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*2004*  
ANNUAL REPORT

*Open to All ♦ Trusted by All ♦ Justice for All*



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# 2004 ANNUAL REPORT

*Open to All ♦ Trusted by All ♦ Justice for All*



**TO THE JOINT COMMITTEE  
ON JUDICIAL ADMINISTRATION  
IN THE DISTRICT OF COLUMBIA**

I hereby transmit the 2004 Annual Report of the District of Columbia Courts, pursuant to District of Columbia Code, Section 11-1701(c)(2) and 1745(a). Statements from the Honorable Annice M. Wagner, Chair of the Joint Committee on Judicial Administration and Chief Judge of the District of Columbia Court of Appeals, and the Honorable Rufus G. King, III, Chief Judge of the Superior Court of the District of Columbia, are included herein.

During 2004, the D.C. Courts continued to make public service a priority through infrastructure enhancements and operational improvements. Architectural design work for the restoration of the historic Old Courthouse for the District of Columbia Court of Appeals continued, with the design receiving approval from the Commission on Fine Arts and the National Capital Planning Commission; the JM-level of the Moultrie Courthouse was substantially renovated and redesigned to accommodate new courtrooms, hearing rooms and family-friendly waiting areas for the Family Court; and plans to renovate Buildings A and C for the future placement of operating divisions was initiated.

We are particularly proud of the progress made toward implementation of a new courtwide case management system — IJIS (the Integrated Justice Information System) — which is a multi-year project. This past year IJIS “went live” in our Probate Division, Tax Court and Small Claims and Landlord & Tenant Branches of the Civil Division. IJIS implementation also was completed in Family Court.

Services to the public were improved with the opening of a Centralized Intake Center in Family Court; the establishment of a Pro Se Resource Center in Landlord and Tenant; and the continued implementation and expansion of the Criminal Community Court. In addition, the administration of justice was further enhanced in 2004 when all court divisions and operations developed management action plans (MAPs) to meet the Courts’ strategic planning goals.

I am proud of our accomplishments over the past year and our continued commitment to administer fair and efficient justice to the citizens of the District of Columbia.



Anne B. Wicks  
Executive Officer  
District of Columbia Courts

District of Columbia Courts  
500 Indiana Avenue, N.W.  
Washington, D.C. 20001  
(202) 879-1700  
[www.dccourts.gov](http://www.dccourts.gov)

# TABLE OF CONTENTS

<b>JOINT COMMITTEE ON JUDICIAL ADMINISTRATION</b>	
<b>Report of Chief Judge Annice M. Wagner, Chair of the Joint Committee</b> .....	2
Organization of the District of Columbia Courts.....	17
Organization Chart of the District of Columbia Courts.....	18
<b>Report of Executive Officer Anne B. Wicks</b> .....	19
<b>BUDGET AND FINANCE</b>	
District of Columbia Courts' Finances .....	22
Operating Budget .....	23
Capital Budget.....	23
Defender Services.....	24
<b>STRATEGIC PLAN IN ACTION</b> .....	25
Overview of Strategic Management .....	26
<b>COURT OF APPEALS</b>	
Judges of the Court of Appeals.....	30
<b>Report of Chief Judge Annice M. Wagner</b> .....	31
Significant Decisions of the Court of Appeals in 2004 .....	45
<b>COURT OF APPEALS STATISTICS</b>	
Filings by Category & Ratio to Dispositions.....	51
Dispositions by Method, 2000-2004 .....	51
Motions & Petitions, 2000-2004 .....	51
Time on Appeal .....	52
Bar Admissions .....	52
Bar Disciplinary Actions .....	52
<b>SUPERIOR COURT</b>	
Magistrate Judges .....	54
<b>Report of the Chief Judge Rufus G. King, III</b> .....	55
<b>SUPERIOR COURT STATISTICS</b>	
Superior Court Case Activity for 2004 .....	59
New Case Filings.....	60
Case Dispositions .....	61
Pending Caseloads .....	62
<b>CIVIL DIVISION</b>	
Civil Division Case Activity for 2004 .....	66
Civil Division Pending Caseload, 2004 .....	64
Civil Division Caseload Trends, 2000-2004 .....	65

**CRIMINAL DIVISION**

Criminal Division Case Activity for 2004 ..... 67  
Criminal Division Pending Caseload, 2004 ..... 67  
Criminal Division Caseload Trends, 2000-2004 ..... 68

**DOMESTIC VIOLENCE UNIT**

Domestic Violence Activity for 2004 ..... 70  
Domestic Violence Pending Caseload, 2004 ..... 70  
Domestic Violence Caseload Trends, 2000-2004 ..... 71

**FAMILY COURT OPERATIONS**

Family Court Operations Case Activity for 2004 ..... 73  
Family Court Pending Caseload, 2004 ..... 73  
Family Court Operations Caseload Trends, 2000-2004 ..... 74

**FAMILY COURT SOCIAL SERVICES**

Social Services Activity for 2004 ..... 76  
Juvenile Supervision, 2000-2004 ..... 76

**PROBATE DIVISION**

Probate Division Case Activity for 2004 ..... 78  
Account and Fee Activity, 2000-2004 ..... 78  
Probate Division Case Activity ..... 78

**MULTI-DOOR DISPUTE RESOLUTION**

Civil Alternative Dispute Resolution Activity, 2000-2004 ..... 80  
Family/Community Alternative Dispute Resolution Activity, 2000-2004 ..... 81  
Community Information and Referrals, 2004 ..... 81

**SPECIAL OPERATIONS DIVISION**

Tax Division Case Activity, 2000-2004 ..... 82  
Petit Juror Activity, 2000-2004 ..... 82  
Appeals Coordinators Office ..... 82  
Office of Court Interpreting Services ..... 82

**OTHER COURT INITIATIVES**

Auditor Master Case Activity, 2004 ..... 84  
Crime Victims Compensation Program, 2003-2004 ..... 84

**COURT SYSTEM**

**COURT REPORTING ACTIVITY**

Transcript Production from Audio Recordings, 2000-2004 ..... 87  
Transcript Production by Court Reporters, 2000-2004 ..... 87  
Transcript Production, 2000-2004 ..... 87

JOINT  
COMMITTEE  
ON  
JUDICIAL  
ADMINISTRATION



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

Chief Judge Rufus G. King, III    Judge Michael W. Farrell  
*Superior Court of the                  District of Columbia  
District of Columbia                  Court of Appeals*

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

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

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

The Joint Committee on Judicial Administration in the District of Columbia 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 2004 were Chief Judge Annice M. Wagner, chair, Chief Judge Rufus G. King, III, Judge Michael Farrell of the Court of Appeals, and Judges Geoffrey M. Alprin and Judge Lee F. Satterfield<sup>1</sup>, of the Superior Court. By statute, there is an Executive Officer for the District of Columbia Courts, who is responsible for the

<sup>1</sup> Judge Satterfield began serving on the Joint Committee on March 30, 2005, when he succeeded Judge Nan R. Shuker who retired as an Associate Judge and assumed senior status.

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 that the Courts operate within budget, and to address policy matters affecting the Courts. The Committee also holds special meetings as necessary throughout the year in order to discharge its responsibilities.

## **STRATEGIC PLAN**

The 2004 calendar year marked the second year of the District of Columbia Courts' implementation effort to integrate enterprise-level strategic planning and performance assessment into the Courts' operations. Entitled *Committed to Justice in the Nation's Capital, Strategic Plan of the District of Columbia Courts 2003 –2007*, the Plan identifies five strategic areas vital to the administration of justice:

- ▷ *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.*

Guided by the 18 goals and 67 strategies contained in the Plan, court divisions are tasked with executing the courtwide strategies through Management Action Plans (MAPs), which are division-level plans that identify actions they will take to help achieve courtwide goals. 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.

The Courts' Strategic Planning Leadership Council (SPLC), which developed the Strategic Plan, continues to play an important role as the Plan is implemented. 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 from the Court of Appeals, Superior Court, and Court System. Throughout the implementation phase, the SPLC will monitor the Courts' progress in achieving the goals of the Strategic Plan, facilitate communication and collaboration among divisions, committees, and other entities implementing strategic initiatives, and report periodically to the Joint Committee. The SPLC will also ensure that the Courts continue to seek input from the community on matters related to the achievement of the Courts' vision as reflected in its mission statement, Open to All, Trusted by All, Justice for All.

## **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, 2004, Public Law No. 108-199, the Courts' appropriation is to be apportioned quarterly by OMB and obligated and expended as funds for other Federal Agencies. Payroll and financial services are provided by the General Services Administration on a contractual basis.

#### **FY 2004**

For FY 2004, which began on October 1, 2003, Congress appropriated \$167,765,000 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, \$8,775,000; Superior Court, \$83,387,000; Court System, \$40,006,000; and capital improvements for courthouse facilities \$35,597,000. Congress provided the funds for court-appointed attorney programs in a separate account, appropriating \$32,000,000 for Defender Services in the District of Columbia Courts.

To support the Courts' commitment to serve the public in our Nation's Capital, the President and Congress provided funds to maintain court services at the current level. Increases for the operating budget were limited to inflationary changes and funding for COLAs. The Joint Committee carefully reviewed and monitored the Courts' FY 2004 spending plan and its execution to ensure responsible stewardship of these funds.

The FY 2004 appropriation for capital improvements provided a significant increase over the funding provided in FY 2003; however, many years of very limited funding has forced deferral of basic maintenance to the Courts' facilities, and several years of adequate funding will be required to restore the facilities to acceptable condition. The sum appropriated, \$35.6 million, provided \$13.7 million for health and safety projects, \$15.9 million for projects to rebuild the Courts' infrastructure, and \$6.0 million for the Integrated Justice Information System.

For restoration of habitability to the Old Courthouse at 451 Indiana Avenue, the appropriation provided \$4.5 million to construct the garage portion of the project. Major funding for the construction phase of the Old Courthouse restoration will be needed in FY 2005. Restoration of this architectural jewel for use by the Court of Appeals is key to meeting the space needs of the entire court system, including the Superior Court and the Family Court.

#### **FY 2005**

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 2005 request focused on addressing these requirements. The FY 2005 appropriation, enacted October 18, 2004, for the fiscal year beginning October 1, 2004, provided \$190,800,000 for the Courts' operating and capital budget, and \$38,500,000 for Defender Services. Increases for the operating budget were limited to inflationary changes and funding for COLAs. These appropriations continue to support many of the Courts' most critical capital priorities, including restoration of the Old Courthouse and implementation of the Facilities Master Plan. Only limited capital funding is included for maintenance of the Courts' existing facilities, which will cause deferral of some maintenance projects.

D Investing in Infrastructure. The FY 2005 capital request reflected significant study and planning detailed in the D.C. Courts' first-ever Master Plan for Facilities, completed in partnership with the General Services Administration (GSA) in December 2002. In devel-

oping the Master Plan, GSA analyzed the Courts' current and future space needs, particularly in light of caseload projections, criminal justice and court management trends, and the significant space needs of the Family Court. Today the Courts have a space shortfall of nearly 45,000 occupiable square feet, which is projected to rise to a 134,000 square feet shortfall over the next ten years. The Master Plan recommended a three-part approach to meeting the Courts' space shortfall: (1) relocation of the D.C. Court of Appeals to the Old Courthouse at 451 Indiana Avenue to make critical additional space available in the Moultrie Courthouse to accommodate the Family Court and other Superior Court operations and to meet the space needs of the Court of Appeals; (2) construction of an addition to the Moultrie Courthouse to accommodate fully consolidated and state-of-the art Family Court facilities; and (3) acquisition of Building C, adjacent to the Old Courthouse, currently occupied by the District government, to house operations to be displaced from the Moultrie Courthouse as a result of the Family Court consolidation. The Courts' capital budget request included funds to implement the Master Plan and to maintain the Courts' existing infrastructure.

Before the D.C. Court of Appeals can be relocated to the Old Courthouse, that facility must be restored and adapted for use as a modern, functioning courthouse. Built from 1820 through 1881, the Old Courthouse is uninhabitable in its present condition and requires extensive work to ensure that it meets health and safety building codes. The Old Courthouse is an architectural jewel located in one of the significant green areas of the District in the original L'Enfant Plan for the capital city. Project design activities began in June 2003, and construction of the accompanying garage, which will be shared with the U.S. Court of Appeals for the Armed Forces, will begin during fiscal year 2005. Any delay in funding the restoration of the Old Courthouse will only increase costs, which have *more than tripled* since a 1993 study estimated the cost. Restoring this historic landmark to meet the urgent space needs of the Courts and preserving it for future generations are critical priorities for the District of Columbia Courts. Included in the capital budget request were funds for construction of the Old Courthouse restoration project; however, Congress opted to phase this part of the project over two fiscal years, providing \$25.7 million in FY 2005 to begin the construction work and expressed its support for funding the balance in FY 2006.

Also included in the capital budget request were funds to begin work on the Moultrie Courthouse expansion, as delineated in the Master Plan, including the design phase of the C Street Expansion, which is an addition planned for the south side of the Moultrie Courthouse. This addition will complete the facilities enhancements for the Family Court, providing, for example, a new family-friendly entrance for the Family Court, space for child protection mediation, increased Child Care Center space, and safe and comfortable family waiting areas. The addition will permit the Family Court's co-location with the Social Services Division, the District's juvenile probation operation, as well as the District government's social service agencies that provide needed services to families and children in crisis. A portion of the addition will meet critical space needs for Superior Court operations. The request also included (1) \$3,900,000 to renovate and expand space in the Moultrie Courthouse for the juvenile holding area and (2) \$4,000,000 for the first phase of the renovation and reorganization of the Moultrie Courthouse, to make optimal use of existing space as envisioned in the Master Plan. Funding provided for the juvenile holding area and the renovation and reorganization of the Moultrie Courthouse will permit the Courts to move forward in implementing the Master Plan. However, funding was not adequate to permit the design of the C Street Expansion, so that project has been deferred.

D Enhancing Public Security. To meet the increased security threat post September 11, 2001, the Courts requested \$6,956,000. Included in this figure are: \$956,000 in operational expenditures for additional contractual security officers and \$6,000,000 to finance

capital security improvements recommended by a U.S. Marshal Service Physical Security Survey and a GSA Preliminary Engineering Report, including design, construction, and installation of a new security system, as well as additional security cameras, duress alarms and upgrades. Funds for this purpose were not appropriated in FY 2005; therefore this phase of the ongoing security enhancement project has been deferred.

D Investing in Information Technology (IT). The Courts are mandated to operate an automated, integrated case management system to provide accurate, comprehensive case data across every operating area and appropriate case data to the judiciary, the District's child welfare and criminal justice communities, and the public. To meet this mandate and achieve the Courts' strategic goal of improving court technology, the Courts requested \$6,729,000 and 6 FTEs in FY 2005. This amount included \$3,899,000 in the operating budget for infrastructure enhancements, upgrade of IT operations and implementation of the disciplined processes the General Accounting Office (GAO) had recommended for the Integrated Justice Information System (IJIS) project. In addition, the Courts' capital budget request included \$2,283,000 to finance FY 2005 procurement of IJIS, which the Court had launched in FY 1999. Funds for the FY 2005 procurement of IJIS were appropriated.

D Strengthening Defender Services. In recent years, the Courts have devoted particular attention to improving the financial management and reforming the administration of the Defender Services programs. For example, the Courts have significantly revised the Criminal Justice Act (CJA) Plan for representation of indigent defendants and taken steps to ensure that CJA claims are accompanied by adequate documentation and that highly qualified attorneys participate in the program. To enhance the financial management of the CJA program, the Courts assumed responsibility for issuing attorney claim vouchers from the Public Defender Service (PDS). Consolidation of responsibility for all financial management aspects of the Defender Services programs enables the Courts to estimate more accurately program obligations throughout the voucher processing cycle.

In the Defender Services account, the FY 2005 budget request represented a net increase of \$18,500,000 over the FY 2004 Enacted level of \$32,000,000 to fund hourly rate increases. Of the total request, \$9,500,000 would provide appropriated funding for the March 2002 rate increase for Defender Services attorneys and investigators. This increase, enacted in the D.C. Appropriations Act, 2002, has been funded previously through a reserve in the account. The reserve is now depleted, therefore additional funding is required. Also included in the total request was \$9,000,000 for an increase in the hourly compensation rates for attorneys from \$65 to \$90, to keep pace with the rate paid court-appointed attorneys at the Federal courthouse across the street from the D.C. Courts.

Although the Courts received an appropriation sufficient to cover many of the Courts' needs for FY 2005, some of the initiatives 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 the courts' 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 continues to seek sufficient funding to meet these critical needs and other demands on the Courts.

## **ENHANCING THE ADMINISTRATION OF JUSTICE**

Fair and timely court processes and the effective and efficient use of the Courts' resources are central to the Courts' mission. In 2004, the Courts continued to work to administer justice fairly, promptly, and efficiently. Enhancing jury service and improving the court record were areas of special focus.

### **Digital Recording System**

In 2004, a new digital recording system to capture courtroom proceedings, CourtSmart, was installed throughout the Courts' facilities in conjunction with training for court staff. The new system, operational on September 1, 2004, is expected to facilitate and expedite transcript production. The digital system maintains recordings in a readily available manner for a full year, eliminating the time-consuming process needed in the previous recording system to retrieve proceedings. A second component of the CourtSmart project is upgrading the sound systems in all of the courtrooms and hearing rooms, which will enhance the quality of audio.

### **Enhancing Jury Service**

In December 2004, the D.C. Courts hosted U.S. Supreme Court Associate Justice Sandra Day O'Connor and representatives of the American Bar Association (ABA) as they released new draft national standards developed under the auspices of the ABA's American Jury Initiative. Justice O'Connor addressed a group of prospective jurors in the Moultrie Courthouse Jurors' Lounge, calling jury service one of the highest civic duties. The D.C. Courts provide several exemplary services for jurors, including the Child Care Center and the Jurors Business Center, which Justice O'Connor commended.

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

The Courts recognize the increasing diversity of the community and seek to ensure that all District residents have full access to the courts. In 2004, the Courts conducted several activities to meet this need.

### **Website**

The D.C. Courts launched a new website in July 2004 to replace its earlier one. Every office and division within the Courts participated in a comprehensive effort to prepare materials for the Internet. The website is designed to provide to the public information that is helpful and easy to use. Information available on the website includes the following: divisions' hours of operations, phone numbers, directions to the courthouse, juror procedures, self-represented litigant assistance, use of the child care center, and availability of interpreter services, among many others. Visitors to the website can also access Court of Appeals decisions, a child support calculator, court forms, and this Annual Report. Key information on the Courts, including interpreter services, is available in Spanish and other frequently-requested languages.

The website is part of a Kiosk initiative launched in 2003 that, when completed, will also deploy approximately ten information kiosks in the community. A Kiosk MAP Team coordinated the development and implementation of the new Internet site, holding a series of focus groups with both internal and external users to determine requirements for the project.

Additional capabilities are to be added to the website, which will be accessible from the kiosks, including an interactive juror services component which will enable potential jurors to complete the Juror Questionnaire, request a postponement of a jury service date, or check their last date of jury service. The Joint Committee envisions the website as an important and evolving tool to enhance public access to the Courts.

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

The Joint Committee on Judicial Administration in the District of Columbia established the *Standing Committee on Fairness and Access to the District of Columbia Courts* (*Standing Committee*) to continue, on a permanent basis, the work of the earlier Task Forces on Racial, Ethnic and Gender Bias in the District of Columbia Courts. These task forces released reports in 1992 with recommendations for the elimination and monitoring of bias in the administration of justice. The *Standing Committee* addresses problems identified by the 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 seeks to improve community access to the Courts, enhance public trust and confidence in the courts, monitor compliance with the Americans With Disabilities Act, and generally improve the quality of service provided to court users.

The D.C. Courts hosted the annual meeting of the National Consortium on Racial and Ethnic Fairness in the Courts (National Consortium) in April 2004. The meeting was attended by persons who work in the area of racial and ethnic fairness in the judicial system and the conference theme was *50 Years After Brown; A National Dialogue on Racial & Ethnic Fairness in the Courts*. The Supreme Court case, *Brown vs. Board of Education of Topeka* and its companion case from the District of Columbia, *Bolling v. Sharpe*, inspired the conference participants to continue the challenging task of identifying and eliminating any unfairness and systemic biases in the administration of justice.

Highlights of the conference included the keynote address by Jonathan M. Smith, Executive Director of the D.C. Legal Aid Society, who presented the twin challenges of equal justice and racial justice facing the courts. Startling statistics were presented on the lack of availability of attorneys for the indigent in the District of Columbia.<sup>2</sup> Congresswoman Eleanor Holmes Norton spoke about sentencing discrepancies. Chief Justice Ronald M. George (California), chair of the Conference of Chief Justices, spoke about that organization's support for the work that the National Consortium is doing, and he also discussed the work of the California fairness and access commission. Professor Genna Rae McNeil from the University of North Carolina gave a historical overview and the social context of the litigation. Also speaking about the *Brown* case was Charles J. Ogletree, Jr., Harvard University Law School Jesse Climenko Professor of Law. Historian Marya McQuirter moderated a panel that examined the social and legal history of the *Bolling* case and the impact that *Brown* had on Native Americans.

Two different curricula for teaching *Brown* to secondary school students were presented at the conference. One developed by Margaret E. Fisher, Esq., from the Washington State court system and the other by Dr. Janet Sims-Woods, from the Moorland-Spingarn Research Center at Howard University. John A. Payton, Jr., Esq., Dean Shelly Broderick of the David A. Clarke School of Law, and Dean Gilbert Holmes of the University of Baltimore Law School presented on the challenges of diversity in the law schools.

Court of Appeals Judge Vanessa Ruiz and Superior Court Judge José M. López addressed the issue of ensuring fairness for immigrants. Superior Court Judge Hiram E. Puig-Lugo and James W. Plunkett, one of the Courts' foreign language coordinators, made a presentation on the issues, challenges, and best practices of addressing linguistic minorities in the courts.

Following the 2002 conference, *Ensuring Fairness and Access in the Courts*, 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 pilot project proved successful and was incorporated into standard operating procedures in 2004.

Standing Committee staff in collaboration with the Courts' strategic planning effort, played a leadership role in developing the Courts' new internet website,

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<sup>2</sup> The District of Columbia Court of Appeals established an Access to Justice Commission to address this issue. For more information, see Report of Chief Judge Annice M. Wagner for the District of Columbia Court of Appeals in this Annual Report.

PERLINK”<http://www.dccourts.gov>”[www.dccourts.gov](http://www.dccourts.gov). Kiosks that will provide public access points for the website will be installed in 2005. The Hiring and Promotions Subcommittee continued its oversight role in reviewing compliance with the Courts’ affirmative employment plan in recruiting, hiring, and promoting staff. The Outreach Initiative Forums with court users continued and will continue in 2005.

### **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 legal and court-related careers. In March 2004, the fifth annual Youth Law Fair focused on the topic of gang violence. Nearly 200 students from D.C. area high schools participated in mock trials, filling the roles of judges, prosecutors, defense attorneys, civil litigators, and jurors. Judges and members of the bar offered guidance, providing a learning experience about the law and the criminal justice system. The Fair also featured “Youth Speak Out” sessions, in which the students participated in a discussion of how to prevent gang violence and a dialogue about the challenges of prosecuting gang members and addressing gang violence, informed by the mock trial experience. This event has reached nearly 1,200 area youth since its inception in 2000. All area high school students are invited.

### **Black History Month**

In February 2004, the Courts continued the tradition of celebrating Black History Month with a series of events designed to educate, enhance understanding, and commemorate. The first event was a tour of the Anacostia Museum to view the “Crowns” exhibit featuring photographs of African- American women in Sunday-best hats. The second event, “Hearing Our Voices Through Music and Poetry” featured moving performances by students from several D.C. schools. For the third event, Dr. Janet Sims-Wood gave an informative presentation on the history of *Brown vs. Board of Education* titled “Separate But Equal Has No Place.” Following the presentation, Law Clerk Nareissa Smith moderated a panel discussion on the theme “50 Years Later: Where Are We and Where Are We Going? *Brown vs. Board of Education*.” Panel participants included School Without Walls students, a member of the D.C. Bar, and a Howard University School of Law professor.

