

# Journalists' Handbook



## to the **Courts in the District of Columbia**



Council for Court Excellence



State Justice Institute

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## About the Council for Court Excellence

Formed in Washington, DC in January 1982, The Council for Court Excellence is a nonprofit, nonpartisan civic organization. The Council works to improve the administration of justice in the local and federal courts and related agencies in the Washington metropolitan area and in the nation. The Council accomplishes this goal by:

- Identifying and promoting justice system reform,
- Improving public access to justice, and
- Increasing public understanding and support of our justice system.

The Council is governed by a volunteer Board of Directors composed of members of the legal, business, civic, and judicial communities. The Council is unique in bringing together all of those communities in common purpose to address justice system reform and access to justice needs. The Board accomplishes the work of the Council through direct participation in Council committees. The Council employs a small staff to assist the Board in meeting the objectives of the organization. Financial support comes from the members of the Board, businesses, law firms, individuals, foundations, and occasionally government.

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**JOURNALISTS' GUIDE TO THE COURTS  
IN THE DISTRICT OF COLUMBIA**

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# Introduction from the Co-chairs

The American public relies on the media, in all its forms, for education about important developments in the law and the courts. Journalists, regardless of their subject-matter expertise, report on and editorialize daily about legal and court matters – criminal and civil trials and investigations of high-profile interest or notoriety, commercial litigation, contract and labor disputes, divorces, probate matters, and constitutional matters - in the print media, television, radio and the internet.

Reporting on the local and federal courts in the District of Columbia presents a unique challenge to journalists. The District's local justice system is unlike any other jurisdiction in the country. For example, judges in the District of Columbia Courts, who have equivalent authority to other state-level judges, are nominated by the President of the United States and confirmed by the U.S. Senate. On the federal level, the District of Columbia is home to the U.S. Supreme Court, the Foreign Intelligence Surveillance Court, and other specialized federal courts. As with all court systems, there are varying (and evolving) rules and practices governing access to courtroom proceedings and documents.

The Council for Court Excellence's *Journalists' Handbook to the Courts in the District of Columbia* is designed to assist journalists in reporting knowledgeably and accurately about the local and federal courts in the District of Columbia. The Handbook has

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been organized and written for journalists who possess a basic understanding of court process and terminology, though a glossary of terms is provided beginning at page 68 of the Handbook.

A more detailed description of local and federal court processes can be found in the *Community Guide to the Courts*, published by the Council for Court Excellence and available for free on the internet at [http://www.courtexcellence.org/PublicationsNew/community\\_ed\\_booklets/CommunityGuideFINAL.pdf](http://www.courtexcellence.org/PublicationsNew/community_ed_booklets/CommunityGuideFINAL.pdf) or by calling the Council's offices at 202-785-5917.

**This guide is not intended to constitute legal advice.** If issues requiring legal assistance or advice arise, please contact your editors, producers, or counsel. This is particularly important when reporting on matters that are sensitive, confidential, classified, sealed or otherwise not public information, such as grand jury or juvenile proceedings. This guide refers frequently to legal papers that can be filed – e.g., motions to intervene seeking to open closed court proceedings, motions to unseal sealed court papers, motions to challenge gag orders. Such legal actions are best considered and prepared with the assistance of counsel.

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## Message from the Chief Judges

We are very pleased to see an idea become a project and now a reality with the publication of the *Journalists' Handbook to the Courts in the District of Columbia*. As judges and now chief judges, we have read, listened to and watched news stories that are accurate and serve to inform and educate the public about the judicial branch of government. This coverage is ultimately good for the courts and good for our country as we work towards our shared goal of a judicial branch that provides equal justice under the law and a government that lives up to our constitutional mandates.

This Handbook is designed to help you report on the courts in an accurate and informative fashion. We realize that not all articles will be positive; bad things do happen. But we are committed to working with media to see that news reports on court cases, court programs and services, and the judges themselves, are as informed and accurate as possible. We hope that this guide will help you to understand how courts function, what constraints judges operate under, and what the applicable laws are.

We want to express our appreciation to the Council for Court Excellence, for providing the initiative (both intellectual and financial) to move this project forward, and to the Committee members, who demonstrated a commitment to public service and a profound understanding of the courts that is a credit to them and their agencies and law firms.

And lastly, we want to thank you for taking the time to read through this Handbook and improve your understanding of courts. We pledge in return to take the time to talk with you when you have questions that need answering or issues that need clarifying.

Royce C. Lamberth

Chief Judge

U.S. District Court

for the District of Columbia

Lee F. Satterfield

Chief Judge

Superior Court of the

District of Columbia

## Message from the Maryland- Delaware- District of Columbia Press Association

Even the best journalist can easily become lost in the thicket of unfamiliar terms, strangely named offices, and complicated procedures that is a court system. Easily lost, that is, unless he or she has a good guidebook.

With the publication of this *Handbook*, the Council for Court Excellence has tried to provide just such a guide to reporters following stories into the District's complex court system. The Council is to be applauded for producing a guide which is clear, concise and remarkably free of jargon. It is complete and authoritative, a very useful tool for the reporter striving to produce accurate, balanced and fair journalism.

Understanding the court system is essential if a reporter expects to produce accurate articles, and accuracy has never been more important. Explaining and reporting on the legal system is a vital part of fulfilling the news media's role of explaining democracy to citizens. Confusion and errors undermine the role.

The Council has done a great service to the news media – and to society – in producing this important document.

Jack Murphy

Executive Director

## SECTION ONE

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# Covering the Courts in the District of Columbia

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## Covering the Courts in the District of Columbia

### Overview

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Journalists who cover courts in the District of Columbia serve as the eyes and ears of the public. What happens in these courts is the public's business. In criminal cases, liberty interests are at stake; and in civil and bankruptcy cases, property rights are at issue. The public also has an interest in knowing about the performance of the court systems and other government agencies as a whole.

The vast majority of courtroom proceedings and court documents are open to the press and public. On a daily basis, journalists observe court proceedings and review court records to help keep our society current and informed on newsworthy events concerning particular business before the courts (e.g., a high-profile criminal trial, a high stakes civil case, or a case involving the performance of a government agency). Journalists can also use information available at the courthouse to find and check important historical information about people who are involved in newsworthy events, such as criminal suspects, political candidates, nominees, and appointees as well as individuals involved in tragic episodes such as accidents.

Reporters can also use access to courts to prepare in-depth stories that shed light on the functioning of the courts themselves, and on other larger public issues. Broad access to proceedings and the availability of court records enables reporters to expand understanding about news events, identify demographic and sociological events and trends, and to monitor the workings of courts and other government agencies. Often these stories look at issues of public safety, and at the effectiveness and fairness of the criminal justice system — subjects of obvious importance to the public.

The Handbook is designed to assist you in covering the courts accurately, fairly, comprehensively, and with respect for the processes and the participants. The *Handbook* assumes you have a basic understanding of the U.S. and D.C. court systems. If not, please see the *Community Guide to the Courts*, published by the Council for Court Excellence, for a more detailed description of the court system and legal process. The Community Guide may be found at [http://www.courtexcellence.org/PublicationsNew/community\\_ed\\_booklets/CommunityGuideFINAL.pdf](http://www.courtexcellence.org/PublicationsNew/community_ed_booklets/CommunityGuideFINAL.pdf).

