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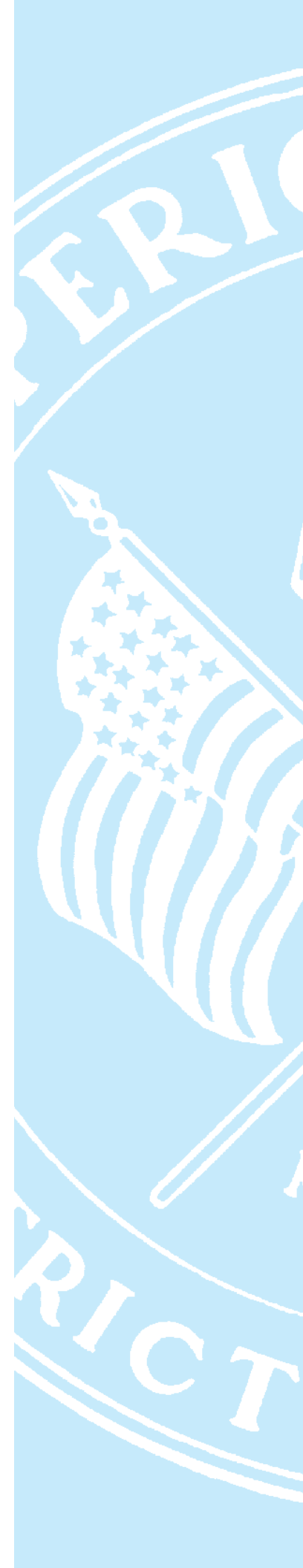
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**JOINT  
COMMITTEE  
ON  
JUDICIAL  
ADMINISTRATION**



## JOINT COMMITTEE ON JUDICIAL ADMINISTRATION IN THE DISTRICT OF COLUMBIA

Chair  
Chief Judge Annice M. Wagner  
*District of Columbia  
Court of Appeals*

Chief Judge Rufus G. King, III  
*Superior Court of the  
District of Columbia*

Judge Michael W. Farrell  
*District of Columbia  
Court of Appeals*

Judge Nan R. Shuker  
*Superior Court of the  
District of Columbia*

Judge Geoffrey M. Alprin  
*Superior Court of the  
District of Columbia*

Secretary to Joint Committee  
Anne B. Wicks  
*Executive Officer  
District of Columbia Courts*

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### REPORT OF CHIEF JUDGE ANNICE M. WAGNER CHAIR OF THE JOINT COMMITTEE ON JUDICIAL ADMINISTRATION

#### I. THE JOINT COMMITTEE ON JUDICIAL ADMINISTRATION

The Joint Committee on Judicial Administration in the District of Columbia (Joint Committee) was created as part of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (the Act). The Joint Committee is the policy-making body for the District of Columbia Courts. It is responsible for the Courts' general personnel policies, accounts and auditing, procurement and disbursement, development and coordination of statistics and management information systems and reports, submission of the annual budget request for the District of Columbia Courts, and other related administrative matters. Pursuant to the Act, five judges serve on the Joint Committee: the Chief Judge of the District of Columbia Court of Appeals, who is the chair; the Chief Judge of the Superior Court of the District of Columbia; an associate judge of the Court of Appeals, who is elected by the judges of that court; and two associate judges of the Superior Court, who are elected by the judges of the Superior Court. The members of the Joint Committee during calendar year 2003 were Chief Judge Annice M. Wagner, chair, Chief Judge Rufus G. King, III, Judge Michael Farrell of the Court of Appeals, and Judges Nan R. Shuker and Geoffrey M. Alprin of the Superior Court. By statute,

there is an Executive Officer for the District of Columbia Courts, who is responsible for the administration of the Courts, subject to the supervision of the chief judge of the respective court, regarding the implementation in the respective courts of various administrative matters, consistent with the general policies and directives of the Joint Committee. Ms. Anne B. Wicks, Executive Officer for the Courts, serves as secretary to the Joint Committee.

The Joint Committee meets monthly to monitor carefully the Courts' adherence to the spending plan, to ensure the Courts operate within budget, and to discuss and decide policy issues affecting the Courts. The Committee also holds special meetings as necessary throughout the year in order to discharge its responsibilities.

#### II. STRATEGIC PLAN

The 2003 calendar year marked the second year of the District of Columbia Courts' effort to integrate enterprise-level strategic planning and performance assessment into the Courts' operations, with the Joint Committee's approval of a five-year strategic plan. Entitled *Committed to Justice in the Nation's Capital, Strategic Plan of the District of Columbia Courts 2003–2007*, the Plan identifies five strate-

gic areas of paramount importance to the Courts:

- Enhancing the Administration of Justice;
- Broadening Access to Justice and Service to the Public;
- Promoting Competence, Professionalism, and Civility;
- Improving Court Facilities and Technology; and
- Building Trust and Confidence.

Within each of these areas, the Courts will undertake actions directed toward achieving 18 goals outlined in the Plan. In 2003, court divisions began to develop Management Action Plans (MAPs), that delineate actions to help achieve the Courts' strategic goals. Division MAPs contain 10 - 20 objectives to be accomplished in 2004 and 2005. Directors will monitor and report their progress in accomplishing MAP objectives according to measurable performance criteria, and will update their MAPs every two years to ensure responsiveness to emerging community needs and issues facing the Courts.

An essential component of the Courts' strategic management approach is the linkage of senior court managers' compensation to their achievement of the Courts' strategic goals. In 2003, the Joint Committee established a new performance management system, under the terms of which administrators and division directors work under performance contracts which require achievement of their MAP objectives. In 2004, the Courts plan to launch a new performance management system for employees that will similarly link day-to-day work performance of employees with the Courts' strategic agenda.

The development of a Court performance measurement system is important to the successful utilization of strategic planning. Nationally recognized trial and appellate court performance standards will be used as a framework to guide the courts in setting performance measures and monitoring and evaluating results. The development of division performance measures is a multi-year effort. Implementation of the Integrated Justice Information System initiative (IJIS) in Superior Court and a new management information system in the Court of Appeals will enhance data collection capabilities and performance measurement capabilities.

The Courts' Strategic Planning

Leadership Council (SPLC), which developed the Strategic Plan, continues to play an important role as the Plan is implemented over the next five years. Appointed by the Joint Committee in 2002, the SPLC is a fifteen-member working group comprised of judges, the Executive Officer, Clerks of Court, and division directors or deputy directors from the Court of Appeals, Superior Court, and Court System. The SPLC will monitor the Courts' progress in achieving the goals of the Strategic Plan, facilitate communication and collaboration among divisions, committees, and report regularly to the Joint Committee, the policy-making body for the Courts. The SPLC will assist the Joint Committee by seeking the views of the community with respect to the Courts' efforts to achieve their vision of being Open to All, Trusted by All, and providing Justice for All.

### III. BUDGET AND SPENDING

Under the terms of the National Capital Revitalization and Self Government Act of 1997 (Revitalization Act), the federal government assumed responsibility for funding the Courts directly. The Revitalization Act provides for the Joint Committee to submit its budget estimates to Congress and the Director of the Office of Management and Budget (OMB), and the Courts' estimates are to be "included in the budget without revision by the President but subject to the President's recommendations." D.C. Code § 11-1743 (1997). The statute also provides for the Joint Committee to send its budget estimates to the Mayor and the Council, although the budget for the Courts is no longer a part of the budget of the District of Columbia government. The Revitalization Act authorizes the Courts to make expenditures from appropriated monies for such expenses as may be necessary to execute efficiently the functions vested in the Courts. Pursuant to the District of Columbia Appropriations Act, 2003, Public Law No. 108-7, the Courts' appropriation is to be apportioned quarterly by OMB and obligated and expended as funds for Federal Agencies. Payroll and financial services are provided by the General Services Administration on a contractual basis.

**A. FY 2003.** For FY 2003, which began on October 1, 2002, Congress appropriated \$161,943,000 for the Federal Payment to the District of Columbia Courts. Specifically, funds were appropriated for operations of each court component as follows: Court of Appeals, \$8,551,000;



Superior Court, \$81,339,000; Court System, \$40,402,000; and capital improvements for courthouse facilities \$31,651,000. Congress provided the funds for court-appointed attorney programs in a separate account, appropriating \$17,100,000 and earmarking \$16,400,000 of unobligated balances in the account for a total of \$33,500,000 for Defender Services in the District of Columbia Courts.

*1. Operations* - In fiscal year 2003, to support the Courts' commitment to serve the public in our Nation's Capital, investments in court employees, technology, and courtroom and support operations were required. The Joint Committee is gratified that the President and Congress began to address these requirements in the FY 2003 appropriation. The Courts' FY 2003 appropriation financed several critically needed new positions, including three judicial staff and support positions in the Court of Appeals, four Superior Court Criminal Division positions to support the police overtime reduction initiative and to meet a legislative mandate, six positions to provide critical courtroom support and operational staff to serve Domestic Violence victims, and two technicians to continue a successful juvenile probation program. In addition, the appropriation provided resources to invest in the Courts' employees by enhancing training, establishing performance awards and a pay for performance system for senior managers (the Court Executive Service), and providing public transit subsidies. Funds were also provided to cover operating costs related to the implementation of the Integrated Justice Information System (IJIS). In addition, Congress appropriated funds to finance operating and support initiatives, including program evaluations for alternative dispute resolution and juvenile probation, enhanced financial management, enhanced production of the court record, and improved access to justice through technology. The Joint Committee carefully reviewed and monitored the Courts' FY 2003 spending plan and its execution to ensure responsible stewardship of these funds.

*2. Family Court* - To continue implementation of the District of Columbia Family Court Act of 2001, Public Law No. 107-114, the FY 2003 appropriation included a total of \$29.7 million. These funds financed 24 new positions, in addition to the 48 positions financed in FY 2002. In addition, the appropriation financed capital improvements to carry out plans for space for the new Family Court. The appropria-

tion funded the Courts' request for the Family Court to enhance the Courts' ability to serve children and families in the District.

*3. Capital Infrastructure* - The FY 2003 appropriation for capital improvements provided a significant increase over the funding provided in FY 2002; however, many years of very limited funding forced deferral of basic maintenance to the Courts' facilities, and several years of adequate funding will be required to restore the facilities to an acceptable condition. The sum appropriated, \$31.7 million, provided \$16.1 million to implement Family Court facilities and technology plans and \$15.6 million to address health and safety concerns, to perform maintenance, and to restore existing structures.

For restoration of habitability to the Old Courthouse at 451 Indiana Avenue, the appropriation provided \$7 million to design the facility and to begin construction of the garage portion of the project. Additional funds to complete garage construction will be required in FY 2004, with the major funding for the construction phase of the Old Courthouse restoration, \$63 million, needed in FY 2005. Restoration of this architectural jewel for use by the Court of Appeals is key to meeting the space needs of not only that court, but also, the Superior court, Family Court and the entire Court System.

**B. FY 2004.** The most critical issue facing the D.C. Courts is sufficient capital funding to address the Courts' severe space shortage and deteriorating infrastructure. Therefore, the Courts' FY 2004 request focused on funding addressing these requirements. The FY 2004 appropriation, enacted January 23, 2004 for the fiscal year beginning October 1, 2003, provided \$167,765,000 for the Courts' operating and capital budget, and \$32,000,000 for Defender Services. Increases for the operating budget were limited to inflationary changes and funding for COLAs. These appropriations continue to support some of the Courts' most critical capital priorities, including restoration of the Old Courthouse and the Integrated Justice Information System (IJIS). However, only limited capital funding is included for maintenance of the Courts' existing facilities, which will cause deferral of some maintenance projects.

*1. Investing in Infrastructure.* The D.C. Courts operate within four separate buildings in Judiciary Square. Maintenance

and modernization to buildings of this age are quite costly, and the Courts' capital budget has not been adequate to meet these needs. Fundamental costs to place these facilities into a safe and healthy condition suitable for use by high volume courts in this major metropolitan area have been quantified in a Building Evaluation Report prepared for the Courts by the General Services Administration (GSA). The capital budget request of the Courts included funds to meet these needs.

The Old Courthouse, the centerpiece of the historic Judiciary Square area, is one of the oldest public buildings in the District of Columbia. The architectural and historical significance of the Old Courthouse, built from 1821 to 1881, led to its listing on the National Register of Historic Places and its designation as an official project of Save America's Treasures. The structure requires extensive work to meet health and safety building codes and readapt it to use as a modern-day courthouse. Restoring this historic landmark will meet the urgent space needs of the Courts and preserve its rich history for future generations. Approximately \$12 million was appropriated in FY 2002 and FY 2003 to preserve the structure, to initiate building design activities, and to begin construction. Since the design phase must be completed before building construction procurement can proceed, GSA will require most of the funding in FY 2005 when the construction contract is finalized. A part of the overall project includes construction of a secured parking facility to be shared by and connected to the U.S. Court of Appeals for the Armed Forces and the Old Courthouse on the site, a use authorized by legislation passed by Congress in 2000. *See* P.L. 106-492. In order to complete construction of this portion of the project, \$4.5 million was requested in FY 2004, which was fully funded.

The Moultrie Courthouse Expansion is comprised of additions planned for the south side (C Street) and Indiana Avenue entrance of the courthouse. The C Street addition will create a separate courthouse entrance for the Family Court and will consolidate its facilities, also providing additional space for child protection mediation, increased Child Care Center space, and safe and comfortable family-friendly waiting areas. The Indiana Avenue expansion will provide a new Superior Court entrance with additional space for security and shelter for persons waiting to enter the courthouse. The design phase for this project must be completed

before construction procurement can begin. For FY 2004, \$1.2 million was requested to begin design of the addition. Since this work was not funded, we have deferred it until FY 2005.

2. *Enhancing Public Security.* It is estimated that as many as 10,000 people come daily into the main courthouse, the Moultrie Building. In order to address issues affecting the security of these thousands of individuals in the aftermath of September 11, 2001, the Courts requested \$1,025,413 to finance additional operational security measures, and \$6,500,000 in capital funding to finance facility security improvements. Of these requests, \$3,946,000 was appropriated for the capital budget.

3. *Investing in Information Technology (IT).* To achieve the Courts' goal of a case management system that provides accurate, reliable case data across every operating area and of making available appropriate data to the judiciary, the District's child welfare and criminal justice communities and the public, the Courts requested \$4,163,347 in operating funds in FY 2004 for IT infrastructure enhancements and operational upgrades and implementation of the disciplined processes the General Accounting Office (GAO) recommended for the IJIS project. In addition, the Courts' capital budget request included an additional \$11 million to continue implementation of IJIS courtwide. However, \$6 million was actually appropriated, which will fund only the FY 2004 phase of the IJIS implementation.

4. *Strengthening Defender Services.* In the Defender Services account, the Courts requested additional funds to increase the hourly rate for attorneys who provide legal services to the indigent. The first rate increase for attorneys in nearly 10 years, to \$65/hour, was implemented in March 2002. In FY 2004 the Courts requested an increase from \$65 to \$90 an hour, to keep pace with the rate paid court-appointed attorneys at the Federal Court across the street from the D.C. Courts. Slightly over \$16 million of the FY 2003 enacted level for Defender Services was financed from the account's unobligated balance. Therefore, the Courts requested restoration of the base appropriations, as well as additional funding to finance the attorney compensation increase in FY 2004. The base funding was restored; however, the requested increase for attorney compensation was not appropriated.

Although the Courts received an appropriation sufficient to cover many of the Courts' needs for FY 2004, some of the ini-



tatives for which funding was requested were not covered. Among these are: (1) funding to support expanding strategic planning and management; (2) funding for succession planning, as we are projecting retirement of a large number of our most experienced personnel; (3) staff and space for a self-representation center; and (4) enhancement of the Courts' digital recording capabilities as well as additional court reporters. The Courts require adequate funding to fulfill their mission of service to the people of the District of Columbia. Therefore, the Joint Committee will continue to seek sufficient funding to meet these critical needs and other demands on the Courts.

#### **IV. BROADENING ACCESS TO JUSTICE AND SERVICE TO THE PUBLIC**

The Courts recognize the increasing diversity of the community and must ensure that all District residents have full access to the judicial process. In 2003 the Courts continued its efforts to broaden access to justice for all in a number of ways as described in the following sections.

##### **A. Standing Committee on Fairness and Access**

The Joint Committee established the *Standing Committee on Fairness and Access to the District of Columbia Courts (Standing Committee)* which has continued, on a permanent basis, the work of the earlier Task Forces on Racial, Ethnic and Gender Bias in the District of Columbia Courts. The *Standing Committee*, which is chaired by Judge Inez Smith Reid of the D.C. Court of Appeals, addresses problems identified by the earlier Task Forces by recommending concrete action, monitoring recommendation implementation efforts, and conducting special projects. The mission of the *Standing Committee*, however, is broader than the earlier task forces, since it also seeks to improve community access to the Courts, monitor compliance with the Americans With Disabilities Act, and improve the quality of service provided to court users generally.

Following the Courts' conference, *Ensuring Fairness and Access in the Courts*, held in October 2002, which highlighted the need for access reforms in the Landlord Tenant Branch, the Standing Committee, worked with the judicial and administrative leadership of the Superior Court's Civil Division to spearhead a pilot mediation project for landlord and tenant matters. The project has proven to be a great success. The Improving Court Access Subcommittee of the Standing Committee met with court facilities staff and the Courts' architects to ensure that

the renovations to Building B for the Landlord Tenant and Small Claims branches and the construction of Family Court hearing rooms would enhance access to the D.C. Courts' facilities and services for persons with disabilities. During the summer of 2003, the Standing Committee also provided to the Landlord Tenant Branch a bilingual (Spanish) intern who assisted with communication with litigants who are not proficient English speakers.

At Outreach Initiative Forums conducted by the Standing Committee issues were raised concerning the difficulty in accessing the courts due to traffic and parking congestion in the Judiciary Square area. Therefore, in 2003 the Courts worked with the D.C. Department of Traffic and neighboring courts, agencies, and others on the *Judiciary Square Traffic and Security Study*. The study is intended to improve the traffic patterns and parking in the area, which should result in improved and more secure access to the D.C. Courts for all persons.

In 2003, the Issues Subcommittee of the Retrospective and Review Advisory Committee convened a half-day workshop to assist the Courts to focus on current issues and to meet new challenges that have occurred since the last report on implementation of the recommendations of the earlier bias task forces.

With the assistance of the Standing Committee, the Courts will host the 16<sup>th</sup> annual meeting of the National Consortium on Racial and Ethnic Fairness in the Courts (National Consortium) April 14 – 17, 2004, at the Washington Court Hotel. Planning for this event began in 2003. The National Consortium's members include chief justices, associate justices, presiding judges, associate judges, judicial branch staff, members of the Bar, and lay persons who work with a court racial and ethnic fairness committee or task force. In addition, the conference will be open to the judicial officers and staff of the D.C. Courts, members of the Bar, as well as representatives of the neighboring state court systems. New Mexico Supreme Court Justice Patricio Serna is the Moderator of the National Consortium. The conference theme, *50 Years After Brown; A National Dialogue on Racial & Ethnic Fairness in the Courts*, will use the groundbreaking Supreme Court case, *Brown vs. Board of Education of Topeka* to inspire the conference participants to continue the challenging task of identifying and eliminating unfairness and systemic biases in the administration of justice.

##### **B. Kiosks**

In 2003, the Courts launched a Web, kiosk and intranet design initiative which, when completed, will produce an external Web site for the Courts, deploy approximately ten information kiosks in the community, and expand the Courts' intranet. A Kiosk MAP Team is coordinating the development and implementation of the kiosks and new Internet site, which will share content. The Kiosk MAP Team held a series of focus groups with both internal and external users to determine requirements for the project. The external focus group participants included representatives such as: legal service providers for the indigent, law school clinical program directors, the mandatory and voluntary bar associations, and language minority communities. In addition to having new and expanded content, the new website and kiosks will be interactive. Kiosk users will be able to conduct such court business, such as completing the Juror Questionnaire, requesting a postponement of a jury service date, requesting an interpreter, or requesting an assisted listening device without traveling to Judiciary Square.

#### **C. Youth Law Fair**

Each spring, the Courts co-host the annual Youth Law Fair with the D.C. Bar, inviting area teens to spend a Saturday at the courthouse for mock trials and a discussion of legal issues. The goal of the Fair is to promote a dialogue on current legal issues, enhance knowledge about the judicial system, and educate teens about careers in the law. The March 2003 event was a great success. The Courts teamed with Street Law, Inc., and teens discussed intolerance and how hatred can lead to crime. Several bar sections and other organizations participated with informative tabletop displays. The D.C. Bar's "Stump the Lawyer" booth was extremely popular.

#### **D. Black History Month**

The Courts traditionally hold a series of events during Black History Month which are designed to educate and promote understanding. In February 2003, the Courts' programs focused on "Celebrating and Elevating our Youth." The first event, entitled, "Elevating our Youth Through Song and Praise," included performances by the H.D. Woodson and Ballou Senior High School choirs. At the second event, a grandmother/granddaughter team spoke. Ms. Ernestine Anderson delivered a talk called "A Walk Through D.C. History," and Ms. Angel Anderson spoke glowingly of her grandmother's devotion to her in remarks entitled "Reflection." The month-long cele-

bration concluded with an event entitled "What I Want to be...Who Inspires Me." Attendees were entertained once again by students from H.D. Woodson, as both their Dance Troupe and Jazz Combo participated. In addition, the "D.C. Scores Poetry Slam!" winners from Anne Beers Elementary School performed their inspiring poetry.

#### **E. Hispanic Heritage Month**

In the fall, the Courts mark Hispanic Heritage Month with a series of events for staff and the public in recognition of the Latino presence in this community and around the country. At the first event in 2003, a local El Salvadoran painter, Karlisima, discussed her vibrant artwork, which was on display for two weeks in the Juror's Lounge. The second week the Courts welcomed representatives from the Embassy of Equatorial Guinea for a presentation about their country and their relationship with the rest of the Spanish-speaking world. The audience learned about the history and culture of the only Spanish-speaking country in Africa. The Courts concluded the Hispanic Heritage Month with the annual CORO Awards Ceremony, which began with the performance of traditional folk dances by children from Oyster Bilingual Elementary School. The CORO Awards (standing for Community, Outreach, Recognition, and Opportunity) are given in recognition of outstanding service to the Latino community has enhanced the lives of area Latinos and the District of Columbia community in general. The 2003 awardees were the James F. Oyster Bilingual Elementary School; the Spanish Catholic Center; EOFULA Spanish Senior Center; the Office of Interpreting Services for the District of Columbia Courts; and Superior Court Judge Jose Lopez.

#### **F. Court Signage**

To enhance the ability of the public to navigate the Courts' buildings, a program to replace and improve signage was initiated in 2003. Temporary floor plan signs were installed in the Moultrie Courthouse that identify frequently used offices and more clearly locate the offices and divisions on each floor. In addition, the signs clearly identify important safety and security features, such as emergency exits and "areas of rescue assistance" for the disabled. Permanent signage will follow in the Moultrie Courthouse as construction is completed. Permanent signage was tested in Building B, as part of its renovation. Easily readable and ADA compliant signs identify individual offices, in addition to

providing floor plans of the building near the elevators.

## **V. PROMOTING COMPETENCE, PROFESSIONALISM AND CIVILITY**

A strategic issue for the Courts in the coming years is promoting the competence and professionalism of court personnel and enhancing civility among all court participants. The Joint Committee has adopted a number of policies to meet this goal.

### **A. Performance Management**

As mentioned above, the Joint Committee approved, and the Courts implemented in September 2003 a new performance management system for senior administrators. Annual performance contracts now require division directors to meet the strategic objectives outlined in their Management Action Plans (MAPs). Failure to meet performance expectations and achieve strategic objectives can result in termination. In 2004, the Courts will establish a new performance management system for employees that links employee performance appraisals to their individual and/or team contribution towards fulfillment of the Courts' strategic objectives. Under the new system, employee performance in core competencies (e.g. communication skills, customer service, job knowledge, dependability, integrity, and initiative) will be assessed.

### **B. Training**

As the Courts transition from a traditionally clerical to a knowledge-based workforce, staff training and development is essential. In 2003, the Courts contracted with an expert in organizational development to conduct a detailed training needs assessment. The expert surveyed and interviewed judges, managers, and staff and reviewed numerous court documents to evaluate the Courts' training requirements. The report identified key priority areas for training. As part of this effort to enhance the professionalism and civility of court personnel, the Courts' Center for Education, Training and Development conducted customer service training for a number of court employees. Customer service training will continue in 2004 for all employees who interact regularly with the public.

In May 2003, the Courts' judges and senior managers participated in a two-day training conference designed to address potential barriers to successful implementation of the Courts' Strategic Plan. Under the

theme, *Leading Change*, judges and managers discussed the Courts' organizational culture, the stages of change in an organization, and how to lead employees in a successful change effort. Dr. Dale Lefever, a nationally recognized expert in leadership development, strategic planning, and management of organizational change, facilitated the conference. The Honorable Roger Gregory, of the Fourth Circuit Court of Appeals, delivered an inspiring keynote address on the personal and professional experiences that culminated in his appointment to the Fourth Circuit.

## **VI. IMPROVING COURT FACILITIES AND TECHNOLOGY**

### **A. Facilities**

The District of Columbia Courts process more than 150,000 cases each year and employ a staff of nearly 1,300 who directly serve the public, process the cases, and provide administrative support. Maintaining, preserving, and building safe and functional courthouse facilities is essential to meeting these heavy demands of the administration of justice in our Nation's Capital. To effectively meet these demands, the Courts' facilities must be both functional and emblematic of their public significance and character. The Joint Committee, as the policy-making body for the District of Columbia Courts, has responsibility for, among other things, space and facilities issues in the court system, and it has made improvement of court facilities a high priority. Improved facilities were a need identified as a high priority among all constituency groups surveyed by the Courts as the Strategic Plan was developed. The effective administration of justice requires an appropriate physical and technical environment, and the Courts are focused on meeting these requirements. Thus, the Courts have developed a detailed facilities plan, and in 2003 reached a number of major milestones on several projects.

The D.C. Courts occupy four buildings in Judiciary Square, one of the original significant green spaces in the District of Columbia designated in the L'Enfant Plan for the Nation's Capital and one of the last such spaces to be revitalized. Several of the Courts' buildings are historically significant. The architecturally and historically significant Old Courthouse, one of the oldest public buildings in the District, is central to meeting the Courts' space requirements. With the support of the President and the

Congress, the Courts have been able to take steps to prevent further deterioration of this important landmark and commence the process leading to the adaptation of the building for use as a functioning, modern day courthouse. The National Capital Planning Commission (NCPC) and the Commission of Fine Arts (CFA) have expressed support for the restoration of the Old Courthouse.

The Courts presently maintain 1.1 million gross square feet of space in Judiciary Square. The Courts are responsible for four buildings in the square: the Old Courthouse at 451 Indiana Avenue, the Moultrie Courthouse at 500 Indiana Avenue, N.W., and Buildings A and B, which are located between 4<sup>th</sup> and 5<sup>th</sup> Streets and E and F Streets, N.W. In addition, when the District government's payroll office vacates Building C, the old Juvenile Court, we anticipate that it will be returned to the Courts' inventory. Recent studies by the General Services Administration (GSA) have documented both the D.C. Courts' severe space shortage<sup>1</sup> and the need for improvement of the physical condition of the Courts' facilities.<sup>2</sup>

The Master Plan for D.C. Courts Facilities, secured for the Courts by the General Services Administration (GSA), defined a present shortfall of 48,000 square feet of space, with a shortfall of 134,000 square feet projected in the next decade. GSA proposed to meet the Courts' space needs through three mechanisms: (1) renovation of the Old Courthouse for use by the District of Columbia Court of Appeals, which will free critically needed space in the Moultrie Courthouse for trial court operations; (2) construction of an addition to the Moultrie Courthouse, a major portion of which will be developed as a separately accessible Family Court facility; and (3) the future occupation of Building C, adjacent to the Old Courthouse.

The restoration of the Old Courthouse for use by the District of Columbia Court of Appeals is pivotal to meeting the space needs of the court system. Investment in the restoration of the Old Courthouse not only will improve efficiencies by co-locating the offices that support the Court of Appeals, but also will provide 37,000 square feet of space

critically needed for Superior Court and Family Court functions in the Moultrie Courthouse. The Moultrie Courthouse is uniquely designed to meet the needs of a busy trial court. It has three separate and secure circulation systems – for judges, the public, and the large number of prisoners present in the courthouse each day. Needless to say, the Courts have outgrown the space available in the Moultrie Courthouse. The space is inadequate for this high volume court system to serve the public in the heavily populated metropolitan area in and around our Nation's Capital. The Courts require well-planned and adequate space to ensure efficient operations in a safe and healthy environment.

*1. The Old Courthouse*, the centerpiece of the historic Judiciary Square, built from 1821 to 1881, is one of the oldest public buildings in the District of Columbia. The architectural and historical significance of the Old Courthouse led to its listing on the National Register of Historic Places and its designation as an official project of Save America's Treasures. The unique character of the building, together with its compact size, makes it ideal for occupancy by the District of Columbia Court of Appeals. The structure requires extensive work to meet health and safety building codes and to readapt it for use as a courthouse. Since it has been vacated, the Courts have been able to take steps to prevent its further deterioration. The restoration of the Old Courthouse for use as a functioning court building will not only provide much needed space for the Courts, but it will also impart new life to one of the most significant historic buildings and precincts in Washington, D.C. It will meet the needs of the Courts and benefit the community through an approach that strengthens a public institution, restores a historic landmark, and stimulates neighborhood economic activity.

To design the restoration of the Old Courthouse, the architectural firm Beyer Blinder Belle Architects & Planners LLP was selected through the General Services Administration's Design Excellence program and began work on April 30, 2003. Plans include a new entrance on the north side of the Old Courthouse that will provide universal access to the building as well as provide appropriate space for security functions. In addition, the interior will be restored both for historic preservation and

<sup>1</sup> Master Plan for D.C. Courts Facilities, 2002

<sup>2</sup> Building Evaluation Report, 2001



for efficient service as a modern courthouse and a ceremonial courtroom will be constructed.

An important part of the Old Courthouse restoration is construction of an underground parking garage that will replace the surface parking between the new courthouse entrance and E Street. This surface lot currently serves the D.C. Courts and the U.S. Court of Appeals for the Armed Forces, and the garage will provide secure parking for judges and staff of both courts. The garage is the first phase of the restoration work, and the National Capital Planning Commission approved Beyer Blinder Belle's concept designs for it on August 7, 2003. Construction is scheduled to begin in 2004.

2. *Buildings A, B, and C*, dating from the 1930's, are situated symmetrically along the view corridor comprised of the National Building Museum, the Old Courthouse, and John Marshall Park and form part of the historic, formal composition of Judiciary Square. These buildings have been used primarily as office space in recent years, with a number of courtrooms in operation in Building A. The Superior Court's two highest volume courtrooms, Small Claims and Landlord and Tenant, moved into Building B and began operations there on November 18, 2003. This move has freed space in the Moultrie Building needed for the Family Court, permitting the construction of three new courtrooms, three new hearing rooms, a centralized case intake facility, a family-friendly waiting area and District government liaison offices for Family Court matters.

3. *The H. Carl Moultrie I Courthouse*, built in the 1970's, while not historic, is also located along the view corridor and reinforces the symmetry of Judiciary Square through its similar form and material to the municipal building located across the John Marshall Plaza. Currently the Moultrie Courthouse provides space for most Court of Appeals, Superior Court, and Family Court operations and clerk's offices, as previously described.

#### 4. *Judiciary Square Master Plan*

The National Capital Planning Commission (NCPC) required that the D.C. Courts develop a Master Plan for Judiciary Square – essentially an urban design plan – before any construction could be commenced in the area. The D.C. Courts worked with all stakeholders on the Plan, including the United States Court of Appeals

for the Armed Forces, the National Law Enforcement Officers Memorial Fund, the Newseum, and the Metropolitan Police Department. A draft Judiciary Square Master Plan was submitted to the NCPC in June 2003 and subsequently approved on August 8, 2003. The Judiciary Square Master Plan integrates the facilities development program of the Courts into a rapidly changing and publicly oriented area of the District. The Plan resolves important technical issues related to access, service, circulation, and security while re-establishing the importance of this historic setting in the "City of Washington." It provides a comprehensive framework for project implementation and lays the groundwork for the regulatory approval process with the National Capital Planning Commission, the U.S. Commission of Fine Arts, the District of Columbia Office of Historic Preservation, the District of Columbia Office of Planning, and the District of Columbia Department of Transportation, among others.

The Judiciary Square Master Plan recommends: (1) re-introduction of landscaped green space around court buildings and the construction of secure underground parking garages for the Courts to house vehicles now parked in surface lots; (2) integration of a new service area, security features and landscape concept; and (3) coordination of the Courts' development with development of the National Law Enforcement Officers Museum by the Memorial Fund. The Judiciary Square Master Plan will ensure the preservation of one of the last historic green spaces in the District of Columbia awaiting revitalization, incorporating areas where the public can gather and relax, and creating a campus-like environment where citizens can feel safe and secure. The Judiciary Square Master Plan will be of great benefit to the City of Washington, D.C.

#### 5. *Master Plan for Facilities*

The Courts have been working with GSA on a number of their capital projects since fiscal year 1999, when the Courts assumed responsibility for their capital budget from the District's Department of Public Works. In 1999, GSA produced a study for the renovation of the Old Courthouse to house the D.C. Court of Appeals. In 2001, GSA prepared Building Evaluation Reports that assessed the condition of the D.C. Courts' facilities, which have been adversely affected by maintenance deferrals necessitated by severely limited capital funds in

prior years. These projects culminated in the development of the first Master Plan for D.C. Court Facilities, which delineates the Courts' space requirements and provides a blueprint for optimal space utilization, both in the near and long term.

The Master Plan for D.C. Courts' Facilities, completed in December 2002, incorporates significant research, analysis, and planning by experts in architecture, urban design, and planning. During this study, GSA analyzed the Courts' current and future space requirements, particularly in light of the significantly increased space needs of the Family Court. The Master Plan examined such issues as alignment of court components to meet evolving operational needs and enhance efficiency; the impact of the D.C. Family Court Act of 2001 (Public Law Number 107-114); accommodation of space requirements through 2012; and planning to upgrade facilities, including, for example, security, telecommunications, and mechanical systems. The Plan identified a space shortfall for the Courts over the next decade of 134,000 occupiable square feet, and, as noted above, proposed to meet that need through renovation of the Old Courthouse for adaptive reuse by the D.C. Court of Appeals; construction of an addition to the Moultrie Courthouse; and reoccupation of Building C, adjacent to the Old Courthouse. In addition, the Plan determined that other court facilities must be modernized and upgraded to meet health and safety standards and to function more efficiently.

The Master Plan studied the cost and feasibility of expanding the Moultrie Courthouse in the Feasibility Study for the H. Carl Moultrie I Courthouse – May 2003. This approach has been developed with the overarching objectives of keeping the court system continually operating efficiently while carefully complying with the Family Court Act. Independent projects related to the Family Court Act include the renovation and expansion of the Old Courthouse to free space in the Moultrie Courthouse, system upgrades and renovation of Buildings A & B, occupation and renovation of Building C, leasing of space for court support functions not directly related to the public and court proceedings, and renovation and expansion of the Moultrie Courthouse. These projects will shift operations currently located in existing Court facilities (1) to create "swing space" that permits the required construction

to take place in an operating courthouse that receives 10,000 persons daily and (2) to make contiguous space available for the Family Court.

#### *6. Family Court in the Master Plan*

The Master Plan incorporates an Interim Space Plan for the Family Court that provides the facilities necessary to fully implement the Family Court Act, as well as a long term plan that optimizes space and programmatic enhancements for the Family Court. It concluded that the Family Court would be most effectively and efficiently located in the Moultrie Courthouse.

##### *(a) Interim Family Court Space Plan*

The Interim Space Plan for Family Court will be complete in mid-2004. As this Interim Space Plan proceeds towards completion, procedural changes have been implemented within the Family Court to meet the requirements of the Family Court Act. Essential capital components of the Plan are straightforward:

During FY 2002, the Courts constructed and reconfigured space in the Moultrie Courthouse to accommodate nine new Family Court magistrate judges and their support staff. The Courts also constructed four new hearing rooms in Building B for Family Court magistrate judges hearing child abuse and neglect cases, and renovated short-term space for the Mayor's Services Liaison Office.

Two Superior Court operations formerly located on the JM level of the Moultrie Courthouse, Small Claims and Landlord Tenant, were relocated to Building B to free space for the Family Court in Moultrie. Following renovation of space and system upgrades, two new courtrooms and administrative offices were opened on November 18, 2003. At a ceremony marking the occasion, Congresswoman Eleanor Holmes Norton, Chief Judge Annice Wagner, and Chief Judge Rufus King spoke about the return of Landlord Tenant and Small Claims to their original homes.

