

## DISTRICT OF COLUMBIA COURT OF APPEALS

<u>FY 2009 Enacted</u>		<u>FY 2010 Enacted</u>		<u>FY 2011 Request</u>		<u>Difference</u> <u>FY 2010/2011</u>	
FTE	Obligations	FTE	Obligations	FTE	Obligations	FTE	Obligations
94	12,630,000	94	12,022,000	106	13,606,000	12	1,584,000

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

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

### **Organizational Structure**

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

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

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

(e.g., mandamus) and discretionary jurisdiction (e.g., small claims and interlocutory matters). This division currently has 16 FTEs.

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

## Organizational Objectives

### 1 Strategic Plan: Fair and Timely Case Resolution

Goal 1.2: The Courts will resolve promptly and efficiently.

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

Management Action Plan (MAP): Ensure appropriate and timely processing of appeals by developing and implementing practices and internal procedures which enhance and expedite the processing of appeals.

### 2 Strategic Plan: Fair and Timely Case Resolution

Goal 1.2: The Courts will resolve promptly and efficiently.

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

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

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

3 Strategic Plan: A Strong Judiciary and Workforce

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

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

MAP: Identify areas of performance for staff improvement, support their participation in training opportunities and provide in-house, on-going training program regarding the legal process, in general, and appellate procedure, in particular.

4 Strategic Plan: Public Trust and Confidence

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

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

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

**Workload Data**

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

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

<b>Fiscal Year</b>	<b>Cases Filed</b>	<b>Cases Disposed</b>	<b>Case Clearance Rate*</b>	<b>Cases Pending</b>	<b>Motions and Petitions Filed</b>
2007	1,510	1,837	121%	2,327	6,055
2008	1,693	1,832	108%	2,319	5,973
Difference	+9%	0%	+13%	0%	-1%

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

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

<b>Fiscal Year</b>	<b>Bar Admission Applications Received</b>	<b>Multistate Bar Exam Score Transfer Requests Processed</b>	<b>Certificates of Good Standing Issued</b>	<b>Wall Certificate Orders Processed</b>
2007	3,977	2,815	9,714	1,088
2008	4,460	3,082	10,379	933

**Case Processing and Operational Efficiency Initiatives**

The Court has instituted many initiatives to facilitate or expedite case processing, to achieve operational efficiencies, and to enhance service to the public. In Fiscal Year 2008, the following initiatives were undertaken to improve operations and case processing.

- 1 The Court participated in a complete revision and updating of a scholarly-law review quality work on the appellate court process. The revision was done under the auspices of the Young Lawyers Section of the Bar Association of the District of Columbia, which published it.
- 2 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 in 2005. Approximately 80 well-qualified attorneys were selected from over 300 applicants. Re-evaluation of members of the panel of attorneys and consideration of new applicants occurred in 2007 and in 2008.
- 3 The Court continued and refined its mediation program to attempt to settle selected civil cases.

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

- 1 The Court of Appeals installed assisted listening devices in its courtroom for attorneys, litigants, judges, and the public and improved quality recording of oral arguments which can be made available on compact disks. Additionally, the new system permits court staff to hear oral arguments through their desktop PC's and permits audio-streaming of the oral arguments over the internet for the public.
- 2 The Court developed and conducts annually a continuing legal education course on appellate practice for members of the D.C. Bar.
- 3 The Court of Appeals continued to revise and enhance the instructional materials available through the Internet for litigants and for applicants for admission to the Bar, and continued internet access to the Court's rules, forms and opinions. The Court of Appeals section of the

website can be accessed directly at [www.dcappeals.gov](http://www.dcappeals.gov).

- 4 The *sua sponte* expedition of appeals in cases involving adoption and the termination of parental rights to ensure prompt decisions in cases that affect the stability of the living environment of children who have been subjected to abuse and neglect.
- 5 Annual training of the Court's Criminal Justice Act and Counsel for Child Abuse and Neglect bars, and the provision of informational materials to the public on how to pursue an appeal.

### **FY 2011 Request**

In FY 2011, the D.C. Courts request for the Court of Appeals is \$13,606,000, an increase of \$1,584,000 or 13% above the FY 2010 Enacted Budget. The requested increase includes \$1,020,000 for 12 FTEs to enhance case resolution and \$564,000 for built-in increases.

### ***Enhancing Case Resolutions –***

***Eleven Law Clerks (JS-11) and One Appeals Mediation Program Coordinator (CS-11), \$1,020,000***

Problem Statement. The D.C. Courts consistently have among the highest caseloads in the country. Recent statistics compiled by the National Center for State Courts show that the D.C. Court of Appeals has the highest population-adjusted appellate caseload of any jurisdiction without an intermediate appellate court. D.C. Court of Appeals case filing increased 13% in 2008, to 1,719 appeals. The Court of Appeals (COA) has made significant gains in enhancing the timely resolution of cases by achieving the lowest overall time on appeal in five years. This progress is largely due to increased efficiencies in case processing. The COA has renewed its commitment to resolving appeals in a more timely fashion. But an extremely heavy caseload and the complexity of appeals coming before the court, supports the revision of court practices and the need for additional staff. To enhance the timely resolution of cases, the COA requests 11 law clerks (one additional law clerk for each of the nine active judges and two law clerks for the Central Legal Staff). The law clerks assist the judges by performing a wide range of tasks, including legal research, drafting bench memoranda and drafting opinions, and cite checking. To further facilitate the resolution of appellate cases, the COA operates an appellate mediation program in which certain civil appeals, identified as having issues amenable to resolution, are referred to Senior Judges for mediation. One Appeals Mediation Program Coordinator is requested to facilitate this function.