Following each section in this chapter are some commonly asked questions by journalists. When the policies and practices of the two local trial courts (federal District Court, D.C. Superior Court) differ, the answer will indicate that. When the answer is generally applicable to both courts, no distinction will be made.

 ***The Handbook is accurate as of September 2009. Keep in mind that court rules and procedures are subject to change.***

## Observing Court Proceedings

You can walk in and listen to virtually any court proceeding. You are under no obligation to explain to anyone why you are present in a particular courtroom or taking notes. In order to find out what proceedings are scheduled, you should check the court dockets on a regular basis. The dockets are maintained by the Clerk's Office and can be accessed via public access computers in the courthouse and in many cases online. All cases are assigned case numbers; you should keep handy the numbers of the cases you are following. For any case developments not reflected in the docket, please contact the Clerk's Office of the court you are covering.

 ***Regularly check the court docket for case updates. For District Court, use a PACER account. For Superior Court, you can obtain case information using the Remote Access to Court Docket system found at [www.dccourts.gov/pa](http://www.dccourts.gov/pa).***

In a limited class of cases, the law provides a presumption that the courtroom is closed and the proceedings confidential. In those situations, you must apply to the court to gain access. In the D.C. Superior Court, by law the following proceedings are closed to the general public: juvenile, child abuse and neglect, paternity cases and grand jury proceedings. In the U.S. District Court for the District of Columbia, grand jury matters and proceedings before the Foreign Intelligence Surveillance Court are statutorily closed.



*Juvenile and abuse and neglect proceedings are closed by D.C. law to the public. Journalists may be admitted upon request to the Presiding Judge of the Superior Court's Family Court.*

NOTE: See the Q & A below for information about the process by which a reporter can apply for permission to observe a juvenile proceeding, blogging, or how to address the closure of court proceedings.

## High-profile proceedings

Generally in the Superior Court, all criminal and civil courtrooms are open and there is sufficient room for those who are interested in observing. In high-profile cases, arrangements are sometimes made for seats to be reserved for the press. The D.C. Court of Appeals now provides live audio broadcast of oral argument through its website, [www.dcappeals.gov/dccourts/appeals/opinions\\_majs.jsp](http://www.dcappeals.gov/dccourts/appeals/opinions_majs.jsp). If you are planning to cover a high-profile trial, contact the D.C. Courts' Public Information Officer (PIO) to see if arrangements have been made to reserve seats for the media.

For high-profile proceedings, the U.S. District Court usually reserves a limited number of seats for credentialed media. Reserved seating decisions usually are based on factors such as the audience size of the requesting organization, the date of the request, and whether the media organization maintains a regular presence at the courthouse.

In addition, the District Court may arrange for a closed-circuit audio and video feed to the court's 1st floor Media Room. In such cases, the Media Room is treated as an extension of the courtroom and the same rules apply, with the exception that laptops may be used to report (or blog) on the proceedings live via a wireless set-up in the room. While written reporting is permitted, any audio or video electronic broadcast of the proceedings is prohibited. Use of cell phones is prohibited in the Media Room, but they may be used in the hallway.

## Q & A Observing Court Proceedings

### *Can I attend a juvenile proceeding?*

**Superior Court:** D.C. law closes juvenile proceedings, but provides that a journalist may be admitted if the journalist petitions and agrees not to name the child in stories or broadcasts. To petition, the journalist should contact the D.C. Courts' PIO and submit a brief letter or email explaining why coverage is warranted. The PIO will forward your request to the Presiding Judge of the Family Court. The judge is under no legal obligation to grant you access. If the child's name has already been made public, the press will likely not be admitted. The court cannot control the media's use of information obtained from other sources. But keep in mind that if the child is publicly identified, access to future proceedings will be denied to all representatives of the press.

**District Court:** This court does not have juvenile proceedings.

## *I'm a blogger and I've "live blogged" cases in other jurisdictions. Can I do it in D.C.?*

**Superior Court:** You should request permission **in advance** if you would like to blog in a courtroom during a trial. The decision is entirely at the judge's discretion. The D.C. Courts' PIO can facilitate your request.

**District Court:** In the event of a high-profile proceeding, the court can provide a special media room with wireless access. Closed circuit audio and video can be provided, and in those cases blogging is allowed, but you can only type—you can't broadcast. Since electronic devices are not allowed to be turned on in the courtroom, live blogging from the courtroom is not permitted.



**Remember to turn off your cell phone when in the courtroom.**

## *What can I do if the judge closes a courtroom proceeding that I am observing?*

If you know that your news organization is prepared to send a lawyer into court to argue against closure:

- Politely ask the judge if you may speak to the court for a moment.
- If the court acknowledges you, tell the judge that your news organization objects to the closure and would like an opportunity to argue against it. Ask for a brief recess so that you can arrange for a lawyer to come to court. If you know the name of the lawyer who will appear, provide it to the judge. Ask that your objection be made

part of the court record. Judges may refuse to halt the case while waiting for your lawyer, but may agree to listen to arguments when your lawyer arrives.

## *What can I do if the judge clears the courtroom before I can raise my objection or if the judge will not let me speak?*

**Do not refuse to leave. Do not speak without the judge's permission.** If you stand your ground or shout your objection you may be arrested or cited for contempt.

If you did not have an opportunity to raise the issue in the courtroom, write a brief note to the judge explaining that your news organization wants to oppose the closure and that you plan to contact your editor or lawyer immediately. Ask a courtroom clerk or contact the court PIO to get a note to the judge with your objection. Get in touch with your editor or producer promptly.

## *What can I do if my organization does not have legal counsel?*

The Reporters Committee for Freedom of the Press Legal Defense Hotline can provide advice at no charge (1-800-336-4243). The hotline is available 24 hours. Non-emergency calls should be directed to 703-807-2100.

## *How do I access a closed proceeding (not one that is already closed by law) in progress or which has already been held?*

Consult your editor or producer about challenging the closure.

## Access to Court Records

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Like most court proceedings, most court records are presumptively open to the public. Examples of court records that are generally open to the public include briefs and motions filed by the parties, transcripts of hearings and trials, and orders and opinions by the court. Civil discovery documents (depositions and interrogatories) not entered as evidence at trial, attached to a motion seeking judicial action, submitted at or for a pretrial conference, or otherwise filed or used in court proceedings generally are not publicly available because they are not part of the official record and are not located in the courthouse.



*Regularly check the court docket for case updates*

In most cases, parties do not file documents under seal. Documents not filed under seal are placed in the court's public file and are generally available upon request at the clerk's office or through the court's electronic database.

A litigant may designate a document as provisionally under seal when it is filed, but the judge will generally evaluate whether sealing is necessary. The press may file a motion to unseal.