### **Hispanic Heritage Month**

In the fall, the Courts mark Hispanic Heritage Month with a series of activities for staff and the public to celebrate the Latino presence in the local community and abroad. For the first event, a group from the Courts visited the Inter-American Development Bank for a guided tour of an art exhibit, “Folk Art in Bolivia: Celebration of Everyday Life.” For the second event, “Latin-American Crafts - Treasures in D.C.,” a Bolivian artist discussed the varied materials she uses to produce art, and a representative from a Mexican craft store in Washington exhibited crafts handmade by Mexican artisans. For the third event, Inter-American Development Bank (IDB) representatives discussed “Economic and Social Development & Enhancing the Administration of Justice in Latin American and the Caribbean.” The program included an overview of the mission of the IDB as it relates to the Latino culture in Washington, D.C. and the work of the IDB to improve the administration of justice in Latin America. Finally, the series ended with the annual CORO Awards Ceremony. Coro is the Spanish word for choir, and the CORO Awards, standing for Community, Outreach, Recognition, and Opportunity, are given in recognition of outstanding service to the Latino community which has enhanced the lives of area Latinos and the



District of Columbia community in general. The 2004 CORO award winners were the Calvary Bilingual Multicultural Center, the Intake Services Office of the Social Services Division, John Machado, Matilde Springe, and William Agosto.

### **Court Signage**

To enhance the ability of the public to navigate the Courts' buildings, a program to replace and improve signage was continued in 2004. Permanent signage was installed on the JM and Indiana Avenue levels of the Moultrie Courthouse. The new ADA compliant signs clearly locate offices and divisions on these floors. In addition, the courtroom signs provide the name of the judge and many have space to post courtroom information, such as the day's docket. Permanent signage will follow on other floors of the Moultrie Courthouse as construction is completed.

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

A third strategic issue for the Courts is promoting the competence and professionalism of court personnel and enhancing civility among all court participants. The Courts' focus in this area included a performance management program and training as described below.

### **Performance Management**

In July 2004, the Courts implemented a new Performance Management Program for court staff, following the 2003 implementation of a new performance management system for senior administrators. The new program links employee performance appraisals to their individual and/or team contribution towards fulfillment of the Courts' strategic objectives through division MAPs. The program offers more levels of assessment, giving managers the opportunity to make more meaningful distinctions between employee performance levels. In addition to rating employee job performance based on the traditional elements and standards, the new program will assess employee performance in core competencies such as communication skills, customer service, job knowledge, dependability, integrity, and initiative. Extensive training on the new program was provided to employees and supervisors prior to its implementation.

### **Training**

As the Courts transition from a clerical to a knowledge-based workforce, staff training and development is essential. As part of this effort to enhance the professionalism and civility of court personnel, the Courts' Center for Education and Training continued providing customer service training to court employees. The Courts provided employees with a broad program of training opportunities, including classes on technology, basic skills, court operations, and leadership, management and supervisory development. In addition, targeted professional development programs were offered to deputy clerks, courtroom clerks, and judicial administrative assistants.

From April 29 through May 1, 2004, the Courts' judges and senior managers participated in a training conference designed to address potential barriers to successful implementation of one aspect of the Courts' Strategic Plan. Under the theme of *Building Trust and Confidence in the D.C. Courts*, judges and managers discussed performance standards, strategic leadership, conflict management, and the relationship between integrity and public trust, among other topics. Experts in various aspects of court management facilitated the conference.

## IMPROVING COURT FACILITIES AND TECHNOLOGY

### Facilities

The District of Columbia Courts process more than 150,000 cases each year and employ a staff of 1,200 who directly serve the public, process cases, and provide administrative support. The Courts' capital funding requirements are significant because they include funding for projects critical to maintaining, preserving, and building safe and functional courthouse facilities essential to meeting the 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 our court system. Capital improvements are an integral part of the Strategic Plan. 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. Thus, the Courts have developed a detailed Facilities Master Plan and, in 2004, reached a number of milestones on several projects.

The D.C. Courts occupy several 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 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 in prior years, the Courts have been able to take steps to prevent further deterioration of this important landmark and commence the process leading to the re-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, and are responsible for four buildings: 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 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>3</sup> and the inadequacy of the physical condition of the Courts' facilities.<sup>4</sup>

The Master Plan for D.C. Courts Facilities defined a present shortfall of 48,000 square feet of space, with a shortfall of 134,000 square feet projected in the next decade. The Plan proposes to meet the Courts' space needs through three mechanisms: (1) renovation of the Old Courthouse for use by this jurisdiction's court of last resort, 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 courts. Investment in the restoration of the Old Courthouse not only will improve efficiencies by co-locating functions for 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

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<sup>3</sup> Master Plan for D.C. Courts Facilities, 2002

<sup>4</sup> Building Evaluation Report, 2001

circulation systems – for judges, the public, and the large number of prisoners present in the courthouse each day. Built in 1978 for 44 trial judges, today it is strained beyond capacity to accommodate 62 trial judges and 24 magistrate judges in the trial court and 9 appellate judges, as well as senior judges and support staff for the two courts. Essential criminal justice and social service agencies also occupy office space in the Moultrie Courthouse. 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.

The Old Courthouse, the centerpiece of the historic Judiciary Square, was built from 1821 to 1881 and is one of the oldest buildings in the District of Columbia. Inside the Old Courthouse, Daniel Webster and Francis Scott Key practiced law and John Surratt was tried for his part in the assassination of President Abraham Lincoln. 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 highest court of the District of Columbia. At the same time, 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.

The architectural firm Beyer Blinder Belle Architects & Planners LLP was selected to design the restoration. In 2004, the plans received final approval from both the National Capital Planning Commission and the Commission of Fine Arts. The plans include a new entrance on the north side of the Old Courthouse that will provide universal access to the building and appropriate space for security functions. In addition, the interior will be restored both for historic preservation and for efficient service as a modern courthouse, and a ceremonial courtroom will be constructed to better accommodate the public. 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. Construction on both the garage and the Old Courthouse itself is scheduled to begin in 2005.

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 D.C. Courts have begun implementation of the Master Plan, relocating the Superior Court's two highest volume courtrooms, Small Claims and Landlord and Tenant, into Building B. This move vacated space in the Moultrie Building that was immediately renovated 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. The Interim Family Court Space Plan for the Family Court was completed and opened in July 2004.

The H. Carl Moultrie I Courthouse, built in the 1970's, although 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.

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 can be commenced in the area. The D.C. Courts have 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 (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 in August 2003. Review of the final plan is anticipated in May 2005.

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 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.

Master Plan for Facilities. The Courts have been working with GSA on a number of our capital projects since fiscal year 1999, when the Courts assumed responsibility for our 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. Court 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 use 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 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 visitors daily and (2) to make contiguous space available for the Family Court.

In 2004, the Courts leased commercial space in Gallery Place, near the courthouse, for administrative support functions formerly located in Building A. After successfully managing design and construction work to configure the space to accommodate court staff, the Courts began to move divisions from Building A to Gallery Place. The migration will be complete and phased renovation work will begin in 2005. New space for the Crime Victims Compensation Program was constructed in 2004 in Building A, which will remain partially occupied during construction. The new office space is light-filled, modern, and streamlined; it provides substantially more room; and it affords privacy to clients as they discuss their cases with court staff.

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.

*Interim Family Court Space Plan.* The Interim Space Plan for Family Court was completed in the fall of 2004, and procedural changes have been implemented within the Family Court to meet the requirements of the Family Court Act. Recently completed 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, Small Claims and Landlord and Tenant Branches of the Superior Court’s Civil Division, were relocated from the JM level of the Moultrie Courthouse to Building B to free space for the Family Court. Construction of space and system upgrades in Building B were completed and these Courts have been fully operational in their new location since December 2003.

Construction on the JM Level of the Moultrie Courthouse for the Interim Space Plan of the Family Court was completed in Fall 2004, and progress has been made toward establishing a fully consolidated Family Court. The Project provides the Family Court with three

new 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 were redesigned to create family-friendly seating and waiting areas. At a ribbon-cutting ceremony in September 2004, Congresswoman Eleanor Holmes Norton, House Majority Leader Tom DeLay, and Senator Mary Landrieu recognized the successful completion of the new space.

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, with its own identity and separate entrance, 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.

### **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 2004, the D.C. Courts continued 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 most divisions was planned to occur in phases, putting the system in operation in different units to ensure that operations were not disrupted and that the system functioned as planned. The system's first two go-live dates in Family Court were August 2003 and December 2003. In May 2004, the Probate Division and Tax Court implementation was completed. In July, the Courts successfully implemented the Paternity and Support module. The Small Claims branch, the first phase of the Civil Division implementation, followed.

In addition to IJIS, the Information Technology Division made other improvements to the technological environment needed to support the effective administration of justice. The Courts continued working toward certification in Capability Maturity Model Integration (CMMI) best practices. Tasks include implementation of a Web-based software package that automates user support, work order management, and change control; implementing new tools to manage IT infrastructure; and continuing a practice of promoting active involvement of Superior Court, Court System and Court of Appeals staff in IT programs, projects and operations through the IT Steering Committee and other working groups.

### **BUILDING TRUST AND CONFIDENCE**

The Courts continually strive to maintain the trust and confidence of litigants, attorneys, and others who participate in the justice system as well as the community at large. The Strategic Plan establishes three goals in this area: to inform the community about court operations and the role of the judicial branch; to be accountable to the public; and to be responsive to the community.

To enhance responsiveness to the community, the Courts instituted a program to seek regular feedback from the public and justice system participants about court operations and performance. All court divisions that interface with the public are implementing customer service surveys, the results of which will be regularly reviewed by court administrators and presiding judges.

In addition, the Courts hosted a *Courts –In-Partnership-With-Our-Community* town hall discussion series in 2004 to provide District residents an opportunity to talk with judges and court managers about the Courts and issues in their community. The town hall meetings were funded by a State Justice Institute grant, with additional support provided by the Council for Court Excellence. Approximately 300 residents participated in six meetings held in different geographic areas of the city. Residents expressed their appreciation of the Courts' willingness to come out into the community to listen to people's concerns, and they said they gained a greater understanding of the Courts. For the Courts, the meetings were especially significant in highlighting the extent to which residents look to the Courts to take a leadership role in solving complex community problems such as drug use, unemployment and truancy.

## **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.

## 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.

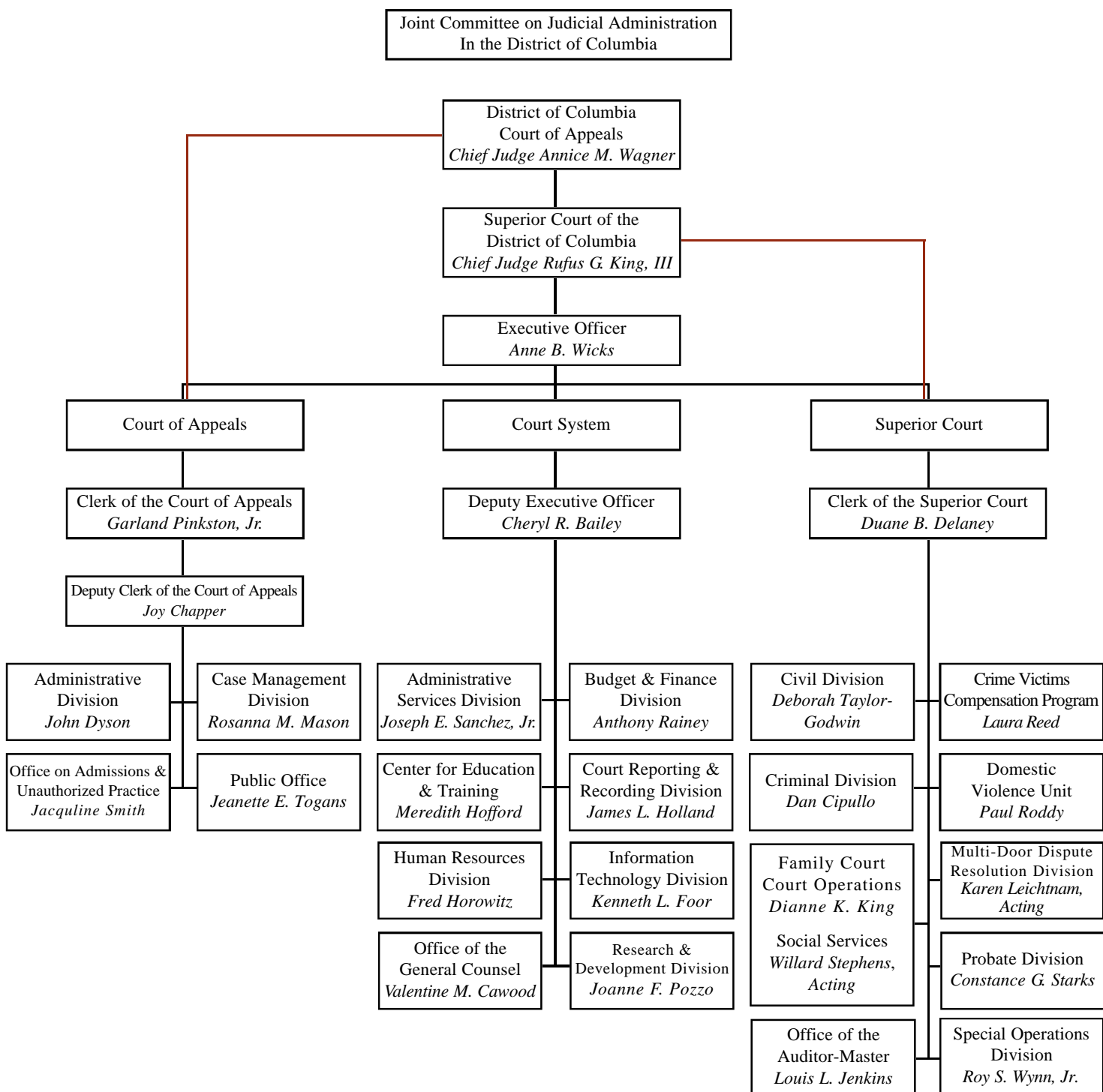
**Appellate Court:** The District of Columbia Court of Appeals is the highest court of the District of Columbia. It has nine judges who sit in three-judge panels; on rare occasions the Court sits en banc. The Court of Appeals reviews all appeals from the Superior Court, as well as decisions and orders 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.

**Trial Court:** 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 processes 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. It consists of two divisions: Family Court Operations and Social Services. 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 supportive social services, community supervision, and recommendations to permit the Court to make decisions in the adjudication process. 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 including the directors of strategic planning and intergovernmental and public affairs. Divisions which are directly overseen by the Executive Officer include: Administrative Services; Budget and Finance; Center for Education and Training; Court Reporting and Recording; General Counsel; 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 ORGANIZATION STRUCTURE





DISTRICT OF COLUMBIA COURTS  
COURT OF APPEALS  
SUPERIOR COURT

## REPORT OF ANNE B. WICKS EXECUTIVE OFFICER

The D.C. Courts' Strategic Plan, "Committed to Justice in the Nation's Capital," identifies five issues, or major objectives, to which the Courts are committed: 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. In 2004, the Court System divisions that provide support to both the Court of Appeals and the Superior Court continued to work hard to successfully accomplish a number of initiatives that strengthen the capability of the Courts to meet the goals of our strategic plan.

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

The creation of the court record through high quality transcripts and clear, complete audio recordings is essential for the effective administration of justice. To this end, in 2004 the Court Reporting and Recording Division installed a new digital recording system, CourtSmart, throughout the Courts' 80 plus courtrooms and hearing rooms. The new system provides on-demand access to high quality, reliable audio and is expected to facilitate and expedite transcript production by streamlining the time-consuming process of retrieving audio of past proceedings. A second component of the CourtSmart project currently underway is the upgrading of the sound system in all of the courtrooms, which will enhance the quality of audio and reduce "untranscribable" portions of recordings.

Sound financial management and the prudent stewardship of fiscal resources remained a priority for the Courts in 2004. For the fourth year in a row, the Courts obtained an unqualified opinion on its annual independent financial audit. To ensure the timely processing and payment of invoices, the Budget and Finance Division instituted a "PAYIT" system (Payment Invoice Tracking) which electronically tracks an invoice from submission to payment. The Budget and Finance Division also enhanced the Courts' financial management system (Pegasys) by providing senior managers with access to real-time financial information to facilitate budget accountability and management.

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

In July 2004, the Courts enhanced public access with the launching of a new website that provides information on operations and procedures, answers to frequently asked questions, and forms or documents that can be printed out and filed with the Courts. The Information Technology Division and the Kiosk MAP Team coordinated this project, working with all court divisions to develop helpful and easy-to-use materials for the website. On-line information has been translated into Spanish to ensure access for the District's large Latino population. Interactive capabilities that will allow citizens summoned to jury service to complete juror summons or reschedule their date of service will be available in mid-2005.

The Courts' internship program, sponsored by the Human Resources Division, provided over 10,000 "volunteer" hours in support of court operations last year. The program

affords college students interested in law, management, and social services, a unique opportunity to gain valuable real life experience in the field of judicial administration. The program also affords the Courts with additional personnel resources, thereby enhancing service to the public.

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

In July 2004, the Courts adopted a new Performance Management Program for employees. The new program links job performance to the Courts' Strategic Plan, through each division's Management Action Plan (MAP). Thanks to the Human Resources Division, the new Performance Management Program enables managers to distinguish between levels of employee performance, to assess employee competencies that are essential to high job performance, and to reward employees whose performance is exceptional.

Enhancing and developing staff skills remained an important objective for the Courts in 2004. Throughout the year the Center for Education and Training offered training programs, some through the National Center for State Courts' Institute for Court Management, in such areas as technology, basic skills, appropriations law, assessing court performance, court operations, and customer service. All court employees attended a mandatory ethics training course, and judges and senior court managers trained on "*Building Trust and Confidence in the D.C. Courts*" during their annual spring conference. Topics discussed included: performance standards, strategic leadership, conflict management, and the relationship between integrity and public trust. In December the Courts were pleased to welcome Meredith Hofford as our new Director of Training and Education.

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

Improving facilities and ensuring physical safety are key goals in the Courts ongoing efforts to enhance service to the public. Under the management of the Administrative Services Division, the Courts reached several major milestones in Facilities Master Plan projects this past year.

The design for the Old Courthouse restoration project was completed and received final approval from the National Capital Planning Commission and the Commission of Fine Arts in 2004. With funding to begin the restoration provided by Congress in our FY05 appropriation, the Courts are excited to commence construction activities in early 2005.

New Family Court facilities opened on the JM level of the Moultrie Courthouse in July 2004. The new space includes a Central Intake Center, six new courtrooms and hearing rooms, and family-friendly waiting areas. Children's artwork lines the hallways, making the space warm and inviting to families.

With major renovation work scheduled for Building A, all support divisions housed at the building were relocated to leased space which was procured and outfitted in 2004. The Administrative Services Division managed the design and build-out of the 6<sup>th</sup> floor at Gallery Place – a few blocks north of Judiciary Square- and coordinated the move of the divisions at year's end.

New space for the Crime Victims Compensation Program was completed during 2004. The office suite is now bright, modern and spacious. It also better serves clients, as it was designed to afford privacy and dignity to crime victims as they discuss their cases with program staff.

In 2004, the Courts continued to enhance courthouse safety by initiating a major upgrade of the security system. Work commenced on the replacement of equipment in the Security Command Center, with current, state of the art equipment. Control access systems were installed in renovated spaces, and plans were developed to install a new control access system in other court buildings.

Technology enhancements remained a major focus in 2004 with the Information Technology (IT) Division continuing implementation of the Integrated Justice Information System (IJIS) Program, a multi-year initiative to replace approximately 20 independent

case management systems with a single system - Courtview. In May 2004, IJIS was implemented in the Probate Division and Tax Court. In July, the Paternity and Support module of IJIS was successfully implemented, thereby completing IJIS implementation in Family Court. The Civil Division's Small Claims Branch was brought on line at year's end, bringing the total number of IJIS users at the court to 700. IJIS implementation is scheduled for completion in 2005, with full Civil Division "go live" expected in the spring, and implementation in the Criminal Division by the end of summer.

As part of IJIS implementation, service to the public is being enhanced because litigants can now initiate or file cases and pay filing fees at the same location. Previously, a litigant would go to one location to initiate the case and to another location to pay the filing fee. To facilitate this change, the Budget and Finance Division coordinated cashier training for over 40 clerks and established a cashier certification program.

As recommended by the General Accounting Office (GAO), the IT Division continued working towards achieving Capability Maturity Model Integration (CMMI) best practices during 2004 by improving the performance, governance and control of the D.C. Courts' information systems. First, the Courts developed and instituted standard operating procedures for IT in several areas, including network management and customer support services. The Division also: conducted training for IJIS Facilitators and IT staff to support compliance with CMMI; implemented a new Web-based software package that automates user support, work order management and change control; implemented new tools to manage IT infrastructure that automate routine operations, improve security, and enable performance measurement of key applications and information systems; and continued active involvement of Superior Court, Court System, and Court of Appeals components in IT programs, projects and operations through the IT Steering Committee, the IJIS MIT, and other working groups and IT governance mechanisms. We are pleased that the GAO asked the Courts to prepare a white paper discussing our experiences with CMMI that can be shared with Federal institutions as a model.

Finally, the IT Division took several significant precautions to strengthen data and system security and defend against threats to the confidentiality, integrity, and availability of automated court information. Instituting organizational improvements—including hiring an information security administrator, forming a change control board, and dedicating staff resources to quality assurance—and adopting best practices has contributed to the success of these projects.

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

Several court programs and initiatives which build public confidence with the justice system were supported during 2004 with nearly \$3 million in grant funds secured by the Research and Development Division. These funds were used to upgrade the Court's information technology system and improve our ability to exchange criminal information with local and federal law enforcement agencies; provide an alternative disposition for serious, non-compliant offenders and increase program youths' responsiveness to the juvenile justice system; support the Supervised Visitation Center which provides litigants in domestic violence cases with a safe location for child visitation; provide assistance to victims of crime; and support the annual judicial/management spring training conference this year which focused on building public trust and confidence in the court system.

#### **Conclusion**

When justice is administered fairly, when services are accessible, when government employees are professional, and when courthouse facilities and technology are state-of-the-art and secure, then public trust and confidence in the justice system is assured. During 2004, the District of Columbia Courts made significant strides towards achieving our vision of being: *"Open to All ♦ Trusted by All ♦ Justice for All."*

# BUDGET AND FINANCE

## DISTRICT OF COLUMBIA COURTS' FINANCES

### OVERVIEW

Under the National Capital Revitalization and Self Government Improvement Act of 1997, the District of Columbia Courts receive direct funding from the federal government. The Courts' budget is submitted directly to the Office of Management and Budget, and then is sent to the United States Congress. All funds, fines and fees collected by the Courts are deposited in either the Crime Victims Fund or the United States Treasury.

The Courts' "Federal Payment" consists of funds for operations of the Court of Appeals, Superior Court and Court System (administrative support divisions) as well as for capital projects. The Courts receive a separate appropriation for Defender Services. The budget for operations provides the annual funding for the acquisition, spending, and service delivery activities of divisions within the Courts that are carried out within a prescribed fiscal year. The capital budget is available for obligation over two fiscal years.

The Courts operate under the Federal Accounting Standards Advisory Board (FASB) accounting standards for federal agencies, and are audited under the Governmental Accounting Standards Board (GASB) accounting standards for states and municipalities.

### CAPITAL BUDGET

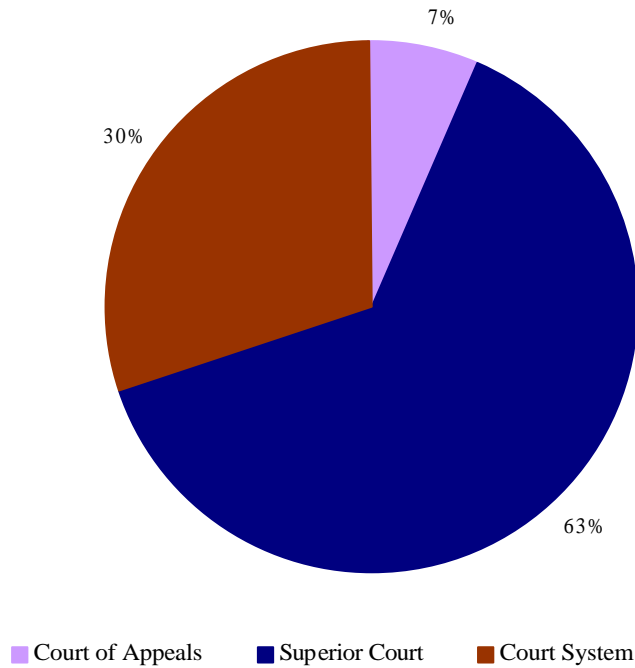
The District of Columbia Courts process approximately 200,000 cases each year and employ a staff of 1,200. On an average day 10,000 individuals visit the courthouse. The D.C. Courts' capital requirements are significant because they include funding for projects critical to maintaining, preserving, and building safe and functional courthouse facilities essential to meeting the 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 Courts are responsible for four buildings in Judiciary Square: the Old Courthouse at 430 E Street, N.W., the Moultrie Courthouse at 500 Indiana Avenue, N.W., and Buildings A and B, which are located between 4th and 5th Streets and E and F Streets, N.W. In addition, Building C is returning to the Courts' inventory in 2005.

