DISTRICT OF COLUMBIA COURTS

Summary Statement Fiscal Year 2009

Comprised of the Court of Appeals, the Superior Court, and the Court System, the District of Columbia Courts constitute the Judicial Branch of the District of Columbia government. The mission of the District of Columbia Courts is to protect rights and liberties, uphold and interpret the law, and resolve disputes peacefully, fairly and effectively in the Nation's Capital. To support the Courts' achievement of its mission in fiscal year 2009, the Courts request \$316,250,000 for operations and capital improvements. Of this amount, \$13,983,000 is requested for the Court of Appeals; \$110,135,000 is requested for the Superior Court; \$57,002,000 is requested for the Court System; and \$135,130,000 is requested for capital improvements for courthouse facilities. In addition, the Courts request \$52,475,000 for the Defender Services account.

The FY 2009 budget request represents an operating budget increase of \$19.8 million and 35 full-time equivalent (FTE) positions over the FY 2008 Enacted Budget and a capital budget increase of \$72.5 million to support critical space and security needs and to maintain the Courts' infrastructure of five buildings and 1.1 million gross square feet of space.

Chart 1 provides the organizational structure of the Courts, and a summary table is provided at Table 1.

Recent Achievements

The Courts look forward to continued success in enhancing our services to the community, modernizing our facilities for the public and court personnel, and measuring our performance to ensure accountability. We are proud of the Courts' recent achievements that include the following:

- construction and restoration of the Old Courthouse on schedule for occupancy in early 2009 by the D.C. Court of Appeals, a building of importance to the people of the District of Columbia, due to its historical and architectural significance, and to the Courts to meet critical space shortages in the trial court;
- development of a *Master Plan for Judiciary Square*, an urban design and renewal plan to revitalize this historic area of the District of Columbia that dates to the original L'Enfant Plan for the Nation's Capital, which was approved in August 2005 by the National Capital Planning Commission (NCPC);
- implementation of the Family Court Act, including: expanded, family-friendly facilities on the JM Level of the Moultrie Courthouse, which houses a Central Intake Center; one family-one judge case management; improvements in the quality of legal representation in abuse/neglect and juvenile cases through the development of attorney practice standards and panels; establishment of a Family Treatment Court for mothers with substance abuse problems and their children;

- creation of self-help centers to assist unrepresented litigants in Family Court, Landlord Tenant and Small Claims courts, and Probate matters;
- adoption of our second five-year strategic plan, *Delivering Justice* 2008-2012, to ensure that the Courts' goals, functions, and resources are strategically aligned for maximum efficiency and effectiveness;
- adoption of 13 courtwide performance measures to monitor and assess case processing activities, court operations and performance in order to enhance public accountability;
- installation of a new case management system, CourtView, through the Integrated Justice Information System (IJIS) project, which consolidated 19 distinct automated databases into one comprehensive system, thereby ensuring complete information on all persons and cases to enhance case processing and judicial decision-making;
- enhancement of the Courts' website, recognized by *Justice Served* as one of the top 10 court websites worldwide, to increase public information and access, including on-line access to civil case docket information and juror services;
- development of a Continuity of Operations Plan (COOP) to ensure the continued administration of justice in an emergency and upgrading of life safety systems to enhance security and safety of the public and court personnel in the Courts' facilities;
- establishment of the District of Columbia Access to Justice Commission, by the Court of Appeals, to enhance access to civil justice for all persons without regard to economic status;
- implementation of a comprehensive revision of Court of Appeals rules of practice to reduce expenses associated with record preparation, the first such revision since the mid-1980's;
- adoption of an appellate mediation program to assist parties in reaching satisfactory case outcomes more expeditiously, thereby saving the public and the Court of Appeals time and money;
- initiation of two programs by the Court of Appeals to enhance public access and trust and confidence in the judiciary: (1) the Court hears oral arguments at community law schools through the Education Outreach Initiative, and (2) the Court broadcasts oral arguments live over the Internet:
- operation of two community courts, the D.C. & Traffic Community Court and the East of the River Community Court, to enhance service to the community by addressing quality of life crimes through a blend of therapeutic and restorative justice (i.e., solve the underlying issue causing the criminal behavior and restore, or pay back, the community);

