

# District

EXTRA

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## In the District, Public Appeals Court Is Always in Session



BY JAMES M. THRESHER — THE WASHINGTON POST

Eric T. Washington became chief judge of the D.C. Court of Appeals last year. A goal of his was to find ways for the court to help law students.

### New Chief Judge Makes Openness a Tenure Goal

By Henri E. Cauvin  
Washington Post Staff Writer

**J**udge Eric T. Washington had just been named the new chief of the D.C. Court of Appeals, and he wanted to hear from the deans of the District's six law schools.

What, the head of the city's highest court wanted to know, could the court do for their schools?

The deans were delighted, and over a couple of lunches in the chief judge's chambers last fall, they batted around all sorts of possibilities. One in particular intrigued everyone: taking the court on the road to hold oral arguments at each of the law schools.

For the new chief judge, the idea was a chance to introduce the judges, and their work, to a city that influences everything the court does. It was also a chance to open the court to the community, which Washington has made a guiding goal for his tenure as chief judge.

"Everyone thought it was a wonderful idea," said Katherine S. Broderick, the dean of the law school at the University of the District of Columbia.

And so this year, Washington and the rest of the Court of Appeals judges found themselves sitting before a crowd of hundreds at UDC, hearing oral arguments in a case that would take a place in local legal history as the first D.C. Court of Appeals case argued outside a District courthouse.

Next month, the court will head to Howard University School of Law, where a panel of three judges — the usual number for a case — will hear arguments in three cases and then meet with students and faculty to talk about the court and the workings of appellate law. American, Catholic, Georgetown and George Washington are in line to host future arguments.

"Only by being more visible and open to the community are we going to be able to build the kind of public trust and confidence

that I think every court system needs in order to actually accomplish its mission," Washington said in an interview in his chambers on the top floor of the District's main courthouse in Judiciary Square.

The court hears appeals from D.C. Superior Court and administrative agencies, boards and commissions of the D.C. government and oversees the District of Columbia Bar.

This court operates quietly," said Garland Pinkston Jr., the Court of Appeals clerk, "but it carries a big stick and can have a big impact on the quality of life in the District of Columbia."

Nestled on the courthouse's top floor, the Court of Appeals sits in a quiet corner of a building that is otherwise anything but quiet and is dominated by the bustle of D.C. Superior Court.

At the end of 2008, the Court of Appeals is to move across Indiana Avenue NW to the 19th-century building that was the Superior Court's original home. The building is being restored at cost of almost \$100 million.

So, these days, Washington must keep tabs on the massive restoration project he calls "my building," along with hearing cases, writing opinions, signing orders and chairing the committee that oversees the judiciary.

A father of three, Washington, 52, was the youngest judge on the court when he was elevated to chief judge last year at age 51, succeeding Annice M. Wagner. His appointment was the culmination of years of work in law and politics in the District.

In the late 1980s, he was second in command at what is now the city attorney general's office. From there he moved to the firm of Hogan & Hartson, where he was a partner for five years. Washington chaired the D.C. Democratic Party in the early 1990s, until he was appointed to the Superior Court bench by President Bill Clinton in 1995.

It was as co-chair of the D.C. Courts' strategic planning committee that Washington first had a big platform to advance openness

as an essential element of a sound court system. In laying out a vision for the courts' future, the committee made openness a principle. Now, as chief judge of the city's highest court and chairman of the committee that oversees the operation of the courts, Washington has an even bigger platform.

For years, the courts were reluctant to embrace openness because judges believed the courts' story was not being told fairly or accurately in the media, Washington said.

"Changing that culture by responding to the public, by letting the public in on what we do and how we do it has been a focus of mine," he said. Washington was an enthusiastic supporter of plans to stream oral court arguments over the Internet. Earlier this year, with Washington's assent, the Court of Appeals Web site began providing such access. So far, the court is not providing the sort of archival access that would allow someone to listen to a case hours or days after it was argued. But for a court system that launched its own Web site only two years ago, the live streaming of courtroom proceedings was no minor accomplishment.

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Eric T. Washington, 52, was the youngest judge on the Court of Appeals when he was appointed chief at 51.

# From New Chief Judge, an Attempt to Bring Law to the Students (and the People)



UNIVERSITY OF THE DISTRICT OF COLUMBIA

Judges Michael W. Farrell, left, Annice M. Wagner, Noel A. Kramer, Inez Smith Reid, Frank E. Schwelb, Washington, Stephen H. Glickman and Vanessa Ruiz during a discussion with the public and students at UDC.

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Pinkston said that when Washington heard about efforts to show arguments live online, the judge's eyes lit up. "He's very interested in technology," Pinkston said.

Modern technology is also essential to making the court more efficient, Pinkston said. That is important for a court that has been criticized as slow in processing appeals.