**OPERATING BUDGET**

	<u>FY 2004 Appropriation*</u>	<u>FY 2005 Appropriation*</u>
Court of Appeals	\$ 8,775,000	\$ 8,952,000
Superior Court	\$ 83,387,000	\$ 84,948,000
Court System	<u>\$ 40,006,000</u>	<u>\$ 40,699,000</u>
<b>Total</b>	<b>\$ 132,168,000</b>	<b>\$ 134,599,000</b>

\* Does not reflect rescission.

**FY 04 OPERATING BUDGET DISTRIBUTION**



**CAPITAL BUDGET**

	<u>FY 2004 Appropriation</u>	<u>FY 2005 Appropriation</u>
Capital Budget	\$ 35,597,000	\$ 56,201,000

## DEFENDER SERVICES

As required by the Constitution and statute, the District of Columbia Courts appoint and compensate attorneys to represent persons who are financially unable to obtain legal representation under three Defender Services accounts. The Criminal Justice Act (CJA) provides court-appointed attorneys to indigent persons who are charged with criminal offenses. The Counsel for Child Abuse and Neglect (CCAN) provides the assistance of a court-appointed attorney in family proceedings in which child abuse or neglect is alleged, or where the termination of the parent-child relationship is under consideration and the parent, guardian, or custodian of the child is indigent. The Guardianship account provides compensation in guardianship and protective proceedings for incapacitated adults. In addition to legal representation, indigent persons are also provided services such as transcripts of court proceedings; expert witness testimony; foreign and sign language interpretation; investigations; and genetic testing. Attorneys who provide indigent representation submit vouchers detailing the time and expenses involved in working on a case. Following administrative review by the Budget and Finance Division and approval by a judge or magistrate judge, the voucher is processed for payment by the United States General Services Administration (GSA), which issues checks from the Courts' Defender Services appropriation.

## DEFENDER SERVICES APPROPRIATION BY FUND

	<b>FY 2004</b>	<b>FY 2005</b>
	<b><u>Appropriation*</u></b>	<b><u>Appropriation*</u></b>
Criminal Justice Act	\$ 20,995,000	\$ 26,412,000
Counsel for Child Abuse & Neglect	\$ 9,861,000	\$ 10,788,000
Guardianship	\$ 954,000	\$ 992,000
<b>Total</b>	<b>\$ 31,810,000</b>	<b>\$ 38,192,000</b>

\* Reflects rescission.

# STRATEGIC PLAN IN ACTION

## *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

## *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



## OVERVIEW OF STRATEGIC MANAGEMENT

The 2004 calendar year marked the second year of the D.C. Courts' implementation of its five year strategic plan, *Committed to Justice in the Nation's Capital, Strategic Plan of the District of Columbia Courts 2003-2007*. The Plan identifies five strategic issues that are vital to the administration of justice: 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.

Guided by the 18 goals and 67 strategies to aid in implementing the Plan, court divisions are tasked with executing the courtwide strategies through Management Action Plans (MAPs), which identify actions they will undertake to help achieve the Courts' goals. In 2004, presiding and deputy presiding judges and division staff were trained on how to develop MAPs that contain specific objectives and measurable performance targets. MAP teams led by the Presiding Judge and/or Division Director, met over a series of weeks or months to craft specific objectives to be accomplished by their divisions. Division MAPs contain 10 to 20 objectives, resulting in over 250 objectives being implemented courtwide to achieve the Courts' Vision of being *Open to All, Trusted by All, with Justice for All*.

### Initiatives/Accomplishments

The Courts made great progress towards achieving the goals of the Strategic Plan in 2004. Divisions worked to implement their MAP objectives. Judicial committees and cross-divisional teams worked to accomplish the Priority Actions contained in the Plan which are objectives that have a courtwide impact. As of the end of 2004, 40% of the priority actions are completed, 50% are in progress (many of these are long-term projects), and only two (10%) are pending.

During 2004, the Courts' accomplishments spanned all five Strategic Issues:

#### Strategic Issue 1: Enhancing the Administration of Justice

- ✓ expanded hours of operation in all public offices to better serve the public;
- ✓ installed a new audio recording system, CourtSmart, that will enhance the creation of the court record;
- ✓ implemented the Integrated Justice Information System (IJIS) in the Family Court and Probate Division;
- ✓ implemented a comprehensive revision of the Court of Appeals Rules;

#### Strategic Issue 2: Broadening Access to Justice and Service to the Public

- ✓ launched a new Internet site for the public;
- ✓ hired Spanish-speaking staff in all offices that serve the public;
- ✓ created a self-help center for Family Court litigants and a resource center for Landlord & Tenant litigants;
- ✓ opened a centralized intake center for Family Court participants;

#### Strategic Issue 3: Promoting Competence, Professionalism, and Civility

- ✓ implemented a new performance management program for employees linking job performance to achievement of division/unit objectives;
- ✓ conducted ethics awareness training for all court employees;
- ✓ created an Intranet for judges and court employees;
- ✓ established an emergency child care program for court employees;

#### Strategic Issue 4: Improving Court Facilities and Technology

- ✓ renovated space for the Landlord & Tenant and Small Claims Courts, the Social Services Division, and the Crime Victims Compensation Program;
- ✓ completed construction of new courtrooms and hearing rooms, and renovated the Family Court space on the JM level of the Moultrie courthouse;
- ✓ completed a Master Plan for court facilities and the Judiciary Square complex;
- ✓ implemented new Information Technology tools to manage infrastructure that automate routine operations, improve security and enable performance measurement of key applications and systems;

#### Strategic Issue 5: Building Trust and Confidence

- ✓ hosted community town hall meetings to obtain feedback from the public;
- ✓ installed courtwide customer comment boxes to seek input from court participants;
- ✓ surveyed court users in the Probate Division to solicit perceptions and suggestions.

Other actions to achieve the Courts' strategic goals are in progress. For example, a Public Access Committee is developing a courtwide policy on public access to court records; the Jury Management Committee is addressing jury service enhancements and working with the Special Operations Division and consultants from the National Center for State Courts to improve the Superior Court's ability to obtain a representative jury pool; a Committee on Senior Judge/Magistrate Judge Assignment Evaluation is developing recommendations to enhance the effective utilization of senior and magistrate judges in Superior Court; an Appeals Reengineering Team recommended new procedures to streamline the appellate process and conform to new rules enacted in January, and is working on establishing a single point of filing for new appeals that will offer "one-stop" shopping for appellate litigants; a Kiosk Team supported the Courts' Web Council in developing content for the Courts' new website and coordinating the installation of web-based information kiosks to provide public access to court information and services in community settings (installation will be completed in early 2005); an Employee Orientation Team is developing an expanded orientation program that will inform new employees about the Courts' organizational structure, mission and strategic plan; and, a Public Education/Community Outreach MAP team is developing an expanded public education program to inform the community about the D.C. Courts.

The Courts hosted a *Courts-In-Partnership-With-Our-Community* town hall discussion series in 2004 to provide District residents an opportunity to talk with judges and court managers about the Courts and issues in their community. The town hall meetings were funded by a State Justice Institute grant, with additional support provided by the Council for Court Excellence. Approximately 300 residents participated in six meetings held in different geographic areas of the city. Residents appreciated the opportunity to express concerns and to learn about the Courts. For the Courts, the meetings were especially significant in highlighting the extent to which residents want the Courts to take a leadership role in addressing complex community problems such as drug use, unemployment and truancy.

To ensure that all court personnel focus daily on achieving strategic goals, the Courts implemented a new performance management system in 2004. A fundamental component of the new system is that it aligns employees' day-to-day job responsibilities with their divisions' MAP objectives. The new employee performance management system extends, through all levels of the organization, the linkage of job performance to achievement of strategic goals, an effort begun in 2003 when a new pay for performance system for senior managers was introduced.

Finally, in 2004 the Courts continued a multi-year effort to integrate enterprise-level performance assessment into its operations to enhance public accountability and maintain the independence of the judicial branch. The Courts began introducing performance measures in the budg-

et development process in 2001. Goal 5.2 of the Strategic Plan states that the Courts will adopt recognized trial and appellate court performance standards, establish a process to measure organizational performance, monitor results and issue reports of court performance. The Courts are presently developing a set of courtwide performance measures to be used as a framework to communicate about the D.C. Courts' performance. Division MAPs also contain performance measures and annual performance targets so that divisions can gauge success in meeting their objectives. Continued implementation of the Integrated Justice Information System (IJIS) initiative in the Superior Court and a new management information system in the Court of Appeals planned for 2005 will enhance data collection capabilities needed for some of the performance measures.

#### **Strategic Planning Leadership Council**

The Courts' Strategic Planning Leadership Council continues to play a vital role in shepherding the implementation of the Strategic Plan. Co-chaired by Associate Judges of the Court of Appeals and Superior Court, its membership is comprised of several judges, the Executive Officer, Clerks of Court, Strategic Planning Director, and Division Directors. SPLC's vision is to serve as a resource in establishing a strategic direction, fostering strategic thinking and collaboration, and ensuring accountability for achievement of the Courts' strategic goals.

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## JUDGES OF THE COURT OF APPEALS



Annice M. Wagner  
*Chief Judge*

John A. Terry

John M. Steadman<sup>a</sup>

Frank E. Schwelb

Michael W. Farrell

Vanessa Ruiz

Inez Smith Reid

Stephen H. Glickman

Eric T. Washington

## SENIOR JUDGES OF THE COURT OF APPEALS

Theodore R.  
Newman, Jr.

William C. Pryor

John W. Kern III

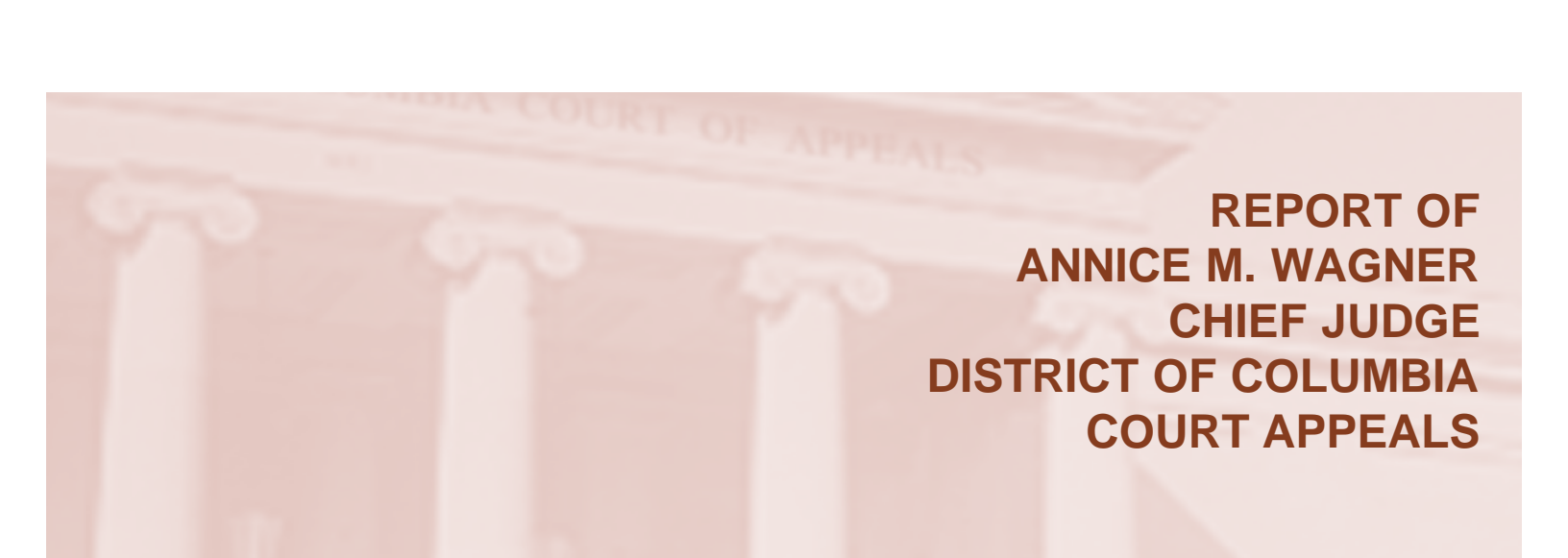
James A. Belson

Warren R. King

John M. Ferren

Frank Q. Nebeker

<sup>a</sup> Retired August 2004.



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

**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 2004, (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 2004.

**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 agencies, 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 2004, 1,762 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.



Judicial & Bar Conference Opening (lt. to rt.): Robert J. Grey, Jr., Pres.-elect/American Bar Association, keynote speaker; Shirley Ann Higuchi, Pres./D.C. Bar; Chief Judge Annice Wagner, D.C. Court of Appeals; and Chief Judge Rufus King, III, Superior Court.

New records for appeal filings were established in 1995, 1996 and 1997. The 2004 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 addition to the 1,762 cases filed and the 23 appeals reinstated in 2004, as of January 1, 2004, there were 2,318 pending appeals, bringing the total number of cases on appeal during 2004 to 4,103.<sup>1</sup> The number of motions related to the appeals has remained substantial, despite a significant decrease in 2004.

The number of procedural motions filed in 2004 decreased by 10% from the 2003 level (4,738 in 2004, compared to

5,243 in 2003). It appears that a combination of factors has contributed to a significant decrease in procedural motions related to appeals. Among these factors are the Court's new rules of procedure, significant improvements in the timeliness and completeness in transcript preparation, implementation of the Court's new CJA Plan with more exacting standards for attorneys qualifying and remaining qualified to represent indigent clients under the Criminal Justice Act, and continued training sessions to alert attorneys to new procedures. Such factors have contributed to a 20% reduction in briefing - related motions (from 2651 in 2003 to 2160 in 2004)<sup>2</sup> and in motions of counsel to withdraw (from 242 in 2003 to 161 in 2004).<sup>3</sup>

The number of substantive motions also decreased by 3% in 2004, compared to the 2003 level of filings (1,618 in 2004, compared to 1,667 in 2003). Many parties filed petitions for rehearing or rehearing en banc. In 2004, 188 such petitions were filed, a 15% decrease from the 2003 level of filings (221) of such petitions.

<sup>1</sup> Historically, the level of appeal filings in the D.C. Court of Appeals has exceeded the level of filings in 15 - 17 states, both in total numbers of appeals filed and in relative terms, i.e. the number of appeals filed per 100,000 population. Customarily, the Court of Appeals obtains comparative figures about filings and dispositions in state appellate courts from the National Center for State Courts (NCSC) which publishes annually a comprehensive statistical report on state court (trial and appellate) workloads and productivity. Unfortunately, the latest NCSC statistical report was not completed in time for use in preparing this Annual Report.

<sup>2</sup> Previously, delays in transcript preparation in the trial court and early-appeal-stage and document filing requirements resulted in numerous motions to extend time to file the required documents and briefs.

<sup>3</sup> Improvements in the timeliness of record preparation, and greater emphasis by the court and effectuation by court-appointed attorneys on client relations appears to have affected the volume of this motions activity.

Qualitatively, the Court continues to resolve cases of greater complexity and difficulty. In the fourth section of this report and in prior annual reports, there appear 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, constitutional questions affecting the community as a whole, as well as those involving private interests of the litigants, and questions of statutory construction.

Judicial productivity remained high in 2004. The Court disposed of 801 cases by opinions and memorandum opinions and judgments (MOJs) in 2004 (295 opinions and 506 MOJs). In addition, the Court continued disposing of cases at an efficient pace. The Court's appeal disposition rate in 2004 was almost 100% (1,755 dispositions compared to 1,762 appeal filings).

The Court continued to manage its caseload effectively. The overall average time on appeal decreased almost 12%, from 623 days in 2003 to 550 days in 2004. The overall median time on appeal decreased over 13%, from 475 days in 2003 to 412 days in 2004. In 2004, the average time from argument or submission to decision increased slightly from 107 days in 2003, to 115 days in 2004, an increase of 7%. The median time between argument or submission to decision increased by 3 days, from 16 days in 2003 to 19 days in 2004.

### **C. Management and Technological Development**

In response to its significant caseload and to enhance its service to the public, the Court has made management improvements and used its available resources to improve operating efficiency and to expedite the resolution of pending cases. Among the initiatives undertaken in recent years to improve operations and case processing are the following:

- D In January, 2004, the comprehensive revision to the Court's rules of practice took effect. The revisions were completed after an extensive review in late 2003, the first comprehensive revision since 1985. The rule revisions made significant changes in practice before the court by simplifying and clarifying existing rules, and conforming practice to the extent feasible to the Federal Rules of Appellate Procedure (FRAP). Among the significant changes adopted is the use of the original trial court record as the "record on appeal," along with a requirement that parties file a joint appendix with the appellate brief.
- D Pursuant to its updated plan for furnishing representation to indigent criminal and juvenile appellants under the Criminal Justice Act (CJA), and an extensive application process, the Court established a new list of attorneys to be appointed under the CJA. Approximately 70 well-qualified attorneys were selected from over 300 applicants. Re-evaluation of members of the panel of attorneys and consideration of new applicants will be undertaken in 2005.



Judge Michael Rankin, Superior Court, making a point at Judicial & Bar Conference.



- D The D.C. Courts launched its own website in 2004. Previously, information on the D.C. Courts, including the Court of Appeals, was internet-accessible from the D.C. Bar's website, which was an invaluable service to the courts. With the launching of the D.C. Courts website - [www.dccourts.gov](http://www.dccourts.gov) -<sup>4</sup> the Court of Appeals revised and enhanced the instructional materials available through the internet for litigants and for applicants for admission to the Bar, and it continued internet access to the court's rules, forms and opinions.
- D In December, 2004, the Court of Appeals installed a computer-based, digital sound and recording system in its courtroom. The new system provides enhanced sound clarity for litigants, judges and the public, and improved quality recordings of oral arguments which can be made available on compact disks.
- D An in-house training curriculum was commenced in 2004 by the Court's Chief Deputy and staff attorneys. The curriculum is designed to instruct non-lawyer staff of the Clerk's Office on legal terminology and processes, court practice under the new rules of the court, and other legal process topics.
- D 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.
- D 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 weaknesses of court operations/processes, resulted in the development of a comprehensive, 5-year strategic plan for enhancing court operations and service to the public. In 2004, the Court developed specific plans and timetables to achieve goals and implement strategies articulated in the Strategic Plan.
- D To ensure that the Court can coordinate effectively with the Court Reporting and Recording Division to provide for the timely completion of transcripts of trial court proceedings that are necessary for the appeal, 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.
- D The Court continued *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.



Honorable E. Norman Veasey, Chief Justice, Supreme Court of Delaware, Judicial & Bar Conference Luncheon Speaker, listens as he is introduced.

<sup>4</sup> The DCCA section of the D.C. Courts website can be accessed directly at [www.dcappeals.gov](http://www.dcappeals.gov).

## D. The Clerk's Office

### 1. Staff Training

The Court continued its emphasis on staff training and development. Every member of the staff of the Clerk's Office attended training courses on ethics to ensure that the highest standards of ethical conduct are maintained, and many staff in the office attended courses to enhance their knowledge and skills in subject areas such as: word processing, leadership, legal research, "customer" service, government contracting, management and supervision, employee benefits and workers compensation, and writing skills.

### 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 occurred again in 2003 and 2004, was the development and presentation of a "CLE" approved course on 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, Esquire) 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. 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 Superior Court's Office of the Appeals Coordinator and the Court Reporting and Recording Division to eliminate or reduce delays and other problems encountered in obtaining a complete and accurate record of trial court proceedings. The Office of the Appeals Coordinator responded with great professionalism and efficiency to the responsibilities imposed on it by the new rules of appellate practice. The leadership and staff of that office worked closely and successfully with the Clerk's Office to ensure a smooth implementation of the court's new rules and to facilitate expeditious processing of appeal-related documents. We are also pleased to report that the significant improvements that occurred in the timeliness of transcript preparation in 2003 continued in 2004.

## E. Funding

The Court of Appeals received a funding level for fiscal year (FY) 2005 (which commenced October 1, 2004) of \$8,952,000 and 94 full-time equivalent positions. This represents an increase of \$177,000 from the FY2004 appropriation. Through careful planning and monitoring, the Court was able to manage within budget.

The judicial branch is required, by law, to address all matters which come before it; the Court cannot turn away parties who have a right to access the court system. The



Panel: When Clients Cross Borders: The Perils of Practicing Law in a Multi-State Region (lt. to rt.): Lisa Weatherspoon, D.C. Bar Legal Ethics Counsel; Barbara Balogh, Asst. Ethics Counsel, VA State Bar; Barbara Ann Williams, Bar Counsel, VA State Bar; Melvin Hirshman, Bar Counsel, Atty. Grievance Committee, MD; Moderator, Joanne Doddy Fort, former chair, Board of Professional Responsibility, D.C.; Joyce Peters, Bar Counsel, D.C.; Anthony Epstein, Chair, Committee on Unauthorized Practice of Law, D.C.; and Richard Nettler, Chair, Committee on Admissions.

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. Therefore, the Court continued to keep responsible officials apprised of the Court's caseloads and budget requirements and to press for adequate funding to meet the court's needs during 2004.<sup>5</sup>

#### **F. Restoration of the Old Courthouse for Use by the D.C. Court of Appeals**

Restoration of the Old Courthouse for use by the District of Columbia Court of Appeals is pivotal to meeting the space needs of the courts. The unique character of the building, together with its compact size, makes it ideal for occupancy by the District of Columbia Court of Appeals. Plans for restoration and construction are underway, with an anticipated move-in date of late 2007 or early 2008.

The architectural firm Beyer Blinder Belle Architects & Planners LLP was selected to design the restoration. In 2004, the plans received final approval from both the National Capital Planning Commission and the Commission of Fine Arts. The plans include a new entrance on the north side of the Old Courthouse that will provide univer-



Panel: Criminal Cases Around the Beltway (lt. to rt.): Moderator Prof. Charles Ogletree, Jr., Harvard Law School; Hon. John Kloch, Alexandria Circuit Court; Joseph Niland, Public Defender, Prince George's County; Hon. Michele Hotten, Prince George's County Circuit Court; Glenn Ivey, State's Attorney, Prince George's County; Hon. Noel Kramer, Superior Court; S. Randolph Sengel, Commonwealth's Attorney, Alex., Va.; Renee Raymond, Esq., PDS, D.C.; Melinda Douglas, Public Defender, Alex., Va.; Clifford Keenan, Asst. U.S. Attorney, D.C.

sual access to the building and appropriate space for security functions. In addition, the interior will be restored both for historic preservation and for efficient service as a modern courthouse, and a ceremonial courtroom will be constructed to better accommodate the public. 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. Construction on both the garage and the Old Courthouse itself is scheduled to begin in 2005.

The Old Courthouse, the centerpiece of the historic Judiciary Square, built from 1821 to 1881, is one of the oldest buildings in the District of Columbia. Inside the Old Courthouse, Daniel Webster and Francis Scott Key practiced law and John Surratt was tried for his part in the assassination of President Abraham Lincoln. 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 restoration of the Old Courthouse for use as a functioning court building for the Court of Appeals will not only provide much needed space and co-locate appellate functions, 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

<sup>5</sup> For additional information, see Report of Chief Judge Wagner as Chair of the Joint Committee on Judicial Administration in this volume.

benefit the community through an approach that strengthens a public institution, restores a historic landmark, and stimulates neighborhood economic activity.

## **G. Personnel**

Several personnel changes occurred in 2004. In August, Associate Judge John M. Steadman retired and was subsequently appointed as a Senior Judge of this court.