Construction in the JM Level of the Moultrie Courthouse began on December 15, 2003 and will provide three new Family courtrooms, three new hearing rooms, the Mayor's Services Liaison Office, a Centralized Family Court Case Filing and Intake Center, a family-friendly child waiting area, and a new Family Court entrance from the John Marshall Plaza into the Moultrie Courthouse. In addition, the corridors and hallways along the courthouse's



JM-level will be redesigned to create family-friendly seating and waiting areas. This phase of the project is scheduled to be complete in July 2004.

(b) Long Term Family Court Space Plan

The long term plan for the Family Court includes expansion of the Moultrie Courthouse. Once complete, it will provide a state-of-the-art, family-friendly facility for Family Court operations, which will be a model for the nation. The Plan envisions a safe facility that will be inviting and welcoming to families with children of all ages and that will incorporate a "one-stop" concept by locating all related court units in one place and making it easier for families to access needed social services from D.C. government agencies. The interim Family Court Plan is designed to transition smoothly into this long term plan and to maximize the efficient use of time and money.

**B. Technology**

Numerous technology initiatives are underway. The Integrated Justice Information System (IJIS) initiative is creating an integrated computer system for all Superior Court divisions that will eliminate redundant data entry and facilitate sharing of case information across court divisions and link to the Court of Appeals. In 2003, the D.C. Courts accelerated their transformation from a mainframe-based data processing environment with stove-piped applications to a multi-tier IT architecture and an integrated system. The Courts began planning for the acquisition of IJIS in 1998 and in 2000 defined functional requirements for a new system. In 2001, acquisition and procurement activities were undertaken for a commercial-off-the-shelf (COTS) system and a systems integrator to implement the product was selected. Implementation began in December 2002 with the Family Court, with other divisions to follow. Implementation of IJIS for the Family Court was planned to occur in waves, putting the system in operation in different units of the Family Court in phases to ensure that operations were not disrupted and that the system functioned as planned. The system's first two go-live dates were August 2003 and December 2003.

In addition to IJIS, the Information Technology Division made other improvements during 2003 to the technological envi-

ronment needed to support the effective administration of justice. A Security Administrator was hired to manage the Courts' information security infrastructure upgrade initiative. Information security is essential to control access to information and protect the confidentiality, integrity, and availability of court records, especially in an atmosphere of computer hackers and computer viruses coupled with the Courts' efforts to expand electronic access to court information and electronic case filing services. Another important initiative begun in 2003 will upgrade all court user workstations to the Windows 2000 operating system and upgrade the capabilities of workstations that are unable to handle the information processing demands of the Courts' applications.

**CONCLUSION**

We live in a changing environment, facing new challenges to our nation, our nation's capital, and our court system. Whatever challenges we face, the fair and effective administration of justice remains crucial to our way of life. The District of Columbia Courts are committed to meeting these new challenges. To that end, we are constantly re-examining and re-evaluating the operations of the court system and making changes that will accomplish these goals. We have been steadfast in our mission, which is to protect rights and liberties, uphold and interpret the law, and resolve disputes peacefully, fairly, and effectively in the Nation's Capital. The Courts are continuing to enhance the administration of justice, broaden access to justice and service to the public; promote competence, professionalism, and civility; improve technology; provide safe and efficient facilities for today and the years ahead; and, build public trust and confidence. The court system of the District of Columbia is well-regarded around the nation, and indeed around the world, attracting visiting judges and other government officials seeking to improve their own justice systems. The Joint Committee will continue to establish policies, seek funding sufficient to meet the Courts' critical needs, manage prudently its resources, and undertake new approaches to ensure that our court system remains one that well serves the needs of the public.

**COMMITTEES OF THE DISTRICT OF COLUMBIA COURTS:  
SUMMARY OF RACE, ETHNICITY & GENDER FOR 2003**

	WHITE		BLACK		HISPANIC		ASIAN AMERICAN		TOTAL
	Female	Male	Female	Male	Female	Male	Female	Male	
<b>District of Columbia Courts:</b>									
Joint Committee on Judicial Administration	1	3	1	-	-	-	-	-	5
Advisory Committee on Judicial Conduct	-	3	-	1	1	-	-	-	5
Standing Committee on Fairness & Access	1	2	2	1	-	1	-	-	7
<b>Court of Appeals:</b>									
Committee on Admissions	-	3	3	1	-	-	-	-	7
Committee on Unauthorized Practice of Law	4	5	-	2	-	-	-	-	11
Board on Professional Responsibility	1	4	2	-	1	-	-	1	9
Client Security Trust Fund	1	2	2	-	-	-	-	-	5
<b>Superior Court:</b>									
Amenities/Misfortunes	1	-	1	2	-	-	-	-	4
Art Trust Fund	-	-	2	-	-	1	-	-	3
Benchbook Committee	1	4	5	-	-	1	-	-	11
Bond/Collateral	1	-	-	4	-	-	-	-	5
Building & Grounds Committee	-	3	-	2	-	-	-	-	5
Civil Rules Advisory Committee	2	2	1	1	-	-	-	-	6
Civil Rules Advisory Subcommittee-L&T	2	1	-	-	-	-	-	-	3
Court Interpreters Committee	1	-	1	1	1	1	-	-	5
Criminal Justice Act Panel Implementation	3	3	3	4	-	-	-	-	13
Criminal Justice Act Panel Implementation Subcommittee on Investigators	2	2	1	-	-	-	-	-	5
Criminal Justice Act Plan & Voucher	2	4	1	-	-	-	-	-	7
Criminal Rules Advisory	3	4	1	4	-	-	-	-	12
Committee on Continuing Legal Education for Criminal Justice Act Attorneys	2	1	1	1	-	-	-	-	5
Domestic Violence Advisory	4	1	-	-	-	-	-	-	5
External Affairs	4	3	3	-	-	-	-	-	10
Family Rules Advisory	2	2	3	1	1	-	-	-	9
Family Court Rules Committee	2	3	3	3	-	1	-	-	12
Judicial Education & Training	3	5	5	3	-	1	-	-	17
Jury Instructions Committee	4	2	-	-	-	-	-	-	6
Jury Management Committee	2	3	-	3	-	-	-	-	8
Juvenile Drug Court Implementation Committee	-	-	2	-	-	-	-	-	2
Liaison With Judicial Disabilities & Tenure Commission	1	2	1	2	-	-	-	-	6
Library Committee	4	1	1	-	-	-	-	-	6
Mental Health/Mental Retardation Advisory Rules	3	2	1	1	-	1	-	-	8
Pretrial Mental Examination Committee	3	-	1	1	-	-	-	-	5
Prisoner's Civil Assistance Project/Civil Legal Services	1	-	2	1	-	-	-	-	4
Probate & Fiduciary Advisory	-	-	2	1	-	1	-	-	4
Selection & Tenure of Magistrate Judges	1	1	4	4	-	1	-	-	11
Security Committee	-	2	2	2	-	-	-	-	6
Strategic Planning Leadership Council	1	1	-	1	-	1	-	-	4
Superior Court Rules Committee	4	4	1	5	-	1	-	-	15
Technology & Automation	2	3	1	4	-	-	-	-	10
Third Party Custodians	1	1	1	1	-	1	-	-	5
<b>Total</b>	70	82	60	57	4	12	-	1	286

## ORGANIZATION OF THE DISTRICT OF COLUMBIA COURTS

The District of Columbia Courts, consisting of the Court of Appeals, the Superior Court, and the Court System, constitute the Judicial Branch of the District of Columbia and are separate and distinct from the Executive and Legislative Branches. The organization and operation of the District of Columbia Courts, a completely unified court system, are described in detail in the District of Columbia Court Reform and Criminal Procedure Act of 1970.

**Appeals:** The District of Columbia Court of Appeals is the highest court of the District of Columbia. It has nine judges who sit in three-judge panels; on rare occasions the Court sits en banc. The Court of Appeals reviews all appeals from the Superior Court, as well as decisions and orders of D.C. government administrative agencies. Final judgments of the Court of Appeals are reviewable by the Supreme Court of the United States in accordance with Section 1257 of Title 28, United States Code. The Court of Appeals is also responsible for the management of admissions to the D.C. Bar, attorney discipline, and the review and approval of proposed Superior Court Rules that would modify the Federal Rules of Civil Procedure or the Federal Rules of Criminal Procedure. Assisting the Court of Appeals are the Committee on the Unauthorized Practice of Law, the Clients' Security Trust Fund, the Board on Professional Responsibility, and the Committee on Admissions.

**Trials:** The Superior Court of the District of Columbia is the court of general jurisdiction over virtually all local legal matters. The court consists of divisions which provide for all local litigation functions including criminal, civil, juvenile, domestic relations, probate, tax, landlord and tenant, and traffic. Judges of the Superior Court rotate to each division on a scheduled basis.

The Civil Division has general jurisdiction over any civil actions at law or in equity brought in the District of Columbia, regardless of the amount in controversy,

including Small Claims and Landlord and Tenant cases.

The Criminal Division provides administrative and clerical services necessary to process defendants who are charged with criminal offenses in the District of Columbia.

The Family Court embraces the jurisdiction exercised by the former Juvenile Court of the District of Columbia and the Domestic Relations Branch of the former D.C. Court of General Sessions; the division's Marriage Bureau processes marriage license applications, and issues marriage and minister's licenses.

The Probate Division supervises the administration of all decedents' estates, guardianships of minors, conservatorships, and guardianships of adults, certain trusts, and assignments for the benefits of creditors.

The Social Services Division serves as the juvenile probation system for the District of Columbia, and is responsible for providing recommendations to permit the Court to make decisions in the adjudication process. The Division also provides community supervision and other supportive social services as might be mandated by the judiciary to those persons whose problems bring them within the purview of the Court.

The Tax Division processes all tax cases, both civil and criminal, brought by or against the District of Columbia.

**Executive Office:** The Executive Office is responsible for the administrative management of the District of Columbia Courts. It consists of the Executive Officer, the Deputy Executive Officer, and other office staff. Divisions which are directly overseen by the Executive Officer include: Administrative Services; Attorney Advisors; Budget and Finance; Center for Education, Training and Development; Court Reporting and Recording; Human Resources; Information Technology; and Research and Development. The Executive Officer serves as secretary to the Joint Committee on Judicial Administration, the policy-making body of the D.C. Courts.

## DISTRICT OF COLUMBIA COURTS' FINANCES

The National Capital Revitalization and Self Government Improvement Act of 1997 (Act) altered the budget process and financing of the District of Columbia Courts. Since October 1, 1997, under the Act, with respect to finances: 1) the District of Columbia Courts receive direct funding from the federal government; 2) all funds, fines and fees collected by the Courts are deposited in either the Crime Victims Fund or the United States Treasury; and 3) the Courts' budget is submitted directly to the Office of Management and Budget, through the President and then is sent to the Congress.

Under the provisions of the Criminal Justice Act (CJA) of 1974, the Courts are required to finance legal representation for indigent adults in criminal cases and for indigent juveniles charged as delinquent or in need of supervision. Although the Public Defender Service provides some indigent services, most appointments are to private attorneys serving under the CJA program. Expenses that must be covered, in addition to legal representation, include investigations, acquisition of transcripts, and other services necessary for an adequate defense.

Table 1

**OPERATING BUDGET OF THE DISTRICT OF COLUMBIA COURTS**

	2003 <i>Actual</i>	2004
	<i>Expenditures</i>	<i>Appropriation</i>
Court of Appeals	\$ 8,011,404	\$ 8,775,000
Superior Court	\$ 76,580,040	\$ 83,387,000
Court System	\$ 37,526,956	\$ 40,006,000
<b>Total</b>	<b>\$ 122,118,400</b>	<b>\$ 132,168,000</b>

Table 2

**DISTRICT OF COLUMBIA COURTS CASH REVENUE**

	2002	2003
<b>Court of Appeals Fees</b>	\$ 1,257,077	\$ 1,437,719
<b>Superior Court Fees</b>		
Civil Division:		
Civil Actions	\$ 1,719,274	\$ 1,613,609
Small Claims	575,447	560,459
Landlord & Tenant	845,384	827,716
Family Court:		
Family Court Fees	368,715	333,682
Marriage Bureau	214,255	203,380
Tax Division	24,507	23,870
Probate Division	878,134	729,337
Total Fees	\$ 4,625,716	\$ 4,292,053
<b>Superior Court Fines &amp; Forfeitures</b>		
Criminal Division:		
District of Columbia Offenses Fines	\$ 237,416	\$ 189,104
United States Offenses Fines	72,592	116,437
Traffic Fines	630,741	521,509
Bond Forfeitures	2,950	9,136
Crime Victims Compensation Fund	492,712	575,791
Total Fines & Forfeitures	\$ 1,436,411	\$ 1,411,977
<b>Superior Court - Other Revenues (Interest &amp; Unclaimed Deposits)</b>	\$ 88,345	\$ 213,204
<b>Court System Fees</b>		
Court Reporting and Recording Division		
Transcript Fees	\$ 189,337	\$ 210,685
<b>Total Revenue Deposited</b>	<b>\$ 7,596,886</b>	<b>\$ 7,565,638</b>

Table 3

<b>DISTRICT OF COLUMBIA COURTS RECEIPTS &amp; DISBURSEMENTS</b>				
	2002		2003	
	<i>Receipts</i>	<i>Disbursements</i>	<i>Receipts</i>	<i>Disbursements</i>
<b>Court of Appeals</b>	\$1,257,077	\$1,257,077	<b>\$1,437,719</b>	<b>\$1,437,719</b>
<b>Superior Court</b>				
<b>Criminal Division:</b>				
Escrow	639,296	91,614	<b>1,318,783</b>	<b>94,073</b>
Fines & Forfeitures	940,748	940,748	<b>827,050</b>	<b>827,050</b>
Bond Forfeitures	2,950	2,950	<b>9,136</b>	<b>9,136</b>
CVCF	492,712	492,712	<b>575,791</b>	<b>575,791</b>
Total	<u>2,075,707</u>	<u>1,528,024</u>	<b>2,730,760</b>	<b>1,506,050</b>
<b>Civil Division:</b>				
Fees	3,140,105	3,140,105	<b>3,001,784</b>	<b>3,001,784</b>
Escrow	6,226,105	1,910,284	<b>15,803,308</b>	<b>15,803,308</b>
Total	<u>9,366,210</u>	<u>5,050,389</u>	<b>18,805,092</b>	<b>18,805,092</b>
<b>Family Court:</b>				
Fees	368,715	368,715	<b>333,682</b>	<b>333,682</b>
Marriage Bureau Fees	214,255	214,255	<b>203,380</b>	<b>203,380</b>
Child Support	66,320,567	66,320,567	<b>65,030,306</b>	<b>63,940,703</b>
Total	<u>66,903,537</u>	<u>66,903,537</u>	<b>65,567,368</b>	<b>64,477,765</b>
<b>Tax Division-Fees</b>	24,507	24,507	<b>23,870</b>	<b>23,870</b>
<b>Probate Division:</b>				
Fees	878,134	878,134	<b>729,337</b>	<b>729,337</b>
Escrow	80,364	-	<b>241,854</b>	<b>158,105</b>
Total	<u>958,498</u>	<u>878,134</u>	<b>971,191</b>	<b>887,442</b>
<b>Other Revenue:</b>				
Unclaimed Deposits (exceeding two years)	88,345	88,345	<b>63,025</b>	<b>63,025</b>
Unclaimed Civil			<b>150,182</b>	<b>150,182</b>
Interest Earned	-	-	-	-
Total	<u>88,345</u>	<u>88,345</u>	<b>213,207</b>	<b>213,207</b>
<b>Total Superior Court</b>	79,416,804	74,472,936	<b>88,311,488</b>	<b>85,913,426</b>
<b>Court System</b>				
Court Reporting and Recording Division Transcript Fees	<u>189,337</u>	<u>169,142</u>	<b>210,685</b>	<b>169,142</b>
<b>Grand Total - District of Columbia Courts</b>	80,863,218	75,899,155	<b>89,959,892</b>	<b>87,520,287</b>



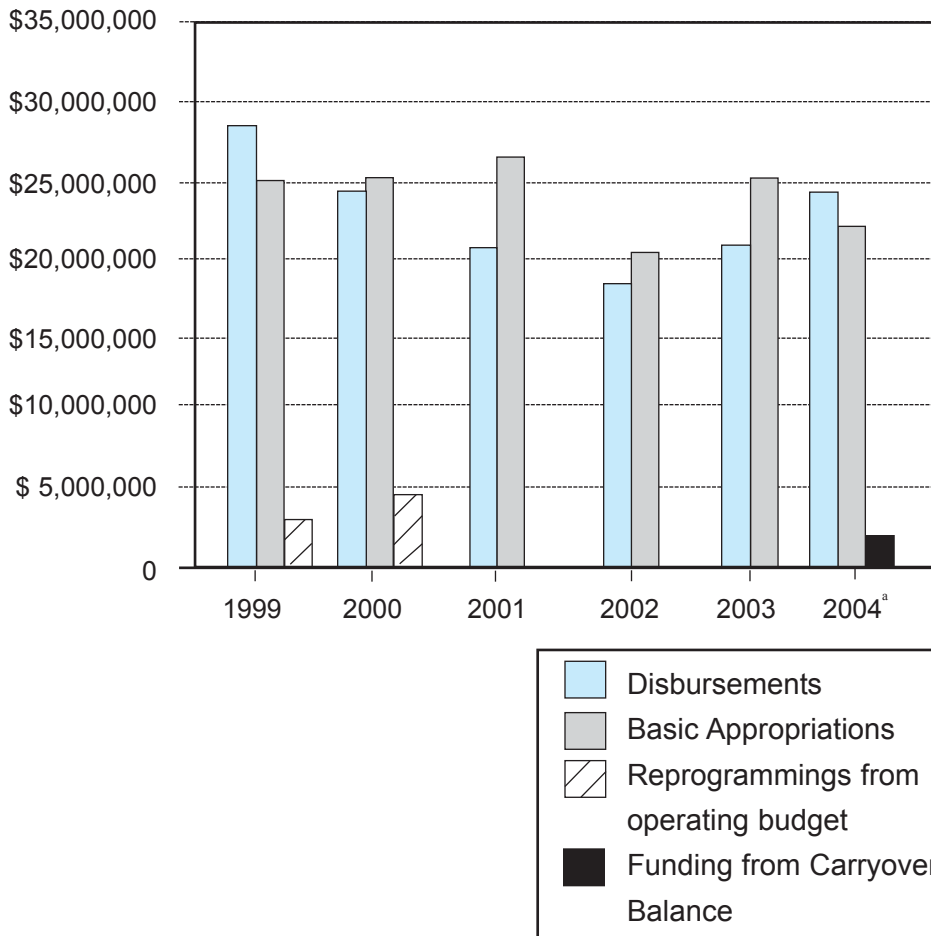
Table 4

**COMPARISON OF CJA DISBURSEMENTS & FUNDING BY SOURCE, FY 1999-2004**

	1999	2000	2001	2002	2003	2004 <sup>a</sup>
Total Disbursements	28,104,021	24,842,940	20,861,384	18,323,912	22,636,413	24,200,000
Funding Sources:						
Basic Appropriations	25,036,000	25,036,000	27,087,000	20,238,500	25,206,400	22,000,000
Reprogrammings	3,068,021	4,592,000	-	-	-	-
Funding from Carryover Balance	-	-	-	-	-	2,200,000
<b>Total Funding</b>	<b>\$28,104,021</b>	<b>\$29,628,000</b>	<b>\$27,087,000</b>	<b>\$20,238,500</b>	<b>\$25,206,400</b>	<b>\$24,200,000</b>

<sup>a</sup> Projected amount.

**Exhibit I:  
CJA DISBURSEMENTS  
& FUNDING BY  
SOURCE**



<sup>a</sup> Projected.

# **STRATEGIC PLANNING AT THE DISTRICT OF COLUMBIA COURTS**

## ***MISSION STATEMENT***

To protect rights and liberties, uphold and interpret the law, and resolve disputes peacefully, fairly and effectively in the Nation's Capital.

## ***VISION STATEMENT***

Open to All, Trusted by All, Justice for All

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## ***FIVE STRATEGIC ISSUES***

- Strategic Issue #1: Enhancing the Administration of Justice
- Strategic Issue #2: Broadening Access to Justice and Service to the Public
- Strategic Issue #3: Promoting Competence, Professionalism and Civility
- Strategic Issue #4: Improving Court Facilities and Technology
- Strategic Issue #5: Building Trust and Confidence

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**COURT  
OF  
APPEALS**



JUDGES OF THE DISTRICT OF COLUMBIA  
COURT OF APPEALS

Annice M. Wagner  
*Chief Judge*

John A. Terry

John M. Steadman

Frank E. Schwelb

Michael W. Farrell

Vanessa Ruiz

Inez Smith Reid

Stephen H. Glickman

Eric T. Washington

SENIOR JUDGES  
COURT OF APPEALS

Theodore R. Newman, Jr.

John W. Kern III

Warren R. King

Frank Q. Nebeker

William C. Pryor

James A. Belson

John M. Ferren

**REPORT OF  
THE HONORABLE ANNICE M. WAGNER, CHIEF JUDGE  
DISTRICT OF COLUMBIA  
COURT OF APPEALS**

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**STATE OF THE JUDICIARY**

The scope of the court's jurisdiction and work is reflected in the following sections of this report, which include: (1) an overview of the District of Columbia Court of Appeals in 2003, (2) a summary of the work of the court's committees, (3) a discussion of activities of interest in the Court and (4) descriptions of some of the significant decisions by the Court of Appeals in 2003.

**I. OVERVIEW**

**A. Structure and Jurisdiction**

Congress established the District of Columbia Court of Appeals as the highest court of the District of Columbia in 1970. 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 en banc is ordered. A hearing or rehearing before the Court sitting en banc may be ordered by a majority of judges in regular active service, generally only when consideration by the full court is necessary to maintain uniformity of its decision or when the case involves a question of exceptional importance. The en banc Court consists of judges of the Court in regular active service, except that a retired judge may sit to rehear a case or controversy if he or she sat on the division at the original hearing. Pursuant to statute, the Chief Judge may designate and assign temporarily one or more judges of the Superior Court of the District of Columbia to serve on the District of Columbia Court of Appeals when the business of the Court so requires.

As the court of last resort for the District of Columbia, the Court of Appeals is authorized to review all final orders and judgments, as well as specified interlocutory orders, of the Superior Court of the District of Columbia. Congress also vested the Court of Appeals with jurisdiction to review decisions of administrative agen-

cies, and boards and commissions of the District government, as well as 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. As authorized by Congress, the court reviews proposed rules of the trial court and promulgates its own rules and the rules of professional conduct for members of the District of Columbia Bar.

In the exercise of its inherent power over members of the legal profession, the court established the District of Columbia Bar and has the power to approve the rules governing attorney disciplinary proceedings. The court has established rules governing the admission of members of the District of Columbia Bar and the resolution of complaints concerning the unauthorized practice of law in the District of Columbia.

**B. Case Filings and Caseload**

During 2003, 1,696 cases were filed in the Court of Appeals. During the mid-to-late 1990s, the court experienced consecutive years of record levels of appeal filings. New records for appeal filings were established in 1995, 1996 and 1997. The 2003 level of appeal filings represents a return to the level of filings the court experienced in the early 1990's, which ranged from a low of 1,527 in 1991 to a high of 1,701 in 1993.

In relative terms, measured by the number of filed cases divided by population, the 2003 level of case filings is one of the highest in the nation. Only Louisiana, with 283 appeals filed per 100,000 in population, exceeded the filing rate in the D.C. Court of Appeals. Even in absolute terms, focusing only on the number of cases filed, without regard to population, the caseload of the

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<sup>1</sup> In per capita terms, the number of cases filed in the Court of Appeals ranged from 251 cases for each 100,000 residents in the District in 1989 to 266 cases for each 100,000 residents in 2002. (Statistics derived from the graphs and population tables appearing in State Court Caseload Statistics: Annual Report 1989, Graph 5, p. 29 National Center for State Courts (NSCS) and, Examining the Work of State Courts, 2002, p. 71, and statistics maintained by the Court of Appeals.) (Statistics for 2003 have not yet been made available by the National Center for State Courts.)



Court of Appeals exceeded the appellate caseloads reported by appellate courts in fifteen states.<sup>2</sup>

In addition to the 1,696 cases filed and the 29 appeals reinstated in 2003, as of January 1, 2003, there were 2,415 pending appeals, bringing the total number of cases on appeal during 2003 to 4,140. The number of motions related to the

appeals has remained high. The number of procedural motions filed in 2003 decreased by 9% from the 2002 level (5,243 in 2003, compared to 5,749 in 2002), the number of substantive motions decreased 2% in 2003, compared to the 2002 level of filings (1,667 in 2003, compared to 1,701 in 2002). Many parties filed petitions for rehearing or rehearing en banc. In 2003, 221 such petitions were filed, a 29% increase from the 2002 level of filings (174).

Qualitatively, the court is required to resolve complex and difficult cases. In the fourth section of this report, and in prior annual reports, there are summaries of some of the Court's significant decisions for each year which reflect the nature of the issues which the Court of Appeals has addressed. The cases reported in these reports show that the Court was required to resolve issues of first impression, constitu-



Judicial Conference speaker, Hon. Dennis Archer, President-Elect, American Bar Association

tional questions affecting the community as a whole, as well as those involving private interests of the litigants, and difficult questions of statutory construction.

Judicial productivity was high; the Court disposed of 918 cases by opinions and memorandum opinions and judgments (MOJs) in 2003. This represents a slight increase from 914 dispositions

by these methods in 2003. Overall, the Court continued disposing of cases at an efficient pace. The Court's overall appeal disposition rate in 2003 was 108% (1,839 dispositions compared to 1,696 appeal filings). This number of dispositions is higher than the case resolutions reported by

a p p e l l a t e courts in fourteen states.<sup>3</sup>

The court continued to manage its caseload effectively. The overall median time on appeal decreased 6%, from 505 days in 2002 to 475 days in 2003.

The overall average time on appeal decreased 4%, from 650 days in 2002 to 623 days in 2003. The efficiency of the court in rendering decisions on cases scheduled for argument or submission continued. In 2003, the median time between argument or submission to decision decreased 33%, from 24 days in 2002 to 16 days in 2003. The average time from argument or submission to decision decreased 15%, from 126 days in 2002 to 107 days in 2003.

### C. Management and Technological Development

In response to its significant caseload and to enhance its service to the public, the



Delegates at the Judicial Conference.



D.C. Court of Appeals Judge Eric Washington moderates panel, "Into the Future: The District of Columbia Courts' Strategic Plan", with I. to r. Judge Steffen Graae; Constance Starks, Reg. of Wills; Judge Kaye Christian, Judge Harold Cushenberry, Dan Cipullo, Super.Ct. Crim. Div. Director; and Lisa VanDeVeer, Director, Strategic Planning.

<sup>2</sup> In 2002, the following fifteen states reported to the National Center for State Courts lower case filings than the District of Columbia Court of Appeals: Alaska, Delaware, Hawaii, Idaho, Maine, Montana, Connecticut, New Hampshire, New Mexico, North Dakota, Rhode Island, South Dakota, Utah, Vermont, and Mississippi. (Statistics for 2003 have not yet been made available by the National Center for State Courts.)

<sup>3</sup> In 2001, the following states reported fewer case resolutions than the Court of Appeals: Alaska, North Dakota, Connecticut, Idaho, Hawaii, New Mexico, Wyoming, Montana, South Dakota, Maine, New Hampshire, Rhode Island, Vermont, and Delaware. See, State Court Caseload Statistics (2002), (NSCS), Table 2. (Statistics for 2003 have not yet been made available by the National Center for State Courts.)



State of the Judiciary and D.C. Bar Reports: Superior Court Chief Judge Rufus King, III; D.C. Court of Appeals Chief Judge Annice Wagner; and D.C. Bar Immediate Past- President George W. Jones.

court has made management improvements and used its available resources to improve operating efficiency and expedite the resolution of pending cases. Among the initiatives undertaken in recent years to improve operations and case processing are the following:

•In 2003, the court updated its plan (CJA Plan) for providing legal representation to criminal defendants and juvenile respondents under the Criminal Justice Act (CJA). The new CJA plan provided for a formal application and screening process for selecting attorneys to be appointed to represent appellants in criminal and juvenile matters. The court established an application process which solicited information on the attorneys' experience in criminal and appellate litigation. Over 300 attorneys applied; the court commenced the process of evaluating the applicants in late 2003, and expects to establish a list of well qualified attorneys in early 2004.

•The court expanded the hours of operation of its Public Office (where pleadings are filed, and records and case files are reviewed) to better serve the public. That office is now open from 8:30 a.m. to 5:00 p.m., Monday through Friday.



Delegates at the Judicial Conference Luncheon.

•The court actively participated in the "strategic planning" initiative undertaken by the D.C. Courts. This initiative, which included extensive efforts to obtain information from litigants and court employees regarding the strengths and any weaknesses in court operations/processes, resulted in the development of a comprehensive, 5-year strategic plan for enhancing court

operations and service to public. In 2003, the court finalized its 5 year Strategic Plan, and commenced development of specific plans and timetables to achieve the goals articulated in the Strategic Plan.

•To ensure that the court can coordinate effectively with the Court Reporting and central Recording Division to provide for the timely completion of transcripts of trial court proceedings in adoption, termination of parental rights and child neglect appeals, the court requires explicit reporting by appellate counsel as to the identity of transcripts necessary for these appeals and the date or dates when requests for those transcripts were initiated.

•Using an "individual case management" approach to case monitoring and procedural motion processing. Under this approach, each "case manager" is assigned an inventory of cases (e.g. civil, criminal, agency appeals) to monitor and manage through the appeals process. Prior to this restructuring, case managers were randomly assigned cases to monitor and procedural motions to process.

•Using the Court's automated docketing system to generate a wide range of Clerk's orders. Previously, the text of orders was typed in the word-processing system, for issuance to the parties, and re-typed in the automated docketing system for case tracking purposes.

•Through the use of the District of Columbia Bar Association's website, the Court makes available on the internet the text of its opinions, the Court's monthly calendar of cases to be argued or submitted, applications for admission to the Bar of this Court, and information on how to contact key staff of the Court. Visit us at Court's website Development and [www.dcca.state.dc.us](http://www.dcca.state.dc.us).

•Working through a "Web Council" established by the D.C. Courts and a contractor, members of the D.C. Court of Appeals staff are

working to develop the Courts' own website, which is expected to be up and running by the end of June 2004.

- The *sua sponte* expedition of appeals in cases involving adoption and the termination of parental rights to ensure prompt decisions in disputes that affect the stability of the living environment of children who have been subjected to abuse and neglect.

#### **D. The Clerk's Office**

##### *1. Staff Training*

The Court continued its emphasis on staff training and development. Members of the staff of the Clerk's Office attended training courses to enhance their knowledge and skills in subject areas such as: word processing, government contracting, management and supervision, employee benefits and workers compensation.

##### *2. Attorney Information*

The Clerk's Office continued its efforts to keep the Bar apprised of Court practices and procedures. An important initiative in 2002, which was reprised in 2003, was the development and presentation of a "CLE" approved course on appellate practice in this court. The course was developed and presented by the Chief Deputy Clerk (Joy Chapper, Esquire), the Chief of the Legal Unit (Rosanna Mason, Esquire), a Deputy Staff Counsel (David Tedhams) and Associate Judges John A. Terry and Eric T. Washington. Approximately 80 D.C. attorneys attended the 3- hour course, which was well received by all in attendance. In addition, staff of the Clerk's Office, in conjunction with the Appeals Coordinator's Office of the Superior Court and the Court Reporting and Central Recording Division of the Court System, conducted specialized training in appellate court practice issues that relate to appeals of child abuse and neglect decisions. Over 40 members of the Counsel for Child Abuse and Neglect Bar attended the training session. The Clerk, the Chief Deputy Clerk and staff attorneys of the Clerk's Office also presented lectures on D.C. court practice at the D.C. Bar's mandatory course for new admittees to the D.C. Bar.

##### *3. Coordination with Superior Court and Court System*

The Clerk's Office continues to work with the Office of the Appeals Coordinator and the Court Reporting Division to eliminate or reduce delays and other problems encountered in obtaining a complete and



Michele A. Roberts, Esq. moderates panel, "The Promise of *Gideon*: Indigent Defense in the District of Columbia", with l. to r. Robert Becker, Esq.; Betty M. Ballester, Esq., Pres., Superior Ct. Trial Lawyers Ass'n; Judge Noel Kramer; Joy A. Chapper, Chief Deputy Clerk, D.C. Ct. of Appeals; Mary C. Kennedy, Esq., and Ronald Sullivan, Dir., Public Defender Service, D.C.

accurate record of trial court proceedings. We are pleased to report that the significant improvements that occurred in the timeliness of transcript preparation in 2002 continued in 2003.

#### **E. Funding**

The Court of Appeals received a funding level for fiscal year (FY) 2004 (which commenced October 1, 2003) of \$8,775,000 and 94 full-time equivalent positions. This represents an increase of \$224,000 from the FY-2003 appropriation. The Court of Appeals continues to manage carefully its resources in order to meet the demands on the court.

Included in the appropriation for capital funding for the D.C. Courts is funding to be used to readapt the Old Courthouse (451 Indiana Avenue, N.W.) for use by the D.C. Court of Appeals. The FY 2003 appropriation provided \$7 million to design the facility and to begin con-



Judge Zinora Mitchell-Rankin moderates panel, "Saving Lives One Case at a Time", with l. to r. Linda Jackson, Exec. Dir., Building Bridges Across the River; Vanessa Ruffin, Near Northeast Citizens Against Crime and Drugs; William E. Lawler, III, Esq.; Magistrate Judge Juliet J. McKenna; Jonathan Smith, Exec. Dir., Legal Aid Society of D.C.; and Maureen Thornton Syracuse, Dir., D.C. Bar Pro Bono Program.



struction of the garage portion of the project. Additional funds to complete this early phase will be required in FY 2004, with the major funding for the construction phase of the restoration to be sought in FY2005. Restoration of this architectural jewel for the Court of Appeals is central to meeting the space requirements not only

for the Court of Appeals, but also for the Superior Court, Family Court and the entire Court System, which will gain much-needed space when the Court of Appeals moves to the Old Courthouse.

For more information on this project, see the Report of the Chair of the Joint

Committee on Judicial Administration in this volume.

The Court of Appeals, with limited exceptions, is the court of last resort for those who litigate their rights in the District of Columbia court system. It is essential to maintain a court system that is prompt and fair. This can be achieved only with adequate funding for the Courts. For that reason, we continue to press for fund-



Judge Noel Kramer moderates panel, "Community Court – What on Earth Is That?" Also shown from r.to l: AUSA Jonathan Haray; Ada K. Chan, Esq.; and Thomas Engle, Esq.



.Family Court Judges, featuring Super. Ct. Magistrate Judge Tara Fentress (far rt.), to the delight of Conference delegates, express their enthusiasm and commitment through song.

ing to meet the requirements of the administration of justice during 2003. We appreciate the support that the President and the Congress have provided the Courts.

#### F. Personnel

Several personnel changes occurred in 2003. Within the Clerk's Office,

Jacqueline Smith, former Executive Director of the D.C. Taxicab Commission, assumed the duties of Director of the Committees on Admissions and Unauthorized Practice of Law. Chris Dix, who served ably and effectively as Acting Director, pending the recruitment and selection of a permanent director, returned to his position as Deputy Director of that office. In addition, Elizabeth Martin, Esquire, and Christina Brito, Esquire, joined the legal unit of the Clerk's Office as Staff Attorneys. Lakesha Williams was promoted to the position of Individual Case Manager vacated when Stephanie Whitfield resigned to return to Texas.

The Court of Appeals and its staff were touched by the war in Iraq. Alvin Johnson, Calendar Clerk in the Immediate Office of the Clerk, was called to active duty in the Marines. He remained in the U.S., assuming the duties of active-duty marines who were deployed to Iraq. Immediate family members of court staff who were assigned to Iraq and its environs were: Specialist Abraham Evans (son of Eloise Evans, an Individual Case Manager); Specialist Michael Lee (son-in-law of Gussie Graves, Procurement Specialist); and Lt. Kevin Norton (brother-in-law of Anthony Wilson, Deputy Clerk); and Major Tyrone J. Hall (nephew to Judicial Administrative Assistant, Myra Moore), who was deployed to Kuwait City.