Presumptively public documents, such as briefs and trial transcripts, may be maintained by the court under seal if the need for secrecy is sufficiently compelling. In very rare cases, an entire case has been placed under seal, such that it was not possible to discover even the existence of the case on the court's docket.

## Clerk's offices contact information

The Clerk's Office for each court maintains the file of court records available to the public. Contact information for the Clerk's offices is below. In the Superior Court, each Division or Unit has a clerk's office responsible for case records filed in that division or unit. More specific contact information, including for Superior Court Division and Unit clerk's offices, is provided beginning at page 64.

D.C. Superior Court  
Clerk of the Court  
Moultrie Courthouse  
500 Indiana Avenue, NW, Room 2500  
Washington, DC 20001  
202-879-1400

U.S. District Court for the District of Columbia  
Clerk's Office  
E. Barrett Prettyman United States Courthouse  
333 Constitution Avenue, NW, Room 1225  
Washington, DC 20001  
202-354-3000

D.C. Court of Appeals  
Clerk of the Court of Appeals  
Historic Courthouse  
430 E Street, NW, Room 115  
Washington, DC 20001  
202-879-2725

U.S. Court of Appeals for the D.C. Circuit  
Clerk's Office  
E. Barrett Prettyman United States Courthouse  
333 Constitution Avenue, NW, Room 5523  
Washington, DC 20001  
202-216-7000

Reporters should understand the difference between filing and docketing a document. Filing occurs when the lawyer submits the document to the clerk's office to be stamped as being received. Docketing occurs when notice of its filing or other court action is added to the case docket. A brief delay can exist between filing and docketing. In most clerk's offices, a document is considered public information once it has been docketed. If time is of the essence, you may want to get documents directly from the lawyers as soon as they are filed, rather than waiting for them to be docketed. Be aware, however, that a document may not be considered part of the court's official record until it actually appears on the docket.



*Docketing is when a document (or court action) is added to the public record; a brief delay can exist between when a document is filed and docketed.*

The paper case file is maintained in the clerk's office, but a few days before a trial begins, it may be sent to the judge's chambers for the duration of the case. The clerk's offices in the criminal, civil, and probate divisions of the Superior Court have public terminals that access electronic court records, including docket entries and all submitted documents.

For cases that draw large amounts of media attention, the courts may post documents on their websites. The federal court's database can also automatically send reporters e-mails whenever a new document is added to the docket.

## Electronic access to court records

The courts in the District of Columbia provide online access to all documents in the majority of their cases, as described below. You should be aware that online dockets may not reflect last minute changes. That said, electronic dockets provide a means of obtaining access to substantial information about a case without the need to make a trip to the courthouse.

### D.C. Superior Court

The D.C. Superior Court has expanded electronic access to court dockets, while ensuring that adequate safeguards are in place to protect the privacy of certain information and certain types of cases. Currently, civil, criminal, domestic violence, tax and certain probate case dockets are on-line and can be accessed at [www.dccourts.gov/pa](http://www.dccourts.gov/pa). The electronic docket contains a list of filings. But actual copies of filings must be obtained at the public access computers located in the divisions' clerk's offices. Information regarding family and juvenile proceedings is not available online because most of that information is confidential under the D.C. Code.

### D.C. Court of Appeals

The D.C. Court of Appeals does not currently maintain a publicly accessible electronic docket. Published decisions are available at [www.dcappeals.gov/dccourts/appeals/opinions\\_mojs.jsp](http://www.dcappeals.gov/dccourts/appeals/opinions_mojs.jsp).

## U.S. District Court and U.S. Court of Appeals for the D.C. Circuit

The dockets and the full text of pleadings are available over the Internet through the Public Access to Court Electronic Records (PACER) system ([www.pacer.uscourts.gov](http://www.pacer.uscourts.gov)). PACER is current as to documents that have been docketed through the previous day's close of business. The system may not help if you need to report about a filing the day it is docketed, or if a filing is received but not immediately docketed. The U.S. District Court's media liaison may be able to provide filings that have not yet been docketed on PACER. As of 2009, the charge for looking at and printing out documents in PACER is eight cents per page of information, with a cap of \$2.40 without regard to the length of the document. Users of PACER need to register for a password. You can also access the docket free of charge at terminals located in the clerk's office.

## Q & A Court Records

### *Can I obtain access to transcripts? Is there a charge?*

**Superior Court:** To obtain a copy of a transcript, a reporter should contact the D.C. Courts' Court Reporting Division. Court reporters are paid for the work of transcribing. Whoever requests the first transcript pays them for that effort; whoever requests a copy subsequently pays only for copying. If a party is indigent, the government pays for the transcript production. More information may be found at [www.dccourts.gov/dccourts/courtsystem/reporting.jsp](http://www.dccourts.gov/dccourts/courtsystem/reporting.jsp).

**District Court:** Each of the court reporters is able to provide transcripts. Court reporters' names and numbers can

be obtained by calling the District Court. You can pay for a service that will deliver the transcripts daily, at about \$7 to \$8 a page. However, if one of the parties has already ordered the transcript, second copies cost less. If you are able to wait, after 90 days transcripts are put online, at which point they are free.

### *What about trial exhibits?*

In general, trial exhibits and evidence, once presented to the jury, are public. If you are interested in covering a trial, talk to court staff or the court PIO about having trial evidence made available to you. In exceptional circumstances, the judge may seal certain pieces of evidence.

You may encounter problems gaining access to documents and exhibits used in a case but then returned to the parties at its conclusion, so do not delay in asking to examine evidence if you need to do so.

**Superior Court:** There is no current system for this type of request. The court recommends arranging to obtain copies of trial exhibits with the court's PIO before a trial begins. Particularly if the case is a high-profile one, it is best to contact the information officer as early as possible. If the judge knows in advance that a journalist will be asking for access to or copies of trial exhibits, he or she can make a decision about whether it will be made available during the trial and, if so, how and where. During the trial, contact the PIO. After a trial has ended, attorneys, not the courts, retain evidence, so journalists should contact the relevant attorneys. Copying fees may be charged.

**District Court:** If it is evidence on paper, the media liaison office can get a copy. However, sometimes electronic evidence is introduced, which can take more time to find. If the procedures are worked out in advance, the process can go faster. For example, in some past high-profile cases, the parties agreed beforehand that any evidence could be given to the media on the same day. That evidence ranged from photographs, to copies of letters, to tapes of grand jury testimony. Generally, there is no charge to journalists for copies of evidence, though sometimes there are copying fees for a voluminous paper record.

***Who has search warrant information? Can I get the warrants? How about the affidavits used to get a search warrant? How about a list of what was returned? When can I get it?***

Search warrants and affidavits used to procure search warrants are confidential until police officers have conducted the searches and filed a “return” with the court, unless sealed by the courts.

**Superior Court:** Search warrants, and affidavits used to procure search warrants, are confidential until police officers have conducted the searches and filed a ‘return’ with the court. Once officers have completed the search and filed the ‘return,’ it is available at public terminals at the courthouse or by request. The same is true of arrest warrants and the supporting affidavits. Arrest warrants are confidential until the person has been arrested, in which case they accompany the complaint at the defendant’s arraignment or presentment. Bench warrants are public in-

formation and are part of the file in the case in which the bench warrant was issued (usually for failure to appear for a hearing).