Within the Clerk's Office, April Davis resigned as the Court's Opinion Clerk, to take a position at the Department of Homeland Security; Henry Huggins, Courtroom Marshall, retired after over 30 years of service to the Court; and Lowell Cade joined the staff as Deputy Information Technology Specialist.

## **II. COURT COMMITTEES**

### **A. Twenty-Ninth 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-Ninth Annual Judicial Conference was held in March, 2004; it was the second, biennial joint Judicial and Bar Conference held by the DCCA and the D.C. Bar. The theme of the conference was "Common Challenges, Neighboring Solutions: Cross-Jurisdictional Practice and Administering Justice in Maryland, Virginia, and the District of Columbia. The Honorable Michael W. Farrell was the Chairman of the Committee on Arrangements for the conference. Other members of the Committee on Arrangements were: Superior Court Judges John H. Bayly, Jr., Henry F. Greene, Maurice A. Ross, and Susan H. Winfield; Shirley Ann Higuchi, Esquire (President, D.C. Bar), John C. Keeney, Jr., Esquire (President-Elect, D.C. Bar), Alfred F. Belcuore, Esquire, Peter C. DePaolis, Esquire, Cynthia Hill, Esquire, Katherine Mazzaferri, Esquire, Nicholas S. McConnell, Esquire, and Narda M. Newby, Esquire.

The conference featured panel discussions on such topics as : "When Clients Cross Borders: The Perils of Practicing Law in a Multi-State Region," moderated by Joanne Doddy Fort, Esquire; "Criminal Cases Around the Beltway," moderated by Professor Charles J. Ogletree, Jr., Esquire; and "The Superior Court and the Surrounding Circuit Courts: What Differences for the Civil Practitioner," moderated by Honorable John H. Bayly, Jr., D.C. Superior Court.

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. D.C. Bar President, Shirley Ann Higuchi, gave the D.C. Bar's Report.

### **B. The Rules Committee**

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

The Court has a Rules Committee which generally considers and reviews pro-



The Ethics Man: A Musical Legal Ethics Course (lt. to rt.): Members of ProEthics, Ltd. Ethical Arts Players: Tony Gudell, Susan Grogan and Rick Rohan at the Judicial and Bar Conference.

posed 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, Jr., Clerk of the Court, and Ernest M. Brooks, Special Assistant to the Clerk. Other special committees have been established when necessary to address broad changes in the rules or specialized areas.

In addition to reviewing and advising the Court with respect to certain amendments to the rules of practice of the Superior Court, the Court's Rules Committee considered and endorsed for approval by the court an amendment to the Court's Rule 28(h). The amendment, adopted in July, 2004, authorized in "Agency Appeals" citation to an internal order, decision or opinion of an administrative agency if that order, decision or opinion is available to the public or supplied to the parties and the court. The Rules Committee also considered and endorsed amendments to D.C. App. R. 46, pertaining to admission to the Bar. After notice and comment, and review and recommendation by the Rules Committee, the Court of Appeals adopted the amendments in final form in February 2005. Among other things, the amendments streamlined the procedure for



Shirley Ann Higuchi, Pres./D.C. Bar delivers Bar Report as Superior Court Chief Judge Rufus King, III, D.C. Court of Appeals Chief Judge Annice Wagner, and D.C. Court of Appeals Judge Michael Farrell, Chair, Comm. On Arrangements, Judicial & Bar Conference, listen.

granting extended bar examination testing times when necessary to accommodate an applicant's disability.

## 2. Multidisciplinary Practice Committee (MDP Committee )

The Board of Governors of the District of Columbia Bar submitted to the Court of Appeals a proposal to modify Rule 5.4 of the Rules of Professional Conduct to allow joint practice and sharing of legal fees by lawyers and non-lawyer professionals. Chief Judge Wagner appointed a committee to evaluate the proposal and to make a recommendation to the Board of Judges (Board). Judge Stephen Glickman chaired the committee, and Judge Michael Farrell, Judge Vanessa Ruiz and Senior Judge James Belson were members of the Committee. In carrying out its mandate, the Court's MDP Committee consid-

ered comments from the Board on Professional Responsibility, Bar Counsel, and former heads of the Legal Ethics Committee of the D.C. Bar and shared their comments with the Board of Judges. In early 2004, the Board of Judges met with representatives of the D.C. Bar for further discussion of the proposal. The Court reviewed materials from the American Bar Association and other jurisdictions that have considered the issue and reviewed the recommendation of the MDP Committee. After careful consideration, the Board of Judges concluded that the proposed rule change was not warranted presently, and it shared its reasons with the Bar.

In summary, the Board was of the view that more evidence was needed for further relaxation of Rule 5.4, particularly considering that our rules already permit lawyers to practice with non-lawyer professionals either in firms devoted to law practice where all participants are subject to the Rules of Professional Conduct, through businesses

ancillary to their law practice, subject to appropriate disclosure to clients or pursuant to contractual arrangements with other professional firms. None of the information provided or which the Board could gather suggested that the proposal was based on either a real need from lawyers or pressing demand from consumers of legal services or that any significant improvement in the provision of legal services could be realized that could not be accomplished without the proposed rule change. Under the circumstances, it did not seem prudent to adopt a change to a rule of longstanding that potentially implicated important responsibilities and client interests when the benefits appeared to be largely theoretical, particularly where no other jurisdiction has adopted a similar rule. The prohibition in other jurisdictions limited significantly those who could benefit from such a rule change. Other considerations informing the Board's decision included: concern that some of the suggestions for informing clients of their rights and their lawyers' obligations in an MDP practice could prove too complicated and onerous for smaller practices and confusing to less sophisticated clients; concern for placing additional requirements on an already-burdened disciplinary system; and ensuring that lawyers will continue to practice in an environment where they are supported, and encouraged, to fulfill their professional responsibility to provide public service.

The Board expressed appreciation for the conscientious work of the Bar in formulating the proposal, and particularly the efforts it made to identify and suggest steps to prevent or ameliorate erosion of client confidentiality, conflicts of interest and the attorney-client privilege. However, after a thorough review, doubt remained as to whether the suggested steps would suffice to safeguard such fundamental principles of lawyers' professional obligations to their clients against the likely pressures in an as-yet untested practice format. By its action, however, the Court did not foreclose the possibility of favorable consideration of such a proposal at some future date.

### 3. The Ad Hoc Rules Committee

Comprehensive revisions in the Court's rules of practice took effect on January 2, 2004. The revised rules resulted from a complete review conducted in 2003, the first comprehensive review since 1985. The Ad Hoc Rules Committee, which conducted the review, was chaired by Judge Michael W. Farrell; other members of this Committee were then 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 reflect the Court's four principal 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 at [www.dcappeals.gov](http://www.dcappeals.gov). 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. Some highlights of the revisions implemented during 2004 are listed below.

First, for appeals filed after the effective date of the new rules, the parties will no longer have to designate the record on appeal. Instead, 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, 2004. 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 may be offset by the elimination of several other fees. Attorneys will no longer have to file the record preparation fee, which currently averaged \$350, and the \$50 docketing fee and the \$10 motions fee have been abolished. The revised rules 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 would continue to govern proceedings and filings with respect to cases filed before January 2, 2004. With this exception for Rules 1-12, however, after January 2 the revised rules 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.

### **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.

#### **1. The Committee on Admissions**

The members of the Committee on Admissions are responsible for certifying applications from attorneys for admission (both examination and without examination) to the District of Columbia Bar and for licensing foreign applicants to practice as special legal consultants in the District of Columbia. See D.C. App. R. 46. They also certify law students for the limited practice of law in the District of Columbia. See Rule 48.

The Court of Appeals appoints seven members of the District of Columbia Bar to the Committee on Admissions and designates one to serve as counsel to the Committee. The members are Richard B. Nettler, Esquire, who serves as Chair; Phyllis D. Thompson, Esquire, who serves as Vice-Chair; Alan H. Kent, Esquire, who serves as Counsel to the Committee; Zoreana Barnes, Esquire, Wayne C. Witkowski, Esquire; Claudia A. Withers, Esquire; and Sean C. Dent, Esquire.

During 2004, the Committee received more than 3,500 applications for admission, conducted extensive character and fitness investigations and certified for admission more than 2,900 attorneys who were administered the oath of admission in formal ceremonies before the Court of Appeals. The members also were responsible for grading 4,976 essay answers of applicants tested in the February and July bar examinations. Almost 9,500 certificates of good standing were issued to Bar members in 2004.

During 2004, the Committee proposed amendments to D.C. App. Rule 46 (b) which would move up the bar examination application filing deadlines, clarify certain eligibility requirements, and provide the Committee with the authority to alter the examination schedule.

## **2. The Board on Professional Responsibility**

The Board on Professional Responsibility administers the attorney discipline system and enforces the D.C. Rules of Professional Conduct, which were adopted by the Court of Appeals to protect the public and the judicial system from attorney misconduct and to preserve the integrity of the legal profession. The Board is composed of 7 attorney members and 2 public members.

During the year ending December 31, 2004, the Board disposed of 157 matters, including recommendations in 135 matters filed with the Court of Appeals. Sixty-four of these matters were original disciplinary proceedings; 43 involved reciprocal discipline, which may be imposed upon a member of the District of Columbia Bar who has been disciplined in another jurisdiction; 13 were criminal conviction matters; 1 matter was remanded from the Court of Appeals; 11 matters were recommendations for disbarment on consent; and 3 were recommendations in reinstatement petitions filed by suspended or disbarred attorneys. The Board also issued reprimands in 4 matters, informal admonitions in 5 matters, dismissed 2 matters, referred 1 matter to Bar Counsel for hearing, deferred 1 matter, denied motions for disability suspension in 2 matters, petitioned the Court for an order of disability suspension in 6 matters and petitioned the Court for appointment of a representative to protect the clients of a deceased attorney in 1 matter. The Board approved diversion agreements recommended by Bar Counsel in 8 matters.

During 2004, 1,116 complaints were filed with the Office of Bar Counsel, 428 of which were docketed for formal investigation. Dispositions were approved by contact members in 404 matters, resulting in the dismissal of 323 matters, the issuance of informal admonitions in 34 matters, the filing of petitions instituting formal disciplinary proceedings in 22 matters, and the deferral of 25 matters.

The Thirty-First Annual Disciplinary Conference on May 5, 2004, featured a discussion of "The Disciplinary Study Committee: A Status Report and Discussion of Its Work." The panel included the Committee Chairperson, John A. Payton, Esquire, and its Vice-Chairperson, The Honorable Joan L. Goldfrank, former Hearing Committee member, Ronald C. Crump, Esquire, and former Board members Paul L. Knight, Esquire, and Elizabeth G. Taylor, Esquire.

In August 2004, the Court appointed the Board's Vice Chair, Martin R. Baach, Esquire, as Chair of the Board. He replaces the Board's former Chair, Timothy J. Bloomfield, Esquire, whose second full term on the Board expired on July 31, 2004. The Court also appointed Paul R.Q. Wolfson, Esquire, as Vice Chair of the Board. The second full term of Board member, Ms. Elizabeth B. Frazier also expired on July 31, 2004. James P. Mercurio, Esquire, and Ms. Ernestine Coghill-Howard were appointed to the Board to fill the vacancies created by the expiration of Mr. Bloomfield's and Ms. Frazier's terms. The Court also appointed Lee Ellen Helfrich, Esquire, and Charles J. Willoughby, Esquire, to the Board to fulfill the unexpired terms of Frank H. Wu, Esquire, and Maria Holleran Rivera, Esquire. Other members of the Board include Roger A. Klein, Esquire, Dr. Kay T. Payne and Shirley M. Williams, Esquire.

## **3. 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 required to have no fewer than six (or no more than 12) members who are members of the District of Columbia Bar. It also has one non-attorney member who is required to be a resident of the District of Columbia



The Committee is chaired by Anthony C. Epstein, Esquire. Other members of the Committee are Anthony P. Bisceglie, Esquire, Vice-Chair; Mary L. Froning, non-attorney member; Frank J. Eisenhart, Esquire; David A. Fuss, Esquire; Brooke Pinkerton, Esquire; Michael M. Hicks, Esquire; Brooke Pinkerton, Esquire; Valerie E. Ross, Esquire; Johnny M. Howard, Esquire; and Julie B. Rottenberg, Esquire.

During 2004, the Committee investigated 32 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. The Committee monitored approximately 535 motions of attorneys seeking *pro hac vice* appearances in the District of Columbia Courts. The Committee issued two advisory opinions: Opinion 13-04, Compliance with Exception 49 (c)(4) for D.C. Government Employees; and Opinion 14-04, Practice by Foreign Lawyers on an Incidental Basis.

#### **4. 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 2003-04 (July 1, 2003-June 30, 2004), the Fund received 26 new requests for reimbursement. The Fund reviewed 22 requests, of which 12 were new applicants, and 9 were pending claims. There was 1 request for reconsideration. Ultimately, the Fund approved 12 claims, and reimbursed individuals for losses totaling \$88,639.65.

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 2003-04, the Fund recovered \$3,360.

The Fund is Chaired by Richard L. Cys, Esquire; its Vice-Chair is Kathleen A. Carey, Esquire. The other Trustees are Joan M. Wilbon, Esquire, Bonnie Robin-Vergeer, Esquire, and Judge Robert P. Owens.

### **III. ACCESS TO JUSTICE AND FAIRNESS IN THE COURT**

#### **A. District of Columbia Access to Justice Commission**

The judicial system of the District of Columbia is founded upon and committed to the fundamental principle that justice should be accessible to all persons, without regard to economic barriers, which are often formidable. In furtherance of that principle, the District of Columbia Court of Appeals entered an order on December 29, 2004 establishing the District of Columbia Access to Justice Commission (Commission) to identify the nature and scope of unmet needs for legal assistance in civil matters, and to recommend measures to assure high quality access to our judicial system for low and moderate income residents and others in the District of Columbia who suffer disparate barriers to our civil justice system.

The Conference of Chief Justices, of which Chief Judge Wagner is a member and for which she served previously as president, had recommended the establishment of partnerships in the respective states with state and local bar organizations, legal service providers and others to address access to justice issues. Representatives of the District of Columbia Bar, the District of Columbia Bar Foundation and the D.C. Consortium of Legal Service Providers studied the issue and developed a proposal for the establishment of a Commission in the District of Columbia. After a series of meetings with representa-

tives of these organizations, Chief Judge Wagner, Judge Inez Smith Reid, chair of the Courts' Standing Committee on Fairness and Access, and Judge Eric Washington, Co-Chair of the Courts' Strategic Planning Leadership Council, developed a final proposal from an initial working draft to be presented to the Board of Judges of the Court of Appeals for consideration. The Board of Judges considered the proposal, and recognizing the need for leadership and effective coordination of civil equal justice efforts in the District of Columbia, entered the order establishing the Commission in 2004. The order was subsequently amended in 2005 to increase the total number of authorized members from fifteen to seventeen and to increase from three to five the at-large members of the Commission. Representatives include: four judges nominated by the Joint Committee on Judicial Administration in the District of Columbia; two persons nominated by the District of Columbia Bar; two persons nominated by the District of Columbia Bar Foundation; four persons nominated by the Consortium of Legal Service Providers, at least one of whom shall be a leader of a community-based organization serving persons living in poverty; and five persons selected on the basis of a demonstrated commitment to, and familiarity with, access to justice issues.

The Commission is charged with working to:

1. [e]stablish a coordinated planning process that involves all members of the community who are affected by the crisis in equal access to justice in an effort to develop strategies to improve access and reduce barriers;
2. [f]acilitate efforts to create improved coordination and support of civil legal services programs;
3. [w]ork with the courts, administrative agencies and lawmaking bodies to propose and promote rules and systemic changes that will open greater access to the justice system; and
4. [p]ropose and promote strategies to generate adequate levels of public, private, and volunteer resources and funding for the District's civil justice network and the access to justice initiatives identified by the Commission.

The Commission is expected to reach beyond the legal community and engage all branches of government, businesses, law schools, foundations, and every segment of our community in an effort to address the unmet needs of people who are unable to afford civil legal services.

The Commission is established for an initial term of three years, which can be extended by the Court if significant progress has been demonstrated. The Commission is required to file with the D.C. Court of Appeals an annual report outlining its work during the prior 12 month period. Members of the Commission were appointed in 2005. We are fortunate that Professor Peter B. Edelman agreed to serve as Chairperson of the Commission. The remaining members are: Jayne Golden Belford, Esquire; Dr. Gloria Wilder Braithwaite; Marisa Demeo, Esquire; Judge Stephanie Duncan-Peters; Patricia Mullahy Fugere, Esquire; Andrew H. Marks, Esquire; Ms. Shirley Massey; Jayne Parks, Esquire; Stephen J. Pollak, Esquire; Judge Hiram Puig-Lugo; Judge Inez Smith Reid; Paula Scott, Esquire; Jonathan M. Smith, Esquire; Joan H. Strand, Esquire; Judge Eric T. Washington; and Robert L. Wilkins, Esquire.

## **B. 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 determine if and where gender, racial and ethnic biases exist in the D.C. Courts. In addition to monitoring on a permanent basis issues originally addressed by the earlier Task Forces, 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 work of the Standing Committee during 2004 is detailed in the Report of the Joint Committee on Judicial Administration at page 2 of this report.

## **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 in order to make changes that will help to accomplish these goals. Judges and staff strive to maintain a high level of productivity. We will continue to make improvements in our operations and seek adequate support in order to operate the Court in a manner that our citizens expect and deserve.

## SIGNIFICANT DECISIONS OF THE COURT OF APPEALS IN 2004

### A. Administrative Law

**ATTORNEY'S FEES:** *Providence Hospital v. District of Columbia Department of Employment Services*, 855 A.2d 1108 (D.C. 2004). Appellant Providence Hospital appealed from the D.C. Department of Employment Services' ("DOES") award of attorney's fees to the claimant under D.C. Code § 32-1530 (b) (2001). Appellant argued that an award of attorney's fees under the statute was contingent on a specific sequence of events, including the employer's rejection of the Mayor's recommendation in the case. Because appellant had not rejected the Mayor's recommendation, it argued that it was not liable for attorney's fees. The Court of Appeals, interpreting the plain language of the statute, held that section 32-1530 (b) "requires that an employer/insurer reject the Mayor's recommendation before attorney's fees may be awarded to the claimant." Because, in this case, the claimant, not the appellant, rejected the Mayor's recommendation, the Court held that the DOES' decision to award attorney's fees to the claimant was plainly erroneous and inconsistent with the statute.

**BALLOT INITIATIVE: PETITION CIRCULATING PROCESS IRREGULARITIES:** *Citizens Committee for the D.C. Video Lottery Terminal Initiative v. District of Columbia Board of Elections & Ethics*, 860 A.2d 813 (D.C. 2004). The court in this case upheld a decision of the Elections Board rejecting a proposed citizen initiative because of large-scale impropriety in the manner by which petition sheets were circulated soliciting signatures for placement of the initiative on the ballot. The court held that, on the basis of the Board's supported findings of "a pervasive pattern of fraud, forgeries, and other improprieties" by circulators associated with the Stars and Stripes organization, the Board acted within its authority in striking all of the petition sheets circulated by Stars and Stripes. "[I]n a case such as this where the Board has justifiably found that wrongdoing permeated a signature-gathering operation, it may adopt the remedy of excluding all petitions associated with that operation" in order to uphold the integrity of the initiative process.

**SUBSTANTIAL EVIDENCE TO SUPPORT REVOCATION OF LICENSE: HEARSAY:** *Compton v. D.C. Board of Psychology*, 858 A.2d 470 (D.C. 2004). The Board of Psychology revoked the petitioner's license to practice psychology on the ground that he had violated prevailing professional standards by engaging in sexual harassment of a patient. In presenting its case, the government relied on the hearsay deposition testimony of the patient. Testifying at the hearing, the petitioner denied the harassment and presented psychological evaluations raising questions about the reliability of the patient's perceptions and veracity. Although noting that hearsay evidence is not only admissible in an administrative proceeding, but also can suffice to establish substantial evidence to support the agency's determination, the decision of the Administrative Law Judge in this case could not be sustained as it purported to resolve the direct conflict between the live and hearsay testimonies based, in part, on observing the petitioner's live testimony (but without an equal opportunity to observe the complaining patient). Moreover, in evaluating the hearsay testimony, the ALJ did not discount it for the fact that the patient was available to testify but was not presented at the hearing. Finally, the other evidence on which the ALJ relied for corroboration was logically flawed, and the ALJ did not consider the psychological evidence questioning the patient's reliability. The court reversed the agency's decision "on the present record" and remanded the case to the agency for further proceedings.

## **B. Civil Law**

### **1. Family Law Issues:**

JUVENILE: LIMITATION OF AUTHORITY OF TRIAL COURT TO EXTEND PROBATION: *In re M.O.R.*, 851 A.2d 503 (D.C. 2004). Noting that the applicable statutes delineate and allocate responsibility among the trial court, the D.C. Attorney General and the Director of Social Services in proceedings against juveniles, the court held that where the trial court has imposed probation, and the probationary period has expired, D.C. Code § 16-2322 (c) provides that only the Director of Social Services has authority to initiate a request for extension of the probationary period. Because the trial court was without statutory authority to do so, it could not in effect extend probation by continuing the hearing, nor did it have authority to review the Director's decision not to seek an extension. Therefore, concluding that appellant's right to be released from probation was "clear and indisputable" under D.C. Code § 16-2322 (e), -2335 and Rule 32 (f)(4) of the Superior Court Juvenile Rules, the appellate court issued an order of mandamus to the trial judge to release the juvenile *nunc pro tunc* to the end of the probationary period, which had expired without a pending request from the Director of Social Services to extend probation.

MEDICAL MALPRACTICE: STATUTORY NOTICE TO DISTRICT: *Prophetess Brown v. District of Columbia*, 853 A.2d 733 (D.C. 2004). Appellant, mother of a deceased prisoner, filed a tort claim against the District alleging that the Department of Corrections' failure to diagnose and treat her son's medical condition caused his death. Under D.C. Code § 12-309 (2001), any person seeking to sue the District must provide notice to the District within 6 months of when the injury was sustained. In this case, appellant did not provide notice under § 12-309 until six months after her son's death. The question in this case, therefore, was whether the "injury" for purposes of § 12-309 was the decedent's death or some point before his death, and whether appellant's notice to the District was timely. The Court of Appeals held that, in cases involving § 12-309, "an injury that results from a physician's negligent failure to diagnose a medical condition occurs when the patient's condition worsens as a result of the physician's negligence." The Court held that, from the facts of this case, the decedent's injury occurred before his death, and thus, the appellant's suit was barred for failure to provide timely notice under § 12-309.

NEGLECT: VISITATION A FUNDAMENTAL PARENTAL RIGHT: *In re T.L.*, 859 A.2d 1087 (D.C. 2004). In this child neglect case, the trial judge ordered that the mother of two boys, then six and five years old, be denied any further visitation with them. The judge entered this order because a determination had been made that the ultimate treatment goal for the boys was adoption, and because a therapist, in a very brief and conclusory report, recommended that "[f]or the best interests of the children, all visitation with their mother should cease." There was, however, evidence that the boys loved their mother and that some of the visits had gone well. The Court of Appeals reversed the judgment. The court held that visitation was a fundamental parental right, which could be prohibited only upon a showing that further visitation would injuriously affect the welfare of the child or children. The court remanded the case to the trial court with directions to apply this stringent standard to the facts before it.

### **2. Other Civil Law Issues:**

BREACH OF CONTRACT: LIQUIDATED DAMAGES CLAUSE UNENFORCEABLE AS "PENALTY": *S. Brooke Purll, Inc. v. Vailes*, 850 A.2d 1135 (D.C. 2004). In this dispute between a homeowner and a contractor, the agreement between the parties for renovation of the homeowner's house provided that if the homeowner cancelled the contract, he would be required to pay the contractor, without proof of loss, 35% of the full contract price in liquidated damages. The trial judge found that the homeowner was in breach of the contract, but held that the liquidated damages clause was unenforceable as a "penalty." The Court of Appeals held that liquidated damages clauses are presumptively valid, and that in this case expert testimony pre-

mented by the contractor showed that the clause was entirely reasonable. The court therefore reversed the judgment and ordered that the liquidated damages clause be enforced.

