court personnel which increases professional knowledge and skills and enhances job performance.

MAP: Establish an in-house, on-going training program regarding the legal process, in general, and appellate procedure, in particular.

- Strategic Plan: Public Trust and Confidence

Goal 6.1: The Courts will inform the community about the role of the judicial branch, promote confidence in the Courts, and foster the sharing of information among justice system agencies and the community.

Strategy 6.1.2: Actively participate in District and justice system interagency committees, work groups, and other forums to address community issues.

MAP: To identify issues of concern to court participants and ways to improve service to them.

### Workload Data

The Court of Appeals tracks its workload and performance for two major categories of activities: (1) cases processing and (2) bar admissions and related activities. Case processing performance indicators include (1) the case clearance rate, or the ratio of cases disposed to cases filed in a given year; and (2) the reduction of cases pending at the end of the year. Factors including the number of case filings, number and types of dispositions, cases pending, time involved in various stages of the case process, and types of cases pending are used in assessing staffing needs.

Table 1  
**District of Columbia Court of Appeals  
 Caseload and Efficiency Measures  
 Case Processing Activity**

<b>Fiscal Year</b>	<b>Cases Filed</b>	<b>Cases Disposed</b>	<b>Case Clearance Rate*</b>	<b>Cases Pending</b>	<b>Motions and Petitions Filed</b>
2005	1,541	1,443	94%	2,576	6,097
2006	1,623	1,531	94%	2,668	6,154
Difference	5%	6%	0%	3%	9%

\*Ratio of cases disposed to cases filed in a given year. A 100% case clearance rate means one case disposed for each case filed.

Table 2  
**District of Columbia Court of Appeals  
 Caseload and Efficiency Measures  
 Bar Admissions Activity**

<b>Fiscal Year</b>	<b>Bar Admission Applications Received</b>	<b>Multistate Bar Exam Score Transfer Requests Processed</b>	<b>Certificates of Good Standing Issued</b>	<b>Wall Certificate Orders Processed</b>
2005	3,480	2,732	8,883	1,393
2006	4,138	2,737	9,363	1,077

**Case Processing and Operational Efficiency Initiatives**

The Court has taken many initiatives to facilitate or expedite case processing, to achieve operational efficiencies, and to enhance service to the public. In Fiscal Year 2006, the following initiatives were undertaken to improve operations and case processing.

- Pursuant to its updated plan for furnishing representation to indigent criminal and juvenile appellants under the Criminal Justice Act (CJA), and an extensive application process, the Court established a new list of attorneys to be appointed under the CJA. Approximately 70 well-qualified attorneys were selected from over 300 applicants. Re-evaluation of members of the panel of attorneys and consideration of new applicants occurred in 2006 and will recur in 2007.
- The Court undertook a mediation program to attempt to settle selected civil cases.
- The Court implemented an Educational Outreach Program in which it began conducting oral arguments at area law schools.
- The Court of Appeals installed assisted listening devices in its courtroom for attorneys and others with hearing problems. The new system provides enhanced sound clarity for litigants, judges, and the public and improved quality recording of oral arguments which can be made available on compact disks. Additionally, the new system permits court staff to hear oral arguments through their desktop PC's.
- The Court initiated streaming audio broadcasts of oral arguments in its court.

Several of the initiatives implemented during previous fiscal years, but which remain an important aspect of court operations, follow:

- The Court retrofitted the tables at which attorneys arguing before it sit in order to accommodate lawyers in wheelchairs.
- The Court developed and conducts annually a continuing legal education course on appellate practice for members of the D.C. Bar.

- The D.C. Courts launched its own website in 2004. Previously, information on the D.C. Courts, including the Court of Appeals, was Internet accessible from the D.C. Bar's website, which was an invaluable service to the Courts. With the launching of the D.C. Courts website – [www.dccourts.gov](http://www.dccourts.gov) – the Court of Appeals revised and enhanced the instructional materials available through the Internet for litigants and for applicants for admission to the Bar, and continued internet access to the Court's rules, forms and opinions. The Court of Appeals section of the website can be accessed directly at [www.dcappeals.gov](http://www.dcappeals.gov).
- The *sua sponte* expedition of appeals in cases involving adoption and the termination of parental rights to ensure prompt decisions in cases that affect the stability of the living environment of children who have been subjected to abuse and neglect.
- Annual training of the Court's Criminal Justice Act and Counsel for Child Abuse and Neglect bars, and the provision of informational materials to the public on how to prosecute an appeal.

### **FY 2009 Request**

In FY 2009, Courts request for the Court of Appeals is \$13,983,000 and 94 FTEs, an increase of \$3,183,000 or 29% above the FY 2008 Enacted Budget. The requested increase consists of \$2,690,000 for furniture and equipment for the renovation of the Old Courthouse; \$8,000 for a Transit Subsidy Increase for Court of Appeals employees (for further details on the transit subsidy increase, please refer to the justification in the Human Resources Division in the Court System section); and \$485,000 for built-in increases.