- implementation and expansion of e-filing from a handful of complex civil cases to nearly all civil actions and to government filings in juvenile matters, with development underway to expand to landlord tenant, small claims, abuse and neglect, and probate matters;
- initiation of new juvenile probation programs by the Family Court Social Services Division to enhance public safety and rehabilitation of juveniles, including the Leaders of Today in Solidarity (LOTS) program to address the needs of female juveniles, which has reduced pretrial detention of adolescent girls by 74% and pre-trial shelter placement by 75%; the first Balanced and Restorative Justice Drop-In Center in southeast D.C. to provide community-based juvenile probation supervision and services; and the restructuring of supervision for male juveniles to a seamless, one youth/family, one probation officer model;
- implementation of a 10-year *D.C. Courts Master Plan for Facilities (Facilities Master Plan)*, resulting in comprehensive space renovation and facilities upgrades; new space for the Landlord Tenant and Small Claims courts and juvenile probation in Building B; and renovated space in Building A for the Crime Victims Compensation Program and the Multi-Door and Probate Divisions.
- continuation of sound fiscal management, including "unqualified" opinions on the Courts' annual independent financial audits conducted in accordance with OMB Circular No. A-133 for fiscal years 2000 through 2005;
- disposition of 1,617 cases in the Court of Appeals and 127,948 cases in the Superior Court
 (CY 2006 statistics), continuing operation as one of the busiest courthouses in the nation
 (Superior Court judges handle more cases, on average, than judges in all but eight states, and
 case filings per capita in both the Superior Court and Court of Appeals rank at or near the
 highest in most categories, as examined by the National Center for State Courts).

FY 2009 Request Summary

The D.C. Courts recently adopted our second five-year Strategic Plan, which will guide court operations until 2012. This plan reflects input from the community, justice system agencies, and individuals served by the Courts, including litigants and their family members, victims, witnesses, attorneys, jurors, and others who were asked to assess their needs, views, and expectations of the Courts. The Courts' divisions have developed Management Action Plans (MAP's) which prioritize their activities and align them with courtwide goals and strategies. The FY 2009 budget request incorporates the Courts' strategic issues and includes performance projections for all core functions. To build on past accomplishments and to enhance service to the public in the District of Columbia during FY 2009, the Courts request additional resources as outlined below.

FY 2009 Operating Budget: Summary by Strategic Goal

Listed below are the Courts' strategic issues and requested additional operating budget resources to ensure that we perform our mission with quality, professionalism, efficiency, and fiscal integrity:

- Strategic Issue 1: Fair and timely case resolution
- Strategic Issue 2: Access to justice
- Strategic Issue 3: A strong judiciary and workforce
- Strategic Issue 4: A sound infrastructure
- Strategic Issue 5: Security and disaster preparedness
- Strategic Issue 6: Public trust and confidence

Strategic Issue 1: Fair and timely case resolution--\$602,000 and 9 FTEs

Fair and impartial court processes are essential to the just resolution of disputes. We must ensure that cases are resolved on the merits in accordance with the rule of law, while providing due process and equal protection. Court proceedings and treatment of litigants must be free of bias as well as the appearance of bias. At the same time, courts must resolve cases in a timely manner and avoid undue delay. The effective administration of justice requires a careful balancing of the goals of fairness and timeliness.

The FY 2009 request includes \$602,000 and 9 FTEs to ensure fair and timely case resolution, including \$159,000 and 2 FTEs to enhance oversight of incapacitated adults with courtappointed guardians and ensure that the needs of these disabled individuals are met and to improve the guardians' performance of responsibilities; \$151,000 for 3 FTEs to improve probate case processing efficiency and manage the increasing probate caseload of incapacitated adults; \$108,000 for 1 FTE to implement and manage a new computerized juror system designed to increase the availability of jurors and improve the quality of the information maintained in the system; \$93,000 for 2 FTEs to help increase the number of individuals who come to court to serve jury duty (juror yield); and \$91,000 for 1 FTE to provide mediation services in complex civil cases and reduce trials through case settlement, thereby saving the court and the public time and money.

Strategic Issue 2: Access to justice--\$1,137,000 and 4 FTEs

Justice must be available to all members of our community. Differences such as culture, economics, language, and physical traits can serve as barriers to justice. Courts must continually strive to identify and eliminate barriers to access, assist personnel in understanding persons with different needs, and provide appropriate information and services to ensure accessibility.