TRUSTS, INTER VIVOS: POWER OF REVOCATION: *In re Durosko Marital Trust (Zeigler v. Durosko)*, 862 A.2d 914 (D.C. 2004). The trustees and contingent beneficiaries of a trust filed this action against Charles Durosko (1) to reform and construe an inter vivos trust that Durosko had established, and (2) to impose a constructive trust on assets Durosko distributed to himself from the trust after purporting to revoke it. The trial court granted Durosko's motion for summary judgment, concluding that the trust instrument was unambiguous in reserving to Durosko the power to revoke the trust and that Durosko was available to provide the most competent evidence of his intention to retain that power. The Court of Appeals reversed, concluding that conflicting provisions in the Trust instrument rendered it ambiguous concerning whether it became irrevocable upon the death of Durosko's wife. The Court further held that extrinsic evidence, including the testimony of Durosko, was admissible to resolve the ambiguity and that the plaintiffs, having filed a timely affidavit under Super. Ct. Civ. R. 56 (f), were entitled to have the trial court's ruling on Durosko's motion for summary judgment deferred to permit them to complete discovery and secure an expert witness as requested.

### C. Criminal Law

#### 1. Constitutional Issues:

DUE PROCESS: PROSECUTOR'S DUTY TO CORRECT FALSE INFORMATION: *Perry Woodall v. United States*, 842 A.2d 690 (D.C. 2004). This appeal required the Court of Appeals to summarize and apply the standards governing a prosecutor's duty to correct known false or misleading testimony by a government witness. The Court held that the present case was not one where such testimony went uncorrected because the prosecutor apprised the court and the defense of the false denials by a government witness of having made certain statements to a police detective, and through cross-examination of the detective the defense was then able to inform the jury of the falsity of the denials.

FIFTH AMENDMENT PRIVILEGE AGAINST SELF-INCRIMINATION: FAILURE TO PROMPTLY ADMINISTER *MIRANDA* WARNINGS: *Hill v. United States*, 858 A.2d 435 (D.C. 2004). Where a suspect is in custody, it is established that the government has the burden of proving that the suspect's unwarned statements were voluntary and not in response to police compulsion or the "functional equivalent" of interrogation. Under the Fifth Amendment, the question of compulsion is to be viewed from the reasonably foreseeable perspective of the suspect. Police practices designed to elicit incriminating responses, therefore, are likely to be ones which the police reasonably should foresee will have the desired effect on the suspect. Although the officer in this case did not directly question the suspect about his involvement in the crime, the officer purposely delayed giving *Miranda* warnings and first engaged in a "classic interrogation technique" that involves establishing authority, confronting the suspect with evidence against him and creating a verbal vacuum. Viewed from the reasonable perspective of the suspect, he was being pressured to provide his version of the events. Citing previous opinions, the court again "admonished the police in this jurisdiction about the 'obvious impropriety,' as well as the risk to prosecutions, in the deliberate failure to inform a criminal suspect promptly of his rights under *Miranda*."

#### 2. Other Criminal Issues:

ASSAULT: ASSAULT NOT A LESSER INCLUDED OFFENSE OF CRUELTY TO CHILDREN: *Alfaro v. United States*, 859 A.2d 149 (D.C. 2004). Reina Alfaro was charged with several offenses, including simple assault and attempted cruelty to children, after whipping her young sons with a telephone cord. The trial judge found her guilty of all charges. Ms. Alfaro claimed

on appeal that the assault charges should be dismissed because, according to her, every act of cruelty to children is an assault, and assault is therefore a “lesser included offense” (LIO) of the “greater offense” of attempted cruelty to children. Under established law, a defendant may not be convicted both of a greater offense and a LIO; the LIO “merges into” the greater offense.

On appeal, the Court of Appeals sustained the convictions of both offenses and held that there was no merger. The court reasoned that attempted cruelty to children may consist of the deliberate and cruel infliction of serious mental or emotional suffering, and that such conduct would not necessarily constitute assault. For unrelated reasons, however, the court reversed Ms. Alfaro’s convictions of attempted possession of a prohibited weapon.

DUTIES OF APPELLATE COUNSEL: *Pearsall v. United States*, 859 A.2d 634 (D.C. 2004). In this case, the Court of Appeals addressed the duties of appellate counsel to note a requested appeal from the denial of a D.C. Code § 23-110 motion. Appellant Jimmy Pearsall alleged that, during the pendency of his direct appeal, he asked his appellate counsel to note an appeal from the denial of his second section 23-110 motion in the trial court. Although it was not clear whether his request to his counsel was timely, it was clear that counsel failed to note the appeal. The Court of Appeals held that appellate counsel appointed under the District of Columbia Criminal Justice Act are duty-bound to effect an appeal from the trial court’s denial of a section 23-110 motion where: 1) the defendant requests it; 2) the direct appeal is still pending; and 3) the section 23-110 motion alleges ineffective assistance of trial counsel. The Court remanded the case to the trial court to determine whether appellant’s request to counsel was timely.

EVIDENCE: HEARSAY: EXCEPTION FOR PRESENT SENSE IMPRESSIONS: *Hallums v. United States*, 841 A.2d 1270 (D.C. 2004). The court adopted the exception for hearsay statements that are “present sense impressions”: “statements describing or explaining events which the declarant is observing at the time he or she makes the declaration or immediately thereafter.” As with other exceptions within the ancient term *res gestae*, the spontaneity of present sense impressions is the basis for their presumed trustworthiness, lacking opportunity for reflection or fabrication. The court rejected the argument that where the out-of-court statement is a statement of identification, the sole authority for admissibility is to be found in D.C. Code § 14-102 (b) which requires not only that the statement be of a prior identification after observing the person, but also that the declarant be available for cross-examination. That statute provides that such statements are “not hearsay” and are substantive evidence. The common law exception adopted by the court is an independent basis for admissibility and, in the case of present sense impressions, does not require that the declarant testify at trial or be available for cross examination.

ELEVEN-MEMBER JURY: *Braxton v. United States*, 852 A.2d 941 (D.C. 2004). James R. Braxton was convicted of several weapons offenses by an eleven-member jury. A District of Columbia statute requires that, generally, in a criminal case, a jury shall consist of twelve persons. The statute permits the judge to proceed with eleven jurors, however, “if, due to extraordinary circumstances, the court finds it necessary to excuse a juror for just cause after the jury has retired to consider its verdict.”

In this case, according to other jurors, Juror No. 852 had stated that “most police are liars” and that she would not believe police testimony. According to the foreperson, Juror No. 852 took this position “no matter what the government’s evidence would have been.” The trial judge removed Juror No. 852 for cause without interviewing her.

The Court of Appeals affirmed Braxton’s convictions. The court noted that the “circumstances of the case give cause for concern,” especially since the judge disqualified Juror

No. 852 “without hearing her side of the story.” The court noted, however, that Braxton’s attorney had strenuously objected to the suggestion that Juror No. 852 be interviewed by the judge and counsel, and that “even if Braxton’s attorney were complaining of [the failure to interview Juror No. 852] on appeal, which she is not, we would not entertain such a contention,” because any supposed error by the judge had been invited by Braxton’s attorney.

INTERPRETER ACT: SEARCH AND SEIZURE: *Castellon v. United States*, 864 A.2d 141 (D.C. 2004). Appellant, Jose Castellon, was convicted of first-degree sexual abuse while armed and possession of a firearm during commission of a crime of violence. On appeal, he argued that the trial court erred in denying his motions to suppress evidence and statements obtained without his voluntary consent and in violation of his rights under the Interpreter Act, D.C. Code § 2-1901, *et seq.* (2004) (Act). The Interpreter Act provides that “[w]hen-ever a communication-impaired person is arrested and taken into custody for an alleged violation of a criminal law, the arresting officer shall procure a qualified interpreter for any custodial interrogation, warning, notification of rights, or taking of a statement.” D.C. Code § 2-1902 e). Castellon, whose native language is Spanish, argued for suppression of evidence seized from his bedroom, even though he had consented to the search, because the Spanish-speaking officer who interpreted for him, was not a “qualified” interpreter (*i.e.*, one listed by the Officer of Interpreter Services as having certain language skills). After examining the plain language of the statute and its legislative history, the Court of Appeals concluded that the Interpreter Act’s requirement for a “qualified” interpreter applies only to custodial interrogation and that the same definition for custody under *Miranda v. Arizona*, 384 U.S. 436 (1966) applies under the Act. Considering relevant factors distilled from cases interpreting custody for *Miranda* purposes, the court’s finding warranted the conclusion that Castellon was not in custody when he consented to the search. Factors particularly persuasive were the brevity of the detention in Castellon’s home, the absence of any display of weapons or announcement of an arrest, the presence of Castellon’s relative and a Spanish-speaking officer. Following his arrest, using the same officer to translate, Castellon also gave a statement after waiving in writing his *Miranda* rights. The Court of Appeals upheld the trial court’s ruling that Castellon’s statement obtained in violation of the Interpreter Act, although not admissible in the government’s case-in-chief, was voluntary under the totality of the circumstances and satisfied basic trustworthiness sufficient to allow its use for impeachment purposes.

JURISDICTION: *United States v. Wardell Crockett*, 861 A.2d 604 (D.C. 2004). Appellant, an inmate housed in a federal prison in Indiana, brought suit in the Superior Court of the District of Columbia seeking to enforce certain terms of his incarceration. Although the appellant was originally sentenced pursuant to the D.C. Youth Rehabilitation Act, he was subsequently transferred to a federal facility and, thus, placed in the custody of the Bureau of Prisons. The Court of Appeals held that, although the appellant did not expressly file his suit as a petition for a writ of habeas corpus, his suit sounded in habeas because he was challenging the executive department’s execution of his sentence. The Court further held that it lacked jurisdiction over the appellant’s habeas action under its holding in *Taylor v. Washington*, 808 A.2d 770, 772 (D.C. 2002). In *Taylor*, the Court held that the only proper respondent in a habeas action is a prisoner’s custodian, which is usually the warden of the prison in which the prisoner is incarcerated. For a prisoner housed in federal prison outside the District of Columbia, the Superior Court lacks personal jurisdiction over the custodian. Similarly, in this case, the Court of Appeals held that the Superior Court lacked jurisdiction to order the Bureau of Prisons to provide certain services to the appellant because he was housed in federal prison in Indiana. As such, the Court held that the proper venue for the appellant’s motion was the United States District Court for the Southern District of Indiana.



MANDAMUS: SEALING CRIMINAL RECORDS: *Edward Nellson v. Honorable John H. Bayly, Jr.*, 856 A.2d 566 (D.C. 2004). The court in this case, while denying a petition for a writ of mandamus because the trial judge had reconsidered and revoked an order sealing the records and proceedings in a criminal case, issued a published opinion to remind the bench and bar of “the strict conditions [established by the Supreme Court] governing any request to seal a criminal record or to close a criminal courtroom.”

PROPRIETY OF PROSECUTOR’S ARGUMENT: WITNESS FEAR: *Alphonso Murray, Clifford Stokes, & Antoine L. Thomas v. United States*, 855 A.2d 1126 (D.C. 2004). In this case, the court reiterated the principle “that permissible questioning and argument by prosecutors about witness fear — especially fear of the defendants on trial — must be the limited exception rather than the rule.” The court concluded that the prosecutor had improperly invoked witness fear when, although he had a legitimate evidentiary basis to argue that *one* government witness was hesitant and inconsistent in testifying because of fear of the defendants, he went on to generalize in argument that *all* of the government witnesses had reason to be afraid of the defendants, something the evidence did not support. Although the court found that this impropriety did not warrant reversal, it admonished that prosecutors “play with fire in invoking witness fear” before the jury without an evidentiary basis linking such fear to intimidation by a defendant.

ROBBERY: LEVEL OF CERTAINTY IDENTIFYING PERPETRATOR: *In re As.H.*, 851 A.2d 456 (D.C. 2004). In this juvenile robbery case, the victim of the crime testified that she was certain that As.H., aged sixteen, was one of the perpetrators. When asked about her level of certainty, however, she estimated it at 70%-80%. There was no other evidence that As.H. was involved in the robbery.

The trial judge found As.H. guilty. The Court of Appeals, by a vote of 2:1, held that the victim’s level of assurance, which left a 20%-30% chance that As.H. was not guilty, was insufficient as a matter of law to prove guilt beyond a reasonable doubt. Accordingly, the finding of guilt was reversed, and the court ordered that the charges be dismissed.

STATUTORY RIGHT TO COUNSEL UNDER D.C. CODE § 11-2603 (2001): *McCrimmon v. United States*, 853 A.2d 154 (D.C. 2004). In a case where appellate counsel in a second § 23-110 motion claimed a new ground of ineffectiveness not presented in a first § 23-110 motion — that trial counsel had operated under a conflict of interest — the trial court denied the motion without a hearing as a “second or successive” motion without addressing the merits of the claimed conflict of interest. The denial of the second motion was appealed and the appeal consolidated with the direct appeal. The second motion was not “successive” because it raised a new claim of ineffectiveness, but was a “second” motion which the trial court deemed to be procedurally barred. On appeal, the court held that both the appellant’s statutory right to counsel on direct appeal who is required to file any “ancillary matters appropriate to the proceedings,” this court’s jurisprudence establishing that it is appellate counsel’s duty to investigate and file such matters during the pendency of the direct appeal, *see Shepard v. United States*, 533 A.2d 1278, 1280 (D.C. 1987), and the interest of judicial economy dictated that the second motion not be procedurally barred. Instead, the trial court should have considered it on the merits so as to develop a record that addressed all the issues that would be presented to the appellate court as a unitary case in the consolidated appeals. As the record was not sufficiently developed to permit resolution of the claimed conflict, the case was remanded for a hearing.

## FILINGS BY CATEGORY & RATIO TO DISPOSITIONS

	2000	2001	2002 <sup>a</sup>	2003 <sup>b</sup>	2004
<b>Mandatory Appeal &amp; Bar Disciplinary Cases</b>					
Pending Jan. 1 Filings:	2,672	2,828 <sup>c</sup>	2,682 <sup>c</sup>	2,415	<b>2,318</b>
Criminal	618	673	510	633	<b>817</b>
Civil	451	381	373	531	<b>413</b>
Family	249	189	238	194	<b>182</b>
Agency	109	116	153	114	<b>125</b>
Special Proceedings	177	150	28	13	<b>16</b>
Bar Disciplinary Cases	94	95	93	96	<b>115</b>
Total Filings	1,698	1,604	1,395	1,581	<b>1,668</b>
Reinstated	20	19	49	29	<b>23</b>
Available for Disposition	4,390	4,451	4,126	4,025	<b>4,009</b>
Total Dispositions	1,906	1,768	1,711	1,707	<b>1,660</b>
Pending Dec. 31	2,484	2,683	2,415	2,318	<b>2,349</b>
<b>Original Jurisdiction Matters</b>					
Pending Jan. 1	2	9	1	4	<b>2</b>
Filings	58	61	71	77	<b>70</b>
Dispositions	51	69	68	79	<b>71</b>
Pending Dec. 31	9	1	4	2	<b>1</b>
<b>Discretionary Jurisdiction Matters</b>					
Pending Jan. 1	2	3	6	3	<b>2</b>
Filings	45	55	54	52	<b>24</b>
Dispositions	44	52	57	53	<b>24</b>
Pending Dec. 1	3	6	3	2	<b>2</b>
Total Filings	1,743	1,659	1,520	1,710	<b>1,762</b>
Total Dispositions	1,950	1,820	1,836	1,839	<b>1,755</b>
<b>Clearance Rate (Ratio of Dispositions/Filings)<sup>d</sup></b>	112%	110%	121%	108%	<b>99%</b>

<sup>a</sup> Beginning in 2002, jurisdiction matters, previously reported under special proceedings, are reported separately. Figures for 2000 and 2001 have been adjusted to reflect this reporting change.

<sup>b</sup> Calendar year 2003 figures have been revised to reflect additional filings in Superior Court, not previously reported.

<sup>c</sup> Figures adjusted after an audit of the caseload.

<sup>d</sup> The clearance rate, a measure of court efficiency, is the total number of cases disposed divided by the total number of cases added (including new filings and reactivations) during the year.

## DISPOSITIONS BY METHOD, 2000-2004

	2000	2001	2002	2003	2004
Opinion	386	277	339	299	<b>295</b>
Memorandum Opinion & Judgment	625	502	575	619	<b>506</b>
Judgment	84	85	61	57	<b>84</b>
Order	811	904	861	864	<b>870</b>
Total	1,906	1,768	1,836	1,839	<b>1,755</b>

## MOTIONS & PETITIONS,<sup>a</sup> 2000-2004

	2000	2001	2002	2003	2004
Procedural Motions	4,490	5,162	5,749	5,243	<b>4,738</b>
Substantive Motions	2,030	1,960	1,701	1,667	<b>1,618</b>
Petitions for Rehearing/Rehearing En Banc	223	181	174	221	<b>188</b>

<sup>a</sup> For 2002, figures include motions filed in original actions and discretionary matters.

## TIME ON APPEAL (Number of Days)<sup>a</sup>

	2000	2001	2002 <sup>a</sup>	2003	2004
Overall Time On Appeal <sup>b</sup>					
Average	545	522	650	623	550
Median	na	na	505	475	412
Time from Notice of Appeal to Filing of Trial Court or Agency Record					
Average	255	256	303	317	288
Median	na	na	184	196	149
Time from filing of Trial Court or Agency Record to Completed Briefing by the Parties					
Average	280	263	287	270	245
Median	na	na	173	170	155
Time from Completed Briefing to Argument or Submission					
Average	201	153	155	150	174
Median	na	na	140	149	176
Time from Argument or Submission to Court Decision					
Average	97	118	126	107	115
Median	na	na	24	16	19
Overall Time On Appeal for Certain Matters					
Bar Disciplinary Cases <sup>c</sup>					
Average	436	332	391	435	470
Median	na	na	358	279	414
Original Jurisdiction Matters					
Average	25	23	22	11	15
Median	na	na	14	8	7
Discretionary Jurisdiction Matters					
Average	57	73	29	32	45
Median	na	na	27	27	33

<sup>a</sup> Beginning in 2002, average and median times are displayed for the various stages of the appellate process.

<sup>b</sup> Beginning in 2002, original jurisdiction matters are excluded; therefore, the 2002 figures are not comparable to prior years. 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 or 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.

## BAR ADMISSIONS, 2000-2004

	2000	2001	2002	2003	2004
Applicants for Admission to Bar by Examination:					
Applications Filed	510	603	739	830	777
Applications Withheld	59	72	93	117	111
Applications Rejected	21	26	22	15	16
Unsuccessful Applicants	190	220	294	351	325
Successful Applicants	261	311	353	362	341
Applicants Admitted	238	294	347	337	337
Applicants for Admission to Bar by Motion:					
Applications Filed	2,757	3,117	2,445	2,611	2,752
Applications Admitted	2,353	2,991	2,917	2,157	2,629
Applicants Rejected	9	12	4	2	6
Certificates of Good Standing	6,706	6,878	6,678	8,153	9,448
Certification for Law Student in Court Program	305	362	354	395	351
Certification as Special Legal Consultant	7	11	11	15	9

## BAR DISCIPLINARY ACTIONS

	2000	2001	2002	2003	2004
Disbarments	29	21	22	26	29
Suspensions	27	36	24	11	24
Public Censure	5	4	4	6	7
Petitions for Reinstatement	4	3	1	3	3
Petitions for Formal Hearings	43	27	37	57	22
Miscellaneous Petitions	15	5	2	11	5

# TRUOC RORRIPUS

## MAGISTRATE JUDGES

Magistrate Judges of the Superior Court are responsible for the following: (1) administering oaths and affirmations and taking acknowledgments; (2) determining conditions of release pursuant to the provisions of Title 23 of the District of Columbia Code (relating to criminal procedure); (3) conducting preliminary examinations and initial probation revocation hearings in all criminal cases to determine if there is probable cause to believe that an offense has been committed and that the accused committed it; (4) conducting hearings, making findings and entering judgments in connection with questions of child support handled by Family Court including establishing temporary support obligations and entering default orders; (5) with the consent of the parties involved in the case, making findings and entering final orders or judgments in other contested or uncontested proceedings in the Civil and Criminal Divisions and the Family Court, except for civil jury trials or felony trials; and (6) subject to the rules of Superior Court, entering an order punishing an individual for contempt up to 180 days in detention.

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



In 2004, the Superior Court continued working toward achieving the goal of providing efficient, expeditious, and just service to the public. In September, Chief Judge King was appointed to a second term and submits this fifth annual statement on the activities of the Superior Court for the Annual Report. Each court division made some significant advances in furthering the goal of enhanced public service in 2004.

Two judicial officers joined the Court in 2004: Gregory E. Jackson, formerly General Counsel of the D.C. Department of Corrections, who was sworn in as an Associate Judge, and Diane Marie Brenneman, a solo practitioner specializing in family law and alternative dispute resolution, who was installed as a Superior Court Magistrate Judge.

The Information Technology Division (IT) completed the first phase of the Integrated Justice Information System (IJIS) by bringing the Probate Division, Special Operations Division's Tax Court, Family Court's Paternity and Child Support Branch, and Civil Division's Small Claims Branch, into the system. IJIS combines the Court's existing databases into a single information management system, which all Court users may access and which facilitates cross referencing among the divisions. The remainder of the Civil Division and the Criminal Division are expected to be brought on line in 2005.

On September 15<sup>th</sup>, the newly renovated space for Family Court on the John Marshall (JM)-level of the Moultrie Courthouse was officially opened with a ribbon cutting ceremony. The space features three new courtrooms, three new hearing rooms, a warm, new waiting room for families and children, and artwork contributed by District of Columbia youth. It also includes the Family Court Central Intake Center, which combines the intake, filing and fee collection functions of all branches of the Family Court into one central location. All Family Court hearing rooms and courtrooms are now consolidated on the JM-level and the first floor of Moultrie Courthouse, improving access to and security of the Family Court.

The Family Treatment Court, a court-ordered drug treatment program for mothers of abused and neglected children, ended its year of operations as a pilot project, and became a permanent, fully-funded Court program. The FTC celebrated the graduation of 22 women from its residential phase during 2004.

The Family Court's 18<sup>th</sup> annual Adoption Day ceremony was held on November 20, 2004. Thirty children were adopted into the homes of 23 lov-

ing families. The Court also recognized the 482 children who had been adopted in 2004. Truancy cases also received the Family Court's special attention in 2004. In a new initiative, all cases involving truants and parents or caretakers who did not ensure that their children attended school were consolidated before one judge.

In 2004, the Social Services Division of the Family Court, which serves as the District's juvenile probation system, established the first juvenile sex offender treatment group, the Juvenile Interpersonal Behavior Management Program, through its Child Guidance Clinic. Also in 2004, in collaboration with the Metropolitan Police Department Youth Division, the Social Services Division provided services to youthful offenders in the Sixth Police District who were charged with unauthorized use of a vehicle. There were several tragic auto accidents in 2004 involving youth, some of who were as young as 11 years old, who were "joyriding" in stolen cars. Social Services Division staff attended community meetings and assisted in presentations to youth and their parents or guardians on the dangers of auto-related offenses. The youths participated in anger management and tutoring sessions, self-esteem building exercises, safe recreational activities, and were paired with mentors. Division staff assisted the youths with community service projects, including trash removal and washing crime victims' cars. This work represents the beginning of an effort that is expected to help substantially reduce auto thefts in the Sixth District.

The Criminal Division also developed new case management processes in 2004. The practice of setting all misdemeanor cases for trial directly from arraignment was changed; in late 2003 through 2004, all misdemeanor trials were scheduled for status hearings before trial dates were set. This change led to a significant increase in the number of defendants who plead guilty during status hearings rather than on the trial date, with the result that the Court now schedules approximately 50% fewer misdemeanor trials per day than in previous years. This reduces the need for scheduling trial witnesses and should significantly reduce police overtime costs associated with misdemeanor trials.

Arraignment Court efficiency was also enhanced through a pilot program developed by a committee of judges, court administrators, and criminal justice agencies' representatives, that delayed opening Arraignment Court for newly arrested defendants until 1 p.m. The delay gave the criminal justice agencies involved with arraignments more time to prepare and file cases during the morning hours. This change increased the number of cases ready for court by the start time, which significantly reduced the waiting time for the public, and decreased the number of times Arraignment Court was in session beyond 6 p.m. In December 2004, the hours and procedures of the pilot program were made permanent.

For the Domestic Violence Unit, 2004 brought about an increase in the client population of its Southeast Satellite facility, located in Greater Southeast Community Hospital. The Unit filed 24% of all new petitions in 2004.