**District Court:** The clerk’s office maintains warrants. Once a search warrant has been executed, journalists can find the warrants, affidavits and returns by using PACER ([www.pacer.uscourts.gov](http://www.pacer.uscourts.gov)). However, the information is not usually available until about 10 days. If you have an urgent need, contact the court’s media liaison.

***I know there’s a case out there but the case does not appear on the docket. What happened? What can I do?***

**Superior Court:** If a case is sealed from the public, it will not appear on the court’s public database. A judge is not obligated to publicly disclose that a case has been sealed. If a reporter has reason to believe a case has been sealed, he or she can contact the court’s PIO, who may ask the judge about a case. The PIO, however, cannot confirm or disclose the existence of a sealed case.

**District Court:** It may be sealed before but is not typically sealed after arraignment. The Federal Court may have sealed cases, which we can’t confirm exist (e.g., a grand jury investigation). There is nothing that the court can do to acknowledge a case if it has been sealed, however, you may contact the court’s media liaison.

***How can I tell if documents have been sealed?***

**Superior Court:** If a case is sealed or expunged from the record, it will not show on the court’s database and court employees cannot confirm or deny the case’s existence. If a case is not sealed, but a document filed in the case is

sealed, the docket will indicate that a document is there, but that it is sealed and therefore not public.

**District Court:** Sealed documents usually can be identified from the docket. If a document is filed under seal, the docket entry for the sealed document often will state “filed under seal,” or words to that effect. However, other sealed documents may not be noted in the docket, in which case there may be a break in the sequential list of documents filed. For example, if the next entry after docket #53 is docket #55, docket #54 may have been filed under seal. The docket may also state that the Court has ordered particular documents sealed or that the parties have moved to seal documents. If you are unsure whether the documents filed in a case are available, the clerk’s office may be able to inform you whether certain documents are sealed.

### *How do I access sealed documents?*

This may be done by filing a “motion to unseal” in the District Court or a “motion to break seal” in the Superior Court, which may or may not be granted.

### *What should I do if I obtain documents that are under seal?*

In the event that you somehow receive court documents that are under seal (e.g., from a source), you will want to consult your editor, producer or attorney before publishing them.



***Proceed carefully if you obtain sealed court documents (e.g., from a source). Consult your editor or producer.***

### *I recently learned a person in the custody of the Bureau of Prisons has testified against defendants in another case. But I can’t find any record of the conviction. What can I do?*

If someone is cooperating with the government in return for a reduced sentence, he or she may be at risk of harm if it becomes known that he or she is cooperating. In such cases, everything—even sentencing—can be sealed. Unless the judge unsealed the case after a motion to unseal, the case will remain sealed. Note that a prior conviction could be in any of the federal courts across the country, any state or local court across the country or the D.C. Superior Court. Only the latter will be in the Superior Court’s database.

### *Does the court keep old case files if I want to look through them?*

**Superior Court:** Yes, though after a certain amount of time, files are moved to archives. They can be retrieved from archives with about a week’s notice, however. There is no charge for such requests. Please note, however, that the Superior Court now keeps electronic records of all cases, so all more recent case documents are permanently available on line on the public access terminals at the courthouse. Docket information for most Superior Court cases is available at [www.dccourts.gov/pa](http://www.dccourts.gov/pa).

**District Court:** The federal courts keep files for about three years before they are sent to an archive. The physical files can be retrieved, or the public can search the online archives, using an access number available from the clerk. The past 10 years of the court's dockets are online, and all of the documents since electronic filing began in the last five years are available online.

### *Is there one place where I can go to look for civil complaints or decisions as they are filed on a daily basis?*

**Superior Court:** Not really, since there are over 5,000 new civil cases filed each month. Civil dockets are available at [www.dccourts.gov/pa](http://www.dccourts.gov/pa). The database can be searched by party name, case number or date. If a decision is issued, a reporter must come to the court house to get a copy, although the docket will indicate the existence of the opinion and how the case was resolved. Most Superior Court cases do not result in written decisions.

**District Court:** Any activity in a case is available online. Significant opinions are placed online on the court's web site. On PACER, decisions are available for eight cents per page.

### *Are criminal mug shots part of the court record?*

Neither court has criminal mug shots; they are maintained by law enforcement. For example, the District of Columbia Metropolitan Police Department takes and maintains photos of those they arrest and process. For further information, see [mpdc.dc.gov](http://mpdc.dc.gov).

### *Upon conviction, how can I find out where someone has been sent to serve his or her sentence?*

**Superior Court:** If the sentence is under six months or if the person is awaiting sentencing, contact the District of Columbia Jail, part of the D.C. Department of Corrections (Phone: 202-673-7316; Web: [doc.dc.gov](http://doc.dc.gov)). For sentences longer than six months, defendants are transferred to the Federal Bureau of Prisons (Phone: 202-514-6551; Web: [www.bop.gov](http://www.bop.gov)). Due to the District of Columbia's unique governance structure, the District does not have a locally controlled prison system; those functions reside with the federal government.

**District Court:** Persons convicted in the federal system are transferred to the Federal Bureau of Prisons. On the Bureau of Prisons web site ([www.bop.gov](http://www.bop.gov)) you can search for a defendant's name to determine his or her Bureau of Prisons number and where the defendant has been incarcerated.

## Technology in the Courthouse and Courtroom

Courts in the District do not allow the press and public to photograph, film, or record court proceedings.

**Superior Court:** Cameras and audio recorders are **not allowed** in either D.C. courthouse without special **advance** permission and usually limited to a particular event, not a court hearing. Contact the D.C. Courts' PIO if you would like to obtain such permission, but note that it will be limited to the day and the

event/purpose for which you applied. While camera-equipped cell phones may be brought into the Superior Court buildings, the camera feature may not be used.

**District Court:** Cameras and audio recorders are **not allowed**, however credentialed members of the media can bring in camera-equipped cell phones. The District Court's Press Room is located on the 4th floor of the main building, room 4431. Interviews may be conducted in the press room, or at designated sites outside the courthouse. Interviews in the courtrooms or hallways are prohibited.

Press conferences at the District Courthouse can be held only on the U.S. National Park Service property, near the statue of Maj. Gen. George Meade immediately in front of the courthouse.



*Video and audio recording devices are generally not permitted.*

## Q & A Technology

*I'm a blogger and I've "live blogged" cases in other jurisdictions. Can I do it in D.C.?*

**Superior Court:** You should request permission **in advance** if you would like to blog in a courtroom during a trial. The decision is entirely at the judge's discretion. The D.C. Courts' PIO can facilitate your request.

**District Court:** In the event of a high-profile proceeding, the court can provide a special media room with wireless

access. Closed circuit audio and video can be provided, and in those cases blogging is allowed, but you can only type—you cannot broadcast. Since electronic devices are not allowed to be turned on in the courtroom, live blogging from the courtroom is not permitted.