The FY 2009 request includes \$1,137,000 and 4 FTEs to enhance access to justice, including \$872,000 and 2 FTEs to provide advocates for individuals with intellectual disabilities who are wards of the District, as mandated by statute; \$91,000 and 1 FTE for criminal defendants with

mental illnesses, to link them with services that may divert them from the criminal justice system into the mental health system and reduce repeated criminal offenses; \$105,000 for interpreter services to provide sign language and foreign language interpretation for defendants and litigants; and \$69,000 for 1 FTE to improve the quality of justice in landlord tenant matters by providing judicial officers serving assignments in Landlord Tenant Court with research and analysis to assist in the resolution of cases.

Strategic Issue 3: Strong Judiciary and Workforce--\$554,000 and 2 FTEs

The effective administration of justice depends upon a team of judicial officers and court personnel who are committed to public service and well-prepared to perform their duties. Continuing professional education and training is vital, since we administer justice in a constantly changing legal, technological, and social environment. Our workforce must reflect the diversity of the community we serve in order to maintain the trust and confidence of the public.

The FY 2009 request includes \$554,000 and 2 FTEs to address the Courts' strategic issue of fostering a strong judiciary and workforce, including \$446,000 and 1 FTE to expand training programs for judges and court staff and \$108,000 and 1 FTE to initiate workforce planning necessary to address the impending baby boom retirements and changing composition of the workforce.

Strategic Issue 4: Sound Infrastructure--\$3,103,000 and 6 FTEs

Court facilities must support efficient operations and command respect for the independence and importance of the judicial branch in preserving a stable community. Modern technology must be employed to achieve administrative efficiencies and enhance the public's access to court information and services.

The FY 2009 request includes \$3,103,000 and 6 FTEs to address the Courts' strategic issue of maintaining a sound infrastructure, including nearly \$2.7 million to outfit the renovated Court of Appeals building with furnishings and equipment upon completion of the construction in early 2009 and \$413,000 for 6 FTEs (building engineers and mechanics) to address increasing responsibilities for building maintenance and repair as the Courts continue to implement our 10-year *Facilities Master Plan* and to manage our infrastructure, which will include 5 buildings in Judiciary Square in 2009 (Moultrie Courthouse, Old Courthouse, Buildings A, B, and C) as well as leased space at Gallery Place and probation field units in each quadrant in the city.

Strategic Issue 5: Security and Disaster Preparedness--\$150,000 and 1 FTE

The people of the District of Columbia must have confidence that their courts are safe and secure and will continue to operate during an emergency or disaster. Heightened security risks in the Nation's Capital pose significant challenges which we must continuously assess and for which we must plan diligently. Court personnel must perform their daily duties without concern for their safety or that of the public and must respond quickly and effectively in the event of an emergency.

The FY 2009 request includes \$150,000 for 1 FTE to address the Courts' strategic issue of security and disaster preparedness by managing and coordinating the Courts' security and emergency preparedness program. The Courts require a dedicated employee with the expertise required to coordinate with the U.S. Marshals Service, administer contractual security functions, and manage plans to continue administering justice in the Nation's Capital in case of a disaster.

Strategic Issue 6: Public Trust and Confidence--\$6,872,000 and 13 FTEs

Trust and confidence in the courts are essential to maintaining an orderly democratic society. The people must perceive the judicial branch as fair and independent in resolving cases. At the same time, as a public institution courts are accountable for their performance and use of public funds. We must continually strive to be open and accessible to the community, while ensuring the independence of court decisions.

The FY 2009 request includes \$6,872,000 and 13 FTEs to address the Courts' strategic issue of engendering public trust and confidence, including \$5.3 million and 5 FTEs to enhance public safety, reduce recidivism among juveniles under court supervision, and adopt best practices models for juvenile probation by hiring additional probation officers to reduce the size of supervision caseloads and fully implement Family Group Conferencing, expanding services, and establishing two additional Balanced and Restorative Justice Drop-In Centers in other quadrants of the District modeled on the new center in Southeast D.C.; \$891,000 and 2 FTEs to support ongoing implementation of long-range strategic planning and court performance measurement and reporting by financing performance management software, staff training, and personnel to analyze and report on court performance, manage strategic planning, and coordinate and monitor enterprise-wide projects and activities; \$273,000 for 3 FTEs to enhance fiscal management in accounting; \$183,000 and 2 FTEs for an internal audit function similar to inspector general functions in other government entities to ensure that public resources are used properly and program goals are met and to support responsible stewardship of public funds; \$167,000 to increase the transit subsidy for court personnel; and \$75,000 for 1 FTE for materiel management to improve the control, management, and accounting for fixed assets.