## II. COURT COMMITTEES

### A. Twenty-Eighth Annual Judicial Conference

Pursuant to D.C. Code § 11-744 (2001), the Chief Judge of the District of Columbia Court of Appeals is required to "summon annually the active associate judges of the District of Columbia Court of Appeals and the active judges of the Superior Court of the District of Columbia to a conference . . . for the purpose of advising as to means of improving the administration of justice within the District of Columbia." The Twenty-Eighth Annual Judicial Conference was held in June, 2003, and had as its theme "Adapting to Change: Focusing on Recent and Future Changes in the Law and the Operation of Courts." The Honorable John A. Terry, D.C. Court of Appeals, was the Chairman, and the Honorable Michael W. Farrell,

D.C. Court of Appeals, was the Vice-Chairman of the Committee on Arrangements for the conference. Other members of the Committee on Arrangements were: Honorable J. Ramsey Johnson, Honorable Ann O'Regan Keary, and Honorable Neal E. Kravitz, of the D.C. Superior Court, and Devarieste Curry, Esquire, Richard K. Gilbert, Esquire, Michael D. Hays, Esquire, Cynthia E. Jones, Esquire, Joyce Peters, Esquire, and Patricia A. Riley, Esquire.

The conference featured panel discussions on such topics as: "Gideon at 40: A National Perspective on Indigent Defense," moderated by Dean Norman Lefstein, Professor of Law and Dean Emeritus, Indiana University School of Law; "The Promise of Gideon: Indigent Defense in the District of Columbia," moderated by Michele A. Roberts, Esquire; "Into the Future: The District of Columbia Courts' Strategic Plan," moderated by the Honorable Eric T. Washington, D.C. Court of Appeals; "The New Family Court: Only the Beginning," presented by the Honorable Lee F. Satterfield, Presiding Judge, and the Honorable Anita M. Josey-Herring, Deputy Presiding Judge of the Family Court of the D.C. Superior Court; "Domestic Violence Court and Intake Centers: Making Justice Accessible," moderated by the Honorable Brook Hedge, D.C. Superior Court; "Community Court - What on Earth is That?" moderated by the Honorable Noel Anketell Kramer, D.C. Superior Court; "District Agencies Serving Children and Families," moderated by the Honorable Carolyn N. Graham, Deputy Mayor for Children, Youth and Families; and "Saving Lives One Case at a Time," moderated by the Honorable Zinora M. Mitchell-Rankin, D.C. Superior Court. The Honorable Dennis W. Archer, former Mayor of Detroit, and the first African-American President of the American Bar Association, addressed the conference at the luncheon on the final day of the conference.

Other highlights of the conference included the annual reports on the state of the judiciary by Chief Judge Annice M. Wagner, of the D.C. Court of Appeals, and Chief Judge Rufus G. King, III, of the Superior Court of the District of Columbia, and D.C. Bar President, George W. Jones, Jr., gave the D.C. Bar's Report.

## **B. Rules Committee**

### *1. The Standing Rules Committee.*

The Court has a Rules Committee which generally considers and reviews proposed rules before recommendation to the Board of Judges for action. The work of this committee covers D.C. Court of Appeals Rules, D.C. Bar Rules, Rules of Professional Conduct and recommendations for proposed rule changes submitted for approval by the Superior Court of the District of Columbia pursuant to D.C. Code § 11-946. The Rules Committee is chaired by Judge John Terry; Judge Frank Schwelb and Judge Michael Farrell are members. They are assisted in their work by Garland Pinkston, Clerk of the Court, and staff members of the Court. Other special committees have been established when necessary to address broad changes in the rules or specialized areas. In 2002, two such committees were established, the Ad Hoc Rules Committee and the Review Committee on Multidisciplinary Practice, which are described in the subsections 2 and 3.

During 2003, after publication for notice and comment, the court approved the recommendation of the Board of Governors of the District of Columbia Bar to increase the ceiling on annual membership dues from \$155 to \$195. The increase in the bar dues ceiling was based on a conservative projection of the financial requirements of the D.C. Bar, including the Board on Professional Responsibility (BPR), for the five-year period beginning with the 2004- 2005 fiscal year through the 2008-2009 fiscal year. The Board of Governors' projection of the Bar's financial requirements took into account anticipated membership growth, projected inflation, some capacity to meet additional staffing needs, and other factors, as well as the uncertainty inherent in any pro forma five-year financial projection. The financial projection of the operating costs of the Bar and the BPR over the next five years, on which this Recommendation is predicated, were developed by a special committee of Bar leaders and were reviewed by the Board of Governors at its May 13 and June 17, 2003, monthly Board meetings.

The Committee reviewed, and the Court of Appeals adopted the proposal of the Committee on Unauthorized Practice to

amend D.C. App. R. 49 (d)(3)(E)(V), effective January 2, 2004. This amendment allows the Unauthorized Practice Committee to refer cases to law enforcement authorities in addition to the U.S. Attorney.

## 2. *The Ad Hoc Rules Committee - Revision of DCCA Rules*

During 2003, the court commenced and concluded a complete review and revision of its rules of practice. The last comprehensive revision of its rules occurred in 1985. The Ad Hoc Rules Committee was chaired by Associate Judge Michael W. Farrell; other members of this Committee were Associate Judge John M. Steadman, Senior Judge Warren R. King, Garland Pinkston, Jr., Clerk of the Court, Rosanna Mason, Chief Staff Counsel, and David Tedhams, Deputy Staff Counsel.

The new rules, which took effect January 2, 2004, reflect the court's four principle goals: to conform to the Federal Rules of Appellate Procedure (FRAP) where feasible; to clarify and simplify the rules by adopting the outline and, to the extent feasible, the text of the FRAP; to adopt procedures streamlining the process and reducing the costs associated with prosecuting an appeal; and to eliminate archaic rule provisions that no longer serve a practical purpose. The revised rules are available online under the D.C. Court of Appeals section at [www.dcbbar.org](http://www.dcbbar.org). The rule revisions presented an opportunity to review and revise the various forms suggested for use in the appellate process. The goal of the forms revision was to clarify and simplify the collection of information necessary to process an appeal. The rule and form revisions also necessitated a change in the *modus operandi* of and the nature of the information provided by the Appeals Coordinator's Office (ACO) of the Superior Court. Staff of the Clerk's Office worked closely with, and received excellent cooperation from the ACO to ensure a smooth transition to the new procedures and forms. A brief summary of key elements of rule changes follow.

First, for appeals filed after the effective date of the new rules, the parties will no longer have to designate the record on appeal. Rather the entire original trial court record is deemed the record on appeal, and

parties are required to file with their briefs an appendix containing the relevant parts of the trial court record that the parties want to call to the court's attention. This requirement is outlined in revised Rule 30. Second, in response to comments on the proposed revisions, the court has exempted *in forma pauperis*, Criminal Justice Act, and counsel for child abuse and neglect (CCAN) cases from the appendix requirement. The court also revised rules to permit after-hours filing, which was implemented in early January. The court has raised the fee for filing a notice of appeal for the first time in over 60 years. The filing fee has increased from \$5 to \$100, but the fee increase should be offset by the elimination of several other fees. Attorneys will no longer have to file the record preparation fee, which averaged \$350, and the \$50 docketing fee, and the \$10 motions fee have been abolished. Finally, the court has amended Rule 49 to permit the Committee on Unauthorized Practice of Law to refer cases to the "appropriate professional authorities," including Bar Counsel and disciplinary authorities in other jurisdictions. Previously the rules allowed the committee to refer only matters to the Office of the United States Attorney for investigation and possible prosecution. The revised rules will govern all notices of appeal, petitions for review, and petitions for extraordinary writs and all resulting proceedings filed on or after January 2, 2004. To avoid undue burden on parties, the court ordered that Rules 1-12 in effect prior to January 2 will continue to govern proceedings and filings with respect to cases filed before January 2. With this exception for Rules 1-12, however, after January 2, the revised rules will govern proceedings and filings in the Court of Appeals regardless of when the cases were filed, except that parties filing briefs in cases that were pending prior to January 2 are not required to comply with the appendix requirement imposed by revised Rule 30.

The court appreciates, and carefully considered, the thoughtful and extensive comments submitted on the revised rules as proposed. Many of the suggestions made by the commenters were incorporated into the final rules, particularly the exemptions from the "appendix" requirement discussed above.



### **C. Other Committees**

In addition to various internal committees, the Court is greatly assisted by members of the Bar and the public in carrying out the Court's responsibilities for admission of attorneys to the District of Columbia Bar, attorney discipline, the unauthorized practice of law, and administration of the Clients' Security Trust Fund.

#### **The Committee on Admissions**

The Committee on Admissions certifies applications from attorneys for admission to the District of Columbia Bar. The Committee also certifies law students for the limited practice of law in the District of Columbia and licenses foreign applicants to practice as special legal consultants in the District of Columbia. See D.C. App. Rule 46. Chaired by Richard B. Nettler, Esquire, the Committee on Admissions received over 3,400 applications, conducted extensive character and fitness investigations, and certified for admission almost 2,500 attorneys who were administered the oath of office in formal ceremonies before the Court of Appeals. The members were responsible for grading 5,224 essay answers of applicants tested in the February and July Bar examinations. Almost 8,200 certificates of good standing were issued to Bar members in 2003.

Seven attorneys, appointed by the Board of Judges of the D.C. Court of Appeals, serve on the Committee on Admissions. Members of the Committee during this year are: are Richard B. Nettler, Esquire, Chair; Phyllis D. Thompson, Esquire, Vice-Chair; Alan H. Kent, Esquire, Counsel to the Committee; Zoreana Barnes, Esquire; Wayne C. Witkowski, Esquire; Sean C. Dent, Esquire; and Claudia Withers, Esquire. The service of Erias A. Hyman, Esquire, and Mark S. Carlin, Esquire, ended in March and September, 2003, respectively.

#### **The Board on Professional Responsibility**

The Board on Professional Responsibility is responsible for operating the attorney discipline system in the District of Columbia under the supervision of the District of Columbia Court of Appeals. The disciplinary system enforces the D.C. Rules of Professional Conduct, which were adopted by the Court to pro-

tect the public from unethical attorneys and to preserve the integrity of the legal profession.

During the year ending December 31, 2003, the Board disposed of 112 matters, including 73 recommendations filed with the Court of Appeals. Thirty-one of these matters were original disciplinary proceedings; 24 involved reciprocal discipline, which may be imposed upon a member of the District of Columbia Bar who has been disciplined in another jurisdiction; 5 were criminal conviction matters; 3 were matters remanded from the Court of Appeals; 7 were recommendations that the Court accept Bar Counsel's motion for consent disbarment; and 3 were recommendations involving petitions for reinstatement filed by disbarred attorneys. The Board also issued 1 reprimand, 1 informal admonition, dismissed 6 matters, referred 2 matters to Bar Counsel for hearing, referred 1 matter to Bar Counsel to investigate, and directed Bar Counsel to file a petition for an emergency order of temporary suspension with the Court in 28 matters. The Board approved diversion agreements recommended by Bar Counsel in 7 matters.

During 2003, the Office of Bar Counsel received 1,333 complaints of ethical misconduct, 477 of which were docketed for formal investigation. Dispositions were approved in 443 matters, resulting in the dismissal of 328 matters, the issuance of informal admonitions in 37 matters, the filing of petitions instituting formal disciplinary proceedings in 57 matters, and the deferral of 21 matters.

The Thirtieth Annual Disciplinary Conference on April 29, 2003, featured a discussion of "Different Approaches to Attorney Discipline: Is it Time to re-examine Rule XI?" Former Board Chair, Patricia A. Brannan, Esquire, served as moderator on a panel that included Maryland Bar Counsel, Melvin Hirshman, Esquire, the Honorable Ronald W. Stovitz, Presiding Judge, California State Bar Court, Review Department, and John F. VanBolt, Esquire, Executive Director of the Michigan Attorney Discipline Board.

In August 2003, the Court appointed the Board's Vice Chair, Timothy J. Bloomfield, Esquire, as Chair of the Board. He replaces the Board's former Chair, Joanne Doddy Fort, Esquire, whose second full term on the Board expired on

July 31, 2003. The second full term of Board member Paul L. Knight, Esquire, also expired on July 31, 2003. Martin R. Baach, Esquire, was appointed Vice-Chair of the Board. Shirley M. Williams, Esquire, and Frank H. Wu, Esquire, were appointed to the Board to fill the vacancies created by the expiration of Ms. Fort's and Mr. Knight's terms. Other members of the Board include Ms. Elizabeth B. Frazier, Paul R.Q. Wolfson, Esquire, Roger A. Klein, Esquire, Maria E. Holleran Rivera, Esquire, and Dr. Kay T. Payne.

#### **The Committee on the Unauthorized Practice of Law**

The Committee on the Unauthorized Practice of Law investigates complaints against persons who are engaging in the unauthorized practice of law. See, D.C. Bar R. 49. It also monitors motions made by attorneys from other jurisdictions for permission to appear *pro hac vice* in the District of Columbia Courts. The Committee is chaired by Anthony C. Epstein, Esquire. Other members of the Committee are Anthony P. Bisceglie, Esquire, who serves as Vice-Chair; Julie B. Rottenberg, Esquire; Frank J. Eisenhart, Esquire; David A. Fuss, Esquire who replaced John F. Karl, Esquire; Michael M. Hicks, Esquire, who replaced Tonia J. Powell, Esquire; Brooke Pinkerton, Esquire; Valerie E. Ross, Esquire; Charles A. Zdbeski, Esquire; Johnny M. Howard, Esquire; and Ms. Mary L. Froning filled the vacancy created by expiration of the term of Mr. John J. Chagnon, the non-attorney member of the Committee. The second term of John K. Tanner, Esquire, expired in November, 2003.

During 2003, the Committee investigated 29 new complaints against persons allegedly engaging in unauthorized practice of law in the District of Columbia and requests for guidance in complying with Rule 49 and monitored approximately 377 motions of attorneys seeking *pro hac vice* appearances in the District of Columbia Courts. On December 2, 2003, the Court of Appeals adopted the proposal of the Committee on Unauthorized Practice of Law to amend D.C. App. Rule 49 (d)(3)(E)(V), effective January 2, 2004. The amendment allows the Committee to refer cases to appropriate enforcement authorities in addition to the U.S. Attorney.

#### **The Clients' Security Trust Fund**

The Clients' Security Trust Fund was established in 1972 to reimburse any person who has lost money, property or other items of value because of the dishonest conduct of a member of the District of Columbia Bar. See D.C. Bar R. XII. The fund is administered by five trustees who are D.C. Bar members and who are appointed by the Board of Judges of the District of Columbia Court of Appeals for a term of five years. During the Fiscal Year 2002-03 (July 1, 2002-June 30, 2003), the Fund reviewed 8 requests for reimbursement, of which 7 were new applicants and 1 was a pending claims. There were no claims for reconsideration. Ultimately, the Fund approved 6 claims and reimbursed individuals for losses totaling \$12,200.

The Fund is maintained through an allotment from the District of Columbia Bar. The Trustees seek to recover funds from the attorneys whose misconduct resulted in disbursements from the Fund. In 2003, the Fund recovered \$7,672.15.

The Fund is chaired by Brian Wolfman, Esquire; its Vice-Chair is Beverly Lewis-Koch, Esquire. The other trustees are Richard L. Cys, Esquire, Joan M. Wilbon, Esquire and Kathleen A. Carey, Esquire.

### **III. OTHER ACTIVITIES OF INTEREST**

#### **A. Standing Committee on Fairness and Access**

D.C. Court of Appeals Judge Inez Smith Reid continues to chair the Standing Committee on Fairness and Access to the District of Columbia Courts. This Committee is continuing on a permanent basis the work of the Task Forces on Racial, Ethnic and Gender Bias in the Courts. The Task Forces were created in 1990 by the Joint Committee on Judicial Administration in the District of Columbia Courts to examine the courts to determine if and where gender, racial and ethnic biases exist in the D.C. Courts. In addition, the Standing Committee seeks to improve community access to the Courts, to monitor compliance with the Americans With Disabilities Act, and generally to improve the quality of service provided to all court users.

The Committee continues to conduct outreach forums to ascertain barriers to

justice and areas of concern. For example, following the Courts' conference, *Ensuring Fairness and Access in the Courts*, held in October 2002, which highlighted the need for access reforms in the Landlord Tenant Branch of the Superior Court, the Standing Committee, worked with the judicial and administrative leadership of that court's Civil Division to spearhead a pilot mediation project for landlord and tenant matters. The Improving Court Access Subcommittee of the Standing Committee met with court facilities staff and the Courts' architects to ensure that the renovations to Building B for the Landlord Tenant and Small Claims branches and the construction of Family Court hearing rooms would enhance access to the D.C. Courts' facilities and services for persons with disabilities.

At Outreach Initiative Forums conducted by the Standing Committee issues were raised concerning the difficulty in accessing the courts due to traffic and parking congestion in the Judiciary Square area. Therefore, in 2003 the Courts worked with the D.C. Department of Traffic and neighboring courts, agencies, and others on the *Judiciary Square Traffic and Security Study*. The study is intended to improve the traffic patterns and parking in the area, which should result in improved and more secure access to the D.C. Courts for all persons.

In 2003, the Issues Subcommittee of the Retrospective and Review Advisory Committee convened a half-day workshop to assist the Courts to focus on current issues and to meet new challenges that have occurred since the last report on implementation of the recommendations of the earlier bias task forces.

With the assistance of the Standing Committee, the Courts will host the 16<sup>th</sup> annual meeting of the National Consortium

on Racial and Ethnic Fairness in the Courts (National Consortium) April 14 – 17, 2004, at the Washington Court Hotel. Planning for this event began in 2003. The National Consortium's members include chief justices, associate justices, presiding judges, associate judges, judicial branch staff, members of the Bar, and lay persons who work with a court racial and ethnic fairness committee or task force. In addition, the conference will be open to the judicial officers and staff of the D.C. Courts, members of the Bar, as well as representatives of the neighboring state court systems. New Mexico Supreme Court Justice Patricio Serna is the Moderator of the National Consortium. The conference theme, *50 Years After Brown; A National Dialogue on Racial & Ethnic Fairness in the Courts*, will use the groundbreaking Supreme Court case, *Brown vs. Board of Education of Topeka* to inspire the conference participants to continue the challenging task of identifying and eliminating unfairness and systemic biases in the administration of justice.

## CONCLUSION

The Court of Appeals, with limited exceptions, is the court of last resort for those who litigate their rights in the District of Columbia Court system. Our goal is to administer justice in the most accessible, timely, and cost-efficient manner possible. To that end, the appellate court continuously studies and evaluates its operations and makes changes to accomplish its mission. Judges and staff maintain a high level of productivity. We will continue these efforts and seek adequate support to provide the means for operating the Court in a manner that our citizens expect and deserve.

## SIGNIFICANT DECISIONS OF THE COURT OF APPEALS IN 2003

### A. Administrative Law

ATTORNEY DISCIPLINE: RECIPROCAL DISCIPLINE: *In re Zdravkovich*, 831 A.2d 964 (D.C. 2003). Reciprocal discipline cases account for a significant percentage of bar disciplinary actions in the District of Columbia. Some 42,000 members of the D.C. Bar are admitted in other jurisdictions. In this case, the attorney was “indefinitely suspended” by the Maryland Court of Appeals. Generally speaking, in reciprocal discipline cases, we impose the same sanction as that imposed in the foreign jurisdiction. However, our disciplinary scheme makes no provision for an “indefinite suspension.” Here, the attorney was given an indefinite suspension in Maryland with no minimum term, but after a full evidentiary hearing. The Board on Professional Responsibility, therefore, used the evidentiary record to make a determination, much as it would in an original proceeding, as to the appropriate fixed sanction to be imposed in the District of Columbia. Since the attorney had already had a full hearing in Maryland, he was not entitled to relitigate or collaterally attack the findings or judgment in Maryland. The court adopted the Board’s recommendation that the attorney be suspended for a period of nine months in the District, with a requirement of proof of fitness prior to reinstatement.

BZA’S SCOPE OF AUTHORITY: *President and Directors of Georgetown University v. District of Columbia Board of Zoning Adjustment*, 837 A.2d 58 (D.C. 2003). Reversing in part a decision of the District of Columbia Board of Zoning Adjustment (BZA), the Court of Appeals held that the BZA had committed reversible error by refusing to authorize a modest increase in Georgetown University’s student population in Georgetown’s 2000- 2001 Campus Plan. The court also held that the BZA, as a body with expertise in zoning, exceeded its authority by imposing certain conditions unrelated to zoning upon its approval of the Campus Plan. The conditions struck down by the court included, among others, a requirement that Georgetown maintain a hotline, twenty-four hours a day and seven days a week, to which incidents involving misconduct by Georgetown students off-campus could be reported. The court also held that the BZA

was not authorized by law to specify the composition of a university disciplinary body responsible for dealing with student off-campus misconduct.

### B. Civil Law

#### 1. Family Law Issues:

NEGLECT: EVIDENCE: CROSS-EXAMINATION: *In re Jam. J.*, 825 A.2d 902 (D.C. 2003). In this appeal from adjudications of child neglect, the Court of Appeals addressed for the first time the question of a parent’s right to cross-examine her child about allegations of abuse during the fact finding hearing. The trial court had refused to allow the respondent mother in this case to cross-examine her children even though their hearsay statements were introduced as the primary evidence against her. The Court of Appeals adopted a balancing test to resolve issues of this kind and held that, in the absence of factual findings with support in the record that the probable harm to the children from having to testify substantially outweighed the mother’s need for their testimony, the trial court should not have prevented the mother from calling the children.

NEGLECT BY NON-CUSTODIAL PARENT: *In re S.S.*, 821 A.2d 353 (D.C. 2003). In this case, a mother who was not the custodial parent of her infant daughter was alleged to have neglected the child by failing to protect her from abuse by older siblings during weekend visits. The mother argued that, as a non-custodial parent, she was not subject to the child neglect statute. The court held that the statute applies to all parents, whether custodial or not.

TRIAL COURT’S AUTHORITY IN ABUSE AND NEGLECT PROCEEDINGS: *In re J.W.*, 837 A.2d 40 (D.C. 2003). The parents of J.W. were named in a neglect petition. The biological father of J.W. appealed from the trial court’s finding that the child was neglected in his care within the meaning of D.C. Code 16-2301 (9)(E) (2001) as a result of appellant’s conviction of sexually abusing J.W.’s half-sister. He challenged the trial court’s continuing authority to enter a finding of neglect once the child had already been found to be neglected pursuant to a stipulation entered by the mother. Distinguishing between the agency’s practice not to seek further orders of neglect once a child has been found to be neglected, the Court



of Appeals held that the statutory scheme of the District's child neglect laws and its remedial purpose provide the trial court with jurisdiction to consider and decide that a child is neglected vis a vis a parent, guardian or custodian even though the child has already been found neglected in the care of another parent, guardian or custodian. That the court has authority to find a child neglected even if the parent is not culpable does not mean that the court lacks authority to make a finding of neglect that does find the parent culpable. Nor does the fact that the court may enter orders for the protection of the child that can affect a parent who has not been the subject of a neglect petition – which could make the independent finding of neglect with respect to that parent unnecessary – mean that the court is without authority to adjudicate a neglect petition with respect to such a person. The court's subject matter jurisdiction begins with the filing of a neglect petition and persists until the underlying neglect petition is finally resolved. The finding of neglect with respect to the father was an important step in subsequent disposition and permanency planning, particularly as the father asserted a basic right to custody of the child.

## 2. Other Civil Law Issues:

CHARITABLE INSTITUTIONS: *District of Columbia v. Cato Institute*, 829 A.2d 237 (D.C. 2003). The Cato Institute, a nonprofit organization devoted to public policy research and education, applied for an exemption of real property taxes under D.C. Code §§ 47-1002 (8) and (18) (2001). After the District of Columbia denied the organization's application, the institute sought and received a favorable decision in the trial court. The Court of Appeals reversed the trial court's ruling. The Court narrowly construed § 47-1002 (8)'s requirement that tax-exempt buildings be used for "public charity," to mean only "those buildings, operated by charitable institutions, which are used for purposes of charity which principally benefits the public within the District." The Court concluded that the Cato Institute failed to meet the statute's requirements because the institute had only a minimal impact and public benefit to the citizens of the District.

D.C. CONSUMER PROTECTION PROCEDURES ACT: CABLE TELEVISION: EXCESSIVE LATE FEES: *District Cablevision L.P. v. Bassin*, 828 A.2d 714 (D.C. 2003). In this case, the Court

of Appeals upheld a multi-million dollar class action under the District of Columbia Consumer Protection Procedures Act brought on behalf of cable television service subscribers complaining about excessive late payment charges. The court construed the Act to afford a panoply of strong remedies, including treble damages, punitive damages, prejudgment interest and attorneys' fees, to consumers who are victimized by unlawful trade practices, including practices that are illegal under the common law. Among other things, the court held that the Act entitled the plaintiff class in this case to prejudgment interest and treble damages, plus attorney's fees.

D.C. HUMAN RIGHTS ACT: DISCRIMINATION IN ZONING: *George Washington University v. District of Columbia Board of Zoning Adjustment*, 831 A.2d 921 (D.C. 2003). In this case, which related to objections by neighboring residents to George Washington University's 2000-2010 Campus Plan, the Court of Appeals held that the District of Columbia Human Rights Act, which prohibits discrimination based on, among other things, matriculation (student status), applies to discrimination in zoning by District of Columbia agencies. The court held, however, that long-standing zoning regulations, which require the Board of Zoning Adjustment (BZA) in determining whether to approve the Campus Plan, to consider the "number of students" in affected neighborhoods, do not violate the Human Rights Act.

DISMISSAL WITH PREJUDICE: DUTY TO PROCEED AFTER DENIAL OF CONTINUANCE AND AWARD OF ATTORNEY'S FEES: *Fischer v. Estate of Howard L. Flax*, 816 A.2d 1 (D.C. 2003). In this appeal, the Court of Appeals sustained, *inter alia*, an award of attorney's fees for bad faith litigation and the dismissal of claims of fraud, tortious interference, and other alleged misconduct after the plaintiff, through his counsel, had declared that he would not proceed with trial because the court refused to grant him a continuance. The Court reaffirmed the principle that when a party's request for a continuance has been denied, the party may not refuse to proceed, but rather must proceed to trial as limited by the court's procedural rulings, and if not successful at trial, challenge those rulings on appeal. If the plaintiff instead refuses to go forward, the trial court is empowered to dismiss the complaint with prejudice under Rule 41 (b). As to the

award of attorney's fees, the Court first concluded that bad faith conduct by a party in filing and prosecuting claims will support a fee award only if the bad faith is shown by clear and convincing evidence. In this case, the award was held to be proper because the record supported the trial court's finding that the plaintiff's suit had been filed and maintained in bad faith, as evidenced partly by his role in helping create and pass off as authentic certain letters fraudulently documenting a third party's entitlement to a finder's fee.

EMPLOYMENT DISCRIMINATION: D.C. HUMAN RIGHTS ACT: *Lively v. Flexible Packaging Ass'n, et al.*, 830 A.2d 874 (D.C. 2003) (en banc). The en banc court unanimously decided a hostile work environment claim filed under the District of Columbia Human Rights Act (DCHRA), D.C. Code Ann. §§ 1-2501 *et seq.* (1999) (recodified at D.C. Code Ann. §§ 2-1401.01 *et seq.* (2001)), by a female employee in the private sector. After the Supreme Court of the United States decided *AMTRAK v. Morgan*, 536 U.S. 101 (2002), the Court of Appeals adopted the Supreme Court's hostile work environment analysis as set forth in that case, as well as in its own precedent. Specifically, in reversing the trial court's grant of judgment to the employer after a jury verdict in favor of the female employee, the Court of Appeals held that:

[a] hostile work environment claim is comprised of a series of separate acts that collectively constitute "one unlawful practice" the trier of fact must focus on "all the circumstances," including the frequency of the discriminatory conduct, its severity, whether it is physically threatening or humiliating, or a mere offensive utterance; and whether it interferes with an employee's work performance. Furthermore, if an act contributing to the hostile work environment claim occurs within the filing period, the entire time period of the hostile environment may be considered by the court for the purposes of determining liability. It does not matter, for purposes of the District of Columbia Human Rights Act, D.C. Code Ann. §§ 1-2501 *et seq.* (1999) (recodified at D.C. Code Ann. §§ 2-1401.01 *et seq.* (2001)), that some of the component

acts of the hostile work environment fall outside the statutory time period. Even if there are significant gaps in the occurrence of acts constituting the hostile work environment claim, the filing of that claim still may be timely because this type of "unlawful employment practice" cannot be said to occur on any particular day. It occurs over a series of days or perhaps years.

*Lively*, 830 A.2d at 890. Under these legal principles, the Court concluded that the employee's hostile work environment claim was timely, and ordered the trial court "to reinstate the jury's liability verdict and the compensatory damages award attached to that claim." Furthermore, because the jury verdicts on three of the employees claims (unequal pay, retaliation and intentional infliction of emotional distress) were not sustained on appeal, the Court remanded the punitive damages award issue to the trial court for consideration of the reasonableness of that award.

EMPLOYMENT LAW: PUNITIVE DAMAGE LIMITS: *Daka, Inc. v. McCrae*, 839 A.2d 682 (D.C. 2003). On appeal from a judgment of \$187,500 in compensatory damages and \$4,812,500 in punitive damages awarded by a jury upon findings of negligent supervision and statutory retaliation, the Court of Appeals sustained the award of compensatory damages after upholding findings that defendant Daka had negligently permitted sexual harassment of the plaintiff by one of its managers and had then retaliated against the plaintiff - ultimately by terminating him - when he complained of the harassment. However, the Court reversed the award of punitive damages and remanded for determination of a lesser award by the trial court in accordance with the Supreme Court's teaching in *State Farm Mut. Auto. Ins. Co. v. Campbell*, 123 S. Ct. 1513 (2003), which reaffirmed that due process imposes limits on the amount of punitive damages that may be properly awarded by a jury. Applying standards articulated in *State Farm*, the Court of Appeals held that the award of punitive damages here - which stood in ratio of 26:1 to the award of compensatory damages - was excessive and required redetermination by the trial judge of a constitutionally permissible amount.

FORUM NON CONVENIENS: APPEALABILITY: *Rolinski v. Lewis*, 828 A.2d 739 (D.C. 2003)

(en banc). This was an interlocutory appeal from the denial of a motion to dismiss a complaint for malpractice on grounds of *forum non conveniens*. Overruling prior precedent and aligning itself with rule adopted for the federal courts by the Supreme Court, the Court of Appeals held that denials of *forum non conveniens* motions to dismiss are not immediately appealable as of right to this court.

**FORUM NON CONVENIENS: PROBATE LAW: RESIDENCE OF PERSONAL REPRESENTATIVE:** *Dennis v. Edwards*, 831 A.2d 1006 (D.C. 2003). Margaret Williams, a lifelong resident of the District of Columbia, died leaving a Will which was admitted to probate by the Probate Division of Superior Court. Appellant, James Dennis, a resident of South Carolina, was appointed personal representative of her estate. At the time of her death, decedent had cash on deposit in the District in three accounts to which she had added the name Mae Young, one of the legatees under her Will. The personal representative filed a complaint in the Superior Court against the bank and Ms. Young seeking a declaratory judgment that the accounts were the sole property of the decedent. Although the trial court issued a temporary restraining order prohibiting the bank and Young from transferring the money pending determination of ownership, Young managed to withdraw the funds and place some in her name and/or that of Linda Edwards in South Carolina, where both were residents. The personal representative filed an amended complaint against Young and Edwards. The trial court granted the motion of Young and Edwards to dismiss the case on the ground of *forum non conveniens* (inconvenient forum) primarily because of the view that this jurisdiction would have little interest in the suit where the funds were being held in another jurisdiction where all parties resided. After a detailed analysis, the Court of Appeals determined that the public and private interest factors, as set forth by the Supreme Court in *Gulf Oil Corp. v. Gilbert*, 330 U.S. 501 (1947) and adopted by this court, favored the personal representative's choice of forum and reversed. The court held, among other things, that the trial court erred in giving controlling consideration to the personal representative's residence in South Carolina without regard to his representative status as a District of Columbia court-appointed fiduciary, administering the estate of a lifelong District resident,

in an action seeking the return of funds which were located in the District at the time of decedent's death.

**GUARDIANS AD LITEM: COMPENSATION:** *Sullivan v. District of Columbia*, 829 A.2d 221 (D.C. 2003). Appellant was appointed to serve as a guardian ad litem for an incapacitated adult in two pending civil cases for the limited purpose of evaluating her capacity to participate in the actions. In one case, the ward was the plaintiff, in another, she was the defendant. Appellant settled the former case and obtained the dismissal of the latter. Upon concluding his representation, appellant filed a petition for compensation under the Guardianship Fund established by the Guardianship Act, D.C. Code § 21-2001 et seq. (2003). The trial court rejected the compensation claim. On appeal, appellant argued that his services were rendered in connection with a "protective arrangement" under the Guardianship Act. The Court of Appeals, in a question of first impression, reviewed the plain language of the Guardianship Act and concluded that, while the Act provided for compensation for services rendered in connection with a "protective arrangement," even a successful representation of a client's interest does not create a "protective arrangement" within the meaning of the Act. Moreover, the Court noted that even if such representation could constitute a "protective arrangement," the arrangement would have to arise in a "proper proceeding" as defined by the Act, and appellant's representation did not arise in such a context. The Court also determined that the statutory language evinced a clear intent to separate the roles of guardian and counsel for compensation purposes.

**LABOR RELATIONS: INJUNCTIVE RELIEF: JURISDICTION:** *Feaster v. Vance*, 832 A.2d 1277 (D.C. 2003). In this case the Court of Appeals upheld the jurisdiction of the Superior Court to issue a preliminary injunction against an unlawful strike by public school employees. The Court of Appeals held, *inter alia*, that the Public Employee Relations Board did not have exclusive jurisdiction over the complaint for injunctive relief, and that the federal Norris-LaGuardia Act did not bar the Superior Court from enjoining a strike by public employees.

**LANDLORD AND TENANT: D.C. RESIDENTIAL DRUG-RELATED EVICTIONS ACT:** *Cook v. Edgewood Management Corp.*, 825

A.2d 939 (D.C. 2003). A long-time resident of a multi-building apartment complex was evicted under the District of Columbia Residential Drug-Related Evictions Act of 1990 (“RDEA”) based upon drug-related criminal activity in her apartment. The RDEA allows for eviction where the tenant, member, or guest of the household engages in drug related activity in or near the unit. Even if the tenant of record does not engage personally in criminal activity, but others occupying the premises are implicated in it, the tenant may be evicted. We held that the landlord’s notice provided sufficient specificity regarding the criminal activity and that the notice was timely. We also concluded that the government was not compelled to disclose the identity of the special employee who assisted law enforcement officers in their investigation of criminal activity at the tenant’s apartment due in part to the special precautions taken by the police investigators. With respect to the tenant’s insufficiency of the evidence claim, we noted that this was a civil and not a criminal matter. Accordingly, we held that the landlord had to meet the preponderance of the evidence standard. Finally, we rejected the tenant’s challenge to the introduction into evidence of field tests of substances seized from her apartment. We determined that the cobalt field test had been used by the Metropolitan Police Department for many years and was not a novel test or “a new scientific technique” under *Frye v. United States*, 54 U.S. App. D.C. 46, 293 F. 1013 (1923). Therefore, the landlord had no burden “to demonstrate by a preponderance of the evidence that the cobalt test has been generally accepted in the relevant scientific community.” *United States v. Porter*, 618 A.2d 629, 633 (D.C. 1992).

PRECLUSIVE EFFECT OF FEDERAL REGULATION ON TRAIN SPEED: *Herndon v. National RR Passenger Co.*, 814 A.2d 934 (D.C. 2003). A conductor on an Amtrak train was hurt when the train lurched violently and unexpectedly while passing through the Baltimore- Potomac Tunnel. He sued Amtrak for negligence under the Federal Employers’ Liability Act. He alleged that the train was traveling at an excessive speed under the circumstances, although that speed did not exceed the federal maximum authorized by federal regulations for that stretch of track. The appellate court affirmed the trial court’s grant of summary judgment. The legal issue

was the proper application of a Supreme Court decision holding that the federal regulations set not only a ceiling, but precluded the application of additional limitations on the question of proper speed. This pre-emption applied to “conditions endemic and long-term” to the stretch of track in question. It did not preclude recovery based upon a “particularized immediate defect or hazard” of the track, but no such facts had been proffered here by the plaintiff.

“SHAM AFFIDAVIT” DOCTRINE: *Hinch v. Sibley Memorial Hospital*, 814 A.2d 926 (D.C. 2003). Under the so-called “sham affidavit” doctrine, a trial court will disregard an offsetting affidavit that is submitted to withstand a motion for summary judgment when the affidavit contradicts prior deposition testimony without adequate explanation and creates a sham issue of material fact. In a medical malpractice suit, the trial court concluded that an affidavit submitted by the plaintiff’s medical expert as to the cause of the plaintiff’s injuries contradicted that expert’s deposition testimony that she could not identify the cause with certainty. The appellate court, however, ruled that in fact there was no “clear and explicit contradiction” between the testimony and the affidavit, as is required “at a minimum” for the doctrine to apply. In her testimony, the expert indicated that there were a number of possible explanations for the injuries, while in the affidavit she amplified that testimony by indicating which of the explanations was “more likely than any other” to have caused the injuries. Hence, the grant of summary judgment was reversed.