*Can I take pictures of witnesses as they come out of the courthouse?*

**Superior Court:** The court does not control photography outside the limits of its property line, i.e., photographers may position themselves on the sidewalk outside the courthouse. The court cautions reporters about the threat of juror and witness intimidation, which printing or airing photos could promote.

**District Court:** Yes, if you are in areas that allow photographers to take pictures. There are certain boundaries that determine where you are allowed to do so. Once you are beyond the courthouse property line, photography is allowed. If you are on the U.S. Park Service property, you are free to take photos. Court security officers can advise you where the property line is. Jurors or parties are not provided special access in and out of the courthouse unless there is serious concern for their safety; photographers can take their pictures when they come in and out of the public doorway.

## Trial Jury Information

### Observing jury selection (voir dire)

The practice in Superior Court is, in most instances, to conduct questioning of prospective jurors (called voir dire) either at the

bench or in the jury room. Reporters who want to observe the process should notify the D.C. Courts' Public Information Officer so that accommodations can be made. In District Court voir dire typically is conducted in open court. The court has allowed prospective jurors to answer certain questions at the bench if the judge determines that there is a compelling reason for doing so.

## Accessing juror names

In Superior Court and District Court names of potential jurors are not read aloud during voir dire. Rather, jurors are identified by number. A list of juror names is generally made part of the case record after the verdict.

## Restrictions on juror interviews

Courts generally do not prohibit the press from talking to jurors after the trial ends. Judges, however, will order jurors not to talk to the press while deliberations are ongoing, or remind them that what takes place in the jury room is confidential. Jurors, of course, can choose whether to speak with reporters after the trial has concluded.



*It is not appropriate to try to speak with jurors until a trial concludes and the jury returns a verdict and is excused.*

## Q & A Trial Jury Information

### *Why does a judge question prospective jurors (voir dire) at the bench where the public can't hear anything being said?*

The general rule is that it should be done in public, but there can be exceptions. Sometimes questions involve sensitive matters, about health or criminal backgrounds, and judges do not want to embarrass potential jurors. For this reason, some judges use "hushers" to keep the audience from hearing confidential information. Others choose to conduct voir dire in a closed room because they think the process goes faster. Journalists can challenge if voir dire is done in private or seek to have accommodations made in a particular case.

### *How do I get a list of the jurors picked for the case I'm covering?*

**Superior Court:** Names of jurors are not available until the verdict is returned. To obtain the list after the verdict, contact the D.C. Courts' Public Information Officer. It is best to request the list in advance (i.e., during trial), so that the PIO can coordinate with the judge and courtroom clerk immediately following the verdict. By court rule, the Chief Judge may seal the juror list, though this rarely happens.

**District Court:** This is determined judge-by-judge. Some judges do not have a problem releasing names during trial, while others work differently. One judge wrote an opinion withholding juror names for seven days after the verdict was returned, and then released them.

### ***Can I challenge a court's order to seal jurors' names or other identifying information?***

Any journalist or media entity wishing to challenge a court's juror confidentiality order may do so by filing a motion to intervene in the case, asking the court to reconsider, and if necessary, requesting an expedited appeal of the trial court's order.

### ***If the court seals information about jurors, can I obtain the information from other sources?***

You can certainly try by lawful means, though keep in mind the court's rationale for sealing juror information is often to protect their safety.

### ***Even if anonymity is respected and jurors' names are not used, can I still speak with them at the courthouse?***

Tracking down a juror and asking questions during the course of a trial is not appropriate. A reporter who does so risks punitive action for tampering with a jury. After a trial, a judge may not forbid a jury from speaking with the press, but may instruct jurors they are free to refuse interviews or order them not to discuss their deliberations.

### ***Can the judge take measures that hinder my ability to interview jurors as they exit the courtroom and courthouse?***

Jurors may return to a jury deliberation room immediately after a trial to gather their belongings before they leave the courthouse. The jury deliberation rooms are in a secure area of the courthouse, an area not accessible to the public. A judge can advise jurors that they do not have to talk to the media after they leave the courthouse, but a

judge cannot prohibit jurors from talking to the media after the jury has been excused. Alternate jurors who are not chosen to deliberate cannot talk to the media until the entire jury has been excused because they might need to be called in to replace a deliberating juror who becomes seriously ill or is excused for some other reason.

## **Grand Jury Information**

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Grand juries evaluate a prosecutor's evidence and decide whether it supports indicting, or formally charging, someone accused of a crime. Grand jury proceedings are secret. Participants, except witnesses, are forbidden from disclosing matters related to the grand jury, even after the grand jury's activities have concluded. As such, access to grand jury proceedings is never granted. Courts take violations of the grand jury secrecy rule seriously.

### **Access to proceedings and records**

Although access is rarely granted, reporters may file a motion for access with the judge who is presiding over an ongoing grand jury proceeding or seek disclosure of some grand jury materials once the grand jury has indicted the defendant or disbanded without issuing an indictment. Grand jury transcripts are rarely made available to the press or public. Records of proceedings ancillary to federal grand jury proceedings, such as a hearing on a motion to quash a grand jury subpoena, remain confidential "to the extent and as long as necessary to prevent the unauthorized disclosure of a matter occurring before a grand

jury,” according to Rule 6(e)(6) of the Federal Rules of Criminal Procedure. It is left to the court to determine when to release such records.

Some of the rationales that support closure of a grand jury subpoena hearing or other ancillary proceedings (such as protecting the identity of those who are investigated but not indicted by grand juries or not alerting the targets to the existence of the grand jury investigation) may dissipate once the grand jury issues indictments and/or disbands. Thus, a judge may revisit the continued sealing of grand jury material upon filing of a renewed motion.

## Testimony

The Federal and District of Columbia Rules of Criminal Procedure allow grand jury witnesses to disclose their testimony, but the other participants (including grand jurors and government attorneys) are not permitted to do so. When grand jury information is disclosed to the press or public that appears to have been disclosed by someone who was not a witness, a leak investigation may ensue, possibly involving subpoenas to journalists seeking the identity of sources.



*Witnesses before a grand jury may disclose their testimony, but grand jurors and government attorneys may not.*

## Q & A Grand Jury Information

*I just talked to a source who told me he testified before a grand jury. He told me what he told the grand jury. Can I report it?*

**Superior Court:** This does not violate the grand jury secrecy rule because it is the witness who made the disclosure and not someone prohibited from doing so, such as a juror, prosecutor or court employee.

**District Court:** Yes. Witnesses are allowed to speak with the press; law enforcement, prosecutors and grand jurors are not.

## Gag Orders

Judges may issue orders that prohibit participants in a judicial proceeding (lawyers, witnesses and others) from disclosing information. These are sometimes referred to as gag orders. If member of the press seek to challenge such orders, most courts will recognize that the press has the right to be heard, even though the orders per se are not directed at the press.