Built-In Increases--\$7,373,000

The FY 2009 request also includes \$5,186,000 for a cost-of-living adjustment, \$890,000 for non-pay inflationary cost increases, and \$1,297,000 for within-grade increases. The Courts' request includes within-grade increases for employees because unlike typical agencies, which may fund these increases through cost savings realized during normal turnover, the Courts typically have a very low turnover rate (5.5% in FY 2006) and have had a severe funding shortfall in personal services.

Capital Budget Request: Infrastructure Investments

To support the Courts' Strategic Issue 4: A Sound Infrastructure as well as Strategic Issue 5: Security and Disaster Preparedness by ensuring the health and safety of those conducting business in our buildings, maintaining and improving the condition of court facilities, and addressing the space needs of court operations, the FY 2009 capital request totals \$135,130,000. The FY 2009 capital request reflects continuing progress in implementing the *Facilities Master Plan*, completed by the General Services Administration (GSA) in December 2002. The *Facilities Master Plan* projected a 134,000 occupiable square foot shortfall over the next ten years for court operations and identified needed maintenance and improvements to existing facilities. The plan recommended a three-part approach to meeting the Courts' space shortfall: (1) restoration of the Old Courthouse at 451 Indiana Avenue for the D.C. Court of Appeals, thereby making additional space available in the Moultrie Courthouse for trial court operations; (2) construction of an addition to the Moultrie Courthouse to provide fully consolidated and state-of-the-art Family Court facilities; and (3) reoccupation of Building C, a court building adjacent to the Old Courthouse being used by the D.C. Government.

With the support of the President and Congress, the Courts have made significant progress in implementing the *Facilities Master Plan*. The Old Courthouse restoration has been fully funded and is scheduled for completion in early 2009. Buildings A and B have been renovated and now house our Landlord Tenant and Small Claims courts and the Multi-Door and Probate Divisions, freeing space in the Moultrie Courthouse. The public face of the Family Court has been constructed on the JM Level, a new Juvenile Holding facility is under construction, and the recently vacated portion of the 5th floor is about to be renovated so the Civil Division can move from the JM Level, freeing up space for further Family Court consolidation. The FY 2009 capital request focuses on Security, the redesign of the Moultrie Courthouse, and Building Maintenance.

• <u>Security.</u> The Courts, like many public institutions, face security threats to daily operations and individual judges. In addition, the Courts face unique security risks due to the presence of hundreds of prisoners in the Moultrie Courthouse each day. To protect the 10,000 daily visitors to the courthouse and to meet increased security requirements since September 11, 2001, the Courts' request includes \$21.5 million to improve physical safety through perimeter security enhancements and lighting/signage upgrades.

Equally important is the personal safety of those deciding cases and the public and staff involved in courtroom proceedings. The U.S. Marshals Service (USMS) provides security and protection for our judges and in our courtrooms. The Moultrie Courthouse was constructed 30 years ago for a much smaller operation (e.g., the number of trial court judges has increased by about 30%, requiring a corresponding increase in courtrooms and office space). The D.C. Courts' space shortage and infrastructure repair requirements apply equally to the space occupied by the USMS, which houses its largest and busiest operation nationwide in the basement of the Moultrie Courthouse. The Courts recently completed a preliminary assessment of upgrades required for the adult cellblock and administrative space occupied by the U.S. Marshals Service. In FY 2008, Congress appropriated \$16 million for these renovations; the remainder of the estimated cost of \$50 million has been included in

our capital request, as the Courts continue to explore all options to address the needs of the USMS as expeditiously as possible.