UNDERAGE POSSESSION OF ALCOHOL: *Cass v. District of Columbia*, 829 A.2d 480, amended by 2003 D.C. App. Lexis 616 (D.C. 2003). Cass, who was under 21 years of age, was found guilty of possessing alcohol in contravention of D.C. Code § 25-130 (a) (Supp. 2000), and sentenced to nine months of probation under D.C. Code § 25-130 (b-1), a civil fine under D.C. Code § 25-130 (b-2), and community service. He challenged the conviction and criminal sentence on the ground that the Alcoholic Beverage and Control Act does not make underage possession of alcohol a criminal offense and permits only civil sanctions. Considering the various cross-references in and statutory language of the Act, amendments since the Court’s interpretation of the Act, and the legislative history of the rele-



vant provisions, the Court of Appeals reversed, holding that underage possession of alcohol is not a criminal offense and that the only available sanctions are a civil fine and suspension of driving privileges.

WILL CONTESTS: *In re: Estate of Johnson*, 820 A.2d 535 (D.C. 2003). Appellant, Oliver Wilson, challenged the validity of his aunt's will in the trial court by alleging fraud, undue influence, and fraudulent inducement. Although Wilson demanded a jury trial, the trial court held that there was no right to a jury trial in a will contest. The Court of Appeals affirmed the trial court's ruling, holding that neither the U.S. Constitution nor the D.C. Code provides a party with the right to a jury trial in a will contest. The Court relied on the plain meaning of D.C. Code § 20-305 (2001) and the historical justification behind the Seventh Amendment of the U.S. Constitution, and found that neither source intended to grant a jury trial in a will contest.

### C. Criminal Law

#### 1. Constitutional Issues:

FOURTH AMENDMENT: "TERRY STOP": LACK OF REASONABLE SUSPICION: *In re A.S.*, 827 A.2d 46 (D.C. 2003). In reviewing a trial court ruling on a suppression motion, the facts and all reasonable inference therefrom must be viewed in favor of sustaining the trial court ruling. In a government appeal from the grant of a suppression motion in a juvenile proceeding, the court sustained the trial court's action. A police officer in plain clothes and an unmarked car made eye contact with the juvenile, who, with a shocking expression on his face, walked away while making a shoving motion with his right hand into his waistband area. The officer thought the juvenile might be concealing a weapon. On stopping the juvenile, the officer discovered narcotics, which the trial court suppressed. The appellate court agreed, noting prior cases that held that "if the behavior of a suspect is capable of too many innocent explanations, then the intrusion cannot be justified." The officer did not see any object in the juvenile's hand and he could have been simply "tucking in his shirt, scratching his side, pulling up his pants, arranging his underwear, pager, cell phone, or walkman, etc." The appellate court could not say that the trial court erred in concluding, in effect, that the officer's seizure was "not based upon particularized facts but an inchoate and unpartic-

ularized suspicion or hunch," insufficient under the Fourth Amendment.

SIXTH AMENDMENT: RIGHT TO COUNSEL: *McClinton v. United States*, 817 A.2d 844 (D.C. 2003). Appellant was convicted of conspiracy to possess with intent to distribute cocaine, conspiracy to commit extortion, kidnaping while armed, extortion while armed, first-degree murder while armed (felony murder), carrying a pistol without a license, and possession of a firearm during a crime of violence. He claimed that his Sixth Amendment constitutional right to counsel was violated by the court's decision to allow him to represent himself, with the assistance of standby counsel, more than halfway through the case. The Court of Appeals held that the trial court erred by not conducting a sufficient inquiry with respect to appellant's waiver of his right to counsel. The Court concluded that the error was harmless beyond a reasonable doubt because defense counsel, who had represented appellant before he invoked his right to defend himself, in effect continued to function as his attorney, albeit in the status of standby counsel.

#### 2. Other Criminal Issues:

ASSAULT: DEFENSES: DEFENSE OF PROPERTY: *Gatlin, et al., v. United States*, 833 A.2d 995 (D.C. 2003). The employees of a District of Columbia charter school appealed their convictions on various charges, including assault and taking property without right. The charges grew out of confrontations and altercations with a newspaper reporter, a photographer, and two police officers, on the premises of the school. The reporter, apparently without permission of school employees, interviewed a charter school student and was asked to leave. When the reporter did not immediately leave, her notebook was taken and an altercation, accompanied by pushing, shoving and hitting, erupted. When the reporter returned with police officers, a similar outburst occurred. The school employees sought to suppress the evidence obtained through and search and seizure because the events allegedly occurred on "private property," and thus they reasonably believed they had a right to exclude the reporter and police officers from the premises. The Court of Appeals held that "[a]lthough a charter school "is not part of the District of Columbia public schools," D.C. Code §§ 38-1800.02 (29)(B) (2001), it is "a publicly funded school in the District of

Columbia,” §§ 38-1800.02 (29)(A) [and that] because some parts of the school, such as the main hallway or foyer, and the outer part of the main office, “may be so open to fellow employees [or students] or the public . . . [that] no expectation of privacy is reasonable.” *Id.* at 1005 (quoting *O’Connor v. Ortega*, 480 U.S. 709, 717-18 (1987)). Hence, the employees did not have standing to challenge the validity of the search and seizure by law enforcement officers. The employees also claimed that in taking the reporter’s notebook and in their resistance to law enforcement they were rightfully defending their property. In affirming the trial court’s decision, the Court declared:

where, as here, the police have entered the common, public areas of a school building without excessive force to investigate a criminal complaint, school personnel who have been charged with assault of one of those police officers within the school, are not entitled to the defense of property defense. We also hold that a school employee, such as, . . . who has been charged with assault of a newspaper photographer within the school may not rely on the defense of property defense where the employee is able to seek the assistance of police officers who are on the scene to protect the integrity of the school building

*Gatlin*, 833 A.2d at 1009.

CRIMINAL CONTEMPT: COURT-ORDERED COUNSEL FEE: *In re Estate of Bonham*, 817 A.2d 192 (D.C. 2003). In this case, the court reversed a judgment of the Superior Court holding a woman in criminal contempt of court and ordering her imprisoned for failing to pay a court-ordered counsel fee to an opposing attorney. The Court of Appeals explained that the trial court’s order was tantamount to imprisonment for debt, and that the counsel fee could be collected by resort to other remedies available to creditors, such as attachment and garnishment.

EVIDENCE: ATTORNEY CLIENT PRIVILEGE: CRIME-FRAUD EXCEPTION: *In re Public Defender Service*, 831 A.2d 890 (D.C. 2003). In this case the Court of Appeals addressed for the first time the scope of the crime-fraud exception to the attorney-client privilege. The

court held that to establish the applicability of the crime-fraud exception to presumptively privileged attorney-client communications, the government had the burden of showing that the communications actually were in furtherance of an ongoing or future crime or fraud. “The crime-fraud exception does not apply,” the court stated, “where the attorney talks the client out of committing the crime or fraud he contemplates or stops the client’s scheme dead in its tracks.” In a related inquiry, the Court of Appeals also addressed the potential applicability of the client’s Fifth Amendment act of production privilege with respect to documents that the client has furnished to his attorney.

EVIDENCE: OTHER CRIMES EVIDENCE: *McFarland v. United States*, 821 A.2d 348 (D.C. 2003). In this appeal, the Court of Appeals sustained the defendant’s convictions for distribution of cocaine and carrying a dangerous weapon, after holding that the trial court did not abuse its discretion in admitting into evidence the fact that the police found \$774 in cash on the defendant’s person. The Court explained that this money was not “other crimes” evidence but rather was circumstantial evidence of the crime of distribution charged, “intertwined” with it and admissible to place the defendant’s actions in context. Because (1) the possession of the money was tied immediately in time and location to the acts charged; (2) it was not of such a quantity as practically to make any innocent explanation for carrying it incredible; and (3) the admission of it was susceptible of a limiting instruction (not requested by the defense), it was properly admitted for a purpose other than to show that the defendant had a propensity to sell drugs.

IMPROPER CROSS-EXAMINATION: *Allen v. United States*, 837 A.2d 917 (D.C. 2003). In this appeal from the criminal defendant’s convictions for possession with intent to distribute cocaine and related offenses, the Court of Appeals reversed the convictions because the prosecutor had been allowed improperly to cross-examine the defendant repeatedly, over objection, as to whether he knew of any reason why two police officer witnesses would “lie against [him]” in their testimony. The Court explained the reasons why such questioning had consistently been prohibited by its decisions and further explained why on the facts of this case the questioning was prejudicial.

JENCKS ACT: *Robinson v. United States*, 825 A.2d 318 (D.C. 2003). Robinson was charged with threatening his girlfriend during a telephone call made from the prison where he was incarcerated. The complaining witness testified at trial, and her testimony, which was credited by the trial judge, formed the basis for the guilty verdict. Telephone calls from the prison are routinely recorded by prison officials and destroyed after a period of time. An officer who responded to the complaining witness's call to the police on the day of the threatening call answered another telephone call to the complaining witness from Robinson that would have informed him that the calls were recorded. With that knowledge, the police could have obtained a copy of the recording of the call the complaining witness had from Robinson that formed the basis of the threats charge before it was routinely destroyed by the prison. The Court of Appeals held that the recording of the call between Robinson and the complaining witness was a "statement" of a witness under the Jencks Act and that it was within the possession of the government because the police officer on the scene could have and should have obtained a copy of the recording. Therefore, the recording should have been disclosed to the defense under Jencks. Because the complaining witness's testimony was central to the trial court's verdict and the recording was "absolutely crucial" on the issue of guilt, the court reversed the conviction and remanded with instructions to dismiss the case because the nondisclosure could not be remedied.

JURY INSTRUCTIONS: RE-INSTRUCTION: SELF DEFENSE: *Alcindore v. United States*, 818 A.2d 152 (D.C. 2003). Defendant was convicted of assault with a dangerous weapon, aggravated assault while armed, mayhem while armed, possession of a firearm during a crime of violence, and carrying a pistol without a license arising out of the shooting a fellow motorist. At trial, defendant provided testimony tending to show that he had acted in self-defense, and the trial court instructed the jury on the law related to self-defense. During its deliberations, the jury sent a note which indicated its strong belief that the defendant believed that his was defending himself and never intended to harm the victim. Nevertheless, the jury rejected defendant's self-defense claim and found him guilty. The Court of Appeals held that, under the circum-

stances of this case, the trial court erred in declining to re-instruct the jury, upon defense request, because the note demonstrated jury confusion or a misunderstanding of the law of self-defense. The Court observed that "the actor's 'subjective perceptions are the prime determinant of the right to use force - and the degree of force required - in self-defense, subject only to the constraints that those perceptions be reasonable under the circumstances.'" 818 A.2d at 157 (*quoting Fesner v. United States*, 482 A.2d 387, 391-92 (D.C. 1984)). Given the jury's statements as to defendant's perceptions and intent and the court's instructions on self-defense, the jury's rejection of the self-defense claim reflected a misunderstanding of the court's instructions. Therefore, the court reversed.

JURY VIEWS: *Barron v. United States*, 818 A.2d 987 (D.C. 2003). Barron was convicted of various assault and weapons offenses related to a shooting which the government argued Barron had committed while driving his car. Barron contended that a passenger in the backseat of his car was the shooter. After the case had been submitted to the jury, the jury requested to view Barron's car. Although the car was not evidence in the case, the trial court allowed the jury to view the car without any instructions. The Court of Appeals reversed Barron's convictions and remanded the case, holding that the jury view in this case was significant and probative of a disputed issue (whether it was likely that a person could shoot a gun from the backseat of Barron's car) and, thus, should have been admitted into evidence. The Court of Appeals stated that the trial court should have either refused to allow the jury view or reopened the case, allowed introduction of the car and given the parties an opportunity to make arguments on the significance of the evidence.

MOTION FOR NEW TRIAL: INTIMIDATION BY CODEFENDANT: *Lyons and Hilton v. United States*, 833 A.2d 481 (D.C. 2003). After being found guilty of armed robbery after a trial with codefendant Lyons, Hilton filed a motion for new trial claiming that he had been intimidated by his codefendant into not testifying in his defense. In making the motion, counsel proffered what Hilton's testimony would have been and personally vouched for the claim of intimidation. The trial court denied the request for new trial without a hearing on the grounds that the motion did not set out with

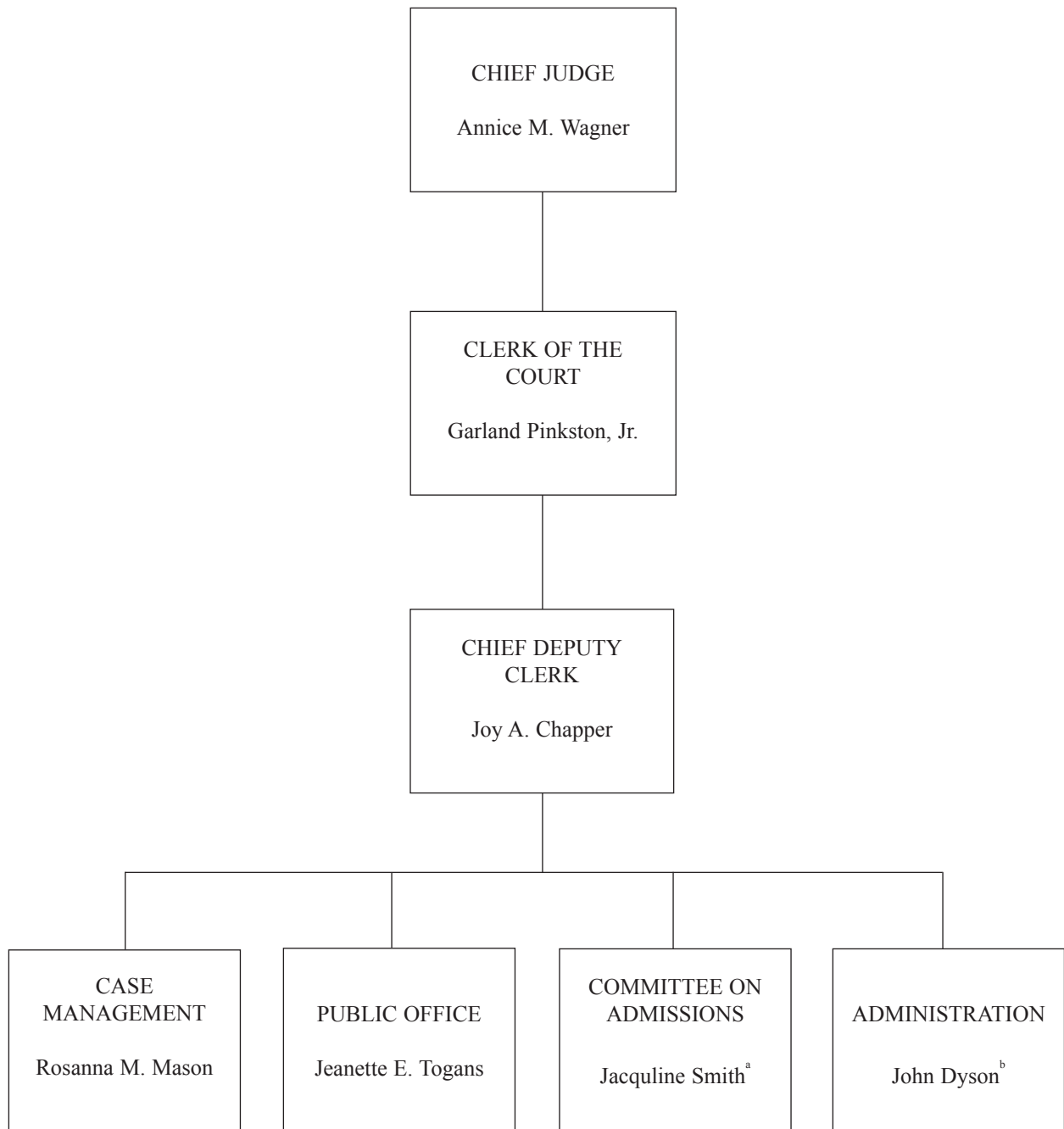
specificity the claimed acts of intimidation and that the claim of intimidation was inconsistent with the reason given in a pretrial motion for severance. The Court of Appeals reversed and remanded for a hearing, holding that although the trial court gave reasons for its denial, the motion was sufficiently specific to require the trial court to inquire further into the factual allegations and evaluate the potential impact of Hilton's testimony on the verdict before denying the new trial motion. In so doing, the court placed particular reliance on the representations of counsel, as an officer of the court, which it deemed a proffer of what counsel's testimony would be at a hearing.

PROPERTY CRIMES: *Jackson v. United States*, 819 A.2d 963 (D.C. 2003). Jackson was convicted of malicious destruction of property under D.C. Code § 22-303 (2001) for damaging the front door of the home he co-owned with his estranged wife. The statute makes it a crime to "maliciously injure or break or destroy or attempt to injure or break or destroy, by fire or otherwise, any public or private property, whether real or personal, not his or her own . . . ." Jackson argued that "not his or her own" should be interpreted to exclude from prosecution anyone who has an ownership interest in the property. In affirming Jackson's conviction, the Court of Appeals held that a person may be found criminally liable for malicious destruction of property which he or she co-owns. The Court stated

that this issue is particularly relevant in domestic violence cases because "one manifestation of [domestic] violence is often destruction of co-owned property." The Court also stated that its decision in this case was consistent with the intent of District of Columbia's legislative initiatives passed to address issues of domestic violence.

THEFT: PROOF OF "VALUE" OF STOLEN PROPERTY: *Hebron v. United States*, 837 A.2d 910 (D.C. 2003) (en banc). To convict a defendant of first degree theft, the government must prove that the property stolen had a "value" of \$250 or more. The en banc court clarified language contained in some prior proof of value cases, such as "very strict," that might have fostered the misimpression that some sort of "super proof" was required in proof of the element of value. The court held that the same uniform and familiar standard of evidentiary sufficiency applies to proof of value that applies to any other element of the charged offense; namely, proof beyond a reasonable doubt. Thus, a jury should not be precluded from drawing reasonable inferences from an item's purchase date and price when determining, on the totality of facts and circumstances, whether the government had met its burden of proving value. Applying this clarified standard to the case at hand, the en banc held that a reasonable jury could have so concluded and hence affirmed the conviction.

## DISTRICT OF COLUMBIA COURT OF APPEALS ADMINISTRATIVE STRUCTURE



<sup>a</sup> Appointed October 2003.

<sup>b</sup> From November 2002.

## CLERK OF THE COURT

The Clerk's Office of the Court of Appeals is divided into five divisions: 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.

- 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, and providing staff support for the appointment of attorneys and processing of vouchers under the Criminal Justice Act.
- The case management division is responsible for processing over 4,000 procedural motions and more than 1,500 substantive motions each year. The staff of the case management division reviews all incoming motions and pleadings, and prepares proposed orders for review by the Clerk, Chief Judge or motions division. Attorneys in the case management division prepare legal memoranda on matters presented by substantive or procedural motions. The attorneys also respond to inquiries and perform other research assignments for the judges of the court.
- 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, which have been filed in the court; and the preparation of court statistics.

- 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 admission and practice fees; and supports the committee investigating complaints involving the unauthorized practice of law.
- The administrative staff is responsible for the provision of personnel, data processing, telecommunications, library, financial, procurement, and facilities management services for the court.



# COURT OF APPEALS STATISTICS

Table 5

## FILINGS BY CATEGORY & RATIO TO DISPOSITIONS

	1999	2000	2001	2002	2003
<b>1. Mandatory Appeal &amp; Bar Disciplinary Cases<sup>a</sup></b>					
Pending Jan. 1	2,694	2,672	2,828 <sup>b</sup>	2,682 <sup>b</sup>	2,415
Filings:					
Criminal	653	618	673	510	629
Civil	410	451	381	373	527
Family	240	249	189	238	189
Agency	118	109	116	153	114
Special Proceedings	230	177	150	28	12
Bar Disciplinary Cases	106	94	95	93	96
Total Filings	1,757	1,698	1,604	1,395	1,567
Reinstated	14	20	19	49	29
Available for Disposition	4,465	4,390	4,451	4,126	4,011
Total Dispositions	1,793	1,906	1,768	1,711	1,707
Pending Dec. 31	2,672	2,484	2,683	2,415	2,304
<b>2. Original Jurisdiction Matters</b>					
Pending Jan. 1	10	2	9	1	4
Filings	51	58	61	71	77
Total Dispositions	59	51	69	68	79
Pending Dec. 31	2	9	1	4	2
<b>3. Discretionary Jurisdiction Matters</b>					
Pending Jan. 1	13	2	3	6	3
Filings	26	45	55	54	52
Total Dispositions	37	44	52	57	53
Pending Dec. 31	2	3	6	3	2
<b>4. Totals</b>					
Filings	1,783	1,743	1,659	1,520	1,696
Dispositions	1,830	1,950	1,820	1,836	1,839
<b>5. Clearance Rate (Ratio Dispositions/Filings)</b>					
	103%	112%	110%	121%	108%

<sup>a</sup> Beginning in 2002, original jurisdiction matters are reported separately. They were previously reported under special proceedings. Figures for 1999 - 2001

have been adjusted to reflect this reporting change.

<sup>b</sup> Figure adjusted after audit of the caseload.

Table 6

## DISPOSITIONS BY METHOD

	1999	2000	2001	2002 <sup>a</sup>	2003
Opinion	335	386	277	339	299
Memorandum Opinion and Judgment	513	625	502	575	619
Judgment	91	84	85	61	57
Order	854	811	904	861	864
Total	1,793	1,906	1,768	1,836	1,839

<sup>a</sup> Beginning in 2002, dispositions in discretionary matters are included.

Table 7

## MOTIONS & PETITIONS<sup>a</sup>

	1999	2000	2001	2002 <sup>a</sup>	2003
Procedural Motions	5,479	4,490	5,162	5,749	5,243
Substantive Motions	1,916	2,030	1,960	1,701	1,667
Petitions for Rehearing/Rehearing En Banc	193	223	181	174	221

<sup>a</sup> All motions, including those filed in original actions and discretionary matters.

Table 8

<b>TIME ON APPEAL (in days)<sup>a</sup></b>					
	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>
<b>Overall Time On Appeal<sup>b</sup></b>					
Average	520	545	522	650	<b>623</b>
Median				505	<b>475</b>
Time from Notice of Appeal to Filing of Trial Court or Agency Record					
Average	261	255	256	303	<b>317</b>
Median				184	<b>196</b>
Time from Filing of Trial Court or Agency Record to Completed Briefing by the Parties					
Average	263	280	263	287	<b>270</b>
Median				173	<b>170</b>
Time from Completed Briefing to Argument or Submission					
Average	202	201	153	155	<b>150</b>
Median				140	<b>149</b>
Time from Argument or Submission to Court Decision					
Average	90	97	118	126	<b>107</b>
Median				24	<b>16</b>
<b>Overall Time On Appeal for Certain Matters<sup>c</sup></b>					
Bar Disciplinary Cases <sup>c</sup>					
Average	475	436	332	391	<b>435</b>
Median				358	<b>279</b>
Original Jurisdiction Matters					
Average	37	25	23	22	<b>11</b>
Median				14	<b>8</b>
Discretionary Jurisdiction Matters					
Average	119	57	73	29	<b>32</b>
Median				27	<b>27</b>

<sup>a</sup><sup>b</sup> Beginning in 2002, this table displays both the average time and the median time for the various stages of all appellate process.<sup>b</sup> Beginning in 2002, this figure excludes original jurisdiction matters; therefore, the 2002 figures are not comparable to previous years.<sup>c</sup> Only those cases which reach a particular stage of appeal are used to calculate the average time in that stage. These figures include time during which some appeals are stayed for reasons such as bankruptcy & additional trial court proceedings.<sup>c</sup> The time includes periods when such cases are not under active processing by the Court of Appeals. In reciprocal bar disciplinary matters, the court opens a case file upon notification that another jurisdiction has disciplined a member of the D.C. Bar. Active processing of the case does not commence until the Court receives a report and recommendation from the Board on Professional Responsibility.

Table 9

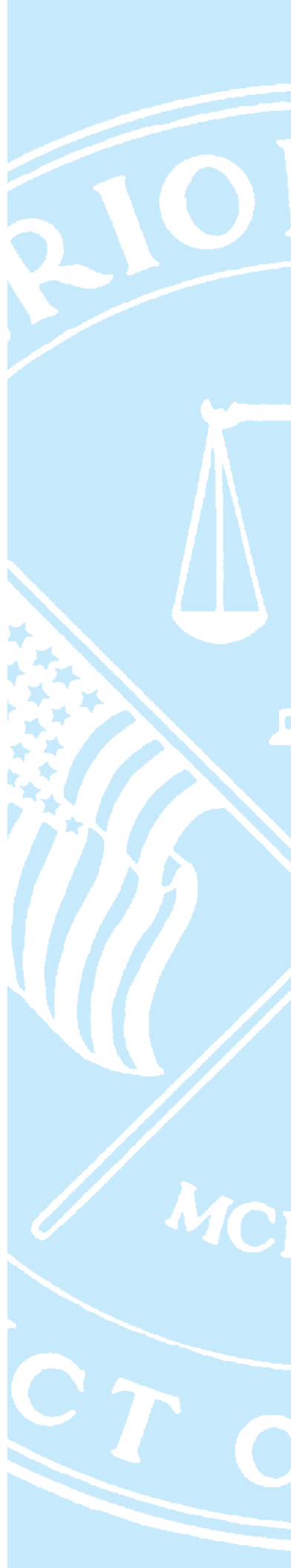
<b>BAR ADMISSIONS</b>					
	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>
Applicants for Admission to Bar by Examination:					
Applications Filed	463	510	603	739	<b>830</b>
Applications Withheld	46	59	72	93	<b>117</b>
Applications Rejected	14	21	26	22	<b>15</b>
Unsuccessful Applicants	169	190	220	294	<b>351</b>
Successful Applicants	248	261	311	353	<b>362</b>
Applicants Admitted	327	238	294	347	<b>337</b>
Applicants for Admission to Bar by Motion:					
Applications Filed	2,656	2,757	3,117	2,445	<b>2,611</b>
Applicants Admitted	3,067	2,353	2,991	2,917	<b>2,157</b>
Applications Rejected	5	9	12	4	<b>2</b>
Certificates of Good Standing	6,010	6,706	6,878	6,678	<b>8,153</b>
Certification for Law Student in Court Program	374	305	362	354	<b>395</b>
Certification as Special Legal Consultant	3	7	11	11	<b>15</b>

Table 10

<b>BAR DISCIPLINARY ACTIONS</b>					
	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>
Disbarments	24	29	21	22	<b>26</b>
Suspensions	20	27	36	24	<b>11</b>
Public Censure	7	5	4	4	<b>6</b>
Petitions for Reinstatement	4	4	3	1	<b>3</b>
Petitions by Bar Counsel of Disciplinary Board to					
Conduct Formal Hearings	50	43	27	37	<b>57</b>
Miscellaneous Petitions	7	15	5	2	<b>11</b>



**SUPERIOR  
COURT**



JUDGES OF THE  
SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Rufus G. King, III  
*Chief Judge*

Frederick H. Weisberg	Shellie F. Bowers	Steffen W. Graae <i>Presiding Judge Civil Division</i>	Geoffrey M. Alprin
A. Franklin Burgess, Jr.	Nan R. Shuker	Noel Anketell Kramer <i>Presiding Judge Criminal Division</i>	Robert I. Richter
Susan R. Winfield	Herbert B. Dixon, Jr.	Michael L. Rankin	Harold L. Cushenberry, Jr. <i>Deputy Presiding Judge Criminal Division</i>
Cheryl M. Long	Mildred M. Edwards <sup>a</sup>	Zinora Mitchell-Rankin	Joan Zeldon <i>Deputy Presiding Judge Civil Division</i>
John H. Bayly, Jr.	José López <i>Deputy Presiding Judge Probate &amp; Tax Division</i>	Kaye K. Christian <i>Presiding Judge Probate &amp; Tax Division</i>	Linda Denise Turner
Ann O'Regan Keary	Judith E. Retchin	Wendell P. Gardner, Jr.	Stephanie Duncan-Peters
William McKinley Jackson	Brook Hedge <i>Presiding Judge Domestic Violence Unit</i>	Lee F. Satterfield <i>Presiding Judge Family Court</i>	Russell F. Canan
Rafael Diaz	Judith Bartnoff	Rhonda Reid Winston	Zoe Bush
Linda Kay Davis	Ronna Lee Beck	Robert E. Morin	Mary A. Gooden-Terrell
Anita M. Josey-Herring <i>Deputy Presiding Judge Family Court</i>	John M. Campbell	Melvin R. Wright	Patricia A. Broderick
Natalia Combs Greene	Neal Kravitz	Hiram E. Puig-Lugo	Thomas J. Motley
John M. Mott	Anna Blackburne-Rigsby	John Ramsey Johnson	Gerald I. Fisher
Erik P. Christian	Maurice A. Ross	Lynn Lebovitz	Odessa F. Vincent
Jeanette Clark	Robert R. Rigsby	James E. Boasberg	Fern Flanagan Saddler <sup>b</sup>
Judith N. Macaluso <sup>c</sup>	Craig Iscoe <sup>d</sup>	Michael Ryan <sup>d</sup>	Jerry S. Byrd <sup>e</sup>
Brian Holeman <sup>f</sup>			

<sup>b</sup> Sworn in July 3, 2003.

<sup>d</sup> Sworn in November 3, 2003.

<sup>f</sup> Sworn in December 3, 2003.

<sup>c</sup> Sworn in July 7, 2003.

<sup>e</sup> Sworn in November 10, 2003.

SENIOR JUDGES OF THE  
SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Eugene N. Hamilton	Fred B. Ugast
Tim Murphy	George Herbert Goodrich
Leonard Braman	Margaret A. Haywood
John R. Hess	Bruce S. Mencher
Iraline Green Barnes	Ronald P. Wertheim
Peter H. Wolf	Bruce D. Beaudin
Curtis E. von Kann	Paul R. Webber III
Stephen F. Eilperin	Arthur L. Burnett, Sr.
Truman A. Morrison III	Richard A. Levie
Robert S. Tignor	Henry F. Greene
Stephen G. Milliken	Gregory E. Mize
Patricia A. Wynn	Mary Ellen Abrecht <sup>a</sup>
Frederick D. Dorsey <sup>b</sup>	

<sup>a</sup> Assumed senior status January 26, 2003.

<sup>b</sup> Assumed senior status April 6, 2003.

MAGISTRATE JUDGES OF THE  
SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

J. Dennis Doyle	Pamela Young Diaz
John W. King <sup>a</sup>	Andrea L. Harnett
Evelyn B. Coburn	Hugh O Stevenson
Ronald A. Goodbread	Aida L. Melendez
Milton C. Lee, Jr.	Richard H. Ringell
William W. Nooter	Carol Ann Dalton
S. Pamela Gray	Alec Haniford Deull
Juliet J. McKenna	Noel T. Johnson
Joan Goldfrank <sup>b</sup>	John McCabe
Julie Breslow	Tara Fentress
Karen Howze	Janet Albert <sup>c</sup>
Diane Epps <sup>d</sup>	Michael McCarthy <sup>e</sup>

<sup>a</sup> Retired August 2003.

<sup>b</sup> Chair, Commission on Mental Health.

<sup>c</sup> Sworn in August 23, 2003.

<sup>d</sup> Sworn in September 7, 2003.

<sup>e</sup> Sworn in November 3, 2003.

# **REPORT OF THE HONORABLE RUFUS G. KING III, CHIEF JUDGE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**

## **INTRODUCTION**

Throughout 2003, the Superior Court worked to achieve the goals of efficient, expeditious, fair and just service to the public as outlined in the D.C. Courts' Strategic Plan. Significant progress was made in reaching the goals, not only in the Divisions' day-to-day operations, but also through specific initiatives, which address case management and processing issues.

## **COURT WIDE INITIATIVES**

### *STRATEGIC PLANNING*

The Superior Court, together with the Court of Appeals, issued its first, five-year strategic plan in the spring of 2003. The plan was presented in a series of conferences within the Courts and in the community. It stated the D.C. Courts' basic mission and vision, and outlined a number of primary goals to be achieved. Based on these goals, several divisions of the Superior Court have developed management action plans to further refine and implement goals and improvements. As part of the strategic planning process, the Probate Division developed a management action plan that became a model for other divisions.

### *INTEGRATED JUSTICE INFORMATION SYSTEM*

The Court took a major step in implementing the first phase of the Court's multi-year Integrated Justice Information System (IJIS) in Family Court. Upon completion, IJIS will combine all of the Court's existing databases into a browser-based single system, providing all Court users access to Court information.

Beginning in August 2003, the Court's Information Technology Division (IT) successfully converted from the Court's previous systems to the CourtView case management software for

the Family Court, in accordance with mandates of the Family Court Act of 2001. In the first phase of the program, 500 end users migrated to IJIS, on time and within budget. To mitigate risk, the Family Court implementation was divided into two waves at the end of which all branches of the Family Court and the Child Protection Mediation and Family Mediation programs in the Multi-Door Division were converted to the new system.

Future deployments of IJIS during the first half of 2004 are expected to include the Tax Office of the Special Operations Division and the Probate Division.

## **SUPERIOR COURT DIVISIONS**

### *FAMILY COURT*

In February, the Family Court held a ribbon-cutting ceremony to mark the opening of the Mayor's Services Liaison Office. The Office responds to inquiries and requests for information, consults with caseworkers to access available services, and facilitates inter-agency coordination to centralize services provided to families and children whose cases are before the Family Court. The office includes representatives from the District of Columbia's Child and Family Services Agency, and the District's Departments of Health, Mental Health, Human Services, and the District of Columbia Public Schools. District of Columbia Delegate Eleanor Holmes Norton gave brief remarks at the ribbon-cutting ceremony.

In March 2003, the Family Court submitted its first annual report to Congress. The Court informed Congress about progress in developing its permanent facilities, and the work of Magistrate Judges hired under the Act's expedited procedures in reducing the number of pending actions within its jurisdiction. Also, as a significant case management

accomplishment, the Family Court completed the transfer of all abuse and neglect cases assigned to judges outside the Family Court to Family Court judicial officers, and fully implemented the “one judge, one family” case management model, so that all cases involving a single family are heard by one judicial team.

In April 2003, the Court’s Self Help Center hosted an Open House to celebrate six months of operations. The Self Help Center, which provides assistance and legal information to pro se litigants in domestic relations and paternity and support cases, was also the recipient of the 2003 Frederick B. Abramson Award, the highest honor awarded to a project by the D.C. Bar.

The Family Treatment Court Pilot Project, a voluntary, residential drug treatment program for mothers of abused and neglected children, began operations in May 2003. Under this innovative program, mothers and children live together in a residential facility while the mothers undergo treatment, and both receive counseling as well as parent and child development services. The primary objective of this program is to refocus efforts to aid families in which parents are substance abusers. Rather than attempting to reunify these families *after* they have broken up, the program works to keep the families together *before* separating children from their parents, while parents address their substance abuse issues. The Family Treatment Court Pilot Project graduated its first group of mothers in December 2003.

In September 2003, the Family Court launched the Benchmark Permanency Hearing Pilot Program for children age 15 and older under the Court’s jurisdiction who have not been adopted and wish to live independently. The program assists these young people by providing educational, career and personal counseling and guidance. It involves key city agencies in independence planning to improve out-

comes for youth emancipated from the abuse and neglect system.

The 17<sup>th</sup> annual Adoption Day in Court was held in November 2003. An audience of nearly 500 people witnessed the public adoption of 44 children into the loving homes of 25 families. The keynote speaker was author Antwone Fisher, whose harrowing life story about growing up an abused and neglected child in Ohio was made into a feature film. Other participants included District of Columbia Delegate Eleanor Holmes Norton; Olivia Golden, Director of the District’s Child and Family Services Agency, which co-sponsors the annual event; the Honorable Carolyn Graham, District of Columbia Deputy Mayor for Children, Youth, Families and Elders; and WRC-TV news anchor Barbara Harrison, host of the television station’s “Wednesday’s Child” program which seeks permanent homes for District-area children.

Also in 2003, the Family Court adopted practice standards for attorneys appointed in abuse and neglect cases, and created panels of attorneys for appointment in juvenile cases and abuse and neglect cases. The purpose of the panels is to ensure that qualified attorneys are appointed to such cases. The Court entered into an agreement with the Children’s Law Center to provide Guardian ad Litem services in abuse and neglect cases. The Center will also provide training and technical assistance to other panel attorneys providing legal representation to children.

Further, the Family Court continued to monitor compliance with the Adoptions and Safe Families Act (ASFA), through the creation of the Office of the Attorney Advisor to the Family Court, to support judges in complying with the ASFA. Information from 2003 showed significant and continued improvement from previous years in meeting mandatory timelines defined in both the federal and District of Columbia statutes concerning



expediting the placement of children in permanent and safe homes.