In the Probate Division, a Probate Review Task Force was created in 2004, to review recommendations for enhancing Probate's operations and services. The Task Force consists of the Presiding and Deputy Presiding Judges of the Probate Division, the Register of Wills, the Auditor-Master, a representative of the American Association of Retired Persons/Legal Counsel for the Elderly, and four private practitioners. The Task Force reviewed recommendations that had been prepared by a committee comprised of members of the D.C. Bar and the Council for Court Excellence. The Task Force's preliminary report was submitted in July 2004; its final report is planned for early 2005. Implementation of some recommendations began shortly after the preliminary report was submitted, and the Task Force continued overseeing their implementation.

The Civil Division continued its public outreach initiatives in 2004. The

Division's Judicial and Management Team, in cooperation with the District of Columbia Bar, established the Landlord and Tenant Resource Center, which provides free information services to both landlords and tenants who have matters before the court. In addition, the Landlord Tenant Branch enlisted AARP volunteers to work with Branch staff to assist the public. Plans were commenced in 2004 to install a touch-screen, computerized kiosk that will provide the public with information about the Small Claims process and procedures for bringing an action. The kiosk, which was initiated through the D.C. Bar's Antitrust and Consumer Law Section, will work like any computer connected to the Internet, allowing a visitor to access the Court's website and the District of Columbia Office of the Attorney General's web pages containing public information.

The Auditor-Master, appointed in December 2003, made substantial progress bringing the calendar current in 2004. Reports are now prepared in less than 60 days. The Office of Auditor-Master manages civil, probate, domestic relations and tax cases involving complex financial analysis, computation and accounting, as well as other duties consented to by parties and approved by the Court, which may be assigned.

The Crime Victims Compensation Program continued its assistance to crime victims in 2004 by awarding more than \$7,000,000 to help them obtain such services as temporary shelter, counseling, and crime scene cleanup. This amount represents a 12% increase over the amount awarded to victims during fiscal year 2003. In recognition of the nationally observed Crime Victims Rights Week, which is held every April, the Crime Victims Compensation Program sponsored a "Wellness Day" to empower domestic violence victims and help them recover. Activities included yoga and healing dance classes, and workshops concerning women's health, relaxation techniques, stress management, and healthy relationships.

In 2004, the Multi-Door Dispute Resolution Division completed the first full year of its Same-Day Mediation Program within its Family Mediation Program. Same-Day Mediation provides for immediate referral of cases from the domestic relations courtrooms. The program saves litigants time by conducting intake on the same day as the parties are referred from the courtroom, and, when parties are available, mediation usually begins on the same day.

The importance of jury service was highlighted on December 9, 2004, when U.S. Supreme Court Justice Sandra Day O'Connor visited the D.C. Courts to speak to jurors and the news media on the occasion of the release of the American Bar Association's draft standards to reform the jury system as part of the American Jury Initiative. The project was designed to encourage citizen participation in jury service and promote jury system improvement. Justice O'Connor said jury service is one of the highest civic duties, as juries are necessary to ensure due process and the effective administration of justice. The event also showcased innovative services available to jurors at the Superior Court, such as the ATM, which dispenses juror compensation, and the Juror's Business Center, which enables prospective jurors to perform job-related work while waiting to be called for jury service. The Juror's Business Center is equipped with a photocopier, a fax machine, and Internet-access for computers. As part of its ongoing effort to make jury service processes and information more accessible for the public, the Jurors' Office collaborated with the Courts' Information Technology Division to access these processes and information online. By April 2005, potential jurors will be able to contact the Juror's Office through the Internet to indicate eligibility for jury service, defer their service dates, and obtain general information about their jury service.

In 2004, the Special Operations Division's Office of Court Interpreting Services coordinated the translation of several pages of the District of Columbia Courts web site into Spanish, Korean, Vietnamese, Chinese, and Amharic, as a service to the growing numbers of immigrants who have matters before the Court.



In conjunction with the Capital Children's Museum, the Special Operations Division's Juror-Witness Child Care Center sponsored the annual "Back to School Bash". During the event, children, particularly those identified by the Counsel on Child Abuse and Neglect as living in residential treatment with their mothers, are given tote bags filled with school supplies and personal hygiene kits, and parents or guardians are given materials on parenting skills enhancement. More than 25 children and their parents or guardians attended the 2004 "Back to School Bash", and 50 tote bags were distributed. In addition, the Child Care Center, the Friends of the D.C. Superior Court, the Bowie State University Library, and the National First Book Foundation contributed several hundred books to the Family Court that Associate Magistrate Judges distribute to children in need.

The Court looks forward to continued improvements in its facilities, its case management and processing, and its services to the citizens of the District of Columbia in 2005.

## SUPERIOR COURT CASE ACTIVITY FOR 2004

DIVISION OF SUPERIOR COURT	Cases Pending Jan 1	Cases Filed	Cases Reactivated/ Certified In	Total Cases Available for Disposition	Cases Disposed	Cases Pending Dec. 31	% Change in Pending 2003 - 2004	Clearance Rate <sup>a</sup>
<b>Civil Division</b>								
Civil Actions:								
Civil I	643	8	59	710	106	604	-6.1%	158%
Civil II	8,743	8,896	548	18,187	9,477	8,710	-0.4%	100%
Unassigned to a Calendar	830	1,649	12	2,491	1,742	749	-9.8%	105%
Landlord & Tenant	3,803	48,999	173	52,975	46,087	6,888	81.1%	94%
Small Claims	<u>2,115</u>	<u>15,756</u>	<u>56</u>	<u>17,927</u>	<u>16,485</u>	<u>1,442</u>	<u>-31.8%</u>	<u>104%</u>
<b>Total</b>	16,134	75,308	848	92,290	73,897	18,393	14.0%	97%
<b>Criminal Division</b>								
D.C. Misdemeanors	296	3,242	1,364	4,902	4,591	311	5.1%	100%
Felony <sup>b</sup>	2,556	8,013	2,129	12,698	10,216	2,482	-2.9%	101%
Special Proceedings	142 <sup>c</sup>	3,197	27	3,366	3,233	133	-6.3%	100%
Traffic	1,075	7,128	3,502	11,705	10,885	820	-23.7%	102%
U.S. Misdemeanors	<u>2,265</u>	<u>13,571</u>	<u>7,012</u>	<u>22,848</u>	<u>20,426</u>	<u>2,422</u>	<u>6.9%</u>	<u>99%</u>
<b>Total</b>	6,334	35,151	14,034	55,519	49,351	6,168	-2.6%	100%
<b>Domestic Violence Unit<sup>d</sup></b>								
Contempt Motions	35	na	275	310	272	38	8.6%	99%
Intrafamily	230	3,845	876	4,951	4,802	149	-35.2%	102%
Paternity & Child Support	70	na	358	428	348	80	14.3%	97%
U.S. Misdemeanors	<u>838</u>	<u>4,244</u>	<u>539</u>	<u>5,621</u>	<u>4,876</u>	<u>745</u>	<u>-11.1%</u>	<u>102%</u>
<b>Total</b>	1,173	8,089	2,048	11,310	10,298	1,012	-13.7%	102%
<b>Family Court</b>								
Abuse & Neglect	4,184 <sup>c</sup>	802	-	4,986	1,565	3,421	-18.2%	195%
Adoption	842	467	-	1,309	802	507	-39.8%	172%
Divorce/Custody/Miscellaneous	2,256	3,507	-	5,763	3,576	2,187	-3.1%	102%
Juvenile	670 <sup>c</sup>	2,783	41	3,494	2,469	1,025	53.0%	87%
Mental Health/Mental Retardation	1,296	1,639	107	3,042	1,601	1,441	11.2%	92%
Paternity & Child Support	<u>6,497<sup>c</sup></u>	<u>2,595</u>	<u>1,591</u>	<u>10,683</u>	<u>4,218</u>	<u>6,465</u>	<u>-0.5%</u>	<u>101%</u>
<b>Total</b>	15,745	11,793	1,739	29,277	14,231	15,046	-4.4%	105%
<b>Probate Division</b>								
Conservatorships	292	-	-	292	48	244	-16.4%	na
Foreign Proceedings	-	132	-	132	132	-	-	100%
Formal Probate	4,289	1,515	5	5,809	2,025	3,784	-11.8%	133%
Guardianships	350	38	-	388	157	231	-34.0%	413%
Interventions	1,861	326	-	2,187	280	1,907	2.5%	86%
Small Estates	138	642	44	824	717	107	-22.5%	105%
Trusts	<u>278</u>	<u>13</u>	<u>-</u>	<u>291</u>	<u>4</u>	<u>287</u>	<u>3.2%</u>	<u>31%</u>
<b>Total</b>	7,208	2,666	49	9,923	3,363	6,560	-9.0%	124%
<b>Tax Division</b>								
Civil Cases	397	189	6	592	161	431	8.6%	83%
Criminal Cases	15	12	-	27	5	22	46.7%	42%
<b>Total</b>	412	201	6	619	166	453	10.0%	80%
<b>Grand Total</b>	47,006	133,208	18,724	198,938	151,306	47,632	1.3%	100%

<sup>a</sup> The clearance rate, a measure of court efficiency, is the total number of cases disposed divided by the total number of cases added (including new filings/reactivations/certified in/transferred in) during a given time period.

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

<sup>c</sup> Adjustment since December 31, 2003 as a result of a manual audit of the caseload.

<sup>d</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.

## NEW CASE FILINGS

	2000	2001	2002	2003	2004	% Change 2003 - 2004
<b>Civil Division</b>						
Civil Actions	9,289	9,481	10,736	10,277	<b>10,553</b>	2.7%
Landlord & Tenant	53,970	55,649	49,138	47,951	<b>48,999</b>	2.2%
Small Claims	<u>20,769</u>	<u>21,378</u>	<u>20,529</u>	<u>17,891</u>	<b>15,756</b>	-11.9%
<b>Total</b>	<b>84,028</b>	<b>86,508</b>	<b>80,403</b>	<b>76,119</b>	<b>75,308</b>	-1.1%
<b>Criminal Division</b>						
D.C. Misdemeanors	4,140	3,451	2,681	2,709	<b>3,242</b>	19.7%
Felony	7,541	8,270	8,341	8,016	<b>8,013</b>	0.0%
Special Proceedings	3,398	3,479	3,310	3,297	<b>3,197</b>	-3.0%
Traffic	7,097	7,542	7,448	6,745	<b>7,128</b>	5.7%
U.S. Misdemeanors	<u>15,161</u>	<u>14,329</u>	<u>14,018</u>	<u>11,540</u>	<b>13,571</b>	17.6%
<b>Total</b>	<b>37,337</b>	<b>37,071</b>	<b>35,798</b>	<b>32,307</b>	<b>35,151</b>	8.8%
<b>Domestic Violence Unit</b>						
Intrafamily Misdemeanor <sup>a</sup>	<u>3,715</u>	<u>3,738</u>	<u>3,895</u>	<u>4,194</u>	<b>3,845</b>	-8.3%
<b>Total</b>	<b>3,715</b>	<b>3,738</b>	<b>3,895</b>	<b>8,586</b>	<b>4,244</b>	-3.4%
<b>Family Court</b>						
Abuse & Neglect	1,417	1,490	1,105	853	<b>802</b>	-6.0%
Adoption	531	657	574	504	<b>467</b>	-7.3%
Divorce/Custody/Misc.	3,775	4,086	3,885	3,589	<b>3,507</b>	-2.3%
Juvenile	2,495	2,390	2,241	2,412	<b>2,783</b>	15.4%
Mental Health & Mental Retardation	1,715	1,931	1,987	1,983	<b>1,639</b>	-17.3%
Paternity & Child Support	<u>2,211</u>	<u>2,578</u>	<u>2,325</u>	<u>2,468</u>	<b>2,595</b>	5.1%
<b>Total</b>	<b>12,144</b>	<b>13,132</b>	<b>12,117</b>	<b>11,809</b>	<b>11,793</b>	-0.1%
<b>Probate Division</b>						
Conservatorships	-	-	-	-	-	-
Foreign Proceedings	146	126	112	109	<b>132</b>	21.1%
Formal Probate	1,487	1,536	1,474	1,431	<b>1,515</b>	5.9%
Guardianships	56	61	102	64	<b>38</b>	-40.6%
Interventions	310	372	375	281	<b>326</b>	16.0%
Small Estates	593	694	773	646	<b>642</b>	-0.6%
Trusts	<u>20</u>	<u>31</u>	<u>23</u>	<u>8</u>	<b>13</b>	62.5%
<b>Total</b>	<b>2,612</b>	<b>2,820</b>	<b>2,859</b>	<b>2,539</b>	<b>2,666</b>	5.0%
<b>Tax Division</b>						
Civil Cases	40	85	148	172	<b>189</b>	9.9%
Criminal Cases	<u>6</u>	<u>7</u>	<u>6</u>	<u>7</u>	<b>12</b>	71.4%
<b>Total</b>	<b>46</b>	<b>92</b>	<b>154</b>	<b>179</b>	<b>201</b>	12.3%
<b>Grand Total</b>	<b>139,882</b>	<b>143,361</b>	<b>135,226</b>	<b>131,539</b>	<b>133,208</b>	1.3%
Monthly Average	11,657	11,947	11,269	10,962	<b>11,101</b>	1.3%

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

## CASE DISPOSITIONS

	2000	2001	2002	2003	2004	% Change 2003 - 2004
<b>Civil Division</b>						
Civil Actions <sup>a</sup>	9,007	10,474	10,527	12,296	<b>11,325</b>	-7.9%
Landlord & Tenant	54,745	55,262	50,573	48,387	<b>46,087</b>	-4.8%
Small Claims	<u>21,280</u>	<u>22,387</u>	<u>19,231</u>	<u>18,493</u>	<b>16,485</b>	-10.9%
<b>Total</b>	<b>85,032</b>	<b>88,123</b>	<b>80,331</b>	<b>79,176</b>	<b>73,897</b>	-6.7%
<b>Criminal Division</b>						
D.C. Misdemeanors	6,584	4,472	3,178	3,106	<b>4,591</b>	47.8%
Felony <sup>b</sup>	7,647	10,040	10,178	10,206	<b>10,216</b>	0.1%
Special Proceedings	3,373	3,526	3,448	3,379	<b>3,233</b>	-4.3%
Traffic	10,437	10,098	10,823	8,334	<b>10,884</b>	30.6%
U.S. Misdemeanors	<u>17,135</u>	<u>16,103</u>	<u>16,591</u>	<u>14,935</u>	<b>20,426</b>	36.8%
<b>Total</b>	<b>45,176</b>	<b>44,239</b>	<b>44,218</b>	<b>39,960</b>	<b>49,350</b>	23.5%
<b>Domestic Violence Unit</b>						
Intrafamily	4,466	4,452	4,582	4,779	<b>5,074</b>	6.2%
Misdemeanor	569	505	519	471	<b>348</b>	-26.1%
U.S. Misdemeanors	<u>4,026</u>	<u>3,625</u>	<u>3,275</u>	<u>4,742</u>	<b>4,876</b>	2.8%
<b>Total</b>	<b>9,061</b>	<b>8,582</b>	<b>8,376</b>	<b>9,992</b>	<b>10,298</b>	3.1%
<b>Family Court</b>						
Abuse & Neglect	1,670	1,634	1,332	1,387	<b>1,565</b>	12.8%
Adoption	492	548	464	579	<b>802</b>	38.5%
Divorce/Custody/Misc.	2,235	2,770	7,203 <sup>c</sup>	4,678	<b>3,576</b>	-23.6%
Juvenile	3,178	2,354	2,044	2,247	<b>2,469</b>	9.9%
Mental Health & Mental Retardation	1,835	2,086	1,511	3,809	<b>1,601</b>	-58.0%
Paternity & Child Support	<u>4,611</u>	<u>4,564</u>	<u>5,375</u>	<u>5,893</u>	<b>4,218</b>	-28.4%
<b>Total</b>	<b>14,021</b>	<b>13,956</b>	<b>17,929</b>	<b>18,593</b>	<b>14,231</b>	-23.5%
<b>Probate Division</b>						
Conservatorships	50	32	26	25	<b>48</b>	92.0%
Foreign Proceedings	146	126	112	109	<b>132</b>	21.1%
Formal Probate	1,536	1,526	1,693	1,426	<b>2,025</b>	42.0%
Guardianships	120	95	99	102	<b>157</b>	53.9%
Interventions	180	201	173	227	<b>280</b>	23.3%
Small Estates	696	722	830	719	<b>717</b>	-0.3%
Trusts	<u>3</u>	<u>5</u>	<u>4</u>	<u>2</u>	<b>4</b>	100.0%
<b>Total</b>	<b>2,731</b>	<b>2,707</b>	<b>2,937</b>	<b>2,610</b>	<b>3,363</b>	28.9%
<b>Tax Division</b>						
Civil Cases	78	65	72	111	<b>161</b>	45.0%
Criminal Cases	<u>3</u>	<u>4</u>	<u>6</u>	<u>5</u>	<b>5</b>	0.0%
<b>Total</b>	<b>81</b>	<b>69</b>	<b>78</b>	<b>116</b>	<b>166</b>	43.1%
<b>Grand Total</b>	<b>156,102</b>	<b>157,676</b>	<b>153,869</b>	<b>150,447</b>	<b>151,305</b>	0.6%
Monthly Average	13,009	13,140	12,822	12,537	<b>12,609</b>	0.6%

<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-indictments and indictments.

<sup>c</sup> A manual review and audit of the pending caseload resulted in a disproportionate number of 2002 dismissals of older cases for failure to prosecute.

## PENDING CASELOADS

	2000	2001	2002	2003	2004	% Change 2003 - 2004
<b>Civil Division</b>						
Civil Actions <sup>a</sup>	8,401	9,141	10,843	10,216	<b>10,063</b>	-1.5%
Landlord & Tenant	4,450	5,215	4,006	3,803	<b>6,888</b>	81.1%
Small Claims	<u>2,330</u>	<u>1,359</u>	<u>2,692</u>	<u>2,115</u>	<u><b>1,442</b></u>	-31.8%
<b>Total</b>	<b>15,181</b>	<b>15,715</b>	<b>17,541</b>	<b>16,134</b>	<b>18,393</b>	14.0%
<b>Criminal Division</b>						
D.C. Misdemeanors	223	384	218	296	<b>311</b>	5.1%
Felony <sup>b</sup>	1,922	2,845	2,851	2,556	<b>2,482</b>	-2.9%
Special Proceedings	123	103	124	124 <sup>e</sup>	<b>133</b>	-6.3%
Traffic	1,157	2,313	733	1,075	<b>820</b>	-23.7%
U.S. Misdemeanors	<u>2,027</u>	<u>1,863</u>	<u>2,079</u>	<u>2,265</u>	<u><b>2,422</b></u>	6.9%
<b>Total</b>	<b>5,452</b>	<b>7,508</b>	<b>6,005</b>	<b>6,334</b>	<b>6,168</b>	-2.6%
<b>Domestic Violence Unit</b>						
Intrafamily	209	253	222	265	<b>187</b>	-29.4%
Misdemeanor	65	98	62	70	<b>80</b>	14.3%
U.S. Misdemeanors	<u>905</u>	<u>731</u>	<u>675</u>	<u>838</u>	<u><b>745</b></u>	-11.1%
<b>Total</b>	<b>1,179</b>	<b>1,082</b>	<b>959</b>	<b>1,173</b>	<b>1,012</b>	-13.7%
<b>Family Court<sup>c</sup></b>						
Abuse & Neglect <sup>d</sup>	2,883	5,145	4,918	4,184 <sup>e</sup>	<b>3,421</b>	-18.2%
Adoption	47	807	917	842	<b>507</b>	-39.8%
Divorce/Custody/Misc.	1,492	6,663	3,345	2,256	<b>2,187</b>	-3.1%
Juvenile	264	825	1,022	670 <sup>e</sup>	<b>1,025</b>	53.0%
Mental Health & Mental Retardation	2,473	2,436	3,025	1,296	<b>1,441</b>	11.2%
Paternity & Child Support	<u>8,024</u>	<u>8,487</u>	<u>7,325</u>	<u>6,497<sup>e</sup></u>	<u><b>6,465</b></u>	-0.5%
<b>Total</b>	<b>15,183</b>	<b>24,363</b>	<b>20,552</b>	<b>15,745</b>	<b>15,046</b>	-4.4%
<b>Probate Division</b>						
Conservatorships	375	343	317	292	<b>244</b>	-16.4%
Foreign Proceedings	-	-	-	-	-	-
Formal Probate	4,490	4,500	4,284	4,289	<b>3,784</b>	-11.8%
Guardianships	419	385	388	350	<b>231</b>	-34.0%
Interventions	1,434	1,605	1,807	1,861	<b>1,907</b>	2.5%
Small Estates	115	150	156	138	<b>107</b>	-22.5%
Trusts	<u>227</u>	<u>253</u>	<u>272</u>	<u>278</u>	<u><b>287</b></u>	3.2%
<b>Total</b>	<b>7,060</b>	<b>7,236</b>	<b>7,224</b>	<b>7,208</b>	<b>6,560</b>	-9.0%
<b>Tax Division</b>						
Civil Cases	238	259	336	397	<b>431</b>	8.6%
Criminal Cases	<u>10</u>	<u>13</u>	<u>13</u>	<u>15</u>	<u><b>22</b></u>	46.7%
<b>Total</b>	<b>248</b>	<b>272</b>	<b>349</b>	<b>412</b>	<b>453</b>	10.0%
<b>Grand Total</b>	<b>44,303</b>	<b>56,176</b>	<b>52,630</b>	<b>47,006</b>	<b>47,632</b>	1.3%
Monthly Average	3,692	4,681	4,386	3,917	<b>3,969</b>	1.3%

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

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

<sup>c</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>d</sup> Beginning 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, reviews were routinely held, but not reported in caseload statistics.

<sup>e</sup> Adjustment since December 31, 2003 as a result of a manual audit of the caseload.