## Q & A Gag Orders

*The judge issued a gag order in a case I'm covering. Can I challenge the gag order?*

You should consult with your editor or producer before challenging a gag order in either the Superior Court or District Court. If your editor or producer chooses to challenge a gag order, remember that the gag order is in effect until the court removes it.

## Interviews with Judges

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Like all citizens, judges have a First Amendment right of free speech. But that right is tempered by the ethical restrictions that often prevent them from speaking freely about pending cases.

Judges are subject to codes of conduct which prescribe their ethical obligations and restrictions. Judges in the District of Columbia Courts are subject to the Code of Judicial Conduct of the District of Columbia, which states:

*A judge shall not, while a proceeding is pending or impending in any court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness or make any nonpublic comment that might substantially interfere with a fair trial or hearing. The judge shall require similar abstention on the part of court personnel subject to the judge's direction and control. This Section does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court. This Section does not apply to proceedings in which the judge is a litigant in a personal capacity.*

Likewise, federal judges are subject to the code of Judicial Conduct for United States Judges, which states:

*A judge should avoid public comment on the merits of a pending or impending action, requiring similar restraint by court personnel subject to the judge's direction and control. This proscription does not extend to public statements made in the course of the judge's official duties, to the explanation of court*

*procedures, or to a scholarly presentation made for purposes of legal education.*

If you wish to speak with a judge regarding matters unrelated to a pending or impending case (such as a change in procedural rules), the following court officials should be contacted: the Chief Deputy Clerk for the U.S. Circuit Court of Appeals for the D.C. Circuit (202-216-7300); the Administrative Assistant to the Chief Judge and Media Liaison for District Court (202-354-3320); and the D.C. Courts PIO (202-879-1700) for both the D.C. Superior Court and the D.C. Court of Appeals.

### Q & A Interviews with Judges

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*I had a question about something the judge said in open court. I did not understand his ruling. Can I call him and ask him to explain?*

**Superior Court:** While a reporter can call, most of the time the judge will be unable to speak to the reporter about what happened in court under D.C.'s Code of Judicial Conduct (see above). A reporter should contact the court's public information officer for clarification or order a transcript of the court proceedings.

**District Court:** Not all judges will take the call, but journalists can try to reach them. In addition, a journalist can always call the administrative office, which can serve as a liaison if a judge will not talk with a reporter.



*For questions about the substance of a case, start with the attorneys involved. If they will not speak with you, try to locate attorneys who handle similar matters. For procedural questions, ask the attorneys.*

## Alternative Dispute Resolution

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Access to Alternative Dispute Resolution (ADR) proceedings is seldom granted. Most courts believe that ADR works only if the parties feel free to say whatever they want without fear of it being reported or used against them later. Courts have ruled that there is no right of access to mediation or settlement proceedings.

If a settlement agreement was made in private between two disputing parties and was never submitted to a court, the chances of obtaining access to the agreement from the court are minimal. Under those circumstances, the settlement agreement is not a “court record” because it was never in the court’s possession.

If a settlement agreement were submitted to the court for either approval or enforcement, then the agreement could be considered to be a “court record” subject to disclosure. However, such agreements are generally not required to be submitted to a court for approval. Usually, court approval is required only in limited circumstances, such as when one of the parties is a minor, it is settlement of a class action suit, or the settlement includes a consent order requiring actions to be enforced by the court. Otherwise, the parties merely file a joint motion to dismiss, explaining that the dispute has been resolved.

Note that the Multi-Door Dispute Resolution Division administers ADR programs in the Superior Court, see [www.dccourts.gov/dccourts/superior/multi/index.jsp](http://www.dccourts.gov/dccourts/superior/multi/index.jsp).

## Foreign Intelligence Surveillance Court

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The Foreign Intelligence Surveillance Court operates under the federal Foreign Intelligence Surveillance Act (FISA). The Court decides whether to permit the Department of Justice to engage in electronic surveillance and physical searches to obtain information regarding foreign intelligence. FISA also establishes a Foreign Surveillance Court of Review to which the government may appeal when the Foreign Intelligence Surveillance Court denies an application for surveillance. Secrecy is the rule in these courts, and filings, records and opinions are virtually never made public. The FISA Court is located in an unnumbered office in the District Court. There are 11 judges on the FISA Court appointed by the Chief Justice of the U.S. Supreme Court.

## Decorum in the Courtroom

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### Cell phones

**Superior Court:** Cell phones must be off while in the courtroom, but are allowed in the courthouse and other court buildings, as well as the D.C. Court of Appeals in the Historic

Courthouse. The camera functions of a cell phone **MAY NOT** be used inside the courthouse.

**District Court:** Cell phones are allowed in the courthouse and the courtrooms, although all electronic devices must be turned off when in the courtroom. Credentialed members of the press can bring camera-equipped cell phones into the courthouse. All other cameras are prohibited without the express permission of the court. For further information, contact the Office of the Administrative Assistant, 202-354-3320.

## Laptop computers

**Superior Court: The use of computers or Blackberries in the courtroom is at the judge's discretion.** If you would like to request to use such technology in a courtroom, please contact the D.C. Courts' Public Information Officer at 202-879-1700.

**District Court:** Laptops are allowed in the courthouse and courtrooms but must be turned off when in the courtroom.

## Eating

**Superior Court:** Food and drinks are prohibited in the courtrooms. A cafe, located on the C level of the Moultrie Building, is open from 8 a.m. to 3:30 p.m. weekdays.

**District Court:** Food and drinks are prohibited in the courtrooms. A cafeteria, located on the first floor of the atrium rotunda, is open daily until 2:30 p.m. Food and drinks are

permitted in the 4th floor Press Room and in the 1st floor Media Room.

## Q & A Decorum in the Courtroom

*I see lawyers in the courtroom using Blackberries, computers and video cameras. Why can't I also do that?*

**Superior Court:** No one is allowed to bring cameras into the courthouse without advance approval from the Court. Blackberries and laptops, for both attorneys and journalists, are allowed into courtrooms at the discretion of the judge.

**District Court:** Ultimately, it is up to each judge, but the general rule is that electronic devices are not allowed. Judicial Conference policy does not allow broadcasting from the court room, and the concern is that, with such devices, someone might accidentally or intentionally broadcast proceedings.

## SECTION TWO

# Structure of the D.C. Courts

## Structure of the D.C. Courts

### District of Columbia Court System

*District of Columbia Court of Appeals  
(Court of Last Resort)  
9 Judges*

*District of Columbia Superior Court  
(Trial Court of General Jurisdiction)  
61 Judges and 24 Magistrate Judges (2009)*

### What types of cases are filed in the D.C. Court system?

In the District of Columbia, cases involving civil disputes or civil or criminal violations of District law are conducted in the trial court, called the Superior Court. In addition, judges in the Superior Court, a court of general jurisdiction, handle cases involving divorce, child custody, neglect, juvenile crime, mental health, domestic violence, wills, guardianships, tax liens, evic-

tions, Termination of Parental Rights (“TPRs”), adoption, marriage, and others. Superior Court judges also hear appeals from decisions by magistrate judge and some District executive branch agency appeals.