The Family Court organized and conducted the second annual Interdisciplinary Training Conference in November. This year the topic was education of children, and over 300 lawyers, social workers and other child welfare professionals attended.

#### *CRIMINAL DIVISION*

The Court worked closely with the Criminal Justice Coordinating Council (CJCC) in 2003 to ensure that the criminal justice system in the District of Columbia is effective and efficient. Comprised of the Mayor, the Chair of the Judiciary Committee of the City Council and other leaders of local and federal criminal justice agencies, the CJCC continued its efforts to implement the interagency information network known as JUSTIS. The network enables criminal justice agencies to share information, and helps to reduce court related police overtime costs.

As part of its effort to enhance case processing, the Division, in conjunction with the Institute for Court Management, held a three-day seminar on Differential Case Management Processing. Ten judges and more than 30 court administrative personnel attended the seminar. As a result of the seminar the Criminal Division established a Differential Case Management Committee consisting of judges, court administrators, prosecutors, defense counsel, and other criminal justice agencies. The purpose of this committee is to create case management plans for all of the different criminal case types (i.e., felony, misdemeanor, traffic, D.C.) to ensure the timely, efficient, and fair disposition of cases. The Committee began working on a plan for the misdemeanor caseload and will complete the plan in early 2004, to be followed by a felony case management plan.

The Criminal Division's case processing enhancement efforts extended to C-10, the arraignment court. In 2003, an

interagency working group consisting of representatives from the Superior Court, the United States Attorney's Office, the United States Marshals Service, the Pretrial Services Agency, the Metropolitan Police Department, the Public Defenders Service, and the Superior Court Trial Lawyers Association, was convened to explore the problem of delays in arraignment court. The group met during the course of 2003 and instituted several reforms to expedite the arraignment process. The Court anticipates that the working group will continue to meet in 2004 to measure the progress that has been made under the reforms.

#### *Community Court*

The Criminal Division continued its commitment to community-based therapeutic and restorative justice in 2003 by expanding the East of the River Community Court with the addition of 7<sup>th</sup> Police District misdemeanor cases. The East of the River Community Court now handles all non-domestic misdemeanor cases filed in the 6<sup>th</sup> and 7<sup>th</sup> Police Districts in the Anacostia area of Southeast Washington, D.C. In the Community Court, all parties try to approach non-violent "quality of life" crimes (i.e., petty vandalism, public drunkenness, etc.) by addressing the underlying causes of offense behavior, such as drug or alcohol abuse, mental illness, unemployment, and homelessness. Diversion opportunities such as community service, and assistance through social services (counseling, employment preparedness, substance abuse treatment, etc.) are essential components of this court.

In the fall of 2003, the Community Court convened "town meetings" located in community centers based in the neighborhoods served by the Community Court. During the meetings, Court officials and representatives of criminal justice partner agencies presented an overview of the Community Court, and a description of

“problem-solving courts”. Electronic audience surveys were conducted during the meetings, to instantaneously record and tabulate responses to questions regarding ways in which the court could best serve the community’s needs. Participants were also asked to rate various crimes occurring in the community as to which were bigger or lesser problems for residents; to what degree certain problems or issues lead to crimes in the community; how the Court could address such issues; and whether residents felt certain Court services were more necessary than others.

#### *DOMESTIC VIOLENCE UNIT*

##### *DV Satellite Unit*

The Domestic Violence Satellite Unit completed its first full year of operation by providing victims of domestic violence an alternative location to the downtown courthouse. In the Satellite facility, which is based in Greater Southeast Community Hospital, victims may obtain an initial Temporary Protection Order by communicating with judges through closed-circuit video conferencing, by e-mail, and through the Internet. Victims may also meet with advocates from WEAVE, the D.C. Coalition Against Domestic Violence, the Crime Victim’s Compensation Program, Legal Aid, and other agencies, to find out about other resources available to them. Use of the Satellite facility has more than doubled since its first few months of operation, and by the end of 2003 averaged more than 120 persons each month.

#### *PROBATE DIVISION*

A Fiduciary Panel of attorneys was created effective January 1, 2003, listing attorneys who had attended at least six hours of training presented by the Probate Division and submitted Certificates Concerning Discipline from the Bar Counsel. Although the probate training effort began in 2002, the training in 2003

consisted of a three-day video seminar; each day’s session was approximately two-and-one-half hours long. The seminar topics were “Intervention Proceedings”, “Probate Administration”, and “Guardianship of Minors-Bond Issues-Register of Wills and Fiduciary Responsibility”.

The fiduciary panel was formalized in an Administrative Order (no. 03-16) issued in June, which made membership on the panel a prerequisite to appointment as counsel or fiduciaries in guardianship, conservatorship, and other Probate Division proceedings. The order also requires that fiduciaries be current in reporting requirements prior to awards of compensation by the Court.

The Division conducted a special seminar with a leading bioethicist to acquaint lawyers and judges with some of the complexities of bioethical issues that arise in fiduciary proceedings.

To enhance public accessibility, the Probate Division installed a public information personal computer at the front counter, enabling access to the dockets without the assistance of a clerk. In addition, a bilingual Deputy Clerk was hired, so that the division could better serve Latino customers. Finally, the Division undertook a number of outreach initiatives to improve communication with the Bar and the public, including a Bench – Bar conference with the Bar and the Council for Court Excellence and several community meetings.

#### *CIVIL DIVISION*

In order to create additional courtrooms and chambers for the expanding Family Court, the Small Claims and Conciliation Branch, and the Landlord and Tenant Branch, were relocated from the John Marshall Level of the Moultrie Courthouse to Building B. The relocation was a homecoming of sorts for Small Claims, which was originally housed in Building B in 1938. In November 2003, both branches opened their doors for busi-

ness in the new location. The renovated space is an inspiration for visitors and court staff alike. New courtrooms have been fitted with state-of-the-art sound systems, which by 2004 will be used to digitally record the proceedings.

The Civil Division maintained and improved its public service efforts in 2003. The Landlord and Tenant Branch completed work on the creation of a Digital Video Disk (DVD) that informs litigants regarding landlord and tenant procedures. Persons wishing to view it may do so in the Clerk's Office lobby. A Spanish version of the DVD is also available for screening. The A T & T Language Line continued to provide assistance in approximately 140 other languages to non-English speaking litigants. A second line is available in the Landlord and Tenant's Clerk's Office to facilitate communication between landlord and tenant.

The Landlord and Tenant Branch began using a new settlement praecipe form in 2003 to record agreements between landlords and tenants without a consent judgment being issued against the tenant. Notices informing litigants of new procedures are being translated into Spanish. A user-friendly manual explaining Landlord/Tenant processes to the public was drafted and is under review by designated staff and court officials. As of 2003, the Landlord and Tenant finance office remained open late one day per week to allow tenants to make protection order payments after business hours.

#### *CRIME VICTIMS COMPENSATION PROGRAM*

The Crime Victims Compensation Program experienced a 19% increase in new claims, or 2,257 new claims, during fiscal year 2003. This is the greatest number of claims filed in a given fiscal year since the inception of the program in 1982.

The Program awarded \$6,228,914 to victims of violent crime, a figure that represents an increase of 38% over the amount awarded to victims during fiscal year 2002. The Program continued its outstanding service to crime victims through the Domestic Violence Intake Center Southeast Satellite located in the Greater Southeast Community Hospital.

#### *MULTI-DOOR DISPUTE RESOLUTION DIVISION*

The Multi-Door Dispute Resolution Division experienced substantial gains in both quantitative and qualitative program performance in 2003. Dispute Resolution Specialists began providing alternative dispute resolution (ADR) services to the Family Court by conducting initial interviews to family mediation clients, and offering information, referrals, conciliation and mediation. The Division collaborated with Family Court judges in 2003 to design and deliver mediation for domestic relations litigants that begins on the same day as their initial hearing. Litigants are interviewed, assessed, and assigned to mediation immediately following their initial hearing, often completing mediation and returning to court on the same day. Real-time ("Same-Day") mediation provides timely access to mediation and maximizes opportunities for settlement, while maintaining the integrity of the judicial process.

In January 2003, the Court approved the full implementation of the Child Protection Mediation (CPM) Program, resulting in the mediation of the entire neglect caseload. In addition, a status calendar for counsel who are unable to certify that they are prepared for mediation was implemented in 2003. This mechanism reflects a similar initiative used in civil mediation, and has led to better preparation for family mediation. In a separate development, an evaluation of the program being conducted by the

National Council of Juvenile and Family Court Judges neared completion in 2003. An early draft of the project report indicates that the Child Protection Mediation Program continues to make a valuable contribution to improved case management, and client satisfaction with Family Court.

Judges, attorneys and court administrators from other countries continued to visit Multi-Door in 2003 to study ADR design and operation. International visitors included delegations from Argentina, Brazil, China, Japan, Kosovo, Romania, South Korea, and Sweden.

#### *SOCIAL SERVICES DIVISION*

The Social Services Division, which serves as the District of Columbia's juvenile probation system, established a specialized Juvenile Interstate Compact Team in 2003. The team is responsible for all investigations and supervision of all out-of-state juvenile probation matters.

The division's Family Counseling Unit implemented the first "female only" psychological educational treatment groups that target adolescent female developmental needs and interests.

Also in 2003, the Chief Psychologist of the division's Child Guidance Clinic was awarded the Outstanding External Collaborator Award from Gallaudet University Graduate School. The award is presented to an outstanding individual who trains students in the university's Clinical Psychology Externship Program.

#### **SPECIAL OPERATIONS DIVISION**

##### *Juror's Office*

In 2003, the Juror's Office provided real-time captioning for deaf and hearing-impaired jurors, enabling them to participate in the trial process. The Juror's Office also installed its Jurors' Interactive Voice Response (IVR) telephone system, which may be used by potential jurors who must defer their service. The office revised its Juror Web Site, which is avail-

able on the Internet and the Court's Intranet. The Juror Web Site assists citizens who have received a summons by providing detailed information about the jury process.

##### *Office of Court Interpreting Services*

The Office of Court Interpreting Services (OCIS) sponsored an orientation in March 2003 for prospective court interpreters, who assist people who have business before the Court but do not speak English. Participants received information about the Court, interpreting skills and knowledge required, protocol and procedure, and the code of ethics of court interpreters. Other candidates videotaped the orientation for future use.

Beginning in 2003, the OCIS assisted the Juror's Office by responding to telephone calls from individuals who speak Spanish seeking information about jury service. Approximately 10 calls a day come from Spanish speakers requesting such general information from the Juror's Office. In addition, in coordination with the Civil Division, the OCIS translated into Spanish the script for the Landlord and Tenant Branch informational video that is aired prior to initial Landlord/Tenant court proceedings.

##### *Juror – Witness Child Care Center*

The Juror-Witness Child Care Center provided day care services to 842 children. For the first time in 2003, the Center worked with the Capital Children's Museum to co-sponsor the Center's annual "Back to School Bash". More than 45 children and 20 parents and guardians attended. Children received a tote bag filled with school supplies, and parents and guardians received portfolios containing information concerning parenting skills and parent-child activities.

#### **APPOINTMENTS**

In 2003, the President appointed six new Associate Judges to the Superior

Court: Fern Flanagan Saddler and Judith Macaluso, who had previously served the Court as Magistrate Judges; Craig Iscoe, former Acting Assistant Chief of Litigation Counsel at the Securities and Exchange Commission; J. Michael Ryan, former Special Counsel to the Director of the District of Columbia Public Defender Service; Jerry S. Byrd, Superior Court Magistrate Judge; and Brian Holeman, co-founder and former Managing Director of Wells & Holeman, LLC, a civil litigation firm. Judges Byrd, Macaluso, and Ryan were appointed pursuant the Family Court Act of 2001. Also under the Family Court Act, the chief judge appointed three new Magistrate Judges: Janet E. Albert, former Assistant United States Attorney for the District of Columbia; Diana H. Epps, a former Community Prosecutor in the

United States Attorney's Office; and Michael J. McCarthy, former founding partner of the law firm McCarthy and Sullivan.

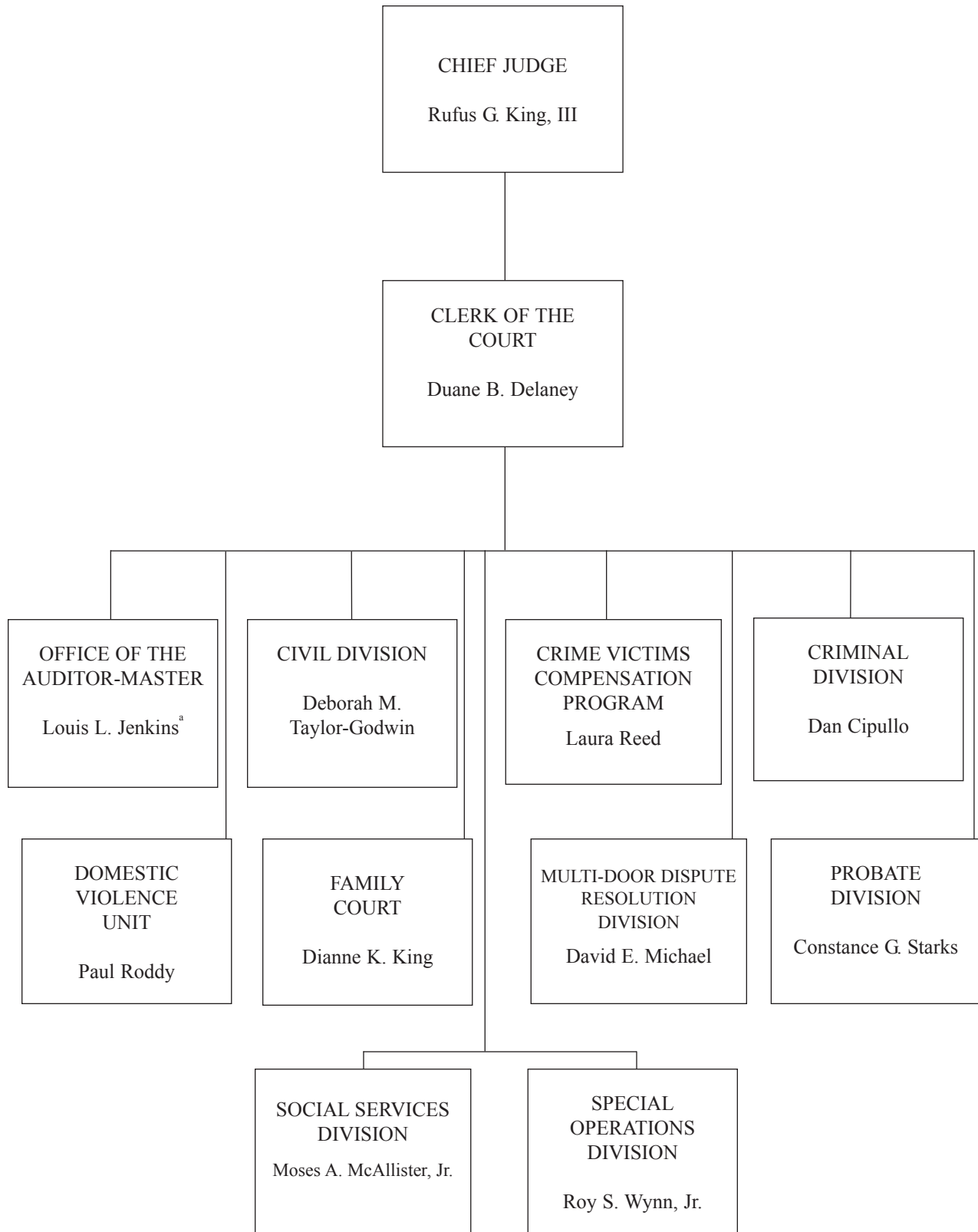
#### **CONCLUSION**

The Superior Court's goals for 2004 include finalizing phase two of IJIS; moving the Family Treatment Court, and Community Court from pilot projects to fully functioning programs; and the renovation and remodeling of court buildings to accommodate the needs of the Family Court, as well as other parts of the Superior Court.

Each of the changes is advanced with the Court's ultimate goal in mind: enhancing service to the public. I look forward to the coming year, and to the continuation of strategic innovations and improvements that were the hallmark of the Court in 2003.



# SUPERIOR COURT OF THE DISTRICT OF COLUMBIA ADMINISTRATIVE STRUCTURE



<sup>a</sup> Appointed December 2003.

## CLERK OF THE COURT

The Clerk of the Superior Court has responsibility for the non-judicial administrative functions and daily management of operating divisions and offices. These consist of the Civil, Criminal, Multi-Door Dispute Resolution, Probate, Special Operations, and Social Services divisions, the Family Court, the Crime Victims Compensation Program, Domestic Violence Unit, and the Office of the Auditor Master. The administrative functions include: maintaining and securing all records, dockets, and evidence; scheduling cases and preparing daily calendars;

providing direct courtroom support; supervising non-judicial personnel; assigning courtrooms to judges; managing juror services; monitoring case-flow management and making appropriate adjustments; ensuring divisional compliance with statutory rules; providing managerial support to diverse court committees; rendering information and organizational assistance to Presiding Judges; devising court development reports; and overall responsibility for the evaluation and analysis of the performance and efficiency of the divisions' individual branches.

## SUPERIOR COURT

### FAMILY COURT, OPERATING DIVISIONS & OFFICES

**Civil Division.** The Civil Division has jurisdiction over any civil action at law or in equity (excluding family matters) brought in the District of Columbia except where jurisdiction is exclusively vested in the federal court. The division is comprised of the following branches: Civil Actions; Civil Assignment; Landlord & Tenant; and Small Claims & Conciliation. The Civil Actions Branch is responsible for the management of all civil cases in which the amount in controversy exceeds \$5,000. The Civil Assignment Branch is responsible for monitoring compliance with time frames in civil cases, calendaring civil actions cases, including landlord & tenant and small claims jury cases, and managing courtroom staffing and operations. The Landlord & Tenant Branch processes all actions for the possession of rental property or violations of lease agreements filed by landlords. The Small Claims & Conciliation Branch oversees the processing and adjudication of cases where the amount in controversy is \$5,000 or less.

**Crime Victims Compensation Program.** The Crime Victims Compensation Program of D.C. Superior Court assists innocent victims of violent crime, as well as the survivors of homicide victims and dependent family members, with crime-related expenses including: medical, counseling and funeral bills; lost wages and support; the cost of temporary emergency food and housing; moving expenses, necessary for the health and safety of the victim; replacement of clothing held as evidence; and costs associated with cleaning the crime scene. Through the services of the victim advocates, crime victims are also provided with assistance in filing applications, locating other victim service programs, support groups, mental health counseling and many of the other quality of life issues that arise after victimization. Administrative responsibility for the Crime Victims Compensation Program was transferred from the D.C. Department of Human Services to D.C. Superior Court pursuant to D.C. Act 11-447, the “Victims of Violent Crime Compensation Emergency Act of 1996,” which was enacted on December 6, 1996. The transition of the Crime Victims Compensation Program to D.C. Superior Court was completed in fiscal year 1997. Superior Court has significantly enhanced the operation of the Program since the transfer.

**Criminal Division.** The Criminal Division is responsible for processing matters which are in violation of the United States Code, the District of Columbia Code, and municipal and traffic regulations. Prosecution is by the United States Attorney or the District of Columbia Office of the Corporation Counsel. The division is comprised of four major branches: Case Management, Courtroom Support, Quality Assurance, and Special Proceedings. Administrative and support functions performed by the division include: providing direct courtroom support staff for judges; coordinating the assignment of cases to judges; filing; calendaring; and record-keeping.

**Domestic Violence Unit.** The Domestic Violence Unit is dedicated to providing due process of law and ensuring the safety and protection of domestic violence victims. The Unit processes civil protection orders, criminal misdemeanors, child support, custody, visitation and divorce cases in which domestic violence is a significant issue, before one designated team of judicial officers for adjudication.

**Family Court.** The Family Court Act of 2001 resulted in a substantial reform of the Family Division. Most notably, the Act re-designated the Family Division as the Family Court of the Superior Court. The Act also fundamentally changed the manner in which the Superior Court manages its family cases by establishing the position of magistrate judge; requiring a one family-one judge approach; and requiring longer terms of service for judges who serve on the Family Court. Notwithstanding these sweeping changes, the jurisdiction of the new Family Court is unchanged from that of what was formerly the Family Division. Six administrative branches make up the Family Court: the Domestic Relations Branch processes cases seeking divorce, annulment, custody and adoption; the Paternity & Support Branch processes all actions seeking to establish paternity and child support; the Juvenile & Neglect Branch handles cases involving children alleged to be delinquent, neglected, abused or otherwise in need of supervision; the Counsel for Child Abuse & Neglect (CCAN) recruits, trains and assigns attorneys to provide representation for children, eligible parents and caretakers in proceedings of child abuse and neglect; the Mental Health & Mental Retardation Branch is responsible for matters involving the commitment of individuals who are mentally ill or substantially retarded; and the Marriage Bureau issues licenses for marriages in the District of Columbia and maintains a list of officiates who perform civil marriages in the court. In addition to the six branches, the Family Court has an Office of the Attorney Advisor responsible for assisting and monitoring the Court's compliance with the Adoption and Safe Families Act (ASFA).

**Multi-Door Dispute Resolution Division.** Multi-Door facilitates the settlement of litigants' disputes through the following alternative dispute resolution (ADR) programs: the Civil Dispute Resolution Program (arbitration, mediation, or neutral case evaluation for civil cases), small claims mediation, tax, probate, and complex civil mediation, family mediation, child protection mediation, and the Community Information and Referral Program (CIRP), which provides information, referral, conciliation and mediation of landlord-tenant, contract, domestic relations, and personal injury disputes. ADR is performed by 450 neutrals (lawyers, social workers, government employees, retirees, and others) trained, evaluated and supported by Multi-Door staff. Multi-Door also provides ADR observations and technical assistance to international and domestic judges, lawyers, government officials, and court administrators who seek to establish ADR programs in their own countries.

**Office of the Auditor Master.** The Auditor-Master presides over hearings, takes testimony and admits documents in order to issue proposed findings of fact and conclusions of law in a report to the Court. Cases referred to the Auditor-Master include various civil, domestic relations, tax, and probate matters involving complex financial analysis and computation. Such matters encompass the stating of accounts for defaulted fiduciaries, audits of fiduciary accounts, assignments for benefit of creditors, dissolutions of business entities and real estate partitions. The Auditor-Master is usually assigned civil matters involving complex and time consuming financial computations. These matters are assigned to the Office through Orders of Reference.

**Probate Division.** The Probate Division has jurisdiction over decedents estates, trusts, guardianships of minors, and guardianships and conservatorships of incapacitated adults. The organizational components are the Office of the Register of Wills, a statutory office, and two branches, which operate under the direction and supervision of the Register of Wills: the Auditing and Appraisals Branch, which audits accounts of fiduciaries and appraises personal property; the Probate Operations Branch, consisting of the Small Estates Section, which processes decedents estates having assets of \$40,000 or less; and the Decedents Estates and Guardianships of Minors Section and the Interventions & Trusts Section, which both provide administrative support services. In addition to management of the Probate Division, the Register of Wills is responsible for making recommendations to the Court on all *ex parte* matters filed in the Division.

**Social Services Division.** The Social Services Division, which serves as the juvenile probation system for the District of Columbia, is responsible for providing information and recommendations to assist the Court in making individualized decisions in all dispositional phases of the adjudication process. The Division provides court supervised alternatives to incarceration, and offers supportive social services to youths whose problems bring them within the purview of the Court. The Division is comprised of the Operational Services Branch, the Intake Diagnostic Branch, the Juvenile Probation Supervision Branch, the Juvenile Drug Court Branch, and the Child Guidance and Family Counseling Branch.

**Special Operations Division.** The Special Operations Division consists of seven units. The Tax Division is responsible for the daily management of all tax cases, as well as numerous administrative functions, and preparing and certifying records on appeal for tax matters. The Juror's Office processes jurors, obtains information on the size of panels needed, randomly selects and disperses them, and selects and swears in grand jurors. The Appeals Coordinator's Office is responsible for the timely processing of all cases on appeal, including the distribution of filings, and coordination with the Court of Appeals, attorneys and pro se litigants. The Office of Court Interpreting Services provides Spanish, sign language, and other language interpreters for court proceedings. The Superior Court Library houses law books and legal periodicals for the use of judges, attorneys and court staff and has electronic research capabilities. The Juror and Witness Child Care Center cares for children of jurors, witnesses, and other parties required to appear in Court. The Judge-in-Chambers is responsible for handling matters from every division of the Court, and may involve the issuing of arrest, bench and search warrants, as well as the enforcement of foreign judgments.

# SUPERIOR COURT STATISTICAL OVERVIEW

Table 11

## SUPERIOR COURT CASE ACTIVITY FOR 2003

	<i>Cases Pending Jan. 1</i>	<i>Cases Filed</i>	<i>Cases Reactivated/ Certified In</i>	<i>Available for Disposition</i>	<i>Cases Disposed</i>	<i>Cases Pending Dec. 31</i>	<i>% Change in Pending 2002-2003</i>
<b>CIVIL DIVISION</b>							
Civil Actions: Civil I	655	22	30	707	64	643	-1.8%
Civil II	9,621	9,294	607	19,522	10,779	8,743	-9.1%
Unassigned	567	1,701	15	2,283	1,453	830	46.4%
Landlord & Tenant	4,006	47,951	233	52,190	48,387	3,803	-5.1%
Small Claims	<u>2,692</u>	<u>17,891</u>	<u>25</u>	<u>20,608</u>	<u>18,493</u>	<u>2,115</u>	-21.4%
<b>Total</b>	<u>17,541</u>	<u>76,859</u>	<u>910</u>	<u>95,310</u>	<u>79,176</u>	<u>16,134</u>	-8.0%
<b>CRIMINAL DIVISION</b>							
Felony <sup>a</sup>	2,851	8,016	1,895	12,762	10,206	2,556	-10.3%
U.S. Misdemeanors	2,079	11,540	3,581	17,200	14,935	2,265	8.9%
D.C. Misdemeanors	218	2,709	475	3,402	3,106	296	35.8%
Special Proceedings	124	3,297	82	3,503	3,379	124	0.0%
Traffic	<u>733</u>	<u>6,745</u>	<u>1,931</u>	<u>9,409</u>	<u>8,334</u>	<u>1,075</u>	46.7%
<b>Total</b>	<u>6,005</u>	<u>32,307</u>	<u>7,964</u>	<u>46,276</u>	<u>39,960</u>	<u>6,316</u>	5.2%
<b>DOMESTIC VIOLENCE UNIT<sup>b</sup></b>							
Intrafamily	193	4,194	418	4,805	4,575	230	19.2%
Contempt Motions	29	NA	210	239	204	35	20.7%
U.S. Misdemeanors	675	4,392 <sup>c</sup>	513	5,580	4,742	838	24.1%
Paternity & Child Support	<u>62</u>	<u>NA</u>	<u>479</u>	<u>541</u>	<u>471</u>	<u>70</u>	12.9%
<b>Total</b>	<u>959</u>	<u>8,586</u>	<u>1,620</u>	<u>11,165</u>	<u>9,992</u>	<u>1,173</u>	22.3%
<b>FAMILY COURT</b>							
Divorce/Custody/Miscellaneous	3,345	3,589	-	6,934	4,678	2,256	-32.6%
Adoption	917	504	-	1,421	579	842	-8.2%
Juvenile	1,022	2,412	-	3,434	2,247	1,187	16.1%
Abuse & Neglect	4,918	853	-	5,771	1,387	4,384	-10.9%
Mental Health/Mental Retardation	3,025	1,983	97	5,105	3,809	1,296	-57.2%
Paternity & Child Support	<u>7,325</u>	<u>2,468</u>	<u>2,225</u>	<u>12,018</u>	<u>5,893</u>	<u>6,125</u>	-16.4%
<b>Total</b>	<u>20,552</u>	<u>11,809</u>	<u>2,322</u>	<u>34,683</u>	<u>18,593</u>	<u>16,090</u>	-21.7%
<b>PROBATE DIVISION</b>							
Formal Probate	4,284	1,431	-	5,715	1,426	4,289	0.1%
Small Estates	156	646	55	857	719	138	-11.5%
Conservatorships	317	-	-	317	25	292	-7.9%
Guardianships	388	64	-	452	102	350	-9.8%
Interventions	1,807	281	-	2,088	227	1,861	3.0%
Trusts	272	8	-	280	2	278	2.2%
Foreign Proceedings	--	109	-	109	109	--	-
<b>Total</b>	<u>7,224</u>	<u>2,539</u>	<u>55</u>	<u>9,818</u>	<u>2,610</u>	<u>7,208</u>	-0.2%
<b>TAX DIVISION</b>							
Civil Cases	336	172	-	508	111	397	18.2%
Criminal Cases	<u>13</u>	<u>7</u>	<u>-</u>	<u>20</u>	<u>5</u>	<u>15</u>	15.4%
<b>Total</b>	<u>349</u>	<u>179</u>	<u>0</u>	<u>528</u>	<u>116</u>	<u>412</u>	18.1%
<b>TOTAL</b>	<u>52,630</u>	<u>132,279</u>	<u>12,871</u>	<u>197,780</u>	<u>150,447</u>	<u>47,333</u>	-10.1%

<sup>a</sup> Includes pre-indictments and indictments.

<sup>b</sup> The Domestic Violence Unit receives cases as follows: Intrafamily (CPO) and U.S. Misdemeanor cases are filed directly with the unit, while Paternity & Child Support cases are certified into the unit from the Family Court where these cases are originally filed.

<sup>c</sup> In previous years, this figure was shown as "na" (not applicable) because Domestic Violence U.S. Misdemeanor cases were first filed with the Criminal Division's Misdemeanor Branch and then certified to the Domestic Violence Unit. Beginning January 2004, these cases are filed directly with the Unit.



Table 12

**NEW CASE FILINGS<sup>a</sup>**

	1999	2000	2001	2002	2003	% Change 2002-2003
<b>Civil Division</b>						
Civil Actions	9,209	9,289	9,481	10,736	<b>10,277</b>	-4.3%
Landlord & Tenant	57,621	53,970	55,649	49,138	<b>47,951</b>	-2.4%
Small Claims	19,796	20,769	21,378	20,529	<b>17,891</b>	-12.9%
<b>Total</b>	<b>86,626</b>	<b>84,028</b>	<b>86,508</b>	<b>80,403</b>	<b>76,119</b>	-5.3%
<b>Criminal Division</b>						
Felony	8,919	7,541	8,270	8,341	<b>8,016</b>	-3.9%
U.S. Misdemeanors	15,421	15,161	14,329	14,018	<b>11,540</b>	-17.7%
D.C. Misdemeanors	4,121	4,140	3,451	2,681	<b>2,709</b>	1.0%
Special Proceedings	3,476	3,398	3,479	3,310	<b>3,297</b>	-0.4%
Traffic	6,836	7,097	7,542	7,448	<b>6,745</b>	-9.4%
<b>Total</b>	<b>38,773</b>	<b>37,337</b>	<b>37,071</b>	<b>35,798</b>	<b>32,307</b>	-9.8%
<b>Domestic Violence Unit</b>						
Intrafamily	3,481	3,715	3,738	3,895	<b>4,194</b>	7.7%
Misdemeanor	-	-	-	-	<b>4,392<sup>b</sup></b>	na
<b>Total</b>	<b>3,481</b>	<b>3,715</b>	<b>3,738</b>	<b>3,895</b>	<b>8,586</b>	120.4%
<b>Family Court</b>						
Divorce/Custody/Misc.	4,034	3,775	4,086	3,885	<b>3,589</b>	-7.6%
Adoption	519	531	657	574	<b>504</b>	-12.2%
Juvenile	2,749	2,495	2,390	2,241	<b>2,412</b>	7.6%
Abuse & Neglect	1,460	1,417	1,490	1,105	<b>853</b>	-22.8%
Mental Health/Mental Retardation	1,380	1,715	1,931	1,987	<b>1,983</b>	-0.2%
Paternity & Child Support	2,295	2,211	2,578	2,325	<b>2,468</b>	6.2%
<b>Total</b>	<b>12,437</b>	<b>12,144</b>	<b>13,132</b>	<b>12,117</b>	<b>11,809</b>	-2.5%
<b>Probate Division</b>						
Formal Probate	1,634	1,487	1,536	1,474	<b>1,431</b>	-2.9%
Small Estates	609	593	694	773	<b>646</b>	-16.4%
Conservatorships	-	-	-	-	-	-
Guardianships	70	56	61	102	<b>64</b>	-37.3%
Interventions	341	310	372	375	<b>281</b>	-25.1%
Trusts	34	20	31	23	<b>8</b>	-65.2%
Foreign Proceedings	153	146	126	112	<b>109</b>	-2.7%
<b>Total</b>	<b>2,841</b>	<b>2,612</b>	<b>2,820</b>	<b>2,859</b>	<b>2,539</b>	-11.2%
<b>Tax Division</b>						
Civil Cases	77	40	85	148	<b>172</b>	16.2%
Criminal Cases	9	6	7	6	<b>7</b>	16.7%
<b>Total</b>	<b>86</b>	<b>46</b>	<b>92</b>	<b>154</b>	<b>179</b>	16.2%
<b>Grand Total</b>	<b>144,244</b>	<b>139,882</b>	<b>143,361</b>	<b>135,226</b>	<b>131,539</b>	-2.7%
Monthly Average	12,020	11,657	11,947	11,269	<b>10,962</b>	-2.7%

<sup>a</sup> New cases filed with the Court during the calendar year.

<sup>b</sup> Beginning 2003, domestic violence cases were filed directly with the Domestic Violence Unit. Previously these cases were first filed with the Criminal Division's Misdemeanor Branch and then certified to the Domestic Violence Unit.

Table 13

<b>CASE DISPOSITIONS</b>						
	1999	2000	2001	2002	2003	% Change 2002-2003
<b>Civil Division</b>						
Civil Actions <sup>a</sup>	10,003	9,007	10,474	10,527	<b>12,296</b>	16.8%
Landlord & Tenant	58,352	54,745	55,262	50,573	<b>48,387</b>	-4.3%
Small Claims	25,643	21,280	22,387	19,231	<b>18,493</b>	-3.8%
<b>Total</b>	93,998	85,032	88,123	80,331	<b>79,176</b>	-1.4%
<b>Criminal Division</b>						
Felony <sup>b</sup>	9,051	7,647	10,040	10,178	<b>10,206</b>	0.3%
U.S. Misdemeanors	17,848	17,135	16,103	16,591	<b>14,935</b>	-10.0%
D.C. Misdemeanors	7,263	6,584	4,472	3,178	<b>3,106</b>	-2.3%
Special Proceedings	3,503	3,373	3,526	3,448	<b>3,379</b>	-2.0%
Traffic	9,323	10,437	10,098	10,823	<b>8,334</b>	-23.0%
<b>Total</b>	46,988	45,176	44,239	44,218	<b>39,960</b>	-9.6%
<b>Domestic Violence Unit</b>						
Intrafamily	4,315	4,466	4,452	4,582	<b>4,779</b>	4.3%
U.S. Misdemeanors	4,420	4,026	3,625	3,275	<b>4,742</b>	44.8%
Paternity & Child Support	570	569	505	519	<b>471</b>	-9.2%
<b>Total</b>	9,305	9,061	8,582	8,376	<b>9,992</b>	19.3%
<b>Family Court</b>						
Divorce/Custody/Misc.	2,411	2,235	2,770	7,203 <sup>c</sup>	<b>4,678</b>	-35.1%
Adoption	460	492	548	464	<b>579</b>	24.8%
Juvenile	3,653	3,178	2,354	2,044	<b>2,247</b>	9.9%
Abuse & Neglect	1,707	1,670	1,634	1,332	<b>1,387</b>	4.1%
Mental Health/Retardation	1,304	1,835	2,086	1,511	<b>3,809</b>	152.1%
Paternity & Child Support	4,430	4,611	4,564	5,375	<b>5,893</b>	9.6%
<b>Total</b>	13,965	14,021	13,956	17,929	<b>18,593</b>	3.7%
<b>Probate Division</b>						
Formal Probate	1,588	1,536	1,526	1,693	<b>1,426</b>	-15.8%
Small Estates	962	696	722	830	<b>719</b>	-13.4%
Conservatorships	73	50	32	26	<b>25</b>	-3.8%
Guardianships	128	120	95	99	<b>102</b>	3.0%
Interventions	191	180	201	173	<b>227</b>	31.2%
Trusts	4	3	5	4	<b>2</b>	-50.0%
Foreign Proceedings	153	146	126	112	<b>109</b>	-2.7%
<b>Total</b>	3,099	2,731	2,707	2,937	<b>2,610</b>	-11.1%
<b>Tax Division</b>						
Civil Cases	338	78	65	72	<b>111</b>	54.2%
Criminal Cases	7	3	4	6	<b>5</b>	-16.7%
<b>Total</b>	345	81	69	78	<b>116</b>	48.7%
<b>Grand Total</b>	167,700	156,102	157,676	153,869	<b>150,447</b>	-2.2%
Monthly Average	13,975	13,009	13,140	12,822	<b>12,537</b>	-2.2%

<sup>a</sup> Beginning 2001, this figure includes cases not assigned to Civil I or Civil II calendars.