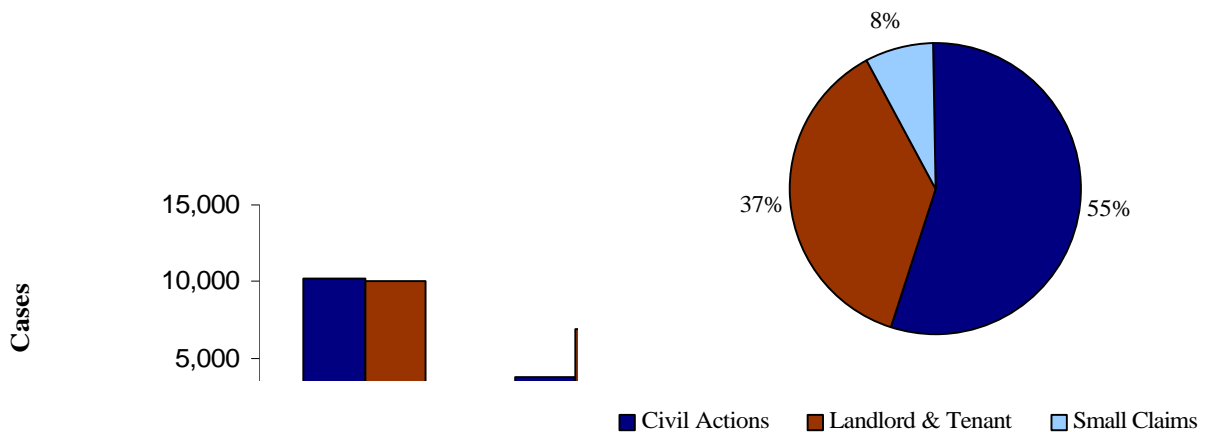
# CIVIL DIVISION

**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.

## CIVIL DIVISION CASE ACTIVITY FOR 2004

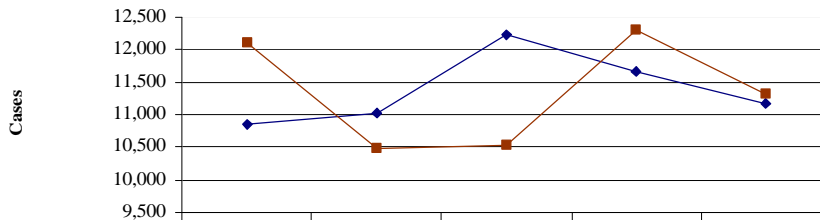
	Civil Actions			Landlord & Tenant	Small Claims	Total
	Assigned	Unassigned/Misc.	Civil I			
Pending Jan. 1	8,743	830	643	3,803	2,115	16,134
Filings/Assignments	8,896	1,649	8	48,999	15,756	75,308
Reinstatements/Reactivations	49	1	56	173	56	335
Transferred In	499	11	3	-	-	513
<b>Total for Disposition</b>	<b>18,187</b>	<b>2,491</b>	<b>710</b>	<b>52,975</b>	<b>17,927</b>	<b>92,290</b>
Dispositions:						
Settled/Dismissed	2,385	43	68	24,894	2,478	29,868
Dismissed by Court	1,725	80	15	-	4,252	6,072
Dismissed Rule 41	1,654	56	9	-	-	1,719
Dismissed Rule 4(m)	1,126	35	-	-	-	1,161
Default Judgment	614	4	-	20,363	5,653	26,634
Judgments/Consents	138	6	-	-	2,914	3,058
Expart Proof-Affidavit	282	1	-	-	-	283
Suggestion of Bankruptcy	-	2	-	-	-	2
Removed to Federal Court	193	-	-	-	-	193
Dispositive Motions	1,045	137	8	-	-	1,190
Jury Trials	164	1	1	-	-	166
Non-Jury Trials	37	-	-	118	443	598
Settled During Trial	3	-	2	-	-	5
Returned to Files	-	-	-	472	-	472
Certified to Civil Trial Calendar	-	-	-	240	416	656
Other	41	1,327	-	-	329	1,697
<b>Total Dispositions</b>	<b>9,407</b>	<b>1,692</b>	<b>103</b>	<b>46,087</b>	<b>16,485</b>	<b>73,774</b>
Transferred Out	70	50	3	-	-	123
<b>Pending Dec. 31</b>	<b>8,710</b>	<b>749</b>	<b>604</b>	<b>6,888</b>	<b>1,442</b>	<b>18,393</b>
Percent Change in Pending	<b>-0.4%</b>	<b>-9.8%</b>	<b>-6.1%</b>	<b>81.1%</b>	<b>-31.8%</b>	<b>14.0%</b>
<b>Clearance Rate</b>	100.3%	104.9%	158.2%	93.7%	104.3%	97.0%

## CIVIL DIVISION PENDING CASELOAD, 2004



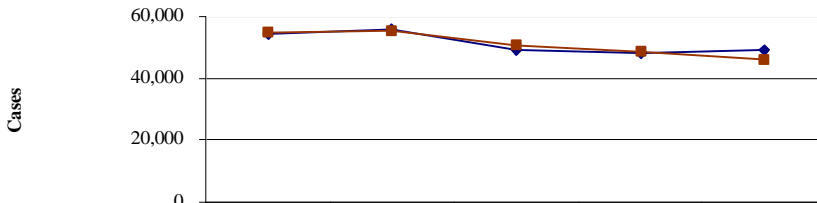
## CIVIL DIVISION CASELOAD TRENDS, 2000-2004

### ALL CIVIL ACTIONS



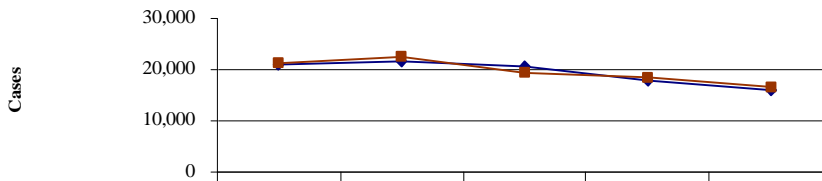
	2000	2001	2002	2003	2004
Filings/Reactivations	10854	11019	12229	11669	11172
Dispositions	12102	10474	10527	12293	11325

### LANDLORD & TENANT



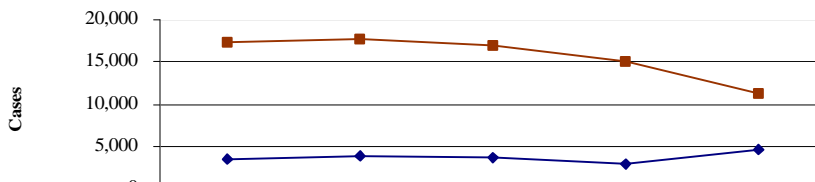
	2000	2001	2002	2003	2004
Filings & Reactivations	54345	56027	49364	48184	49172
Dispositions	54745	55262	50573	48387	46087

### SMALL CLAIMS



	2000	2001	2002	2003	2004
Filings & Reactivations	20804	21416	20564	17916	15812
Dispositions	21280	22387	19231	18493	16485

### SMALL CLAIMS PRO SE



	2000	2001	2002	2003	2004
Pro Se	3387	3729	3661	2781	4509
With Counsel	17382	17649	16868	15110	11247

## GLOSSARY OF CASE PROCESSING TERMS

**New Filings:** A count of cases that have been filed with the court for the first time.

**Assigned Civil Actions:** A count of 'new filings' that are ready and placed on an individual judge's calendar.

**Reactivations:** A count of cases in which judgments have previously been entered but which have been restored to the court's pending caseload due to the filing of a request to modify or enforce the existing judgments.

**Dispositions:** A count of cases for which an original entry of judgment has been filed and the case has left the caseload or moved to the sentencing stage of case processing.

**Pro Se:** A *pro se* client is someone who at the time of filing does not have legal representation, whether as a defendant or a plaintiff.



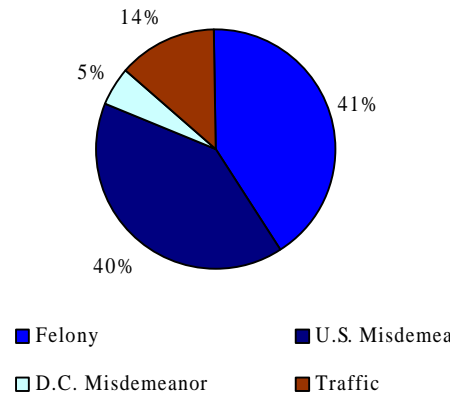
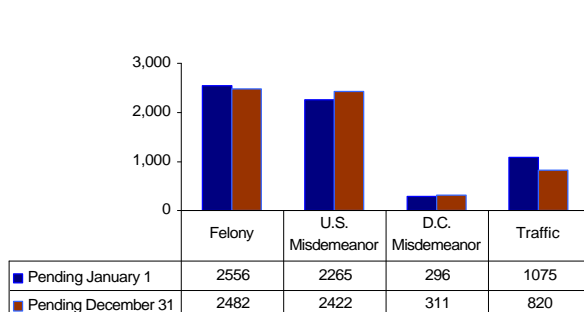
# CRIMINAL DIVISION

**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 Attorney General. 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.

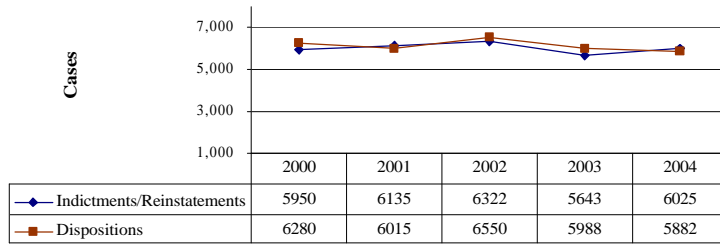
## CRIMINAL DIVISION CASE ACTIVITY FOR 2004

	Felony	U.S. Misdemeanors	D.C. Misdemeanors	Traffic	Total
Pending Jan. 1	2,556	2,265	296	1,075	6,192
Filings	8,013	13,571	3,242	7,128	31,954
Reinstatements	1,648	4,519	857	2,894	9,918
Transferred In	481	2,493	507	608	4,089
<b>Total for Disposition</b>	<b>12,698</b>	<b>22,848</b>	<b>4,902</b>	<b>11,705</b>	<b>52,153</b>
Dispositions:					
Prior to Adjudication:					
No Papered	1,585	2,271	746	1,206	5,808
Nolle Prosequi	25	2,479	797	2,269	5,570
Dismissed	1,014	-	22	3	1,039
Other	-	-	9	3	12
Total	2,624	4,750	1,574	3,481	12,429
Court Adjudications:					
Jury Trials	425	32	1	1	459
Court Trials	15	784	24	44	867
Pleas	3,182	4,734	381	2,452	10,749
Dismissed/DWP	1,406	2,520	209	270	4,405
Incompetent to Stand Trial	3	-	-	-	3
Security Forfeited	-	-	855	398	1,253
Other	256	24	-	71	351
Total	5,287	8,094	1,470	3,236	18,087
Placed on Inactive Status:					
Absconded	1,260	3,419	703	1,687	7,069
Mental Observation	19	69	5	3	96
Pretrial Diversion	-	1,689	344	2,065	4,098
Total	1,279	5,177	1,052	3,755	11,263
<b>Total Dispositions</b>	<b>9,190</b>	<b>18,021</b>	<b>4,096</b>	<b>10,472</b>	<b>41,779</b>
Transferred Out	1,026	2,405	495	413	4,339
<b>Pending Dec. 31</b>	<b>2,482</b>	<b>2,422</b>	<b>311</b>	<b>820</b>	<b>6,035</b>
Percent Change in Pending	-2.9%	6.9%	5.1%	-23.7%	-2.5%
<b>Clearance Rate</b>	<b>100.7%</b>	<b>99.2%</b>	<b>99.7%</b>	<b>102.4%</b>	<b>100.3%</b>

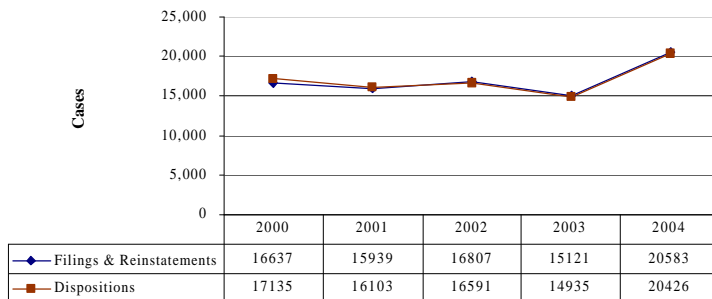
## CRIMINAL DIVISION PENDING CASELOAD, 2004



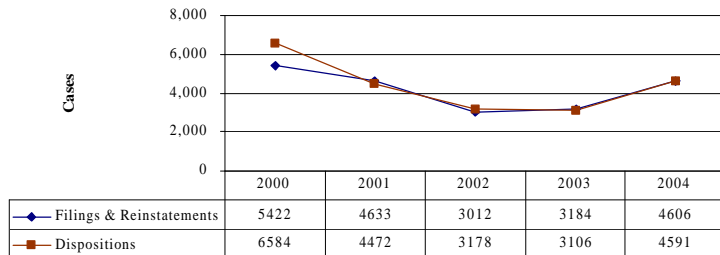
FELONY INDICTMENTS



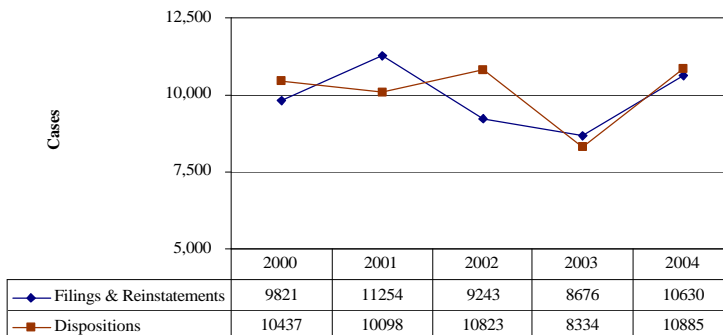
U.S. MISDEMEANOR



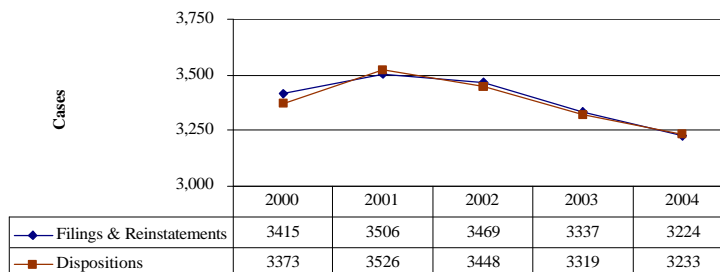
D.C. MISDEMEANOR



TRAFFIC



SPECIAL PROCEEDINGS ACTIVITY



GLOSSARY OF CASE PROCESSING TERMS

**Filings:** A count of cases that have been filed with the court for the first time.

**Felony Filings/Indictments:** A felony filing is information provided by the prosecutorial agency for referral to the Grand Jury for final prosecution. An indictment is a formal charge which has been referred by the Grand Jury for prosecution.

**Reactivations:** Cases in which a judgment has previously been entered but which have been restored to the court's pending caseload due to the filing of a request to modify or enforce that existing judgment.

**Dispositions:** A count of cases for which an original entry of judgment has been filed and the case has left the caseload or moved to the sentencing stage of case processing.

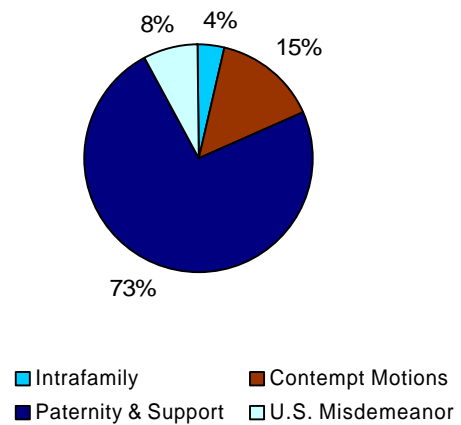
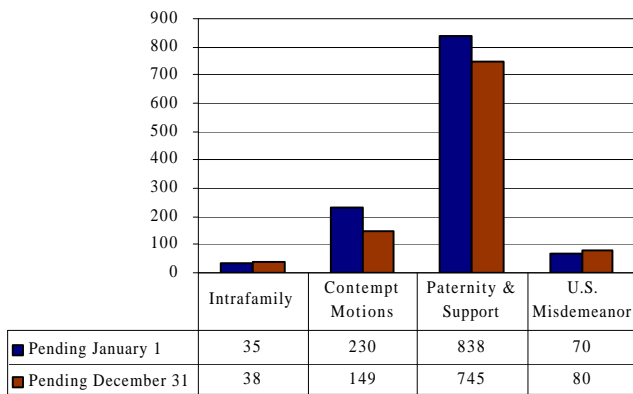
# DOMESTIC VIOLENCE UNIT

**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.

## DOMESTIC VIOLENCE UNIT CASE ACTIVITY FOR 2004

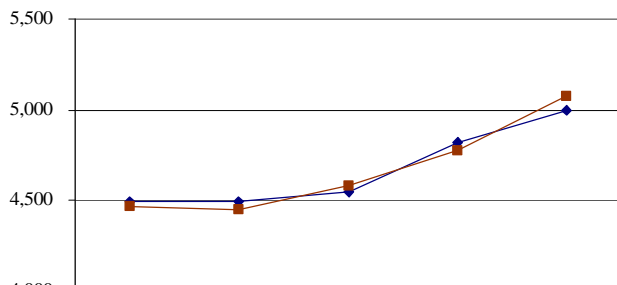
	Contempt Motions	Intrafamily	U.S. Misdemeanor	Paternity & Child Support	Total
Pending Jan. 1	35	230	838	70	1,173
Filings	227	3,845	4,244	191	8,507
Reinstatements	48	876	539	167	1,630
<b>Total for Disposition</b>	<b>310</b>	<b>4,951</b>	<b>5,621</b>	<b>428</b>	<b>11,310</b>
Dispositions:					
Prior to Court Adjudication	-	-	1,700	-	1,700
Court Adjudications	272	4,802	2,737	348	8,159
Placed on Inactive Status	-	-	439	-	439
<b>Total Dispositions</b>	<b>272</b>	<b>4,802</b>	<b>4,876</b>	<b>348</b>	<b>10,298</b>
<b>Pending Dec. 31</b>	<b>38</b>	<b>149</b>	<b>745</b>	<b>80</b>	<b>1,012</b>
Percent Change in Pending	8.6%	-35.2%	-11.1%	14.3%	-13.7%
<b>Clearance Rate</b>	<b>98.9</b>	<b>101.7</b>	<b>101.9</b>	<b>97.2</b>	<b>101.6</b>

## DOMESTIC VIOLENCE PENDING CASELOAD, 2004



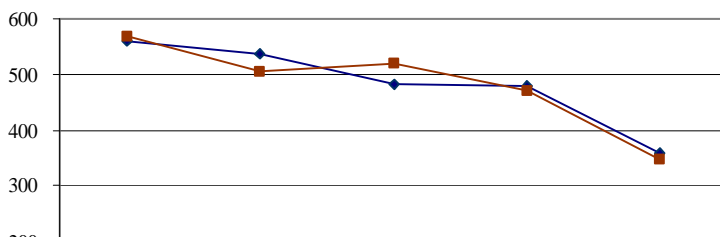
## DOMESTIC VIOLENCE CASELOAD TRENDS, 2000-2004

### CIVIL PROTECTION ORDERS



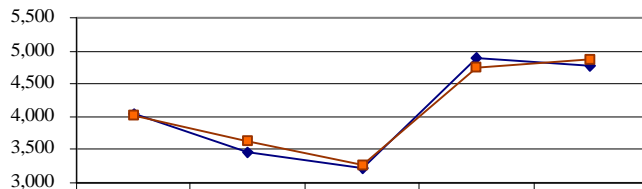
	2000	2001	2002	2003	2004
Filings & Reactivations	4493	4496	4551	4822	4996
Dispositions	4466	4452	4581	4779	5074

### DOMESTIC VIOLENCE PATERNITY AND SUPPORT



	2000	2001	2002	2003	2004
Certified In	561	538	483	479	358
Dispositions	569	505	519	471	348

### DOMESTIC VIOLENCE U.S. MISDEMEANOR<sup>a</sup>



	2000	2001	2002	2003	2004
New Filings/Certified In & Reactivations	4039	3451	3219	4905	4783
Dispositions	4026	3625	3275	4742	4876

<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.

**Domestic Violence Case:** A category of cases involving violence, coercion, intimidation or harassment by a family or household member against another family or household member that could result in the filing of misdemeanor charges, the issuance of a civil protection order, order of support, divorce, custody or visitation. Family or household members may include (a) persons who are current or former spouses; (b) persons who are intimate partners and who live together or have lived together; (c) persons who are dating or who have dated; (d) persons who are engaged in, or have engaged in a sexual relationship; (e) persons who are related by blood or adoption; (f) persons who are related or formerly related by marriage; (g) persons who have a child in common; and (h) minor children of a person in a relationship that is described above. The victim/petitioner must reside in Washington, DC or the incident must have happened in Washington DC.

# FAMILY COURT OPERATIONS

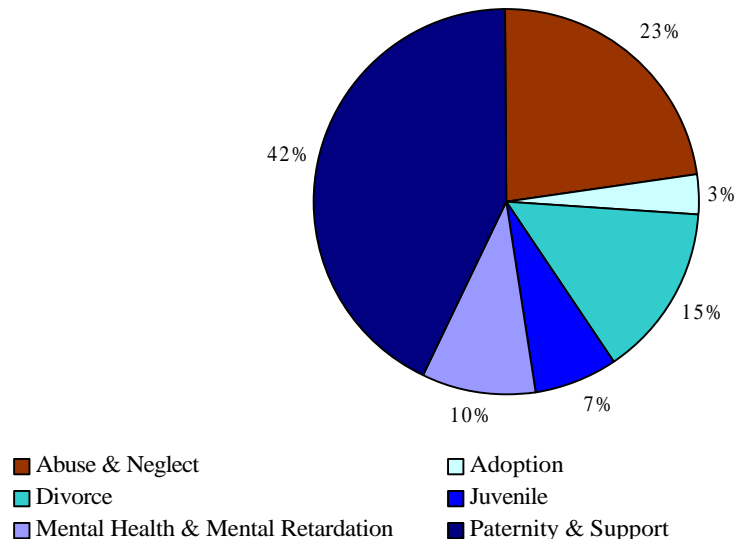
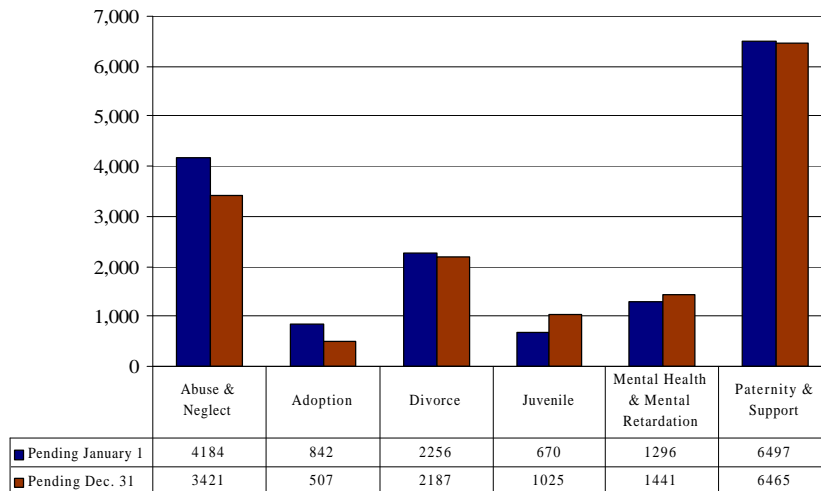
**Family Court Operations.** The Family Court is responsible for the processing and adjudication of all actions involving families and children in the District of Columbia Superior Court. The Office of the Director, seven administrative branches, two support offices and a self help center make up the Family Court: The Central Intake Center serves as the initial point of contact between the public and the Family Court and provides the public with a centralized location for filing all Family Court pleadings and to pay any fees associated with those filings; the Domestic Relations Branch processes cases seeking divorce, annulment, custody and adoption; the Paternity & Support Branch processes 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 seven branches, the Family Court is further supported by the functions of three additional offices. The Office of the Attorney Advisor is responsible for assisting and monitoring the Court's compliance with the Adoption and Safe Families Act (ASFA) and other child welfare laws applicable to cases involving abuse and neglect. The Quality Control Office conducts limited ASFA reviews and processes the transfer of all prisoners in Family Court cases. Finally, the Family Court Self Help Center, developed in collaboration with the D.C. Bar, provides legal information and assistance to self-represented parties in Family Court cases.