- Moultrie Courthouse Redesign. The capital budget request includes \$30.8 million to continue the renovation and reorganization of the interior of the Moultrie Courthouse, which finances the renovation of space vacated by those operations relocated to Buildings A and B (and to the Old Courthouse in early 2009), and to move operations and functions within the courthouse in order to fully consolidate the Family Court in one location. The request also includes \$4.8 million for the Indiana Avenue Expansion, which will address needed circulation and safety improvements for the Moultrie Courthouse entryway.
- <u>Building Maintenance.</u> The capital budget also includes a request for \$41.3 million to maintain and upgrade the Courts' facilities, which encompass more than 1.1 million gross square feet of space and are 30 to 200 years old. Mechanical systems and structural repairs are necessary in order to ensure the safety of building occupants and to preserve the integrity of these historic structures. (For example, a 2006 study found the electrical system in the Moultrie Courthouse to pose a danger to workers.)

Defender Services Budget Request

To support the Courts' Strategic Issue 2: Access to Justice, the Defender Services request totals \$52,475,000. In recent years, the Courts have devoted particular attention to improving the financial management and reforming the administration of the Defender Services programs. For example, the Courts have significantly revised the Criminal Justice Act (CJA) Plan for representation of indigent defendants to ensure that expenses are reasonable and the program is properly managed, also developing CJA attorney panels to ensure that highly qualified attorneys represent indigent defendants. In addition, the Courts have developed a new Counsel for Child Abuse and Neglect (CCAN) Plan for Family Court cases, adopting attorney practice standards and requiring attorney training and screening to ensure that well-qualified attorneys are appointed in these cases, and contracting for Guardian *ad litem* (GAL) services to enhance representation of abused and neglected children. The Guardianship Program has also been revised, imposing a training requirement on attorneys participating in the program.

• Attorney Compensation. The Courts' FY 2009 budget request represents an increase of \$4,500,000 over the FY 2008 Enacted Budget. This increase reflects a compensation adjustment for attorneys from \$80 to \$90 per hour, to approach the \$100 hourly rate currently paid court-appointed attorneys at the Federal courthouse across the street so that high quality legal representation remains available to the indigent at the D.C. Courts.

DISTRICT OF COLUMBIA COURTS Organizational Structure Joint Committee on Judicial Administration in the District of Columbia District of Columbia Court of Appeals Chief Judge Superior Court of the District of Columbia Chief Judge **Executive Officer** Court of Appeals Court System Superior Court Deputy Clerk of Court Clerk of Court Executive Officer Civil Division Administrative Division Administrative Services Division Crime Victims Compensation Case Management Division **Budget & Finance Division** Program Capital Projects & Facilities Office on Admissions & Unauthorized Criminal Division Management Division Practice Public Office Center for Education and Training Domestic Violence Unit Family Court Court Reporting & Recording Division Family Court Operations Division Social Services Division Multi-Door Dispute Resolution Human Resources Division Division Office of the Auditor Master Information Technology Division Office of the General Counsel Probate Division Research & Development Division Special Operations Division

Chart 1

Table 1

DISTRICT OF COLUMBIA COURTS

Operations

FY 2009 Budget Justification Summary Table

	Request Amount	FTE
District of Columbia Court of Appeals FY 2008 Enacted	10,800,000	94
Requested Base Adjustments:	10,000,000	
A. Strategic Issue 4: A Sound Infrastructure		
Furniture and Equipment for the restored Old Courthouse	2,690,000	
Subtotal	2,690,000	_
B. Strategic Issue 6: Public Trust and Confidence		
1 Transit Subsidy Benefit Increase (Human Resources Division)	8,000	
Subtotal	8,000	_
C. Built-In Cost Increases:		
1 COLA, FY 2009	418,000	-
Within-Grade Increases	48,000	-
Non-pay built-in cost increases	19,000	
Subtotal	485,000	_
FY 2009 Budget Request, Court of Appeals	13,983,000	94
Superior Court of the District of Columbia FY 2008 Enacted Proposed Base Adjustments:	98,359,000	912
Requested Base Adjustments:	, ,	
A. Strategic Issue 1: Fair and Timely Case Resolution		
Enhanced Monitoring of Incapacitated Adults (Probate Division)	159,000	2
Expedited Processing of Adult Guardianship and Conservatorship Cases (Probate Division)	151,000	3
Juror Clerks (Special Operations Division)	93,000	2
4 Special Civil Mediator (Multi-Door Division)	91,000	1
Subtotal Substitution of the Control	494,000	8
B. Strategic Issue 2: Access to Justice		
Enhancing Service to the Persons with Intellectual Disabilities (Family Court Operations Division)	872,000	2
Rate Increase for Court Interpreters (Special Operations Division)	105,000	-
Enhanced Services for Defendants with Mental Illness (Criminal Division)	91,000	1
4 Landlord & Tenant Law Clerk (Judges & Chambers)	69,000	1_
Subtotal	1,137,000	4