The Superior Court includes five judicial divisions: Civil, Criminal, Family Court, Probate, and Tax. In addition, the court includes a Domestic Violence Unit and several operating divisions, including Family Court Social Services Division (juvenile probation), Special Operations Division, and the Multi-Door Dispute Resolution Division (mediation / alternative dispute resolution).

The Civil Division of the D.C. Superior Court hears many types of civil cases (other than family matters) and is divided into four branches dealing with the processing of different types of civil cases: the Civil Actions Branch, the Landlord and Tenant Branch, the Small Claims and Conciliation Branch, and the Quality Review Branch. The Civil Actions Branch hears, among others, commercial disputes, legal and medical malpractice, and tort cases.

Criminal cases involving adults are heard in the Criminal Division of the D.C. Superior Court. This division handles felonies, serious misdemeanors, and special proceedings concerning such matters as mental competency hearings, special writs, and warrants, as well as motions to seal arrest records.

The Criminal Division of the Superior Court also hears cases involving major violations of city ordinances and serious criminal traffic offenses, such as reckless or drunk driving. In the District of Columbia, most minor traffic violations are handled by adjudicative services at the D.C. Department of Motor Vehicles.

The Family Court of the D.C. Superior Court handles a wide range of family-related matters, including cases involving abuse and neglect, juvenile delinquency, domestic relations, paternity and support, mental health and retardation and adoptions. The Family Court has six branches: the Domestic Relations Branch, the Juvenile and Neglect Branch, the Paternity and Child Support Branch, the Marriage Bureau Branch, the Mental Health and Mental Retardation Branch, the Counsel for Child Abuse and Neglect Branch and the Family Court Self-Help Center. To the greatest extent possible, cases involving members of the same family are heard by the same judge in order to minimize court appearances, reduce the risk of conflicting court orders, and ensure quality decisions based on a comprehensive understanding of the issues affecting the family.

The Probate Division has jurisdiction over estates of those who have passed away, trusts, guardianships of minors, and guardianships and conservatorships of incapacitated adults. Guardians are responsible for the physical well-being of an incapacitated adult; conservators are responsible for ensuring the best use of their finances. Typically, unless a person brings a particular concern to the court’s attention, estates in the District of Columbia are “unsupervised,” which means that the court does not have a role unless it is notified of a problem. In estates that are supervised by the court, the court monitors the handling of the assets by requiring the filing of an inventory and accounts and by having the accounts audited by the Probate Division staff. All guardianships of minors cases, all conservatorships of incapacitated adults and some trusts are also supervised by the Court.

The Tax Division handles all appeals and petitions for review of assessment of tax made by the District of Columbia and all proceedings brought by the District of Columbia for the imposition of criminal penalties pursuant to the provisions of the D.C. tax code.

✓ *Superior Court judges are assigned to a division or the Domestic Violence unit for one calendar year, but may be reassigned to the same division for the following year. All assignments are made by the Chief Judge.*

The D.C. Court of Appeals is the equivalent of the highest court in the state. It has jurisdiction to review all final orders, judgments and specified interlocutory orders of Superior Court judges. The Court of Appeals also has jurisdiction to review decisions of certain administrative agencies, boards, and commissions of the District government, as well as to answer questions of law certified by federal and state appellate courts. As authorized by Congress, the Court reviews proposed rules of the Superior Court and promulgates its own rules.

Cases before the appeals court are usually heard and decided by randomly selected, three-judge panels. Occasionally, a hearing or rehearing is requested “en banc,” that is before all nine judges of the court. A hearing en banc may be ordered by a majority of the judges in regular active service, generally only when consideration by the full court is necessary to maintain uniformity of its decisions, or when the case involves a question of exceptional importance.

✓ *The D.C. Court of Appeals sits in three-judge panels.*

The Court established the District of Columbia Bar and it approves the rules regarding attorney conduct and the admission of members to the bar. It also approves the rules regarding attorney discipline and the resolution of complaints concerning the unauthorized practice of law in the District.

## How are D.C. trial and appellate judges appointed?

Judges of the Superior Court and Court of Appeals are appointed through a merit-selection process, and are not elected. All applicants for a vacancy on either court are screened by the D.C. Judicial Nomination Commission ([www.jnc.dc.gov](http://www.jnc.dc.gov)). For each vacancy, the Commission recommends three applicants to the President of the United States, who has 60 days to nominate one of the three. The U.S. Senate gives its advice and consent on the nominee.

Confirmed judges to either court serve a 15-year term and may be reappointed to successive terms. All applicants for reappointment are evaluated by a different commission, the D.C. Commission on Judicial Disabilities and Tenure ([www.cjdt.dc.gov](http://www.cjdt.dc.gov)). Its jurisdiction includes investigating any allegations of judicial misconduct.

## Who prosecutes local criminal cases?

In Superior Court, most adult criminal cases are prosecuted by the Office of the U.S. Attorney for the District of Columbia, a part of the U.S. Department of Justice. In cases involving juveniles, traffic violations, or certain low-level “quality of life” misdemeanors, the Office of the Attorney General of the District of Columbia is the prosecutor.

## Who represents persons accused of crime in local D.C. cases?

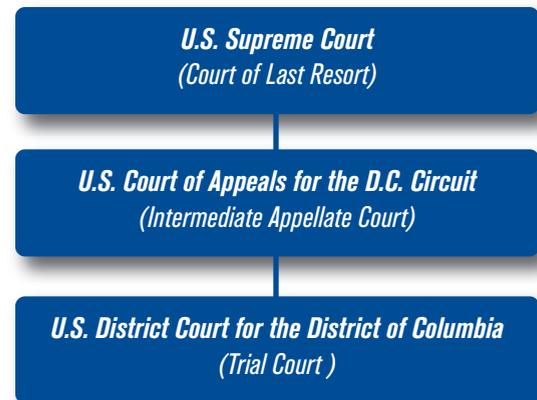
Those who cannot afford a private attorney are represented by either a public defender from the D.C. Public Defender Service ([www.pdsdc.org](http://www.pdsdc.org)) or a private attorney appointed by the court from a list of those who are certified to accept such appointments.

**For a more detailed description of the D.C. Courts’ structure and case process, please refer to the *Community Guide to the Courts*, published by the Council for Court Excellence. The *Guide* is available at [http://www.courtexcellence.org/PublicationsNew/community\\_ed\\_booklets/CommunityGuideFINAL.pdf](http://www.courtexcellence.org/PublicationsNew/community_ed_booklets/CommunityGuideFINAL.pdf).**

## SECTION THREE

# Structure of the Federal Courts

## Structure of the Federal Courts



### What types of cases are filed in the Federal Court System?

Federal courts hear all cases that arise under federal law. Federal law covers such matters as antitrust, labor relations, income taxes, bankruptcy, social security, civil rights, and violations of federal criminal law. Federal courts also hear cases involving the U.S. Constitution or treaties, disputes between two states, disputes between citizens of different states, or cases in which the United States is a party. Like many state systems, the fed-

eral court system is divided into district courts, intermediate appellate courts, and a court of last resort, the Supreme Court.