## FAMILY COURT OPERATIONS CASE ACTIVITY FOR 2004

	Abuse & Neglect	Adoption	Divorce	Juvenile	Mental Health & Mental Retardation	Paternity & Child Support	Total
Pending Jan. 1	4,184 <sup>a</sup>	842	2,256	670 <sup>a</sup>	1,296	6,497 <sup>a</sup>	15,745
Filings	802	467	3,507	2,783	1,639	2,595	11,793
Reinstatements/Reactivations	-	-	-	41	107	1,591	1,739
<b>Total for Disposition</b>	<b>4,986</b>	<b>1,309</b>	<b>5,763</b>	<b>3,494</b>	<b>3,042</b>	<b>10,683</b>	<b>29,277</b>
<b>Dispositions</b>	<b>1,565</b>	<b>802</b>	<b>3,576</b>	<b>2,469</b>	<b>1,601</b>	<b>4,048</b>	<b>14,061</b>
Certified to Domestic Violence	-	-	-	-	-	170	170
<b>Pending Dec. 31</b>	<b>3,421</b>	<b>507</b>	<b>2,187</b>	<b>1,025</b>	<b>1,441</b>	<b>6,465</b>	<b>15,046</b>
Percent Change in Pending	-18.2%	-39.8%	-3.1%	53.0%	11.2%	-0.5%	-4.4%
<b>Clearance Rate</b>	<b>195.1%</b>	<b>171.7%</b>	<b>102%</b>	<b>87.4%</b>	<b>91.7%</b>	<b>100.8%</b>	<b>105.2%</b>

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

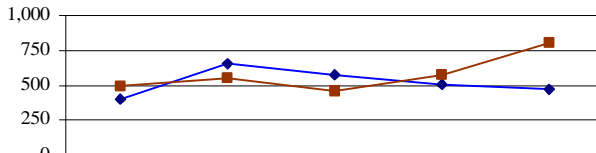
## FAMILY COURT PENDING CASELOAD, 2004





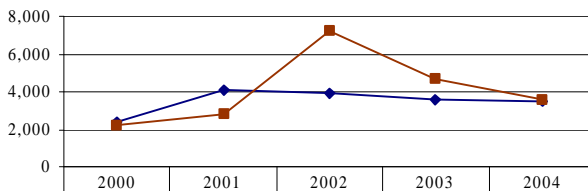
# FAMILY COURT OPERATIONS CASELOAD TRENDS, 2000-2004

## ADOPTIONS



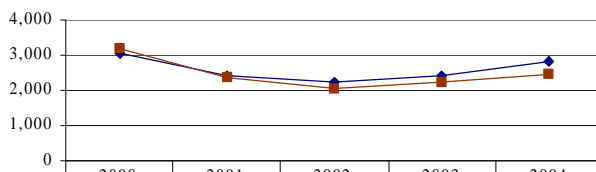
	2000	2001	2002	2003	2004
◆ Filings/Reactivations	406	657	574	504	467
■ Dispositions	492	548	464	579	802

## DIVORCE



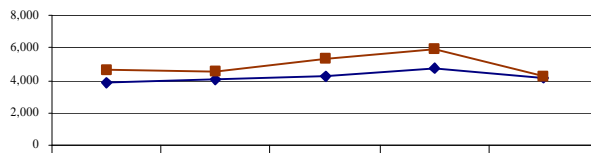
	2000	2001	2002	2003	2004
◆ Filings/Reactivations	2358	4104	3885	3589	3507
■ Dispositions	2235	2770	7203	4678	3576

## JUVENILE



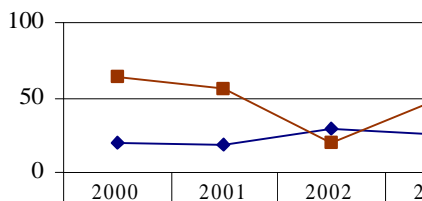
	2000	2001	2002	2003	2004
◆ Filings/Reactivations	3064	2390	2241	2412	2824
■ Dispositions	3178	2354	2044	2247	2469

## PATERNITY & SUPPORT



	2000	2001	2002	2003	2004
◆ Filings/Reactivations	3890	4014	4203	4693	4186
■ Dispositions	4611	4564	5375	5893	4218

## MENTAL RETARDATION



	2000	2001	2002	2003	2004
◆ Filings/Reactivations	20	19	29	29	29
■ Dispositions	64	56	20	20	42

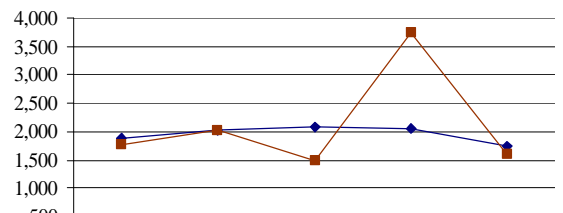
## GLOSSARY OF CASE PROCESSING TERMS

**Filings:** A count of cases that have been filed with the court for the first time.

**Reactivations:** Cases in which a bench warrant or judgment have previously been entered, but which have been restored to the court's pending caseload because the bench warrant has been quashed or due to the filing of a request to modify an existing judgment.

**Dispositions:** A count of cases for which an original entry of judgment has been filed and the case has left the caseload or moved to the sentencing stage of case processing.

## MENTAL HEALTH<sup>a</sup>



	2000	2001	2002	2003	2004
◆ Filings/Reactivations	1895	2025	2071	2055	1730
■ Dispositions	1771	2030	1491	3760	1590

<sup>a</sup> The 3,760 cases closed in 2003, includes 2,088 cases that were administratively dismissed because no further action was required by the court.

# FAMILY COURT SOCIAL SERVICES

**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 and specialized treatment programs to youths whose problems bring them within the purview of the Court. The Division is comprised of the following branches: Intake Services and Juvenile Drug Court; Juvenile Diagnostic and Probation Supervision; Operations and Contract Services; Child Guidance Clinic and Family Counseling; and Juvenile Information Control Center, which work together to accomplish these goals.

## SOCIAL SERVICES DIVISION ACTIVITY FOR 2004

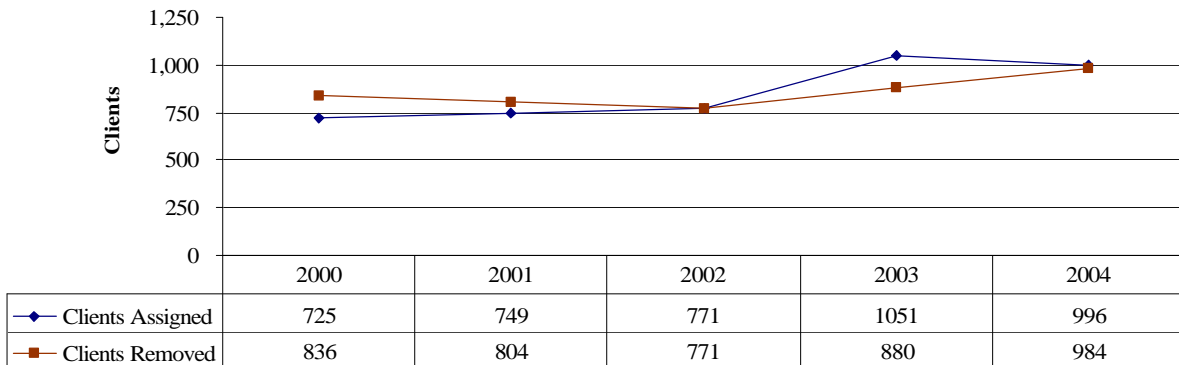
	Pending Jan. 1	New Cases/Clients	Total	Closed	Cases Pending Dec. 31	% Change Pending 2003 - 2004
<b>JUVENILE CLIENTS</b>						
<b>Intake</b>						
Active Clients <sup>a</sup>	-	896	896	896	-	-
New Clients	317	1,786	2,103	1,672	431	36.0%
Diversion	<u>125</u>	<u>377</u>	<u>502</u>	<u>378</u>	<u>124</u>	<u>-0.8%</u>
<b>Total</b>	<b>442</b>	<b>3,059</b>	<b>3,501</b>	<b>2,946</b>	<b>555</b>	<b>25.6%</b>
<b>Diagnostic</b>						
Domestic Relations	84	159	243	195	48	-42.9%
Juvenile	<u>252</u>	<u>612</u>	<u>864</u>	<u>514</u>	<u>350</u>	<u>38.9%</u>
<b>Total</b>	<b>336</b>	<b>771</b>	<b>1,107</b>	<b>709</b>	<b>398</b>	<b>18.5%</b>
<b>Juvenile Drug Court</b>	<b>25</b>	<b>30</b>	<b>55</b>	<b>28</b>	<b>27</b>	<b>8.0%</b>
<b>Supervision</b>						
Intensive Community Supervision	77 <sup>b</sup>	77	154	62	92	19.5%
Regular Supervision	<u>781<sup>b</sup></u>	<u>919</u>	<u>1,700</u>	<u>922</u>	<u>778</u>	<u>-0.4%</u>
<b>Total</b>	<b>858</b>	<b>996</b>	<b>1,854</b>	<b>984</b>	<b>870</b>	<b>1.4%</b>
<b>Total Pending Clients<sup>c</sup></b>	<b>1,661</b>	<b>na</b>	<b>na</b>	<b>na</b>	<b>1,850</b>	<b>11.4%</b>

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

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

<sup>c</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.

## JUVENILE SUPERVISION, 2000-2004



# PROBATE DIVISION

**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, 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, and the Probate Operations Branch, consisting of the Small Estates Section, which processes decedents estates with assets of \$40,000 or less and two other sections which provide administration: the Decedents Estates and Guardianships of Minors Section and the Interventions and 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.

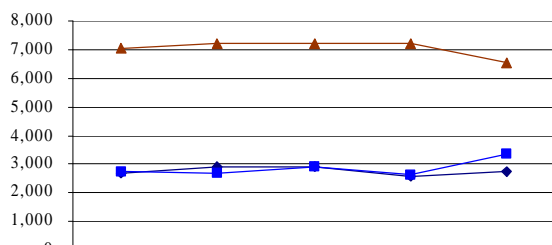
## PROBATE DIVISION CASE ACTIVITY FOR 2004

	Cases Pending Jan. 1	Cases Filed	Cases Reactivated	Available for Disposition	Cases Disposed	Cases Pending Dec. 31	% Change in Pending 2003 - 2004
Conservatorships	292	-	-	292	48	244	-16.4%
Estates of Decedents:							
Formal Probate	4,289	1,515	5	5,809	2,025	3,784	-11.8%
Small Estates	138	642	44	824	717	107	-22.5%
Foreign Proceedings	-	132	-	132	132	-	-
Guardianships	350	38	-	388	157	231	-34.0%
Intervention Proceedings	1,861	326	-	2,187	280	1,907	2.5%
Trust Complaints	278	13	-	291	4	287	3.2%
<b>Total</b>	<b>7,208</b>	<b>2,666</b>	<b>49</b>	<b>9,923</b>	<b>3,363</b>	<b>6,560</b>	<b>-9.0%</b>

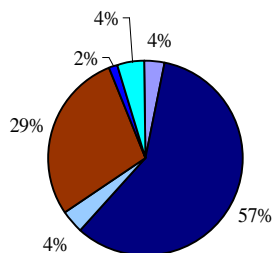
## ACCOUNT and FEE ACTIVITY, 2000-2004

	2000	2001	2002	2003	2004	% Change 2003 - 2004
Accounts Filed	2,478	2,096	1,887	2,163	<b>2,060</b>	-4.8%
Accounts Disposed	2,345	2,008	1,981	2,109	<b>2,367</b>	12.2%
Petition for Compensation Request Filed	-	-	1,269	1,253	<b>1,381</b>	10.2%
Petition for Compensation Request Disposed	-	1,285	1,323	1,246	<b>1,388</b>	11.4%

## PROBATE DIVISION CASE ACTIVITY



	2000	2001	2002	2003	2004
◆ Filings/Reactivations	2674	2883	2925	2594	2715
■ Dispositions	2731	2707	2937	2610	3363
▲ Pending December 31	7060	7236	7224	7208	6560



■ Conservatorships	■ Formal Probate
■ Guardianships	■ Intervention Proceedings
■ Small Estates	■ Trust Complaints

## MULTI-DOOR DISPUTE RESOLUTION DIVISION

**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 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.

## CIVIL ALTERNATIVE DISPUTE RESOLUTION ACTIVITY, 2000-2004

	2000	2001	2002	2003	2004	% Change 2003 - 2004
<b>Arbitration</b>						
Cases Referred	181	115	35	32	<b>5</b>	-84.4%
Cases Closed	217	154	58	38	<b>12</b>	-68.4%
Cases Disposed	80	69	32	20	<b>3</b>	-85.0%
Disposition Rate <sup>a</sup>	37%	45%	55%	53%	<b>25%</b>	-28.0%
<b>Civil Mediation</b>						
Cases Referred	1,784	2,814	2,528	2,906	<b>2,838</b>	-2.3%
Cases Closed	1,865	2,022	2,223	2,160	<b>2,272</b>	5.2%
Cases Settled <sup>a</sup>	654	754	686	727	<b>767</b>	5.5%
Settlement Rate <sup>a</sup>	35%	37%	38%	41%	<b>34%</b>	-7.0%
<b>Early Civil Mediation<sup>b</sup></b>						
Cases Referred	na	57	41	116	<b>135</b>	16.4%
Cases Closed	na	55	47	99	<b>132</b>	33.3%
Cases Settled	na	15	14	37	<b>82</b>	121.6%
Settlement Rate <sup>a</sup>	na	33%	30%	37%	<b>58%</b>	21.0%
<b>Landlord and Tenant Mediation<sup>c</sup></b>						
Cases Mediated	na	na	na	445	<b>570</b>	28.1%
Cases Closed	na	na	na	445	<b>570</b>	28.1%
Cases Settled	na	na	na	350	<b>390</b>	11.4%
Settlement Rate <sup>a</sup>	na	na	na	79%	<b>68%</b>	-11.0%
<b>Probate Mediation</b>						
Cases Referred	17	57	38	11	<b>32</b>	190.9%
Cases Closed	17	45	40	22	<b>24</b>	9.1%
Cases Settled	10	19	21	10	<b>8</b>	-20.0%
Settlement Rate <sup>a</sup>	59%	42%	52%	45%	<b>33%</b>	-12.0%
<b>Small Claims Mediation</b>						
Cases Mediated	1,643	1,613	1,573	1,479	<b>1,466</b>	-0.9%
Cases Closed	1,643	1,613	1,573	1,479	<b>1,466</b>	-0.9%
Cases Settled	739	679	718	581	<b>700</b>	20.5%
Settlement Rate <sup>a</sup>	45%	43%	46%	39%	<b>48%</b>	9.0%
<b>Tax Mediation</b>						
Cases Referred	60	66	151	127	<b>147</b>	15.7%
Cases Closed	60	51	93	103	<b>150</b>	45.6%
Cases Settled	30	17	25	50	<b>56</b>	12.0%
Settlement Rate <sup>a</sup>	50%	33%	27%	49%	<b>37%</b>	-12.0%

<sup>a</sup> The disposition and settlement rates are calculated as a percentage of cases mediated. These figures include cases settled within 30 days of mediation and within 60 days of arbitration.

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

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

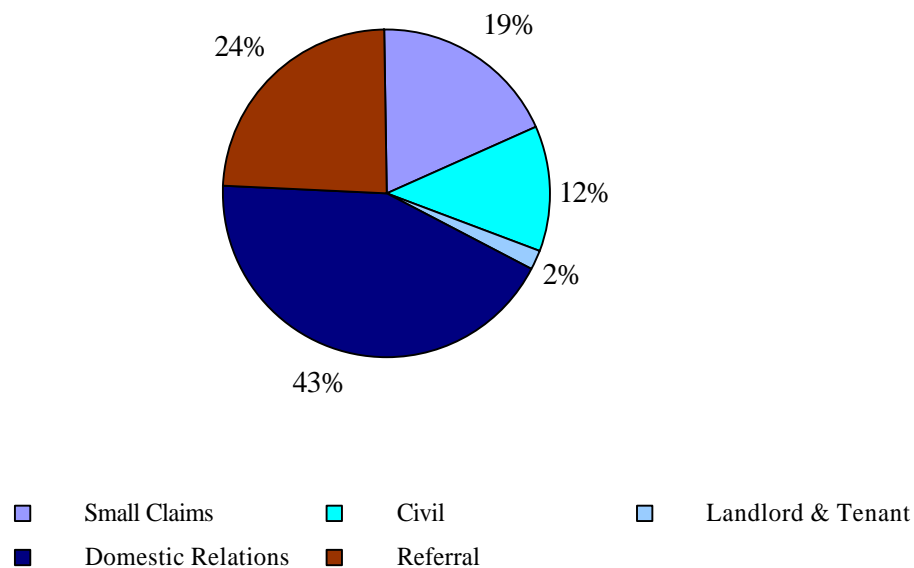
## FAMILY/COMMUNITY ALTERNATIVE DISPUTE RESOLUTION ACTIVITY, 2000-2004

	2000	2001	2002	2003	2004	% Change 2003 - 2004
<b>Community Information &amp; Referral Program Activity</b>						
Number of Clients Assisted	2,622	2,444	2,608	2,652	<b>1,846</b>	-30.4%
Type of Dispute:						
Small Claims	293	265	264	255	<b>247</b>	-3.1%
Civil	120	115	128	207	<b>162</b>	-21.7%
Landlord & Tenant	33	29	52	29	<b>26</b>	-10.3%
Domestic Relations	640	682	816	928	<b>565</b>	-39.1%
Referral	485	342	193	89	<b>324</b>	264.0%
Other	82	49	20	-	-	-100.0%
Total Number of Disputes	1,653	1,482	1,473	1,508	<b>1,324</b>	-12.2%
Cases Mediated/Conciliated	196	152	170	111	<b>134</b>	20.7%
Cases Settled	87	89	122	73	<b>109</b>	49.3%
Settlement Rate <sup>a</sup>	44%	59%	72%	66%	<b>81%</b>	15.0%
<b>Child Protection Mediation<sup>b</sup></b>						
Cases Referred	86	89	308	390	<b>396</b>	1.5%
Cases Closed	64	78	136	425	<b>388</b>	-8.7%
Cases Settled	58	56	131	338	<b>289</b>	-14.5%
Settlement Rate <sup>a</sup>	91%	86%	96%	80%	<b>74%</b>	-6.0%
<b>Family Mediation</b>						
Cases Opened	469	441	529	532	<b>439</b>	-17.5%
Cases Closed	341	361	273	295	<b>352</b>	19.3%
Cases Settled	96	99	110	110	<b>142</b>	29.1%
Settlement Rate <sup>a</sup>	38%	39%	41%	37%	<b>40%</b>	3.0%

<sup>a</sup> Settlements reached as percentage of the number of mediations completed.

<sup>b</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.

## COMMUNITY INFORMATION & REFERRALS, 2004



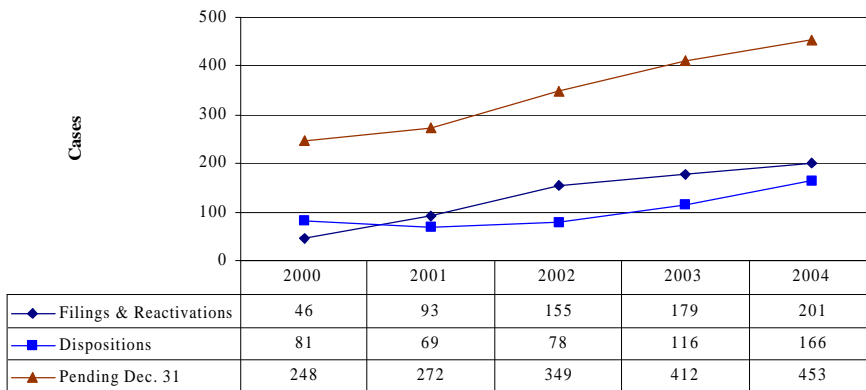


# SPECIAL OPERATIONS DIVISION

**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.

## TAX DIVISION CASE ACTIVITY

TAX DIVISION CASE ACTIVITY



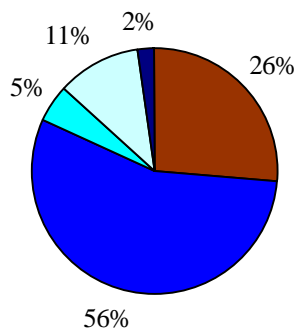
## PETIT JUROR ACTIVITY, 2000-2004

	2000		2001		2002		2003		2004	
	Total	Daily Average	Total	Daily Average	Total	Daily Average	Total	Daily Average	Total	Daily Average
Jurors Reporting for Service	47,948	205	46,229	198	47,488	205	46,318	236	<b>42,192</b>	<b>228</b>
Jurors Sent to Voir Dire	38,417	165	31,819	136	33,472	144	35,366	180	<b>35,720</b>	<b>193</b>
Jurors Selected For Panels	8,813	38	6,953	30	7,608	33	7,852	40	<b>7,826</b>	<b>42</b>
Jurors Serving More Than One Day	31,516	135	26,880	115	28,178	122	26,916	137	<b>28,208</b>	<b>152</b>
Juror Utilization Rate <sup>a</sup>	80%	80%	69%	69%	70%	70%	76%	76%	85%	85%

<sup>a</sup> A measure of efficiency in which the number of prospective jurors who are used at least once in Voir Dire is expressed as a percentage of the number of jurors who are qualified and report for service.

## APPEALS COORDINATORS OFFICE

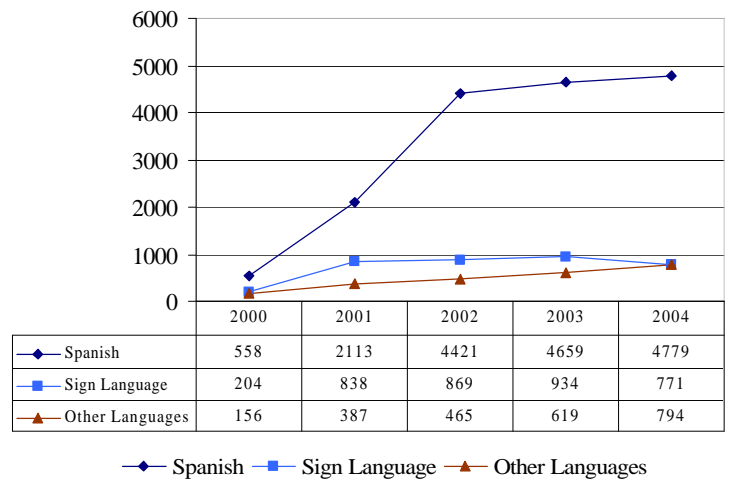
Type of Superior Court Cases  
Appealed to the D.C. Court of Appeals, 2004



■ Civil Division      ■ Criminal Division      ■ Domestic Violence  
■ Family Court      ■ Probate Division

## OFFICE OF COURT INTERPRETING SERVICES<sup>a</sup>

Number of Court Events Requiring Interpreters, 2000-2004



<sup>a</sup> Foreign language services are provided for all criminal and family matters and for civil matters as a directive from the judge or at the request of a government agency. Sign language services are provided for all deaf and hearing impaired individuals who need services.

## OTHER COURT INITIATIVES

### AUDITOR MASTER CASE ACTIVITY, 2004

Pending January 1	125
New Orders of Reference	24
Available for Disposition	149
Closed	114
Pending December 31	35

The Auditor-Master sits as a Master of the Court, 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. The Auditor-Master conducts meetings with parties and issues subpoenas as needed. 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.

### CRIME VICTIMS COMPENSATION PROGRAM, 2003-2004

	<u>2003</u>	<u>2004</u>
Claims filed	2,260	2,186
Payments made	7,869	8,616
Amount awarded to victims	\$6,563,415	\$7,498,616

The Crime Victims Compensation Program 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 housing for victims of domestic violence; replacement of clothing held as evidence; and costs associated with cleaning a crime scene. Through the services of the victim advocate, 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.

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# COURT REPORTING AND RECORDING

**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.

## TRANSCRIPT PRODUCTION FROM AUDIO RECORDINGS, 2000-2004

	2000	2001	2002	2003	2004	% Change 2003 - 2004
<b>Pages Produced by Court Transcribers:</b>						
Appeal Pages	3,060	4,589	5,004	7,020	<b>8,309</b>	18.4%
Non-Appeal Pages	12,649	15,479	16,116	21,890	<b>24,041</b>	9.8%
<b>Total</b>	<b>15,709</b>	<b>20,068</b>	<b>21,120</b>	<b>28,910</b>	<b>32,350</b>	11.9%
<b>Pages Produced by Transcription Services:</b>						
Appeal Pages	14,734	30,201	46,652	36,730	<b>21,338</b>	-41.9%
Non-Appeal Pages	33,699	34,766	46,716	33,892	<b>23,311</b>	-31.2%
<b>Total</b>	<b>48,433</b>	<b>64,967</b>	<b>93,368</b>	<b>70,622</b>	<b>44,649</b>	-36.8%
<b>Total</b>	<b>64,142</b>	<b>85,035</b>	<b>114,488</b>	<b>99,532</b>	<b>76,999</b>	-22.6%

Cases Outstanding on December 31	1,007	726	377	148	<b>404</b>	173.0%
Average Days for Completion Time <sup>a</sup>	100	170	220	120	<b>41</b>	-65.8%

<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.

## TRANSCRIPT PRODUCTION BY COURT REPORTERS, 2000-2004

	2000	2001	2002	2003	2004	% Change 2003 - 2004
<b>Pages Produced by Court Reporters:</b>						
Appeal Pages	249,049	174,406	184,546	167,384	<b>177,002</b>	5.7%
Non-Appeal Pages	136,571	124,424	144,130	133,453	<b>101,842</b>	-23.7%
<b>Total</b>	<b>385,620</b>	<b>298,830</b>	<b>328,676</b>	<b>300,837</b>	<b>278,844</b>	-7.3%
Number of Appeal Orders Processed	1,143	1,188	1,493	1,285	<b>1,069</b>	-16.8%
Ratio of Appeal Pages to Total Pages Produced	64.5	58.3	56.1	55.7	<b>63.5</b>	14.0%
Cases Outstanding on December 31	663	360	277	637	<b>305</b>	-52.1%
Average Days for Completion Time	70	89	101	38	<b>61</b>	60.5%

## TRANSCRIPT PRODUCTION, 2000-2004