<sup>b</sup> Beginning 2001, this figure includes pre-indictment and indictments.

<sup>c</sup> A manual review and audit of the pending caseload resulted in a disproportionate number of 2003 dismissals of older cases for failure to prosecute.

Table 14

<b>PENDING CASELOADS</b>						<i>% Change</i>
	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2002-2003</i>
<b>Civil Division</b>						
Civil Actions <sup>a</sup>	8,240	8,401 <sup>b</sup>	9,141	10,843	<b>10,216</b>	-5.8%
Landlord & Tenant	4,850	4,450	5,215	4,006	<b>3,803</b>	-5.1%
Small Claims	2,806 <sup>b</sup>	2,330 <sup>b</sup>	1,359	2,692	<b>2,115</b>	-21.4%
<b>Total</b>	<b>15,896</b>	<b>15,181</b>	<b>15,715</b>	<b>17,541</b>	<b>16,134</b>	-8.0%
<b>Criminal Division</b>						
Felony <sup>c</sup>	2,262	1,922	2,845	2,851	<b>2,556</b>	-10.3%
U.S. Misdemeanors	2,525	2,027	1,863	2,079	<b>2,265</b>	8.9%
D.C. Misdemeanors	1,385	223	384	218	<b>296</b>	35.8%
Special Proceedings	81	123	103	124	<b>124</b>	0.0%
Traffic	1,773	1,157	2,313	733	<b>1,075</b>	46.7%
<b>Total</b>	<b>8,026</b>	<b>5,452</b>	<b>7,508</b>	<b>6,005</b>	<b>6,316</b>	5.2%
<b>Domestic Violence Unit</b>						
Intrafamily	182	209	253	222	<b>265</b>	19.4%
U.S. Misdemeanors	892	905	731	675	<b>838</b>	24.1%
Paternity & Child Support	73	65	98	62	<b>70</b>	12.9%
<b>Total</b>	<b>1,147</b>	<b>1,179</b>	<b>1,082</b>	<b>959</b>	<b>1,173</b>	22.3%
<b>Family Court<sup>d</sup></b>						
Divorce/Custody/Misc.	1,369	1,492	6,663	3,345	<b>2,256</b>	-32.6%
Adoption	133	47	807	917	<b>842</b>	-8.2%
Juvenile	378	264	825	1,022	<b>1,187</b>	16.1%
Abuse & Neglect <sup>e</sup>	3,059	2,883	5,145	4,918	<b>4,384</b>	-10.9%
Mental Health/Retardation	2,393	2,473	2,436	3,025	<b>1,296</b>	-57.2%
Paternity & Child Support	8,745	8,024	8,497	7,325	<b>6,125</b>	-16.4%
<b>Total</b>	<b>16,077</b>	<b>15,183</b>	<b>24,363</b>	<b>20,552</b>	<b>16,090</b>	-21.7%
<b>Probate Division</b>						
Formal Probate	4,536	4,490	4,500	4,284	<b>4,289</b>	0.1%
Small Estates	159	115	150	156	<b>138</b>	-11.5%
Conservatorships	425	375	343	317	<b>292</b>	-7.9%
Guardianships	483	419	385	388	<b>350</b>	-9.8%
Interventions	1,304	1,434	1,605	1,807	<b>1,861</b>	3.0%
Trusts	210	227	253	272	<b>278</b>	2.2%
Foreign Proceedings	-	-	-	-	-	-
<b>Total</b>	<b>7,117</b>	<b>7,060</b>	<b>7,236</b>	<b>7,224</b>	<b>7,208</b>	-0.2%
<b>Tax Division</b>						
Civil Cases	276	238	259	336	<b>397</b>	18.2%
Criminal Cases	5	10	13	13	<b>15</b>	15.4%
<b>Total</b>	<b>281</b>	<b>248</b>	<b>272</b>	<b>349</b>	<b>412</b>	18.1%
<b>Grand Total</b>	<b>48,544</b>	<b>44,303</b>	<b>56,176</b>	<b>52,630</b>	<b>47,333</b>	-10.1%
Monthly Average	4,045	3,692	4,681	4,386	<b>3,944</b>	-10.1%

<sup>a</sup> Beginning 2001, this figure includes cases not assigned to Civil I or Civil II calendars.

<sup>b</sup> Figure adjusted as a result of the removal of cases dismissed but not reported.

<sup>c</sup> Beginning 2001, this figure includes pre-indictments and indictments.

<sup>d</sup> Beginning 2001, pending figures for Divorce, Adoption and Paternity & Support caseloads have been adjusted to include at issue and not at issue pending cases. In previous years, cases not at issue were not reported in caseload statistics.

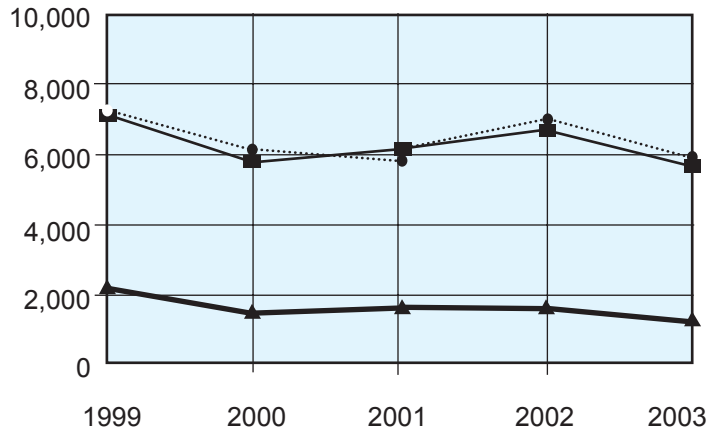
<sup>e</sup> Beginning 2001, pending figures for the abuse and neglect caseload were adjusted following a review of statistical procedures to include post disposition review cases required by statute. In previous years, reviews were routinely held, but not reported in caseload statistics.

## EXHIBIT II: MAJOR CASELOAD TRENDS 1999-2003

### FELONY INDICATED CASES

From 1999 to 2003, Felony indictments, reinstatements and transferred case filings decreased nearly 19%, from 6,948 in 1999 to 5,643 in 2003. During the same time period, dispositions decreased 16%, resulting in a pending caseload 37% lower than reported at the end of 1999 (from 2,128 pending cases at the end of 1999 to 1,345 cases in 2003).

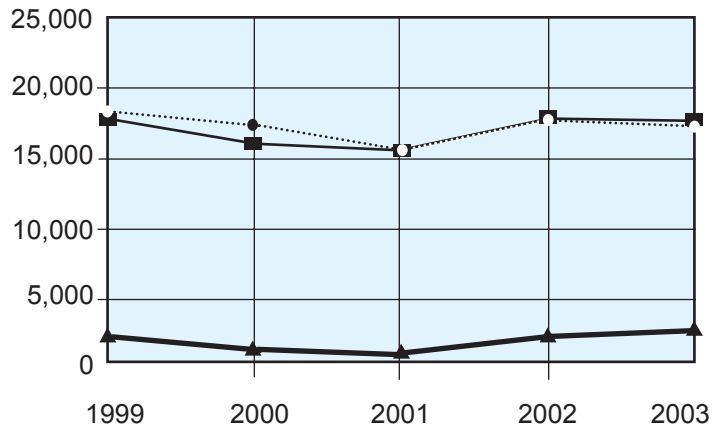
### FELONY INDICTED CASES



### U.S. MISDEMEANOR CASES

U.S. Misdemeanor filings and reinstatements decreased 5%, from 17,468 cases in 1999 to 16,560 in 2003. Dispositions also decreased during the same time period, from 17,848 in 1999 to 16,374 in 2003 or by 8%. This activity resulted in a decrease of 10% in the pending caseload, to 2,265 cases at year end.

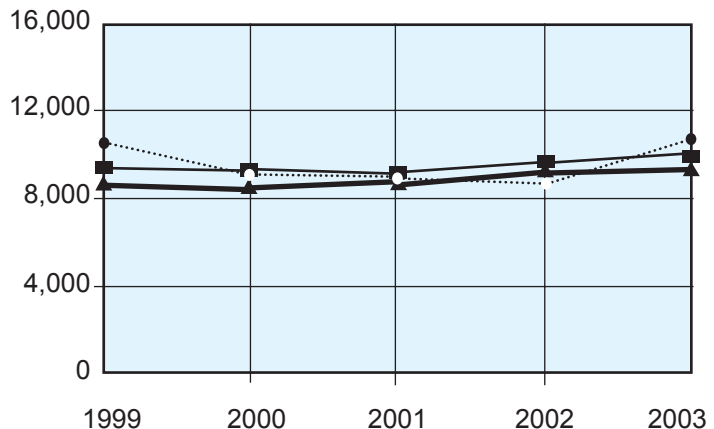
### U.S. MISDEMEANOR CASES



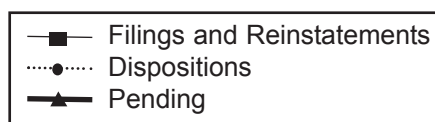
### CIVIL ACTIONS CASES<sup>a</sup>

During the past five years, Civil Actions filings and reactivations increased 5%, from 9,484 cases in 1999 to 9,953 cases in 2003. In 2002, over 10,000 filings and reactivations were reported. Dispositions also increased from 10,003 in 1999 to 10,843 in 2003, for an 8% increase, resulting in a 17% increase in pending cases during the same time period.

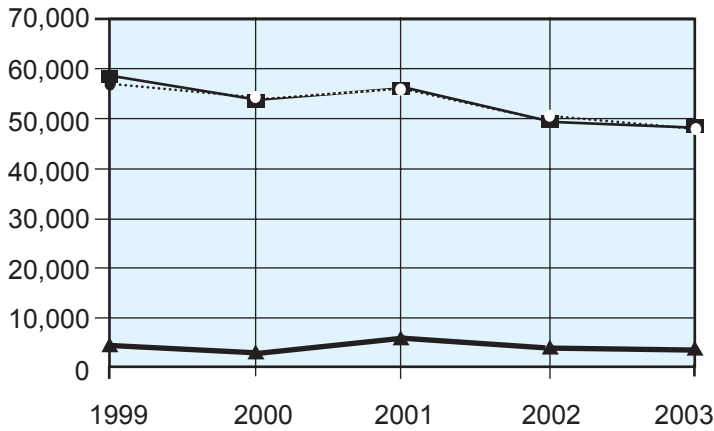
### CIVIL ACTIONS CASES



<sup>a</sup> Includes all cases assigned to Civil I and Civil II calendars.



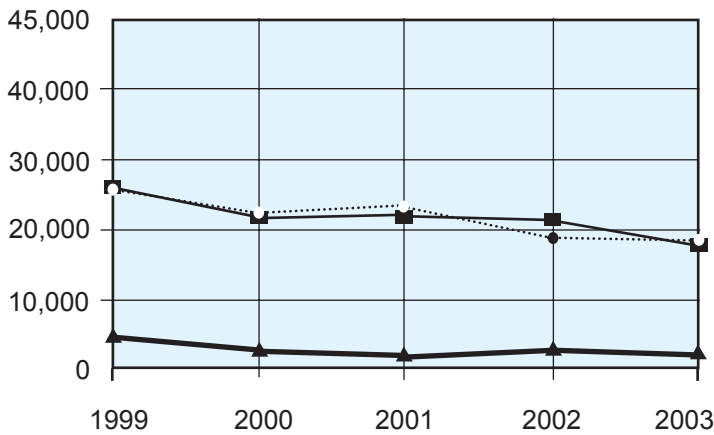
### LANDLORD & TENANT CASES



### LANDLORD & TENANT CASES

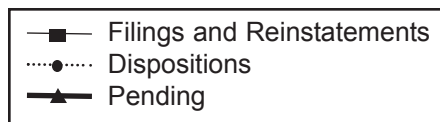
Landlord and Tenant filings and reactivations have decreased by 17%, or by over 9,000 cases, during the past five years. From 1999 to 2003, the number of filings and reactivations decreased from 57,951 in 1999 to 48,184 in 2003. The number of dispositions also decreased by 17% from 58,352 in 1999 to 48,387 in 2003. At the end of calendar year 2003, the pending caseload was 3,803, representing a 22% decline from calendar year 1999.

### SMALL CLAIMS CASES



### SMALL CLAIMS CASES

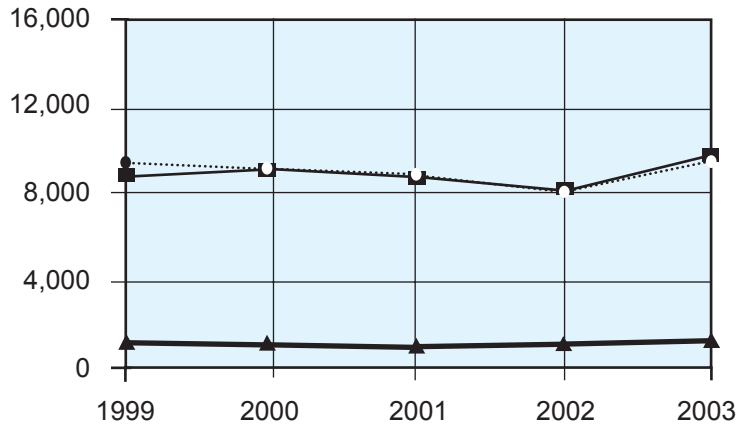
In 2003, Small Claims filings and reactivations decreased by 32%, from 26,314 in 1999 to 17,916 in 2003. Dispositions also decreased during the same time period, from 25,642 in 1999 to 18,493 in 2003, or by 28%. At the end of 2003, there were 2,115 cases pending disposition for a 49% decrease since calendar year 1999.



**DOMESTIC VIOLENCE CASES**

With the opening of a satellite unit at Greater Southeast Hospital, Domestic Violence cases filed or certified increased for the first time since the year 2000 and reached a recent high of 10,206 cases, a 16% increase since 1999. In 2003, dispositions increased by 7%. This case activity resulted in a pending case-load of 1,173 cases at the end of 2003, or a 2% increase over the 1,147 cases pending in 1999.

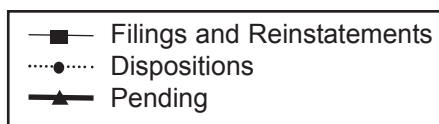
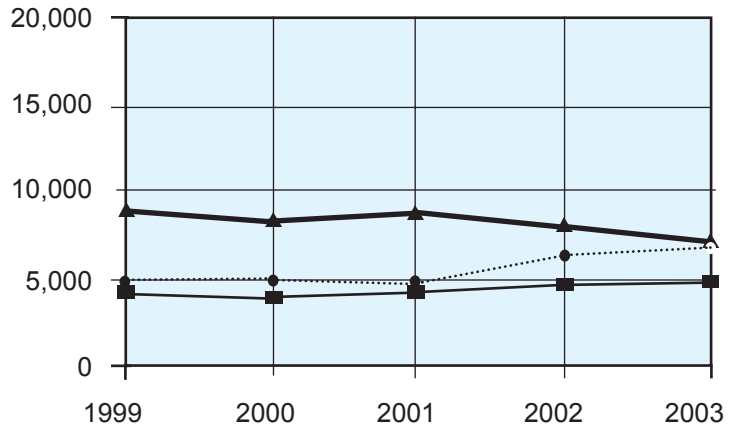
**DOMESTIC VIOLENCE CASES**



**PATERNITY & CHILD SUPPORT CASES**

During the last five years, Paternity and Child Support filings and reactivations have increased by 13%, from 4,141 cases in 1999 to 4,693 in 2003. However, dispositions increased at a greater rate, or by 33%, resulting in a 30% decrease in the number of pending cases at the end of the 2003 calendar year.

**PATERNITY & CHILD SUPPORT CASES**





# CRIMINAL CASE ACTIVITY

Table 15

<b>CRIMINAL ACTIVITY FOR 2003</b>					
	<i>Felony</i>	<i>U.S. Misdemeanors</i>	<i>D.C. Misdemeanors</i>	<i>Traffic</i>	<i>Total</i>
Pending Jan. 1	2,851	2,079	218	733	5,881
Filings	8,016	11,540	2,709	6,745	29,010
Reinstatements	1,555	3,056	475	1,931	7,017
Transferred In	340	525	-	-	865
<b>Total for Disposition</b>	<u>12,762</u>	<u>17,200</u>	<u>3,402</u>	<u>9,409</u>	<u>42,773</u>
Dispositions:					
Prior to Adjudication:					
No Papered	1,742	2,206	635	1,440	6,023
Nolle Prosequi	55	2,404	729	2,099	5,287
Dismissed	986	-	-	-	986
Other	-	-	-	-	-
Total	<u>2,783</u>	<u>4,610</u>	<u>1,364</u>	<u>3,539</u>	<u>12,296</u>
Court Adjudications:					
Jury Trials	477	23	-	-	500
Court Trials	18	447	48	30	543
Pleas	3,186	3,585	163	1,718	8,652
Dismissed/DWP	1,512	1,982	190	286	3,970
Incompetent to					
Stand Trial	3	-	-	-	3
Security Forfeited	-	-	667	373	1,040
Other	178	28	1	6	213
Total	<u>5,374</u>	<u>6,065</u>	<u>1,069</u>	<u>2,413</u>	<u>14,921</u>
Placed on Inactive Status:					
Absconded	1,161	2,620	571	1,467	5,819
Mental Observation	15	90	101	915	1,121
Pretrial Diversion	-	1,408	1	-	1,409
Total	<u>1,176</u>	<u>4,118</u>	<u>673</u>	<u>2,382</u>	<u>8,349</u>
<b>Total Dispositions</b>	<u>9,333</u>	<u>14,793</u>	<u>3,106</u>	<u>8,334</u>	<u>35,566</u>
Transferred Out	873	142	-	-	1,015
<b>Pending Dec. 31</b>	<u>2,556</u>	<u>2,265</u>	<u>296</u>	<u>1,075</u>	<u>6,192</u>
Percent Change in Pending	-10.3%	8.9%	35.8%	46.7%	5.3%

Table 16

**FELONY PRE-INDICTMENTS**

	1999	2000	2001	2002	2003	% Change 2002-2003
Pending Jan. 1	131	134	853 <sup>a</sup>	927	<b>1,161</b>	25.2%
Filings	8,919	7,541	8,114	8,108	<b>7,910</b>	-2.4%
Reinstatements	<u>135</u>	<u>96</u>	<u>647</u>	<u>472</u>	<u><b>501</b></u>	6.1%
<b>Total for Disposition</b>	9,185	7,771	9,614	9,507	<b>9,572</b>	0.7%
Dispositions:						
Prior to Adjudication:						
No Papered	2,287	1,844	1,906	1,736	<b>1,742</b>	0.3%
Nolle Prosequi	194	139	156	106	<b>54</b>	-49.1%
Dismissed	260	290	861	792	<b>986</b>	24.5%
Information/Indictments	1,070	1,053	4,662	4,718	<b>4,143</b>	-12.2%
Other	<u>35</u>	<u>27</u>	<u>172</u>	<u>298</u>	<u><b>525</b></u>	76.2%
Total	3,846	3,353	7,757	7,650	<b>7,450</b>	-2.6%
Court Adjudications:						
Held for Grand Jury	3,395	2,589	na	na	<b>na</b>	-
Waived to Grand Jury	733	690	na	na	<b>na</b>	-
No Probable Cause	136	93	84	104	<b>141</b>	35.6%
Dismissed for Want of Prosecution	<u>723</u>	<u>761</u>	<u>661</u>	<u>462</u>	<u><b>572</b></u>	23.8%
Total	4,987	4,133	745	566	<b>713</b>	26.0%
Placed on Inactive Status:						
Absconded	218	161	185	130	<b>198</b>	52.3%
Mental Observation	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	-
Total	218	161	185	130	<b>198</b>	52.3%
<b>Total Dispositions</b>	9,051	7,647	8,687	8,346	<b>8,361</b>	0.2%
<b>Pending Dec. 31</b>	134	124	927	1,161	<b>1,211</b>	4.3%

<sup>a</sup> Beginning January 2001, the pre-indicted caseload includes preliminary hearings and grand jury cases. In previous years only preliminary hearings were reported.

Table 17

**FELONY INDICTMENTS**

	1999	2000	2001	2002	2003	% Change 2002-2003
Pending Jan. 1	2,340	2,128	1,798	1,918	<b>1,690</b>	-11.9%
Filings <sup>a</sup>	-	-	156	233	<b>106</b>	-54.5%
Reinstatements	1,672	1,460	1,317	1,243	<b>1,054</b>	-15.2%
Transferred In	5,276	4,490	4,662	4,846	<b>4,483</b>	-7.5%
<b>Total for Disposition</b>	<b>9,288</b>	<b>8,078</b>	<b>7,933</b>	<b>8,240</b>	<b>7,333</b>	-11.0%
Dispositions:						
Prior to Adjudication:						
Nolle Prosequi	4	3	1	1	<b>1</b>	0.0%
Other	-	-	-	-	-	-
Total	4	3	1	1	<b>1</b>	0.0%
Court Adjudications:						
Jury Trials	480	416	345	411	<b>477</b>	16.1%
Court Trials	25	35	36	27	<b>18</b>	-33.3%
Pleas	3,707	3,376	3,247	3,423	<b>3,186</b>	-6.9%
Dismissed/DWP	1,487	1,023	945	1,076	<b>940</b>	-12.6%
Incompetent to Stand Trial	11	-	-	-	<b>3</b>	100.0%
Other	41	26	19	30	<b>37</b>	23.3%
Total	5,751	4,876	4,592	4,967	<b>4,661</b>	-6.2%
Placed on Inactive Status:						
Absconded	1,292	1,307	1,345	1,435	<b>963</b>	-32.9%
Mental Observation	-	-	-	-	<b>15</b>	100.0%
Total	1,292	1,307	1,345	1,435	<b>978</b>	-31.8%
Transferred Out	113	94	77	147	<b>348</b>	136.7%
<b>Total Dispositions</b>	<b>7,160</b>	<b>6,280</b>	<b>6,015</b>	<b>6,550</b>	<b>5,988</b>	-8.6%
<b>Pending Dec. 31</b>	<b>2,128</b>	<b>1,798</b>	<b>1,918</b>	<b>1,690</b>	<b>1,345</b>	-20.4%

<sup>a</sup> Cases previously categorized as new filings were actually cases transferred from preliminary hearing/grand jury case activity.

Table 18

<b>U.S. MISDEMEANOR ACTIVITY</b>
----------------------------------

	1999	2000	2001	2002	2003	% Change 2002-2003
Pending Jan. 1	2,905	2,525	2,027	1,863	<b>2,079</b>	11.6%
Filings	15,421	15,161	14,329	14,018	<b>11,540<sup>b</sup></b>	-17.7%
Reinstatements	1,807	1,257	1,414	1,875	<b>3,056</b>	63.0%
Transferred In	240	219	196	914 <sup>a</sup>	<b>525<sup>b</sup></b>	-42.6%
<b>Total for Disposition</b>	<b>20,373</b>	<b>19,162</b>	<b>17,966</b>	<b>18,670</b>	<b>17,200<sup>b</sup></b>	-7.9%
Dispositions:						
Prior to Adjudication:						
No Papered	3,828	3,419	3,258	3,008	<b>2,206</b>	-26.7%
Nolle Prosequi	2,005	1,889	1,998	2,071	<b>2,404</b>	16.1%
Other	33	23	26	58	-	-100.0%
Total	5,866	5,331	5,282	5,137	<b>4,610</b>	-10.3%
Court Adjudications:						
Jury Trials	25	34	28	14	<b>23</b>	64.3%
Court Trials	676	571	526	395	<b>447</b>	13.2%
Pleas	3,355	3,290	2,911	2,363	<b>3,585</b>	51.7%
Dismissed/DWP	2,836	2,854	2,696	2,765	<b>1,982</b>	-28.3%
Incompetent to Stand Trial	27	34	38	5	-	-100.0%
Other	1	-	-	4	<b>28</b>	600.0%
Total	6,920	6,783	6,199	5,546	<b>6,065</b>	9.4%
Placed on Inactive Status:						
Absconded	1,523	1,119	1,116	1,929	<b>2,620</b>	35.8%
Mental Observation	89	133	148	54	<b>90</b>	66.7%
Pretrial Diversion	405	429	524	628	<b>1,408</b>	124.2%
Total	2,017	1,681	1,788	2,611	<b>4,118</b>	57.7%
Transferred to						
Domestic Violence Unit	3,045	3,340	2,834	2,748	- <sup>b</sup>	74.1%
Transferred Out (other)						
	-	-	-	549	<b>142</b>	-
<b>Total Dispositions</b>	<b>17,848</b>	<b>17,135</b>	<b>16,103</b>	<b>16,591</b>	<b>14,935</b>	-10.0%
<b>Pending Dec. 31</b>	<b>2,525</b>	<b>2,027</b>	<b>1,863</b>	<b>2,079</b>	<b>2,265</b>	8.9%

<sup>a</sup> Increase is the result of a manual audit of the caseload.

<sup>b</sup> Beginning 2003, domestic violence cases were filed directly with the Domestic Violence Unit. Previously these cases were first filed with the Criminal Division's Misdemeanor Branch and then certified to the Domestic Violence Unit, causing a significant decrease in cases filed.

Table 19

**D.C. MISDEMEANOR & TRAFFIC ACTIVITY**

	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>% Change 2002-2003</i>
<b>D.C. MISDEMEANORS</b>						
Pending Jan. 1	3,461	1,385	223	384	<b>218</b>	-43.2%
Filings	4,121	4,140	3,451	2,681	<b>2,709</b>	1.0%
Reinstatements	1,066	1,282	1,182	331	<b>475</b>	43.5%
<b>Total for Disposition</b>	<b>8,648</b>	<b>6,807</b>	<b>4,856</b>	<b>3,396</b>	<b>3,402</b>	0.2%
Dispositions:						
Prior to Adjudication	1,857	1,882	1,919	2,032	<b>1,364</b>	-32.9%
Court Adjudications	1,825	2,031	1,162	725	<b>1,069</b>	47.4%
Placed on Inactive Status	3,581	2,671	1,391	421	<b>673</b>	59.9%
<b>Total Dispositions</b>	<b>7,263</b>	<b>6,584</b>	<b>4,472</b>	<b>3,178</b>	<b>3,106</b>	-2.3%
<b>Pending Dec. 31</b>	<b>1,385</b>	<b>223</b>	<b>384</b>	<b>218</b>	<b>296</b>	35.8%
<b>TRAFFIC</b>						
Pending Jan. 1	2,737	1,773	1,157	2,313	<b>733</b>	-68.3%
Filings	6,836	7,097	7,542	7,448	<b>6,745</b>	-9.4%
Reinstatements	1,523	2,724	3,712	1,795	<b>1,931</b>	7.6%
<b>Total for Disposition</b>	<b>11,096</b>	<b>11,594</b>	<b>12,411</b>	<b>11,556</b>	<b>9,409</b>	-18.6%
Dispositions:						
Prior to Adjudication	2,411	2,058	2,674	5,941 <sup>a</sup>	<b>3,539</b>	-40.4%
Court Adjudications	2,565	3,838	3,651	2,875	<b>2,413</b>	-16.1%
Placed on Inactive Status	4,347	4,541	3,773	2,007	<b>2,382</b>	18.7%
<b>Total Dispositions</b>	<b>9,323</b>	<b>10,437</b>	<b>10,098</b>	<b>10,823</b>	<b>8,334</b>	-23.0%
<b>Pending Dec. 31</b>	<b>1,773</b>	<b>1,157</b>	<b>2,313</b>	<b>733</b>	<b>1,075</b>	46.7%

<sup>a</sup> Increase is the result of a manual audit of the caseload.

Table 20

**SPECIAL PROCEEDINGS ACTIVITY**

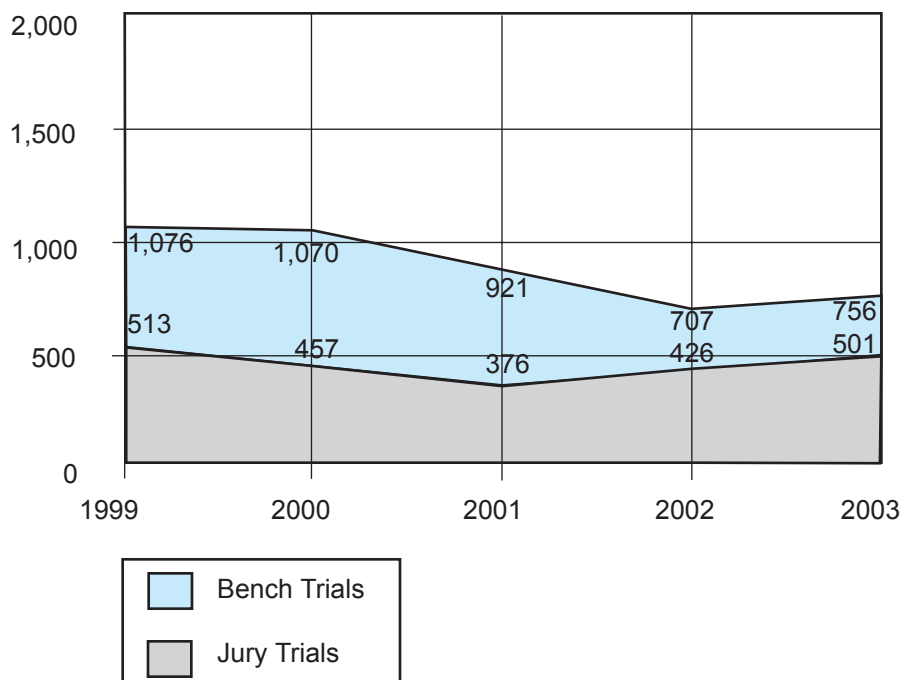
	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>% Change 2002-2003</i>
Pending Jan. 1	95	81	123	103	<b>124</b>	20.4%
Filings	3,476	3,398	3,479	3,310	<b>3,297</b>	-0.4%
Reinstatements	13	17	27	159	<b>82</b>	-48.4%
<b>Total for Disposition</b>	<b>3,584</b>	<b>3,496</b>	<b>3,629</b>	<b>3,572</b>	<b>3,503</b>	-1.9%
Dispositions:						
Prior to Adjudication	1,609	1,641	1,757	1,742	<b>1,928</b>	10.7%
Court Adjudications	1,873	1,704	1,601	1,447	<b>1,174</b>	-18.9%
Other	21	28	168	259	<b>277</b>	6.9%
<b>Total Dispositions</b>	<b>3,503</b>	<b>3,373</b>	<b>3,526</b>	<b>3,448</b>	<b>3,379</b>	-2.0%
<b>Pending Dec. 31</b>	<b>81</b>	<b>123</b>	<b>103</b>	<b>124</b>	<b>124</b>	0.0%

Table 21

**CRIMINAL TRIALS & PLEAS BY TYPE OF CASE**

	1999	2000	2001	2002	2003	% Change 2002-2003
<b>FELONY</b>						
Jury Trials	480	416	345	411	<b>477</b>	16.1%
Bench Trials	25	35	36	27	<b>18</b>	-33.3%
Pleas	3,707	3,376	3,247	3,423	<b>3,186</b>	-6.9%
<b>U.S. MISDEMEANOR</b>						
Jury Trials	25	34	28	14	<b>23</b>	64.3%
Bench Trials	676	571	526	395	<b>447</b>	13.2%
Pleas	3,355	3,290	2,911	2,363	<b>3,585</b>	51.7%
<b>D.C. MISDEMEANOR</b>						
Jury Trials	1	3	-	-	-	-
Bench Trials	49	47	15	11	<b>46</b>	318.2%
Pleas	371	646	213	132	<b>163</b>	23.5%
<b>DOMESTIC VIOLENCE</b>						
Jury Trials	4	1	-	-	<b>1</b>	100.0%
Bench Trials	332	354	308	261	<b>215</b>	-17.6%
Pleas	1,095	1,096	971	900	<b>822</b>	-8.7%
<b>TRAFFIC</b>						
Jury Trials	3	3	3	1	-	-100.0%
Bench Trials	85	63	36	13	<b>30</b>	130.8%
Pleas	1,231	2,167	1,711	1,902	<b>1,718</b>	-9.7%
<b>TOTAL</b>						
Jury Trials	513	457	376	426	<b>501</b>	17.6%
Bench Trials	1,076	1,070	921	707	<b>756</b>	6.9%
Pleas	9,759	10,575	9,053	8,720	<b>9,474</b>	8.6%

**Exhibit III:  
TREND IN  
CRIMINAL TRIALS**





# CIVIL CASE ACTIVITY

Table 22

## CIVIL ACTIVITY FOR 2003

	<i>Civil Actions</i>			<i>Landlord &amp; Tenant</i>	<i>Small Claims</i>	<i>Total</i>
	<i>Assigned</i>	<i>Unassigned</i>	<i>Civil I</i>			
Pending Jan. 1	9,621	567	655	4,006	2,692	17,541
Filings/Assignments	9,294	1,701	22	47,951	17,891	76,859
Reinstatements/Reactivations	575	15	-	233	25	848
Transferred In	32	-	30	-	-	62
<b>Total for Disposition</b>	19,522	2,283	707	52,190	20,608	95,310
Dispositions:						
Settled/Dismissed	2,748	81	16	25,588	3,680	32,113
Dismissed by Court	2,156	82	8	-	4,400	6,646
Dismissed Rule 41	1,570	47	25	-	-	1,642
Dismissed Rule 4(m)	1,304	35	-	-	-	1,339
Default Judgment	605	9	-	13,268	6,315	20,197
Judgments/Consents	111	1	-	7,941	3,389	11,442
Exparte Proof-Affidavit	286	2	-	-	-	288
Suggestion of Bankruptcy	79	1	-	-	-	80
Removed to Federal Court	192	-	-	-	-	192
Dispositive Motions	1,363	24	9	-	-	1,396
Jury Trials	165	-	4	-	-	169
Non-Jury Trials	25	-	-	91	248	364
Settled During Trial	5	-	-	-	-	5
Returned to Files	-	-	-	1,254	-	1,254
Certified to Civil						
Trial Calendar	-	-	-	245	10	255
Other	126	1,134	-	-	451	1,711
<b>Total Dispositions</b>	10,735	1,416	62	48,387	18,493	79,093
Transferred Out	44	37	2	-	-	83
<b>Pending Dec. 31</b>	8,743	830	643	3,803	2,115	16,134
Percent Change in Pending	-9.1%	46.4%	-1.8%	-5.1%	-21.4%	-8.0%

Table 23

### ASSIGNED CIVIL ACTIONS CASE ACTIVITY

	1999	2000	2001	2002	2003	% Change 2002-2003
Pending Jan. 1	8,125	7,676 <sup>a</sup>	7,802	8,145	<b>9,621</b>	18.1%
Filings/Assignments	8,356	8,383	8,522	9,799	<b>9,294</b>	-5.2%
Reactivations	628	599	621	513	<b>575</b>	12.1%
Transferred In	248	38	34	37	<b>32</b>	-13.5%
<b>Total for Disposition</b>	<b>17,357</b>	<b>16,696</b>	<b>16,979</b>	<b>18,494</b>	<b>19,522</b>	5.6%
Dispositions:						
Settled/Dismissed	3,888	3,362	2,689	2,407	<b>2,748</b>	14.2%
Dismissed by Court	572	807	1,200	1,530	<b>2,156</b>	40.9%
Dismissed Rule 41	599	717	894	1,134	<b>1,570</b>	38.4%
Dismissed Rule 4(m)	1,219	1,155	1,194	1,221	<b>1,304</b>	6.8%
Default Judgment	749	800	904	693	<b>605</b>	-12.7%
Consent/Confession Judgment	52	64	72	94	<b>111</b>	18.1%
Exparte Proof-Affidavit	235	254	202	291	<b>286</b>	-1.7%
Suggestion of Bankruptcy	99	76	74	74	<b>79</b>	6.8%
Removed to Federal Court	137	149	148	161	<b>192</b>	19.3%
Dispositive Motions	1,301	1,069	1,087	894	<b>1,363</b>	52.5%
Jury Trials	299	269	228	219	<b>165</b>	-24.7%
Non-Jury Trials	16	12	15	22	<b>25</b>	13.6%
Settled During Trial	2	6	1	8	<b>5</b>	-37.5%
Other	138	106	82	48	<b>126</b>	162.5%
<b>Total Dispositions</b>	<b>9,306</b>	<b>8,846</b>	<b>8,790</b>	<b>8,796</b>	<b>10,735</b>	22.0%
Transferred Out	523	48	44	77	<b>44</b>	-42.9%
<b>Pending Dec. 31</b>	<b>7,528</b>	<b>7,802</b>	<b>8,145</b>	<b>9,621</b>	<b>8,743</b>	-9.1%

<sup>a</sup> Beginning January 1, 2000, all civil calendars were included in caseload counts.