D.C. Superior Court recently put into place an electronic case-management system and is experimenting with electronic filing of some civil cases. The D.C. Court of Appeals hopes that over the next few years, it will be able to make similar advances, Pinkston said.

In the meantime, Washington has made a number of procedural changes that he hopes will help move cases more quickly through the appellate process, which can stretch on for several years. But his efforts have been offset to an extent by a spate of long-expected retirements from the court.

Not only did Wagner step down last year, setting up Washington's elevation, but three other judges have retired from the nine-member court over the past 22 months, creating an unusual burst of vacancies.

The last couple of slots were filled only this month, when the Senate confirmed Anna Blackburne-Rigsby, a Superior Court judge, and Phyllis D. Thompson, a partner at Covington & Burling, to fill out the court.

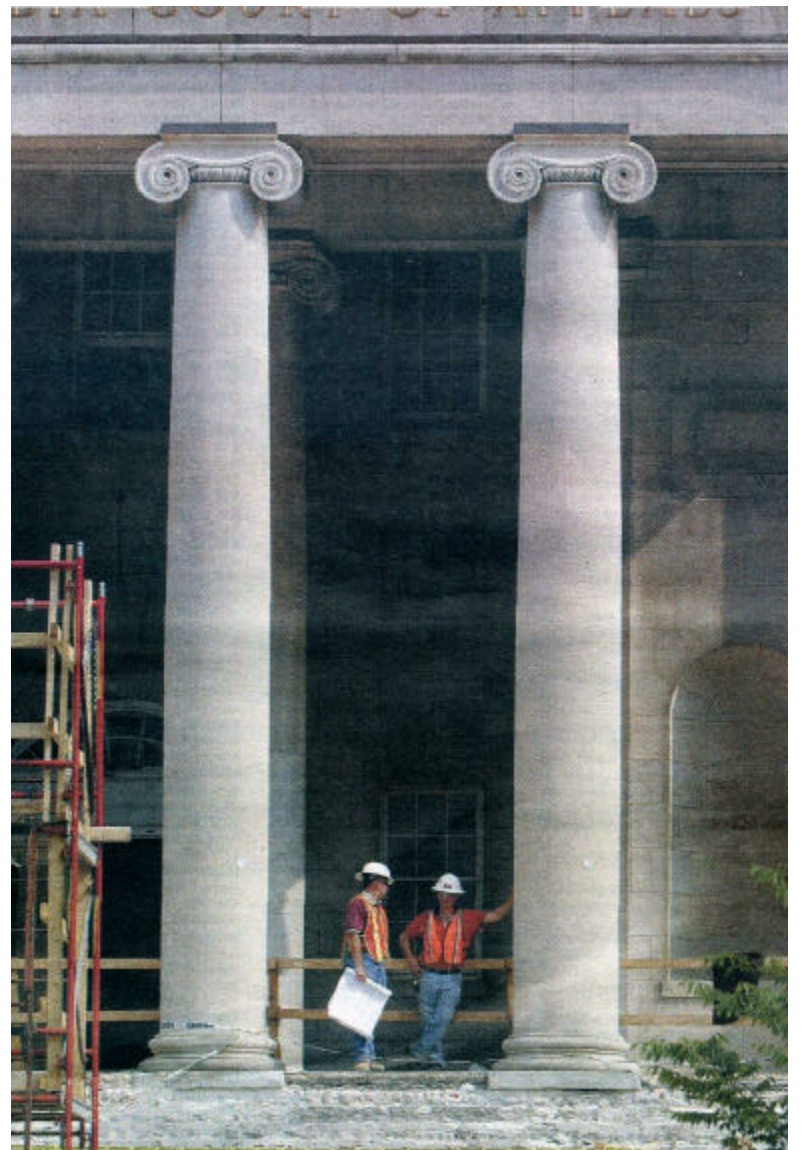
Over the long term, the crop of new judges will give Washington an opportunity to shape the court in a way few chief judges can. But in the short term, the retirements have left the court especially short-handed. And even in the coming months, when the court will have its proper complement of judges, at least a couple of them will be just settling into their new jobs.

"With the vacancies we've had," Washington said, "it created a circumstance that we're trying to work through right now of having cases that are ready to go to argument, but we can't get them on a calendar."

For almost any local case in the District, the D.C. Court of Appeals has the final word. Rarely does the U.S. Supreme Court hear an appeal from the District's highest court.

"It is a heavy responsibility that comes with this job," Washington said. "It is important that judges have time to contemplate what they are going to write."

So they give the cases their due time, even if that means that the process takes a little longer, he said. "If we don't get it right, there are people for whom justice is, in fact, denied."



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Washington oversees the \$100 million restoration project on Indiana Avenue, above, which he calls "my building."



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The Court of Appeals is currently housed on the top floor of the courthouse. Once it has been restored, the court will move into the building that used to house the Superior Court.