C. Strategic Issue 6: Public Trust and Confidence		
Enhancing Juvenile Probation Services (Initiatives) 5,283,000	5	
Transit Subsidy Benefit Increase (Human Resources Division) 129,000		
	5	
D. Built-In Cost Increases:		
COLA, FY 2008 3,569,000	-	
Within-Grade Increases 825,000	-	
Non-pay built-in cost increases 339,000		
Subtotal 4,733,000	-	
FY 2009 Budget Request, Superior Court 110,135,000	929	
Request Amount District of Columbia Court System	<u>FTE</u>	
FY 2008 Enacted 52,170,000	270	
Requested Base Adjustments:		
A. Strategic Issue 1: Fair and Timely Case Resolution		
Enhancing Juror Technology (Information Technology Division) 108,000	1_	
Subtotal 108,000	1	
B. Strategic Issue 3: A Strong Judiciary and Workforce		
Increased Training Programs for Judges and Court Staff (Center for Education & Training) 355,000	-	
Enhancing Workforce Planning (Human Resources) 108,000	1	
Training Manager (Center for Education & Training) 91,000	1	
Subtotal 554,000	2	
C. Strategic Issue 4: A Sound Infrastructure		
Engineering/Mechanic Staff (Capital Projects & Facilities Management Division) 413,000	6	
Subtotal 413,000	6	
D. Strategic Issue 5: Security and Disaster Preparedness		
Security Operations Manager (Initiatives)	1	
Subtotal 150,000	1	
E. Strategic Issue 6: Public Trust and Confidence	2	
Strategic Planning and Management (Initiatives) 891,000	2	
Finance Staff (Budget & Finance Division) 273,000	3	
Internal Audit Team (Initiatives) 183,000	2	
4 Materiel Management Function (Administrative Services Division) 75,000	1	
5 Transit Subsidy Benefit Increase (Human Resources Division) 30,000		
Subtotal 1,452,000		
F. Built-In Cost Increases: 1 COLA, FY 2008 1,199,000	-	

Subtotal FY 2009 Budget Request, Court System		2,155,000 57,002,000	288
3	Non-pay built-in cost increases	532,000	
2	Within-Grade Increases	424,000	-

FY 2009 Budget Request, Operations

181,120,000 1,311

District of Columbia Courts Capital Improvements FY 2009 Budget Justification

Summary Table

		Request Amount
Renova	tions, Improvements & Expansions	
	H. Carl Moultrie I Courthouse	
1.	Renovation & Reorganization	30,840,000
2.	Adult Holding Facilities Renovation	34,000,000
3.	Indiana Avenue Expansion	4,770,000
4.	Building C Modernization	2,700,000
5.	Campus Security, Signage and Lighting	21,500,000
Sub	total, Renovations, Improvements & Expansions	109,810,000
Mainta	in Existing Infrastructure	
1.	HVAC Electrical and Plumbing Upgrades	8,000,000
2.	Restroom Improvements	3,200,000
3.	Elevator and Escalator Repairs and Replacement	1,300,000
4.	Fire and Security Alarm Systems	3,180,000
5.	Courtrooms and Judges' Chambers	14,770,000
6.	General Repair Projects	9,540,000
7.	IJIS & Technology Infrastructure	1,330,000
Sub	total, Maintain Existing Infrastructure	41,320,000
FY 200	9 Budget Request, Capital Improvements	135,130,000

District of Columbia Courts Defender Services FY 2009 Budget Submission Summary Table

	Request Amount
FY 2008 Enacted	47,975,000
Requested Base Adjustments	
A. Increase Hourly Rate to \$90	
1. CJA Attorneys	3,550,000
2. CCAN Attorneys	900,000
3. Guardianship Program Attorneys	50,000
Subtotal	4,500,000
FY 2009 Budget Request, Defender Services	52,475,000