#### Exhibit IV: PENDING CIVIL ACTIONS CASELOAD

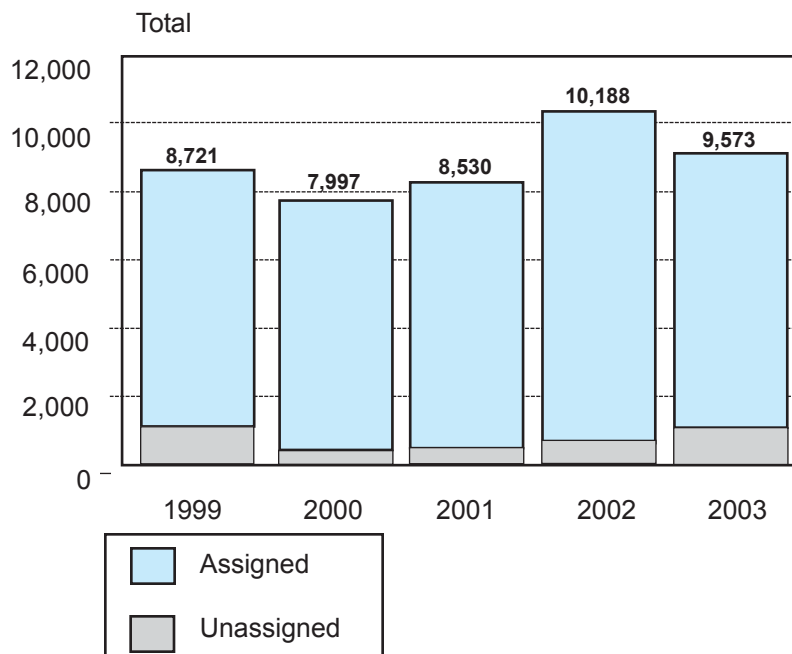


Table 24

**CIVIL I CASE ACTIVITY**

	1999	2000	2001	2002	2003	% Change 2002-2003
Pending Jan. 1	426	564 <sup>a</sup>	599	611	<b>655</b>	7.2%
Filings/Assignments	38	92	51	43	<b>22</b>	-48.8%
Reactivations	196	52	7	1	-	-100.0%
Transferred In	19	4	37	63	<b>30</b>	-52.4%
<b>Total for Disposition</b>	<b>679</b>	<b>712</b>	<b>694</b>	<b>718</b>	<b>707</b>	-1.5%
Dispositions:						
Settled/Dismissed	41	55	10	17	<b>16</b>	-5.9%
Dismissed by Court	2	4	44	3	<b>8</b>	166.7%
Dismissed Rule 41	2	8	4	5	<b>25</b>	400.0%
Dismissed Rule 4(m)	-	-	-	-	-	-
Default Judgment	-	-	-	-	-	-
Consent/Confession Judgment	-	-	-	-	-	-
Exparte Proof-Affidavit	1	-	-	-	-	-
Suggestion of Bankruptcy	-	-	-	-	-	-
Removed to Federal Court	-	3	-	17	-	-100.0%
Dispositive Motions	14	26	15	11	<b>9</b>	-18.2%
Jury Trials	22	3	2	1	<b>4</b>	300.0%
Non-Jury Trials	1	-	-	-	-	-
Settled During Trial	-	-	-	6	-	-100.0%
Other	1	2	-	2	-	-100.0%
<b>Total Dispositions</b>	<b>84</b>	<b>101</b>	<b>75</b>	<b>62</b>	<b>62</b>	0.0%
Transferred Out	90	12	8	1	<b>2</b>	100.0%
<b>Pending Dec. 31</b>	<b>505</b>	<b>599</b>	<b>611</b>	<b>655</b>	<b>643</b>	-1.8%

<sup>a</sup> Beginning January 1, 2000, all civil calendars were included in caseload counts.

Table 25

**CIVIL ACTIONS JURY & BENCH TRIALS**

	1999	2000	2001	2002	2003	% Change 2002-2003
Jury Trials	321	273	230	221	<b>169</b>	-23.5%
Bench Trials	17	12	15	22	<b>25</b>	13.6%
<b>Total</b>	<b>338</b>	<b>285</b>	<b>245</b>	<b>243</b>	<b>194</b>	-20.2%

**Exhibit V:  
TREND IN  
CIVIL TRIALS**

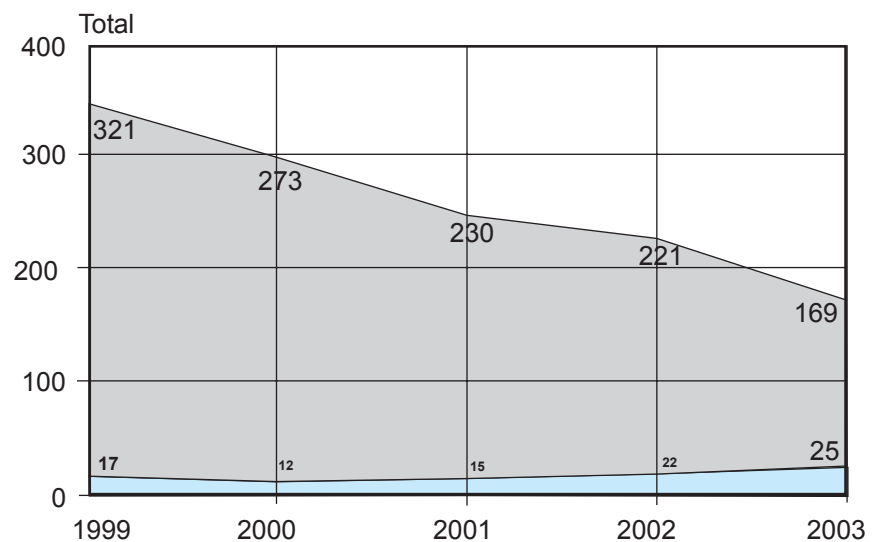
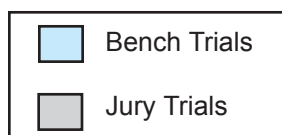


Table 26

<b>LANDLORD &amp; TENANT ACTIVITY</b>						
	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>% Change 2002-2003</i>
Pending Jan. 1	5,251	4,850	4,450	5,215	<b>4,006</b>	-23.2%
Filings	57,621	53,970	55,649	49,138	<b>47,951</b>	-2.4%
Reactivations/Reinstatements	330	375	378	226	<b>233</b>	3.1%
<b>Total for Disposition</b>	<b>63,202</b>	<b>59,195</b>	<b>60,477</b>	<b>54,579</b>	<b>52,190</b>	-4.4%
<b>Dispositions</b>	<b>58,352</b>	<b>54,745</b>	<b>55,262</b>	<b>50,573</b>	<b>48,387</b>	-4.3%
<b>Pending Dec. 31</b>	<b>4,850</b>	<b>4,450</b>	<b>5,215</b>	<b>4,006</b>	<b>3,803</b>	-5.1%

Table 27

<b>SMALL CLAIMS ACTIVITY</b>						
	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>% Change 2002-2003</i>
Pending Jan. 1	3,466	2,806 <sup>a</sup>	2,330	1,359	<b>2,692</b>	98.1%
Filings:						
Pro Se	3,732	3,387	3,729	3,661	<b>2,781</b>	-24.0%
With Counsel	16,064	17,382	17,649	16,868	<b>15,110</b>	-10.4%
Total	19,796	20,769	21,378	20,529	<b>17,891</b>	-12.9%
Reactivations/Reinstatements	6,518	35	38	35	<b>25</b>	-28.6%
<b>Total for Disposition</b>	<b>29,780</b>	<b>23,610</b>	<b>23,746</b>	<b>21,923</b>	<b>20,608</b>	-6.0%
<b>Dispositions</b>	<b>25,643</b>	<b>21,280</b>	<b>22,387</b>	<b>19,231</b>	<b>18,493</b>	-3.8%
<b>Pending Dec. 31</b>	<b>4,137</b>	<b>2,330</b>	<b>1,359</b>	<b>2,692</b>	<b>2,115</b>	-21.4%

<sup>a</sup> Figure adjusted after a manual audit of the caseload.

# FAMILY COURT CASE ACTIVITY

Table 28

## FAMILY COURT ACTIVITY FOR 2007

	<i>Divorce</i>	<i>Adoption</i>	<i>Juvenile</i>	<i>Abuse &amp; Neglect</i>	<i>Mental Health &amp; Mental Retardation</i>	<i>Paternity &amp; Child Support</i>	<i>Total</i>
Pending Jan. 1	3,345	917	1,022	4,918	3,025	7,325	20,552
Filings	3,589	504	2,412	853	1,983	2,468	11,809
Reinstatements/Reactivations	-	-	-	-	97	2,225	2,322
<b>Total for Disposition</b>	<b>6,934</b>	<b>1,421</b>	<b>3,434</b>	<b>5,771</b>	<b>5,105</b>	<b>12,018</b>	<b>34,683</b>
Dispositions:							
Not Petitioned/Petition Denied	7	1	734	169	-	-	911
Dismissed By Rule 41	2,979	-	-	-	-	2,287	5,266
Dismissed/Discharged	-	115	735	111	2,665	-	3,626
Not Guilty	-	-	32	-	-	-	32
Closed	-	-	-	1,107	-	-	1,107
By Judicial Officer	1,613	449	-	-	-	2,653	4,715
Committed	-	-	92	-	18	-	110
Consent Decree/Consent	-	-	206	-	1	-	207
Probation	-	-	439	-	-	-	439
Case Withdrawn/Death	-	14	-	-	1,125	-	1,139
Placed on Inactive Status	79	-	9	-	-	728	816
<b>Total Dispositions</b>	<b>4,678</b>	<b>579</b>	<b>2,247</b>	<b>1,387</b>	<b>3,809<sup>a</sup></b>	<b>5,668</b>	<b>18,368</b>
<b>Certified to Domestic Violence</b>	-	-	-	-	-	225	225
<b>Pending Dec. 31</b>	<b>2,256</b>	<b>842</b>	<b>1,187</b>	<b>4,384</b>	<b>1,296</b>	<b>6,125</b>	<b>16,090</b>
Percent Change in Pending	-32.6%	-8.2%	16.1%	-10.9%	-57.2%	-16.4%	-21.7%

<sup>a</sup> This figure includes the administrative dismissal of 2,088 cases that required no further action by the court.

Table 29

<b>JUVENILE ACTIVITY</b>
--------------------------

	1999	2000	2001	2002	2003	% Change 2002-2003
Pending Jan. 1	489	378	789 <sup>a</sup>	825	<b>1,022</b>	23.9%
New Referrals:						
Acts Against Persons	719	676	675	664	<b>760</b>	14.5%
Acts Against Property	798	766	803	742	<b>866</b>	16.7%
Acts Against Public Order	1,081	940	795	696	<b>688</b>	-1.1%
Persons in Need of Supervision (PINS)	35	24	21	21	<b>33</b>	57.1%
Interstate Compact	115	89	96	118	<b>65</b>	-44.9%
<b>Total</b>	2,748	2,495	2,390	2,241	<b>2,412</b>	7.6%
Reactivations	794	569	-	-	-	-
<b>Total for Disposition</b>	4,031	3,442	3,179	3,066	<b>3,434</b>	-
Prior to Adjudication:						
Not Petitioned	991	804	842	654	<b>734</b>	12.0%
Dismissed	145	269	686	548	<b>622</b>	12.2%
<b>Total</b>	1,136	1,073	1,528	1,202	<b>1,356</b>	13.5%
Adjudicated Cases: <sup>b</sup>						
Petition Granted	272	480	na	na	<b>na</b>	na
Petition Denied	514	349	na	na	<b>na</b>	na
Plea Entered	535	488	na	na	<b>na</b>	na
Found Not Guilty	na	na	21	17	<b>32</b>	88.2%
Dismissed after Adjudication	na	na	53	56	<b>113</b>	101.8%
Placed on Consent Decree	348	295	256	234	<b>206</b>	-12.0%
Committed to DHS	na	na	148	131	<b>92</b>	-29.8%
Placed on Probation	na	na	340	395	<b>439</b>	11.1%
Other/Placed Inactive	848	493	8	9	<b>9</b>	0.0%
<b>Total</b>	2,517	2,105	826	842	<b>891</b>	5.8%
<b>Total Dispositions</b>	3,653	3,178	2,354	2,044	<b>2,247</b>	9.9%
<b>Pending Dec. 31</b>	378	264	825	1,022	<b>1,187</b>	16.1%

<sup>a</sup> Beginning in 2001, this figure was adjusted following a review of statistical procedures.

<sup>b</sup> Due to changes in statistical categories for adjudicated cases implemented in calendar year 2001, data are no longer available in categories shown in previous years.



Table 30

### JUVENILE REFERRALS<sup>a</sup> BY AGE & GENDER

	Age					Gender		Total Referrals
	Under 10 yrs	10-12	13-14	15-17	18 yrs & over	Boys	Girls	
<b>Acts Against Persons</b>								
Assault:								
Aggravated	2	14	42	76	13	89	58	147
Simple	1	17	87	188	36	223	106	329
Homicide	-	-	-	1	-	1	-	1
Kidnapping	-	-	-	2	1	3	-	3
Robbery:								
Armed	-	-	6	27	7	37	3	40
Force and Violence	-	2	14	64	9	76	13	89
Attempted	-	7	2	4	-	11	2	13
Sex Offenders	-	4	15	15	4	36	2	38
Other	-	4	22	58	16	79	21	100
<b>Total</b>	3	48	188	435	86	555	205	760
<b>Acts Against Property</b>								
Burglary I	-	-	1	1	3	3	2	5
Attempted Burglary I	-	-	-	-	-	-	-	0
Burglary II	-	3	-	9	-	12	-	12
Attempted Burglary II	-	-	-	-	1	1	-	1
Larceny:								
Grand	-	8	23	35	9	66	9	75
Petit	-	-	-	2	3	5	-	5
Property Damage	2	5	16	31	13	54	13	67
Stolen Property	-	-	3	7	4	14	-	14
Unauthorized Use of Auto	3	24	151	384	86	591	57	648
Unlawful Entry	2	5	5	20	4	33	3	36
Other	-	-	-	2	1	3	-	3
<b>Total</b>	7	45	199	491	124	782	84	866
<b>Acts Against Public Order</b>								
Disorderly Conduct	-	-	11	22	9	22	20	42
Narcotics:								
Possession of Marijuana	-	1	6	116	42	158	7	165
Sales/Possession of Narcotics	-	-	5	90	61	142	14	156
Other Sex Offences	-	-	2	24	13	19	20	39
Possession/Carrying a Weapon	-	3	18	84	42	124	23	147
Traffic	-	1	8	24	1	30	4	34
Other	-	1	14	62	28	83	22	105
<b>Total</b>	0	6	64	422	196	578	110	688
<b>PINS</b>								
Beyond Control	-	-	-	3	-	-	3	3
Runaway from Home	-	-	5	10	2	6	11	17
Truancy from School	-	-	2	9	2	3	10	13
<b>Total</b>	0	0	7	22	4	9	24	33
<b>Interstate Compact</b>								
	-	-	7	47	11	43	22	65
<b>Total Referrals</b>	10	99	465	1,417	421	1,967	445	2,412
Percent	0.4%	4.1%	19.3%	58.7%	17.5%	81.6%	18.4%	100.0%

<sup>a</sup> New cases filed with the court during the calendar year.

Table 31

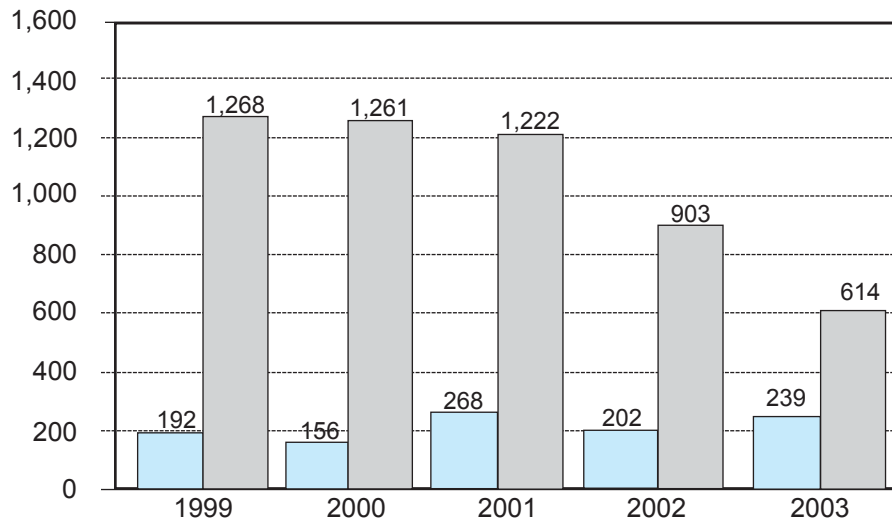
<b>ABUSE &amp; NEGLECT ACTIVITY</b>						
	1999	2000	2001 <sup>a</sup>	2002	2003	% Change 2002-2003
Pending Jan. 1	3,210	3,059	5,289 <sup>a</sup>	5,145	<b>4,918</b>	-4.4%
Filings:						
Abused Child	192	156	268	202	<b>239</b>	18.3%
Neglected Child	1,268	1,261	1,222	903	<b>614</b>	-32.0%
<b>Total</b>	1,460	1,417	1,490	1,105	<b>853</b>	-22.8%
Reactivations	96	77	-	-	-	-
<b>Total for Disposition</b>	4,766	4,553	6,779	6,250	<b>5,771</b>	-7.7%
Dispositions:						
From Hearing <sup>a</sup>	na	na	na	na	<b>na</b>	na
Petition Granted/Involved	794	658	na	na	<b>na</b>	na
Petition Denied/Not Involved	697	715	na	na	<b>na</b>	na
Not Petitioned	118	198	252	181	<b>169</b>	-6.6%
Dismissed	-	-	1,382	246	<b>111</b>	-54.9%
Closed	na	na	na	905	<b>1,107</b>	22.3%
Placed Inactive	98	99	na	na	<b>na</b>	na
<b>Total Dispositions</b>	1,707	1,670	1,634	1,332	<b>1,387</b>	4.1%
<b>Pending Dec. 31</b>	3,059	2,883	5,145	4,918	<b>4,384</b>	-10.9%

<sup>a</sup> Beginning in 2001, the pending figure for the Abuse and Neglect caseload was adjusted following a review of statistical procedures to include post disposition review cases required by statute. In previous years, review cases were held routinely, but not reported in caseload statistics.

Table 32

	<i>Under</i>					<i>13 Yrs</i>	<i>Total</i>
	<i>1 Yr</i>	<i>1-3</i>	<i>4-6</i>	<i>7-10</i>	<i>11-12</i>	<i>&amp; over</i>	
<b>Abused Children</b>							
Boys	8	26	21	25	10	19	109
Girls	10	19	16	30	12	43	130
<b>Total</b>	18	45	37	55	22	62	239
<b>Neglected Children</b>							
Boys	31	55	43	64	33	64	290
Girls	30	57	46	62	33	96	324
<b>Total</b>	61	112	89	126	66	160	614
<b>All Children</b>							
Boys	39	81	64	89	43	83	399
Girls	40	76	62	92	45	139	454
<b>Total</b>	79	157	126	181	88	222	853

<sup>a</sup> New cases filed with the Court during the calendar year.



**Exhibit VI:  
ABUSE & NEGLECT  
REFERRALS**

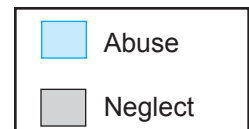


Table 33

<b>ADOPTION ACTIVITY</b>						
	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>% Change 2002-2003</i>
Pending Jan. 1	149	133	698 <sup>a</sup>	807	<b>917</b>	13.6%
Placed At Issue	441	406	657	574	<b>504</b>	-12.2%
Reinstated	3	-	-	-	-	-
<b>Total for Disposition</b>	593	539	1,355	1,381	<b>1,421</b>	2.9%
<b>Dispositions</b>	460	492	548	464	<b>579</b>	24.8%
<b>Pending Dec. 31</b>						
Pending At Issue	na	na	656	775	<b>744</b>	-4.0%
Pending Not-At-Issue	na	na	151	142	<b>98</b>	-31.0%
<b>Total</b>	133	47	807	917	<b>842</b>	-8.2%

<sup>a</sup> Beginning in 2001, the pending figure for Adoption was adjusted to include at issue and not at issue pending cases. In previous years, cases not at issue (i.e. cases filed which require additional work before becoming available for disposition) were not reported.

Table 34

<b>DIVORCE/CUSTODY/MISCELLANEOUS</b>						
	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>% Change 2002-2003</i>
Pending Jan. 1	1,017	1,369	5,329 <sup>a</sup>	6,663	<b>3,345</b>	-49.8%
Filings	2,763	2,355	4,086	3,885	<b>3,589</b>	-7.6%
Reactivations	-	3	18	-	-	-
<b>Total for Disposition</b>	3,780	3,727	9,433	10,548	<b>6,934</b>	-34.3%
<b>Dispositions</b>	2,411	2,235	2,770	7,203 <sup>b</sup>	<b>4,678</b>	-35.1%
<b>Pending Dec. 31</b>						
At Issue	na	na	1,479	899	<b>1,007</b>	12.0%
Not-At-Issue	na	na	5,184	2,446	<b>1,249</b>	-48.9%
<b>Total</b>	1,369	1,492	6,663	3,345	<b>2,256</b>	-32.6%

<sup>a</sup> Beginning in 2001, the pending figure for Divorce was adjusted to include at issue and not at issue pending cases. In previous years, cases not at issue (i.e. cases filed which require additional work before becoming available for disposition) were not reported.

<sup>b</sup> A manual review and audit of the pending caseload resulted in a number of dismissals of older cases for failure to prosecute.

Table 35

**CHILD SUPPORT ACTIVITY FOR 2003**

	<i>Cases Pending Jan. 1</i>	<i>Cases Filed</i>	<i>Cases Reactivated</i>	<i>Available for Disposition</i>	<i>Cases Disposed</i>	<i>Cases Pending Dec. 31</i>	<i>% Change in Pending 2002-2003</i>
Paternity	5,704	1,189	1,790	8,683	3,623	5,060	-11.3%
Child Support	354	660	295	1,309	1,276	33	-90.7%
Reciprocal Support	<u>1,267</u>	<u>619</u>	<u>140</u>	<u>2,026</u>	<u>994</u>	<u>1,032</u>	-18.5%
<b>Total</b>	<b>7,325</b>	<b>2,468</b>	<b>2,225</b>	<b>12,018</b>	<b>5,893</b>	<b>6,125</b>	<b>-16.4%</b>

Table 36

**CHILD SUPPORT CASELOADS**

	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>% Change 2002-2003</i>
<b>PATERNITY</b>						
Pending Jan. 1	5,431	5,074	6,108 <sup>a</sup>	6,019	<b>5,704</b>	-5.2%
Filings	1,427	1,658	998	929	<b>1,189</b>	28.0%
Reinstatements	<u>754</u>	<u>787</u>	<u>1,205</u>	<u>1,546</u>	<u><b>1,790</b></u>	15.8%
<b>Total for Disposition</b>	<b>7,612</b>	<b>7,519</b>	<b>8,311</b>	<b>8,494</b>	<b>8,683</b>	2.2%
<b>Dispositions</b>	<b>2,538</b>	<b>2,434</b>	<b>2,292</b>	<b>2,790</b>	<b>3,623</b>	29.9%
Pending Dec. 31						
At Issue	na	na	4,916	4,237	<b>2,951</b>	-30.4%
Not-At-Issue	na	na	<u>1,103</u>	<u>1,467</u>	<u><b>2,109</b></u>	43.8%
<b>Total Pending</b>	<b>5,074</b>	<b>5,085</b>	<b>6,019</b>	<b>5,704</b>	<b>5,060</b>	-11.3%
<b>CHILD SUPPORT</b>						
Pending Jan. 1	2,149	2,098	1,603	965	<b>354</b>	-63.3%
Filings	887	746	637	641	<b>660</b>	3.0%
Reinstatements	<u>267</u>	<u>188</u>	<u>139</u>	<u>219</u>	<u><b>295</b></u>	34.7%
<b>Total for Disposition</b>	<b>3,303</b>	<b>3,032</b>	<b>2,379</b>	<b>1,825</b>	<b>1,309</b>	-28.3%
<b>Dispositions</b>	<b>1,205</b>	<b>1,429</b>	<b>1,414</b>	<b>1,471</b>	<b>1,276</b>	-13.3%
<b>Pending Dec. 31</b>	<b>2,098</b>	<b>1,603</b>	<b>965</b>	<b>354</b>	<b>33</b>	-90.7%
<b>RECIPROCAL SUPPORT</b>						
Pending Jan. 1	1,454	1,573	1,336	1,513	<b>1,267</b>	-16.3%
Filings	634	457	943	755	<b>619</b>	-18.0%
Reinstatements	<u>172</u>	<u>54</u>	<u>92</u>	<u>113</u>	<u><b>140</b></u>	23.9%
<b>Total for Disposition</b>	<b>2,260</b>	<b>2,084</b>	<b>2,371</b>	<b>2,381</b>	<b>2,026</b>	-14.9%
<b>Dispositions</b>	<b>687</b>	<b>748</b>	<b>858</b>	<b>1,114</b>	<b>994</b>	-10.8%
<b>Pending Dec. 31</b>	<b>1,573</b>	<b>1,336</b>	<b>1,513</b>	<b>1,267</b>	<b>1,032</b>	-18.5%

<sup>a</sup> Beginning in 2001, the pending figure for Paternity & Support was adjusted to include at issue and not at issue pending cases. In previous years, cases not at issue (i.e. cases filed which require additional work before becoming available for disposition) were not reported.

Table 37

<b>MENTAL RETARDATION ACTIVITY</b>						
	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>% Change 2002-2003</i>
Pending Jan. 1	1,281	1,275	1,236 <sup>a</sup>	1,199	<b>1,208</b>	0.8%
Filings	31	20	19	29	<b>25</b>	-13.8%
<b>Total for Disposition</b>	<b>1,312</b>	<b>1,295</b>	<b>1,255</b>	<b>1,228</b>	<b>1,233</b>	0.4%
Dispositions						
Withdrawn/Decreased	33	46	46	19	<b>36</b>	89.5%
Dismissed/Discharged	4	18	10	1	<b>13</b>	1200.0%
<b>Total Dispositions</b>	<b>37</b>	<b>64</b>	<b>56</b>	<b>20</b>	<b>49</b>	145.0%
<b>Pending Dec. 31</b>	<b>1,275</b>	<b>1,231</b>	<b>1,199</b>	<b>1,208</b>	<b>1,184</b>	-2.0%

<sup>a</sup> Figure adjusted.

Table 38

<b>MENTAL HEALTH ACTIONS</b>						
	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>% Change 2002-2003</i>
<b>PETITIONS</b>						
Pending Jan. 1	921	1,118	1,242	1,237	<b>1,817</b>	46.9%
Filed	1,349	1,695	1,912	1,958	<b>1,958</b>	0.0%
Reinstated	115	200	113	113	<b>97</b>	-14.2%
Closed	1,267	1,771	2,030	1,491	<b>3,760<sup>a</sup></b>	152.2%
Pending Dec. 31	1,118	1,242	1,237	1,817	<b>112</b>	-93.8%
<b>OTHER ACTIVITY</b>						
Jury Trials	8	3	3	2	<b>1</b>	-50.0%
Bench Trials	1	3	1	-	-	-
Emergency Mental Health						
Case Filings	949	1,063	1,221	1,479	<b>1,547</b>	4.6%
Hearings Held	335	267	304	242	<b>210</b>	-13.2%

<sup>a</sup> This figure includes the administrative dismissal of 2,088 cases that required no further action by the court.

Table 39

<b>MARRIAGE BUREAU ACTIVITY</b>						
	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>% Change 2002-2003</i>
Minister Licenses Issued	474	523	468	489	<b>512</b>	4.7%
Marriage Applications						
Received	3,453	3,418	3,397	3,081	<b>3,000</b>	-2.6%
Marriage Licenses Issued	3,393	3,419	3,338	3,035	<b>2,927</b>	-3.6%
Religious Ceremonies						
Performed	2,775	2,564	2,716	2,484	<b>2,322</b>	-6.5%
Civil Ceremonies Performed	547	552	540	456	<b>489</b>	7.2%

# PROBATE CASE ACTIVITY

Table 40

## PROBATE ACTIVITY FOR 2003

	<i>Cases Pending Jan. 1</i>	<i>Cases Filed</i>	<i>Cases Reactivated</i>	<i>Available for Disposition</i>	<i>Cases Disposed</i>	<i>Cases Pending Dec. 31</i>	<i>% Change in Pending 2002-2003</i>
Estates of Decedents:							
Formal Probate	4,284	1,431	-	5,715	1,426	4,289	0.1%
Small Estates	156	646	55	857	719	138	-11.5%
Conservatorships	317	-	-	317	25	292	-7.9%
Guardianships	388	64	-	452	102	350	-9.8%
Intervention							
Proceedings	1,807	281	-	2,088	227	1,861	3.0%
Trust Complaints	272	8	-	280	2	278	2.2%
Foreign Proceedings	-	109	-	109	109	-	-
<b>Total</b>	<b>7,224</b>	<b>2,539</b>	<b>55</b>	<b>9,818</b>	<b>2,610</b>	<b>7,208</b>	<b>-0.2%</b>

Exhibit VII:  
PROBATE CASE  
ACTIVITY

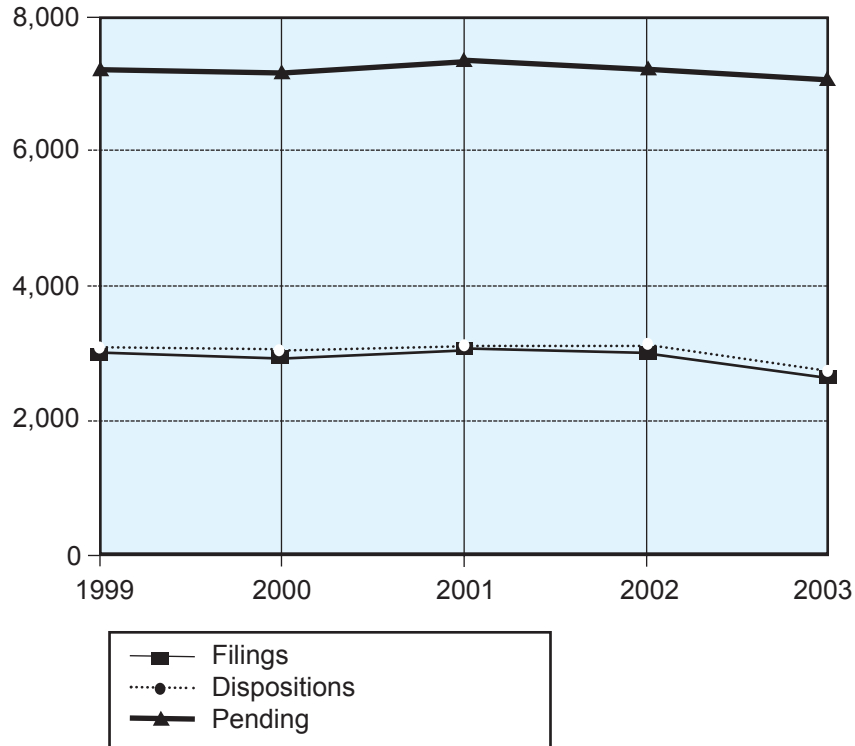


Table 41

## ACCOUNT ACTIVITY

	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>% Change 2002-2003</i>
Account Filings	2,731	2,478	2,096	1,887	<b>2,163</b>	14.6%
Account Audits/Pre-Audits	2,609	2,452	1,976	1,860	<b>2,062</b>	10.9%
Accounts Approved	3,097	2,345	2,008	1,981	<b>2,109</b>	6.5%
Waivers/Special Undertakings	35	18	19	19	<b>3</b>	-84.2%
Fee Requests Filed	-	-	-	1,269	<b>1,253</b>	-1.3%
Fee Requests Approved	-	-	1,285	1,323	<b>1,246</b>	-5.8%



Table 42

**PROBATE CASELOADS**

	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>% Change 2002-2003</i>
<b>FORMAL PROBATE</b>						
Pending Jan. 1	4,490	4,536	4,490	4,500	<b>4,284</b>	-4.8%
Filings	1,634	1,490	1,536	1,477	<b>1,431</b>	-3.1%
Dispositions	1,588	1,536	1,526	1,693	<b>1,426</b>	-15.8%
Pending Dec. 31	4,536	4,490	4,500	4,284	<b>4,289</b>	0.1%
<b>SMALL ESTATES</b>						
Pending Jan. 1	392	159	115	150	<b>156</b>	4.0%
Filings	729	652	757	836	<b>701</b>	-16.1%
Dispositions	962	696	722	830	<b>719</b>	-13.4%
Pending Dec. 31	159	115	150	156	<b>138</b>	-11.5%
<b>CONSERVATORSHIPS</b>						
Pending Jan. 1	498	425	375	343	<b>317</b>	-7.6%
Filings	-	-	-	-	-	--
Dispositions	73	50	32	26	<b>25</b>	-3.8%
Pending Dec. 31	425	375	343	317	<b>292</b>	-7.9%
<b>GUARDIANSHIPS</b>						
Pending Jan. 1	541	483	419	385	<b>388</b>	0.8%
Filings	70	56	61	102	<b>64</b>	-37.3%
Dispositions	128	120	95	99	<b>102</b>	3.0%
Pending Dec. 31	483	419	385	388	<b>350</b>	-9.8%
<b>INTERVENTION PROCEEDINGS</b>						
Pending Jan. 1	1,154	1,304	1,434	1,605	<b>1,807</b>	12.6%
Filings	341	310	372	375	<b>281</b>	-25.1%
Dispositions	191	180	201	173	<b>227</b>	31.2%
Pending Dec. 31	1,304	1,434	1,605	1,807	<b>1,861</b>	3.0%
<b>TRUST COMPLAINTS</b>						
Pending Jan. 1	180	210	227	253	<b>272</b>	7.5%
Filings	34	20	31	23	<b>8</b>	-65.2%
Dispositions	4	3	5	4	<b>2</b>	-50.0%
Pending Dec. 31	210	227	253	272	<b>278</b>	2.2%
<b>FOREIGN PROCEEDINGS</b>						
Pending Jan 1	-	-	-	-	--	-
Filings	153	146	126	112	<b>109</b>	-2.7%
Dispositions	153	146	126	112	<b>109</b>	-2.7%
Pending Dec. 31	-	-	-	-	--	-

# MULTI-DOOR DISPUTE RESOLUTION ACTIVITY

Table 43

## CIVIL ALTERNATIVE DISPUTE RESOLUTION ACTIVITY

	1999	2000 <sup>a</sup>	2001	2002	2003	% Change 2002-2003
<b>CIVIL MEDIATION</b>						
Cases Referred	2,450	1,784	2,814	2,528	<b>2,906</b>	15.0%
Cases Closed	2,000	1,865	2,022	2,223	<b>2,160</b>	-2.8%
Cases Settled <sup>b</sup>	716	654	754	686	<b>727</b>	6.0%
Settlement Rate <sup>c</sup>	36%	35%	37%	38%	<b>41%</b>	3.0%
<b>TAX MEDIATION</b>						
Cases Referred	180	60	66	151	<b>127</b>	-15.9%
Cases Closed	174	60	51	93	<b>103</b>	10.8%
Cases Settled	133	30	17	25	<b>50</b>	100.0%
Settlement Rate <sup>c</sup>	76%	50%	33%	27%	<b>49%</b>	22.0%
<b>PROBATE MEDIATION</b>						
Cases Referred	15	17	57	38	<b>11</b>	-71.1%
Cases Closed	12	17	45	40	<b>22</b>	-45.0%
Cases Settled	6	10	19	21	<b>10</b>	-52.4%
Settlement Rate <sup>c</sup>	50%	59%	42%	52%	<b>45%</b>	-7.0%
<b>ARBITRATION</b>						
Cases Referred	323	181	115	35	<b>32</b>	-8.6%
Cases Closed	655	217	154	58	<b>38</b>	-34.5%
Cases Disposed	253	80	69	32	<b>20</b>	-37.5%
Disposition Rate <sup>b,d</sup>	39%	37%	45%	55%	<b>53%</b>	-2.0%
<b>SMALL CLAIMS MEDIATION</b>						
Cases Referred	1,705	1,643	1,613	1,573	<b>1,479</b>	-6.0%
Cases Closed	1,705	1,643	1,613	1,573	<b>1,479</b>	-6.0%
Cases Settled	692	739	679	718	<b>581</b>	-19.1%
Settlement Rate <sup>c</sup>	41%	45%	43%	46%	<b>39%</b>	-7.0%
<b>EARLY CIVIL MEDIATION<sup>c</sup></b>						
Cases Referred	na	na	57	41	<b>116</b>	182.9%
Cases Closed	na	na	55	47	<b>99</b>	110.6%
Cases Settled	na	na	15	14	<b>37</b>	164.3%
Settlement Rate <sup>c</sup>	na	na	33%	30%	<b>37%</b>	7.0%
<b>LANDLORD &amp; TENANT MEDIATION<sup>f</sup></b>						
Cases Mediated	na	na	na	na	<b>445</b>	na
Cases Closed	na	na	na	na	<b>445</b>	na
Cases Settled	na	na	na	na	<b>350</b>	na
Settlement Rate <sup>c</sup>	na	na	na	na	<b>79%</b>	na

<sup>a</sup> Year 2000 totals were adjusted to represent calendar year data.