### ***Furniture and Equipment for the Renovated Old Courthouse: \$2,690,000***

***Furniture/Casegoods -\$1,650,000***

***Telephone System -\$294,000***

***Audio/Visual -\$362,000***

***High Density Filing System -\$74,000 and***

***Computer System Infrastructure - \$310,000***

Problem Statement. The relocation of the Court of Appeals from its existing location in the Moultrie Courthouse to the Old Courthouse is a pivotal step toward meeting the space needs of the D.C. Court of Appeals and providing additional space for Superior Court operations, including the newly formed Family Court, in the Moultrie Courthouse. The project will permit the adaptive reuse of this historic structure and architectural jewel to house the highest court of the District of Columbia. The Restoration of the Old Courthouse Project is a recommendation of both the D.C. Courts Facilities Master Plan and the Judiciary Square Master Plan, and has been fully integrated into the Courts' long-term strategy for achieving their mission and strategic goals.

The D.C. Courts have executed a contract for the renovation of the Old Courthouse, which will cost almost \$100 million. The interior design contemplates new furniture for offices, public counter operations, the courtrooms and other court business. Construction has commenced and is projected to be concluded in early 2009. To meet the projected occupancy date in early calendar year 2009, furnishings and equipment necessary for the Court's relocation into this building must be procured early in FY 2009.

Relationship to Court Mission and Goals. The re-adaptation of the Old Courthouse for modern-day use as a functional courthouse supports the Courts' Strategic Issue of providing a sound infrastructure and the strategy of providing work space that is functional and comfortable for judicial officers and court staff.

Relationship to Court Objectives. Renovation of the Old Courthouse for use by this jurisdiction's court of last resort, the District of Columbia Court of Appeals, will meet the Court's objective of freeing critically needed space in the Moultrie Courthouse for trial court operations.

Relationship to Existing Funding. The Court of Appeals existing operating budget is not sufficient to fund the furniture and equipment needs of the renovated Old Courthouse.

Proposed Solutions. The re-adaptation of the Old Courthouse for modern day use as a functioning fully ADA compliant courthouse, will also provide a secure and functional environment for judicial officers and staff to administer justice in the highest court of the District of Columbia.

Methodology. With the addition of adequate furniture and equipment to the Old Courthouse Project, re-adaptation of the Old Courthouse for modern-day use as a functional courthouse will be complete. The completed project will permit this historic structure to house the highest court of the District of Columbia, as well as free space to expand total usable space for the trial court.

Expenditure Plan. Furniture and equipment will be procured and funds expended in accordance with the Courts' procurement and fiscal policies.

Performance Indicators. The Project Manager will be responsible for establishing, monitoring, and reporting on all work planned and performed against baseline goals, and instituting corrective action if cost, schedule, quality, or performance estimates vary from established reporting baselines.

Table 3  
**COURT OF APPEALS**  
**Budget Authority by Object Class**

	<b>FY 2007 Enacted</b>	<b>FY 2008 Enacted</b>	<b>FY 2009 Request</b>	<b>Difference FY 2008/2009</b>
11 - Personnel Compensation	\$7,262,000	\$7,937,000	\$8,309,000	\$372,000
12 - Personnel Benefits	1,093,000	1,984,000	2,086,000	102,000
21 - Travel, Transp. of Persons	43,000	45,000	46,000	1,000
22 - Transportation of Things	---	---	---	---
23 - Rent, Commun. & Utilities	87,000	91,000	93,000	2,000
24 - Printing & Reproduction	72,000	75,000	77,000	2,000
25 - Other Services	222,000	231,000	236,000	5,000
26 - Supplies & Materials	77,000	81,000	83,000	2,000
31 - Equipment	342,000	356,000	3,053,000	2,697,000
<b>TOTAL</b>	<b>\$9,198,000</b>	<b>\$10,800,000</b>	<b>\$13,983,000</b>	<b>\$3,183,000</b>
FTE	94	94	94	0

Table 4  
**COURT OF APPEALS**  
**Detail, Difference FY 2008/FY 2009**

<b>Object Class</b>	<b>Description of Request</b>	<b>FTE</b>	<b>Cost</b>	<b>Difference FY2008/FY2009</b>
11 - Personnel Compensation	Current Positions WIGS	94	38,000	
	Current Positions COLA	94	334,000	
	<i>Subtotal</i>			<i>372,000</i>
12 - Personnel Benefits	Current Positions WIGS	94	10,000	
	Current Positions COLA	94	84,000	
	Transit Subsidy		8,000	
	<i>Subtotal</i>			<i>102,000</i>
21 - Travel, Transp. of Persons	Built-in Increase		1,000	1,000
22 - Transportation of Things				---
23 - Rent, Commun. & Utilities	Built-in Increase		2,000	2,000
24 - Printing & Reproduction	Built-in Increase		2,000	2,000
25 - Other Services	Built-in Increase		5,000	5,000
26 - Supplies & Materials	Built-in Increase		2,000	2,000
31 - Equipment	Equip and Furnish Old Courthouse		2,690,000	2,690,000
	Built-in Increase		7,000	7,000
	<i>Subtotal</i>			<i>2,709,000</i>
<b>Total</b>				<b>\$3,183,000</b>

Table 5  
**COURT OF APPEALS**  
**Detail of Full-Time Equivalent Employment**

	FY 2007 Enacted	FY 2008 Enacted	FY 2009 Request
JS-5	1	1	1
JS-6			
JS-7			
JS-8	4	4	4
JS-9	10	10	10
JS-10	8	8	8
JS-11	42	42	42
JS-12	7	7	7
JS-13	1	1	1
JS-14	8	8	8
JS-15	2	2	2
JS-16			
CES	2	2	2
Ungraded	9	9	9
Subtotal	94	94	94
JS salary	\$7,262,000	\$7,937,000	\$8,309,000
Total	94	94	94