Relationship to the D.C. Court's Vision, Mission and Goals. The requested positions support the D.C. Courts' Goal 1.2: The D.C. Courts will resolve cases promptly and efficiently.

Relationship to Court of Appeals MAP Objectives. The positions support the Court of Appeals' MAP Objective of ensuring appropriate and timely processing of appeals by developing and implementing practices and internal procedures which enhance and expedite the processing of appeals.

Relationship to Existing Funding. There is no funding in the Courts' budget to support the requested positions.

Methodology. The grade level and salary for the requested FTEs were classified in accordance with the D.C. Courts' personnel policies.

Expenditure Plan. Staff will be recruited and hired according to the D.C. Courts' Personnel Policies.

Key Performance Indicators. Key performance indicators include a reduction in the Court's time on appeal.

Table 3  
**COURT OF APPEALS**  
**Performance Measurement Table**

Type of Indicator	Performance Indicator	Data Source	FY 2008 Actual	Projection FY 2009	Projection FY 2010	Projection FY 2011
Input	Number appeals filed	Court data	1,719	1,736	1,753	1,771
Output/ Activity	Number of cases disposed	Court data	1,772	1,789	1,825	1,880
Productivity/Efficiency	Cases disposed/cases filed	Court data	103%	105%	105%	107%

Table 4  
**COURT OF APPEALS**  
**New Positions Requested**

Position	Grade	Number	Salary	Benefits	Total Personnel Cost
Law Clerks	JS-11	11	737,000	198,000	935,000
Appeals Mediation Coordinator	JS-11	1	67,000	18,000	85,000
<b>Total</b>		<b>12</b>	<b>804,000</b>	<b>216,000</b>	<b>1,020,000</b>

Table 5  
**COURT OF APPEALS**  
**Budget Authority by Object Class**

	FY 2009 Enacted	FY 2010 Enacted	FY 2011 Request	Difference FY 2010/2011
11 – Compensation	8,309,000	8,658,000	9,886,000	1,228,000
12 – Benefits	2,078,000	2,165,000	2,491,000	326,000
<b>Subtotal Personnel Cost</b>	<b>10,387,000</b>	<b>10,823,000</b>	<b>12,377,000</b>	<b>1,554,000</b>
21 - Travel, Transp. of Persons	45,000	55,000	57,000	2,000
22 - Transportation of Things				
23 - Rent, Commun. & Utilities	93,000	95,000	98,000	3,000
24 - Printing & Reproduction	77,000	79,000	81,000	2,000
25 - Other Services	236,000	241,000	247,000	6,000
26 - Supplies & Materials	83,000	85,000	87,000	2,000
31 – Equipment	1,709,000	644,000	659,000	15,000
<b>Subtotal Non Personnel Cost</b>	<b>2,243,000</b>	<b>1,199,000</b>	<b>1,229,000</b>	<b>30,000</b>
<b>TOTAL</b>	<b>12,630,000</b>	<b>12,022,000</b>	<b>13,606,000</b>	<b>1,584,000</b>
FTE	94	94	106	12

Table 6  
**COURT OF APPEALS**  
**Detail, Difference FY 2010/2011**

Object Class	Description of Request	FTE	Cost	Difference FY2010/2011
11 - Personnel Compensation	Current Positions COLA	94	294,000	
	Current Positions WIG		130,000	
	New Positions Salaries	12	804,000	
	<i>Subtotal</i>			<i>1,228,000</i>
12 - Personnel Benefits	Current Positions COLA		76,000	
	Current Positions WIG		34,000	
	New Positions Benefits		216,000	
	<i>Subtotal</i>			<i>326,000</i>
21 - Travel, Transp. of Persons	Built-in Increase			2,000
22 - Transportation of Things				
23 - Rent, Commun. & Utilities	Built-in Increase			3,000
24 - Printing & Reproduction	Built-in Increase			2,000
25 - Other Services	Built-in Increase			6,000
26 - Supplies & Materials	Built-in Increase			2,000
31 - Equipment	Built-in Increase			15,000
<b>Total</b>				<b>\$1,584,000</b>

Table 7  
**COURT OF APPEALS**  
**Detail of Full-Time Equivalent Employment**

Grade	FY 2009 Enacted	FY 2010 Enacted	FY 2011 Request
JS-5	1	1	1
JS-6			
JS-7			
JS-8	4	5	5
JS-9	10	8	8
JS-10	8	8	8
JS-11	41	42	54
JS-12	6	6	6
JS-13	4	2	2
JS-14	7	9	9
JS-15	2	2	2
JS-16			
CES	2	2	2
Ungraded	9	9	9
<b>Total Salary</b>	<b>\$8,309,000</b>	<b>\$8,658,000</b>	<b>\$9,886,000</b>
Total FTEs	94	94	106