<sup>b</sup> Beginning in 1999, these figures include cases settled within 30 days of mediation and within 60 days of arbitration.

<sup>c</sup> Calculated as a percentage of cases mediated.

<sup>d</sup> Percentage of cases closed in which the arbitration award was accepted by the parties or were settled between assignment to arbitration and within 60 days following the filing of the arbitration award.

<sup>e</sup> Program began in 2001.

<sup>f</sup> Program began in 2003.

Table 44

**FAMILY/COMMUNITY ALTERNATIVE DISPUTE RESOLUTION ACTIVITY**

	1999	2000 <sup>a</sup>	2001	2002	2003	% Change 2002-2003
<b>Community Information &amp; Referral Program Activity</b>						
Number of Clients Assisted <sup>b</sup>	2,289	2,622	2,444	2,608	<b>2,652</b>	<b>1.7%</b>
Type of Dispute:						
Small Claims	198	293	265	264	<b>255</b>	<b>-3.4%</b>
Civil <sup>c</sup>	77	120	115	128	<b>207</b>	<b>61.7%</b>
Landlord & Tenant	46	33	29	52	<b>29</b>	<b>-44.2%</b>
Domestic Relations	693	640	682	816	<b>928</b>	<b>13.7%</b>
Referral	354	485	342	193	<b>89</b>	<b>-53.9%</b>
Other	45	82	49	20	<b>-</b>	<b>-100.0%</b>
Total Number of Disputes	1,413	1,653	1,482	1,473	<b>1,508</b>	<b>2.4%</b>
Cases Mediated	na	196	152	170	<b>111</b>	<b>-34.7%</b>
Cases Settled	na	87	89	122	<b>73</b>	<b>-40.2%</b>
Settlement Rate <sup>c</sup>	na	44%	59%	72%	<b>66%</b>	<b>-8.3%</b>
<b>Family Mediation</b>						
Cases Opened	523	496	441	529	<b>532</b>	<b>0.6%</b>
Cases Closed	300	341	361	273	<b>295</b>	<b>8.1%</b>
Cases Settled	114	96	99	110	<b>110</b>	<b>0.0%</b>
Settlement Rate <sup>c</sup>	38%	38%	39%	41%	<b>37%</b>	<b>-4.0%</b>
<b>Child Protection Mediation<sup>d</sup></b>						
Cases Referred	na	86	89	141	<b>390</b>	<b>26.6%</b>
Cases Closed	na	64	78	33	<b>425</b>	<b>212.5%</b>
Cases Settled	na	58	56	28	<b>338</b>	<b>158.0%</b>
Settlement Rate <sup>c</sup>	na	91%	86%	62%	<b>80%</b>	<b>-16.0%</b>

<sup>a</sup> Year 2000 totals were adjusted to represent calendar year data.

<sup>b</sup> Beginning in 1999, civil cases formerly included in the "Other" category are reported separately.

<sup>c</sup> Settlements reached as percent of mediations completed.

<sup>d</sup> Beginning in 2002, the Child Protection Mediation Program began receiving all new abuse and neglect cases, rather than the random selection of cases (every 5th case) under the pilot program which ended in 2001.

# SOCIAL SERVICES ACTIVITY

Table 45

## SOCIAL SERVICES ACTIVITY FOR 2003

	<i>Pending Jan. 1</i>	<i>New Cases/ Clients</i>	<i>Total</i>	<i>Closed</i>	<i>Pending Dec. 31</i>	<i>% Change Pending 2002-2003</i>
<b>JUVENILE CLIENTS</b>						
<b>Intake:</b>						
Active Clients <sup>a</sup>	--	843	843	843	--	--
New Clients	362	1,569	1,931	1,614	317	-12.4%
Diversion	<u>251</u>	<u>512</u>	<u>763</u>	<u>638</u>	<u>125</u>	-50.2%
Total	613	2,924	3,537	3,095	442	-27.9%
<b>Diagnostic</b>	293	448	741	489	252	-14.0%
<b>Juvenile Drug Court</b>	28	35	63	38	25	-10.7%
<b>Supervision:</b>						
Intensive Community Supervision	63	86	149	98	51	-19.0%
Regular Supervision	<u>624</u>	<u>965</u>	<u>1,589</u>	<u>782</u>	<u>807</u>	29.3%
Total	687	1,051	1,738	880	858	24.9%
<b>DOMESTIC RELATIONS DIAGNOSTIC CLIENTS</b>	32	230	262	178	84	162.5%
<b>TOTAL PENDING CLIENTS<sup>b</sup></b>	1,653	na	na	na	1,661	0.5%
<b>SPECIAL PROGRAM SERVICES</b>						
Child Guidance Clinic	46	387	433	432	1	-97.8%
The Education Center	7	7	14	14	-	-100.0%
Employment Referral Resource Center (ERIC)	12	368	380	372	8	-33.3%
Family Counseling	132	201	333	242	91	-31.1%
Juvenile Drug Court	20	33	53	34	19	-5.0%

<sup>a</sup> Individuals who are arrested in a new case, but are already included in the diagnostic or supervision caseloads.

<sup>b</sup> Clients may move from intake to diagnostic to supervision status within a reporting period, therefore, to avoid double counting, only totals for pending cases are provided.

Table 46

**JUVENILE SUPERVISION ACTIVITY**

	1999	2000	2001	2002	2003	% Change 2002-2003
<b>INTAKE</b>						
Pending Jan. 1	406	384	273	311	<b>362</b>	16.4%
Cases Assigned	<u>2,763</u>	<u>2,578</u>	<u>1,610</u>	<u>1,609</u>	<u><b>1,569</b></u>	-2.5%
Total	3,169	2,962	1,883	1,920	<b>1,931</b>	0.6%
Cases Disposed	2,785	2,689	1,572	1,558	<b>1,614</b>	3.6%
Pending Dec. 31	384	273	311	362	<b>317</b>	-12.4%
<b>DIAGNOSTIC</b>						
Pending Jan. 1	178	132	185	191	<b>293</b>	53.4%
Cases Assigned	<u>467</u>	<u>457</u>	<u>405</u>	<u>487</u>	<u><b>448</b></u>	-8.0%
Total	645	589	590	678	<b>741</b>	9.3%
Cases Disposed	513	404	399	385	<b>489</b>	27.0%
Pending Dec. 31	132	185	191	293	<b>252</b>	-14.0%
<b>DIVERSION</b>						
Pending Jan. 1	387	176	263	182	<b>251</b>	37.9%
Cases Assigned	<u>479</u>	<u>640</u>	<u>572</u>	<u>676</u>	<u><b>512</b></u>	-24.3%
Total	866	816	835	858	<b>763</b>	-11.1%
Cases Disposed	690	553	653	607	<b>638</b>	5.1%
Pending Dec. 31	176	263	182	251	<b>125</b>	-50.2%
<b>SUPERVISION</b>						
Pending Jan. 1	776	780	669	687 <sup>a</sup>	<b>687</b>	0.0%
Cases Assigned	<u>902</u>	<u>725</u>	<u>749</u>	<u>771</u>	<u><b>1,051</b></u>	36.3%
Total	1,678	1,505	1,418	1,458	<b>1,738</b>	19.2%
Cases Disposed:						
Cases Closed	851	784	733	747	<b>841</b>	12.6%
Cases Committed	<u>47</u>	<u>52</u>	<u>71</u>	<u>24</u>	<u><b>39</b></u>	62.5%
Total	898	836	804	771	<b>880</b>	14.1%
Pending Dec. 31	780	669	614	687	<b>858</b>	24.9%

<sup>a</sup> Figure adjusted after an audit of the caseload.

Table 47

**DOMESTIC RELATIONS DIAGNOSTIC CASELOAD**

	1999	2000	2001	2002	2003	% Change 2002-2003
Pending Jan. 1	28	14	22	47 <sup>a</sup>	<b>32</b>	-31.9%
Cases Assigned	<u>113</u>	<u>135</u>	<u>101</u>	<u>163</u>	<u><b>230</b></u>	41.1%
Total	141	149	123	210	<b>262</b>	24.8%
Cases Closed	127	127	80	178	<b>178</b>	0.0%
Pending Dec. 31	14	22	43	32	<b>84</b>	162.5%

<sup>a</sup> Figure adjusted after an audit of the caseload.

# DOMESTIC VIOLENCE ACTIVITY

Table 48

## DOMESTIC VIOLENCE UNIT ACTIVITY

	1999	2000	2001	2002	2003	% Change 2002-2003
<b>INTRAFAMILY</b>						
Pending Jan. 1	174	182	209	253	<b>222</b>	-12.3%
Filings	3,481	3,715	3,738	3,895	<b>4,194</b>	7.7%
Reactivations	<u>842</u>	<u>778</u>	<u>758</u>	<u>656</u>	<b>628</b>	-4.3%
<b>Total for Disposition</b>	4,497	4,675	4,705	4,804	<b>5,044</b>	5.0%
<b>Dispositions</b>	4,313	4,465	4,452	4,579	<b>4,779</b>	4.4%
<b>Transferred Out</b>	2	1	-	3	-	-100.0%
<b>Pending Dec. 31</b>	182	209	253	222	<b>265</b>	19.4%
<b>U.S. MISDEMEANOR</b>						
Pending Jan. 1	1,435	892	905	731	<b>675</b>	-7.7%
Certified In/Filed	3,045	3,343	2,834	2,748	<b>4,392<sup>a</sup></b>	59.8%
Reactivations	<u>832</u>	<u>696</u>	<u>617</u>	<u>471</u>	<b>513</b>	8.9%
<b>Total for Disposition</b>	5,312	4,931	4,356	3,950	<b>5,580<sup>a</sup></b>	41.3%
<b>Dispositions</b>	4,420	4,026	3,625	3,275	<b>4,742<sup>a</sup></b>	44.8%
<b>Pending Dec. 31</b>	892	905	731	675	<b>838</b>	24.1%
<b>PATERNITY &amp; SUPPORT</b>						
Pending Jan. 1	72	73	65	98	<b>62</b>	-36.7%
Certified in	355	354	300	226	<b>237</b>	4.9%
Reactivations	<u>216</u>	<u>207</u>	<u>238</u>	<u>257</u>	<b>242</b>	-5.8%
<b>Total for Disposition</b>	643	634	603	581	<b>541</b>	-6.9%
<b>Dispositions</b>	513	511	443	461	<b>419</b>	-9.1%
<b>Transferred Out</b>	57	58	62	58	<b>52</b>	-10.3%
<b>Pending Dec. 31</b>	73	65	98	62	<b>70</b>	12.9%
<b>TOTAL PENDING CASELOAD</b>	1,147	1,179	1,082	959	<b>1,173</b>	22.3%

<sup>a</sup> Beginning 2003, domestic violence cases were filed directly with the Domestic Violence Unit. Previously these cases were first filed with the Criminal Division's Misdemeanor Branch and then certified to the Domestic Violence Unit. As a result, "no papered" cases are now included in case filings.



# SPECIAL OPERATIONS ACTIVITY

Table 49

<b>TAX DIVISION ACTIVITY</b>						
	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<b>2003</b>	<i>% Change 2002-2003</i>
Pending Jan. 1	539	281	248	272	<b>349</b>	28.3%
Filings	86	46	91	154	<b>179</b>	16.2%
Certifications from Divisions	1	-	1	1	-	-100.0%
Reinstatements	-	2	1	-	-	-
<b>Total for Disposition</b>	<u>626</u>	<u>329</u>	<u>341</u>	<u>427</u>	<b>528</b>	23.7%
Dispositions:						
Plea	7	2	3	6	<b>3</b>	-50.0%
Dismissed/Withdrawn	33	11	27	19	<b>34</b>	78.9%
Nolle Prosequi	-	1	1	-	-	-
Stipulations for Entry of Decisions	304	66	31	50	<b>76</b>	52.0%
Court Trials	-	-	1	1	<b>2</b>	100.0%
Summary Judgment Granted	1	-	4	2	<b>1</b>	-50.0%
Judgments	-	1	2	-	-	-
<b>Total Dispositions</b>	<u>345</u>	<u>81</u>	<u>69</u>	<u>78</u>	<b>116</b>	48.7%
<b>Pending Dec. 31</b>	281	248	272	349	<b>412</b>	18.1%

**Exhibit VIII:  
TREND IN TAX  
ACTIVITY**

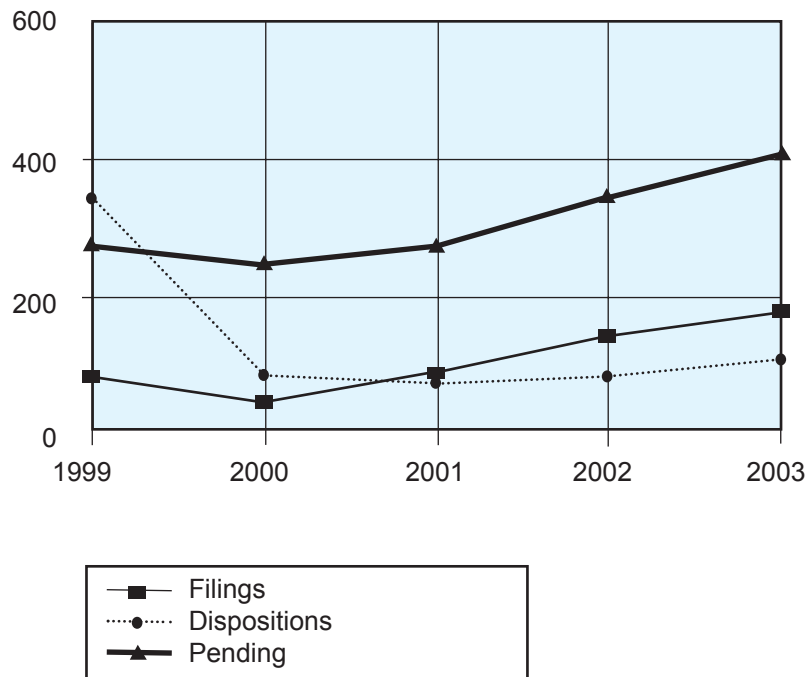


Table 50

**PETIT JUROR ACTIVITY**

	1999		2000		2001		2002		2003	
	<i>Daily</i>		<i>Daily</i>		<i>Daily</i>		<i>Daily</i>		<i>Daily</i>	
	<i>Total</i>	<i>Average</i>	<i>Total</i>	<i>Average</i>	<i>Total</i>	<i>Average</i>	<i>Total</i>	<i>Average</i>	<i>Total</i>	<i>Average</i>
Number of Days Jurors Reported	235	-	233	-	233	-	231	-	196	--
Jurors Reporting	49,983	213	47,948	205	46,229	198	47,488	205	46,318	236
Panel Requests	982	4	847	4	674	3	715	3	695	4
Jurors Sent to Voir Dire	43,383	185	38,417	165	31,819	136	33,472	144	35,366	180
Carryovers	35,291	150	31,516	135	26,880	115	28,178	122	26,916	137
Jurors Serving on Panels	10,119	43	8,813	38	6,953	30	7,608	33	7,852	40
Number of Times Judges Waited for Panels	656	-	392	-	337	-	362	-	319	-

Table 51

**JUROR PANEL UTILIZATION**

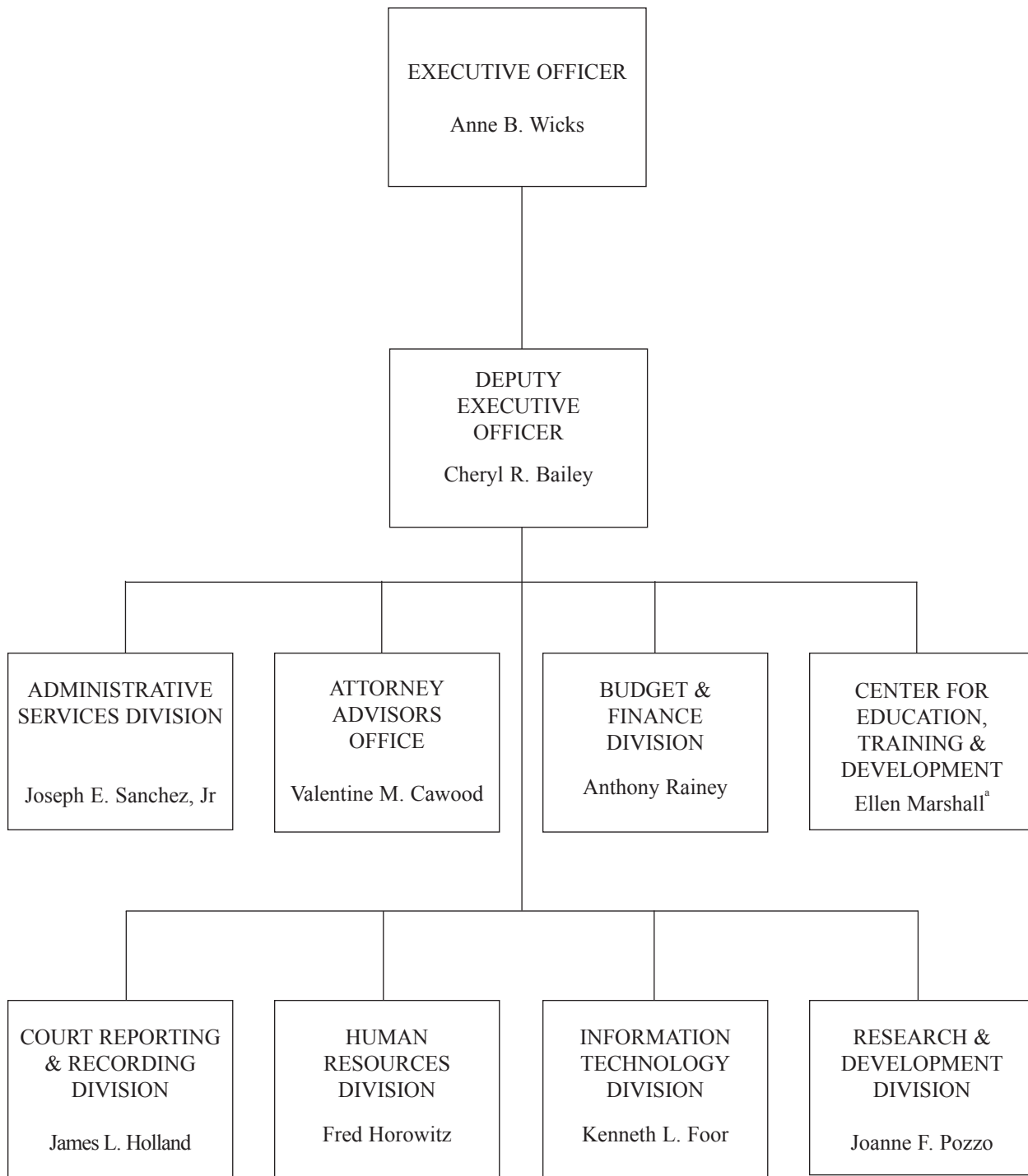
	1999		2000		2001		2002		2003	
	<i>Panels Sent</i>	<i>Trials Held<sup>a</sup></i>	<i>Panels Sent</i>	<i>Trials Held<sup>a</sup></i>	<i>Panels Sent</i>	<i>Trials Held<sup>a</sup></i>	<i>Panels Sent</i>	<i>Trials Held<sup>a</sup></i>	<i>Panels Sent</i>	<i>Trials Held<sup>a</sup></i>
	Type of Case:									
Felony	518	480	445	416	389	345	424	411	476	477
Misdemeanor	33	33	31	41	11	28	5	14	21	23
Civil	426	321	366	273	270	230	283	221	192	169
Other	5	5	5	5	4	3	3	2	5	2
<b>Total</b>	<b>982</b>	<b>839</b>	<b>847</b>	<b>735</b>	<b>674</b>	<b>606</b>	<b>715</b>	<b>648</b>	<b>694</b>	<b>671</b>

<sup>a</sup> Figures reported in this category represent the number of cases for which trials are held. For incidents involving multiple defendants, their individual cases may be joined for one trial. As a result, figures for "Trials Held," which represent number of cases, may be larger than "Panels Sent," which represent panels sent for each trial.

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# **COURT SYSTEM**

# COURT SYSTEM ADMINISTRATIVE STRUCTURE



<sup>a</sup> From January - July 2003.

## EXECUTIVE OFFICE OF THE D.C. COURTS

The District of Columbia Court Reform and Criminal Procedure Act of 1970 assigns responsibility for the administrative management of the District of Columbia Court System to the Executive Officer, and accordingly, the Executive Office staff. In keeping with the policies of the Joint

Committee on Judicial Administration, and in conjunction with the respective Chief Judges, this office oversees the administration of the courts, and serves as the primary provider of services for the Court System and the Joint Committee on Judicial Administration.

## COURT SYSTEM DIVISIONS & OFFICES

**Administrative Services Division.** The Administrative Services Division consists of four branches: 1) The Information & Communications Branch is responsible for telecommunications, information systems, and mailroom services; 2) The Building Operations Branch is responsible for design, engineering and construction services; space management; facilities management; parking and fleet management; building maintenance and repair services; and custodial services; 3) The Procurement and Contracts Branch is responsible for purchasing and contracting services, property and inventory management, records management, and staff relocation services; and 4) The Office Services Branch is responsible for reproduction and graphic services; records and stockroom management; property management and supplies and inventory. The ASSET HELPDESK is also a part of this branch and provides a customer service point of contact for the Administrative Officer.

**Attorney Advisors Office.** The Attorney Advisors Office performs a broad spectrum of advisory legal functions concerning matters affecting the administration of the Court. In addition, staff serves as legal advisor to the Superior Court's Rules Committee, the various Advisory Committees and Subcommittees, and the Board of Judges on all matters concerning revision of the Superior Court's Rules.

**Budget and Finance Division.** The Budget and Finance Division is comprised of four branches: 1) the Budget Branch; 2) the Accounting Branch which is responsible for maintaining accounting records and processing payments from the general appropriation and grant accounts; 3) the Finance and Banking Branch which processes support payments and collects all fees, fines and forfeitures, and accounts for monies held in the Registry of the Court; and 4) the Defender Services Branch.

**Court Reporting and Recording Division.** The Court Reporting and Recording Division is responsible for making a verbatim record of the proceedings in the various trial courts in the Superior Court, producing transcripts for filing in the Court of Appeals and the Superior Court, and preparing transcripts ordered by attorneys and litigants.



**Center for Education, Training, and Development.** The Center exists to create an active learning environment within the District of Columbia Courts. Center staff are committed to developing learning experiences for judges and other court personnel which will enhance their professional skills and knowledge. Classes in the law and judicial procedure, management and communication skills, word processing, Spanish language, diversity training and quality management support on-going training in each court division.

**Human Resources Division.** The Human Resources Division is responsible for consistent, uniform implementation of personnel policies adopted by the Joint Committee on Judicial Administration and for maintenance of official personnel records of employees. It develops and implements programs that enable the Courts to attract and employ staff with skills needed to achieve operational goals and objectives. In addition, the division maintains systems to: enhance development of staff; promote effective employee-management relations; and motivate staff to achieve optimum productivity. It facilitates staff participation in Federal retirement and benefit programs and assists management with establishment and maintenance of work environments conducive to high morale and job satisfaction. The Division also serves as the focal point for compliance with Federal and local statutes prohibiting discrimination in employment and promoting equal opportunity for women and members of minority groups who seek employment or participate in Court programs.

**Information Technology Division.** The Information Technology Division provides automated information and support to all divisions of the Court. The Division implements specialized computer-based systems to support case processing, such as Civil, Criminal, Family, Probate, Jury Management, and Probation; develops database management applications; and implements Local Area Networks and other management information systems.

**Research and Development Division.** The Research and Development Division conducts research, policy and management studies on court operations and administrative functions; coordinates grantseeking activities and monitors grants in progress for the D.C. Courts; prepares and disseminates statistical reports including the *Annual Report*; and undertakes other special projects such as the development of new court programs, management of courtwide program evaluations of operating divisions and survey analysis in support of the D.C. Courts' Strategic Planning Leadership Council. The Division has secured over \$20 million in grant funds to implement child protection mediation, community court, and the courtwide integrated case management system, among other initiatives. With support from the U.S. Department of Justice, the Division has directed development of a Family Treatment Court, a multi year effort to provide substance abuse treatment for parents charged with child abuse or neglect.

## REPORT OF ANNE B. WICKS, EXECUTIVE OFFICER DISTRICT OF COLUMBIA COURTS

Through our Strategic Plan, finalized in fiscal year 2003, the D.C. Courts strive to enhance the administration of justice; broaden access to justice and service to the public; promote competence, professionalism, and civility; improve court facilities and technology, and build trust and confidence. In 2003 progress was made in ensuring that the Courts infrastructure is sound so that the administration of justice is not compromised.

### **Enhancing the Administration of Justice**

Ensuring that court proceedings are recorded accurately and completely, and that high quality transcripts are produced timely is necessary for the effective administration of justice. To this end, the Court Reporting and Recording Division continued to increase transcript production through reengineering workflow processes. During 2003, a 61% reduction occurred in the number of outstanding cases (i.e. overdue transcripts from recorded proceedings between December 31, 2002 and December 31, 2003). In addition, the Courts contracted with CourtSmart Digital Systems Inc. to install a new audio and digital recording system in all courtrooms and hearing rooms. The new recording system will provide judicial officers with on-demand access to high-quality, reliable online audio.

Sound financial management and the prudent use of fiscal resources remained a priority for the Courts in FY 2003. For the fourth year in a row, the D.C. Courts obtained an "unqualified opinion" on the independent audit of the fiscal year financial statements of the Courts. This was the Budget and Finance Division's first comprehensive Annual Financial Report (CAFR). To further enhance financial management and accountability, budgetary management was decentralized to the division level in FY 2003, thereby allowing Division Director's the capability to track and monitor their budgets throughout the fiscal year. A new financial system - Pegasys - was implemented

to provide "real-time" financial information.

### **Broadening Access to Justice and Service to the Public**

The Information Technology Division helped the Court enhance access to justice and service to the public through the use of technology. A domestic violence satellite unit was established at the Greater Southeast Hospital providing efficient access to court services for domestic violence victims residing in Wards 7 and 8 through the use of video conferencing. The Court also embarked on a website and kiosk project to enhance access to court information by the general public and lawyers.

### **Promoting Competence, Professionalism and Civility**

As part of ongoing efforts to promote competence and professionalism of court personnel, several initiatives were implemented by the Human Resources Division. First, to enhance employee performance and recognize court employees for special achievements, the Courts implemented a Spot Incentive Award Program. Second, to increase the accountability of senior management and improve performance, the Court Executive Service Program (CES) was implemented in September 2003. Modeled after the federal government's Senior Executive Service, the Courts' CES Program was designed to ensure that the executive management of the District of Columbia Courts is responsive to the needs, policies, and goals of the Courts and its customers and stakeholders. As part of the program, a new executive performance planning and evaluation tool was developed that links job performance to the strategic goals, objectives, and strategies identified in the Courts' Strategic Plan.

To ensure service to the increasing Latino community in the District of Columbia, key positions were designated as bilingual in all of the public offices of

the Court. Also, the Human Resources Division networked with several Latino community and professional organizations to expand the Latino recruitment pool.

Enhancing staff skill development and providing the support necessary to achieve excellence remained a court goal. The Center for Education, Training and Development offered staff and management training courses, several in partnership with the National Center for State Court's Institute for Court Management. Training was provided in effective writing, managing court financial resources, advanced caseload management, performance management, leadership, change management, customer service, and computer skills. A joint Judicial/Management Training Conference was held in May 2003 on the topic of "Leading Organizational Change". Using the Courts' Strategic Plan as the focal point, the conference discussed leadership principles and the role of leaders in implementing organizational change.

Finally, several employee benefits were introduced or expanded during 2003. The Federal Flexible Spending Account and the College Savings Plan were included as new benefits, the Commuter Option Program was expanded, and D.C. Court employees became eligible for the Federal Long Term Care Program. In July 2003, the Courts contracted to provide an Employee Assistance Program (EAP) that includes counseling, referrals to other agencies, and family member services.

### **Improving Court Facilities and Technology**

During 2003 the major focus in the Information Technology Division was the implementation of the Integrated Justice Information System (IJIS), a multi-year, three-phase program to replace approximately 20 independent case management systems. In the first phase of IJIS, which meets the Family Court Act of 2001 mandates, the IT Division migrated 500 end users to IJIS, on time and on budget. To mitigate risk, the first phase was implemented in two waves: the first for the abuse and neglect, adoption, and juvenile caseloads of the Family Court, the Social Service Division, and part of the Multi-

Door Dispute Resolution Division; and the second wave brought the Domestic Violence Unit, as well as the remaining divisions of the Family Court including Domestic Relations, Marriage Bureau, Council for Child Abuse and Neglect, and Mental Health and Mental Retardation, on-line.

In concert with the IJIS implementation, the IT Division instituted processes to improve governance, control and performance of the D.C. Courts' information systems through the creation of an Information Technology (IT) Steering Committee. The IT Steering Committee established new policies and directives for information technology, adopted an enterprise architecture to standardize technology investments, and instituted processes to manage IT that are based on a common systems engineering lifecycle and Capability Maturity Model Integration (CMMI) best practices. Improvement of IT performance is a multi-year strategic initiative, and the IT Division plans to obtain independent third-party certification of compliance with CMMI, demonstrating the achievement and sustainability of disciplined processes for IT.

Significant computer equipment upgrades and information security improvements were also instituted. The IT Division began consolidating IT infrastructure to improve reliability. A new information security directive was prepared, and the IT Division took significant steps to defend against threats to the confidentiality, integrity and availability of information systems. Instituting organizational improvements, including hiring an information security administrator, forming a change control board, and dedicating staff resources to quality assurance and best practices contributed to the success of these projects.

Another major accomplishment for the Courts in 2003 was the initiation of the Interim Family Court Space Plan, which is being managed by the Administrative Services Division. The interim space plan, to be completed in the summer of 2004, will fully consolidate the public functions of the Family Court on the JM level of the Moultrie Courthouse. To free space for the Family Court, Landlord and Tenant and Small

Claims were relocated from the JM level to newly renovated space in Building B. Construction on the JM level of the courthouse began in December 2003 and will provide three new courtrooms, three new hearing rooms, the Mayor's Social Services Liaison Office, a Centralized Family Court Intake Center, a family-friendly child waiting area, and a new Family Court entrance.

A Judiciary Square Master Plan, an urban design plan, was requested of the Courts by the National Capital Planning Commission (NCPC) prior to the commencement of construction in the Judiciary Square area. The Judiciary Square Master Plan addresses several important areas, including access, service, circulation and security. The draft plan was submitted to NCPC in June 2003 and approved in August 2003. The final plan will be submitted in March 2004.

To further enhance courthouse security, the Administrative Services Division initiated a major upgrade of the security system. Included in the project is an upgrade of the equipment in the Security Command Center with current state of the art equipment and the installation of a new control access system. Also, in an effort to improve emergency preparedness, emergency kits were purchased for all court employees and shelter-in-place procedures were developed in the event that an emergency requires persons to remain in court buildings.

#### **Building Trust and Confidence**

During 2003, the Research and Development Division secured over \$2 million in grant funds to support the implementation of new court initiatives and to enhance existing program operations. Funds from the U.S. Department of Justice's Edward Byrne Memorial Block Grant Program were obtained to enhance the security of the Courts' Integrated Justice Information System (IJIS) and to permit the sharing of select case information with other District of Columbia social service and law

enforcement agencies. Byrne funding was also combined with State Justice Institute technical assistance for the Criminal Division's Community Court to convene town hall meetings and to employ national experts from the Center for Court Innovation to design a transition of the Community Court from a pilot to a permanent, operational program. Grant funds were also obtained from the federal Office of Victims of Crime to support services to a growing number of crime victims in the District. Through the Division's efforts, grant support for the Family Court continued in 2003 for the Permanency Resolution Project, which expedites adoptions or other permanent placements for children in foster care, and the Court Improvement Program, which assesses and improves child abuse and neglect proceedings. Funding continued from the U.S. Justice Department's Violence Against Women Act (VAWA) Program for the operations of the Superior Court's Domestic Violence Intake Center at Greater Southeast Community Hospital and for the Court's Supervised Child Visitation Center, a neutral, child-friendly drop-off and pick-up center for non-custodial parents in domestic violence cases.

The D.C. Courts' FY 2003 appropriation included funding for independent, multi-year evaluations of the Multi-Door Dispute Resolution Division's alternative dispute resolution program and the effectiveness of the Social Services Division's juvenile probation services. The Research and Development Division is managing both program evaluations for the D.C. Courts to ensure the timely, cost-effective completion of these projects.

During 2003, the District of Columbia Courts made significant strides in enhancing the administration of justice and ensuring a sound infrastructure to achieve our vision of being - "Open to All - Trusted by All - (and providing) Justice for All."

# COURT REPORTING AND RECORDING ACTIVITY

Table 52

<b>TRANSCRIPT PRODUCTION FROM AUDIO TAPES</b>						
	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>% Change 2002-2003</i>
<b>Pages Produced by Court</b>						
<b>Transcribers-Typists</b>						
Appeal Pages	3,568	3,060	4,589	5,004	<b>7,020</b>	40.3%
Non-Appeal Pages	11,836	11,423	14,552	14,836	<b>21,065</b>	42.0%
Mental Health Transcripts	941	714	494	421	<b>178</b>	-57.7%
Judge-Ordered Transcripts	1,113	512	433	859	<b>647</b>	-24.7%
<b>Total</b>	<b>17,458</b>	<b>15,709</b>	<b>20,068</b>	<b>21,120</b>	<b>28,910</b>	36.9%
<b>Pages Produced by Transcription Services</b>						
Appeal Pages	14,072	14,734	30,201	46,652	<b>36,730</b>	-21.3%
Non-Appeal Pages	20,294	33,699	34,378	46,716	<b>33,577</b>	-28.1%
Mental Health Transcripts	-	-	388	-	<b>195</b>	100.0%
Court Official-Ordered Pages	-	-	-	-	<b>120</b>	na
<b>Total</b>	<b>34,366</b>	<b>48,433</b>	<b>64,967</b>	<b>93,368</b>	<b>70,622</b>	-24.4%
<b>Total</b>	<b>51,824</b>	<b>64,142</b>	<b>85,035</b>	<b>114,488</b>	<b>99,532</b>	-13.1%
Cases Outstanding on Dec. 31	815	1,007	726	377	<b>148</b>	-60.7%
Transcriber-Typists Positions	6	5	5	7	<b>7</b>	0.0%
Average Days for Completion Time <sup>a</sup>	120	100	170	220 <sup>a</sup>	<b>120</b>	-45.5%

<sup>a</sup> The significant decrease in the "Average Days for Completion Time" is a direct result of the Central Recording and Transcription Branches reengineering efforts in addition to an increase in staff.

Table 53

<b>TRANSCRIPT PRODUCTION BY COURT REPORTERS</b>						
	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>% Change 2002-2003</i>
<b>Pages Produced by Court Reporters:</b>						
Appeal Pages	215,397	249,049	174,406	184,546	<b>167,384</b>	-9.3%
Non-Appeal Pages	140,350	136,390	124,336	143,863	<b>133,059</b>	-7.5%
Pages for Judges	186	181	88	267	<b>394</b>	47.6%
<b>Total</b>	<b>355,933</b>	<b>385,620</b>	<b>298,830</b>	<b>328,676</b>	<b>300,837</b>	-8.5%
Number of Appeal Orders Processed	1,387	1,143	1,188	1,493	<b>1,285</b>	-13.9%
Ratio of Appeal Pages to Total Pages Produced	60.5	64.5	58.3	56.1	<b>55.7</b>	-0.7%
Cases Outstanding on Dec. 31	1,040	663	360	277	<b>637</b>	130.0%
Court Reporters	40	39	37	39	<b>39</b>	0.0%
Average Days for Completion	40	70	89	101	<b>38</b>	-62.4%