*The District Court is a unified court system; criminal and civil cases are randomly assigned to all District Court judges.*

The country is divided into 94 federal district court jurisdictions, and into 13 circuits, with one court of appeals in each circuit. The District of Columbia is covered by a single federal district court – the U.S. District Court for the District of Columbia – and a single circuit appeals court – the U.S. Court of Appeals for the District of Columbia Circuit.

The U.S. Court of Appeals for the District of Columbia hears appeals from the U.S. District Court for the District of Columbia and from federal administrative agencies, which conduct their own hearings. Usually, three appellate judges sit on a panel, and at least two must agree for a decision to be reached. On rare occasions, the Circuit Court will agree to hear an appeal “en banc,” meaning that all the active judges on the court will hear the appeal, rather than the usual panel of three judges.

The Supreme Court of the United States, consisting of the Chief Justice and eight Associate Justices, hears a limited number of appeals from the federal Courts of Appeals and from the highest state courts. Except in very rare cases, the Supreme Court has the choice to select which cases it will hear. Those who wish to appeal a lower court ruling will file a petition seeking a

“writ of certiorari” (Latin for “to be informed”) with the Clerk of the U.S. Supreme Court.

Cases accepted by the Supreme Court generally involve new or unresolved questions of federal law affecting people throughout the country, interpretations of federal statutes, constitutional issues, or conflicts between the courts of appeal.

## Who prosecutes federal criminal cases in D.C.?

The U.S. Attorney for the District of Columbia represents the United States and its departments and agencies in civil or criminal proceedings filed in federal court in the District of Columbia. This office is unique among the 94 U.S. Attorney Offices across the nation by virtue of its size and its varied responsibilities. It is the largest office, with more than 350 Assistant U.S. Attorneys and more than 350 support personnel. Cases are also prosecuted by the U.S. Department of Justice, often referred to as “main Justice.”

## Who represents persons accused of crime in federal D.C. cases?

Private defense lawyers or, if an accused cannot afford a lawyer, the judge may appoint a federal public defender. The Office of the Federal Public Defender ([www.dcfpd.org](http://www.dcfpd.org)) handles misdemeanors, felonies, parole and probation violations, grand jury representations, direct appeals to the U.S. Court of Appeals for the District of Columbia, and petitions for a writ of certiorari to the U.S. Supreme Court. If the Federal Public Defender cannot

take a case because of a conflict of interest or other reasons, the court may appoint an attorney from a list of those certified to accept such appointments.

## **How does the U.S. Attorney's Office decide whether to prosecute a case in District Court or Superior Court?**

The U.S. Attorney's Office considers a number of factors when determining whether charges should be brought in District Court or Superior Court. One of the key factors whether the defendant's conduct is primarily a violation of federal or local law. When a crime violates principally federal criminal statutes, the U.S. Attorney's Office will typically bring the case in District Court; when a crime violates primarily local D.C. statutes, the U.S. Attorney's Office will generally bring the case in Superior Court. In those cases where a defendant's alleged criminal conduct equally violates both federal and local law, the U.S. Attorney's Office decides where to prosecute a defendant on a case by case basis, looking at the nature of the offense, the criminal statutes that apply, whether the case involves a federal or local interest, how the case affects the victim and the community, the defendant's criminal history and conduct, and other factors.

**A more detailed description of the Federal Courts' structure and case process can be found in the *Community Guide to the Courts*, published by the Council for Court Excellence. The *Guide* is available at [http://www.courtexcellence.org/PublicationsNew/community\\_ed\\_booklets/CommunityGuideFINAL.pdf](http://www.courtexcellence.org/PublicationsNew/community_ed_booklets/CommunityGuideFINAL.pdf).**

## SECTION FOUR

# Tips

## Tips for Reporting on the Courts

In criminal cases:

- The judge tells the jurors that they may not infer guilt if the defendant chooses not to testify.
- A defendant is not found “innocent” at a trial’s conclusion; he or she is either found either “guilty” or “not guilty.”
- After a mistrial, prosecutors may retry the defendant on the same charges without violating the Constitution’s ban on double jeopardy.

In civil cases, a defendant is either found “liable” or “not liable.”

Juveniles accused of crimes are either found “involved” or “not involved.”

Judicial officers in the U.S. District Court, U.S. Circuit Court, D.C. Superior Court, and D.C. Court of Appeals are “judges,” not “justices.”

## D.C. Superior Court, D.C. Court of Appeals and D.C. Courts System

1. The local District of Columbia court system is the equivalent of a state court system. It differs in two important respects:
  - a. D.C. judges are nominated by the President of the United States and confirmed by the U.S. Senate (see tip 14)
  - b. The D.C. courts are funded by Congress in an annual appropriation (see tip 13)
2. The local District of Columbia court system is comprised of **two courts**: the trial court is the Superior Court and the appellate court is the D.C. Court of Appeals. [Note: this is a different court than the **federal** appeals court, the U.S. Court of Appeals for the D.C. Circuit.]
3. Superior Court has **61 associate judges, 24 magistrate judges, and one chief judge**; the Court of Appeals has **eight associate judges and one chief**. Both courts have **senior judges** – those who have reached an age where they may work a reduced case load - who sit as-needed.
4. Judicial officers in both bodies are **judges, not justices**. [Note: The Superior Court also has magistrate judges who handle initial criminal matters and non-jury proceedings.] [www.dccourts.gov/dccourts/docs/dc\\_code.pdf](http://www.dccourts.gov/dccourts/docs/dc_code.pdf).
5. The **Court of Appeals sits in three-judge panels**. To see a list of cases, with a calendar of when they will be heard, and to see which judges are on which panels hearing those cases, go to this page: [www.dcappeals.gov/dccourts/appeals/calendar/index.jsp](http://www.dcappeals.gov/dccourts/appeals/calendar/index.jsp).
6. **Court of Appeals cases are streamed** real-time (audio only) via the website: [www.dcappeals.gov/dccourts/appeals/calendar/index.jsp](http://www.dcappeals.gov/dccourts/appeals/calendar/index.jsp).
7. **Court of Appeals opinions** are released each Thursday morning and can be found on [dcapeals.gov/dccourts/appeals/opinions\\_mojs.jsp](http://dcapeals.gov/dccourts/appeals/opinions_mojs.jsp). [Note that some cases are decided by a Memorandum of Judgment (MoJ) that just indicates the decision if no legal precedent is set.]
8. Superior Court has five divisions - **Civil, Criminal, Family Court, Probate, and Tax - and one unit, Domestic Violence**. All divisions have a presiding and deputy presiding judge; the unit has a presiding judge.
9. D.C. Superior Court judges are assigned to a division for a year, but may be reassigned to the same division the following year. All **assignments** are made by the Chief Judge.
10. Criminal cases generally begin with an **arraignment (for misdemeanors) or presentment (for felonies) in courtroom C-10**. Exceptions are the arraignments done in the East of the River Community Court, the Misdemeanor and Traffic Community Court in courtroom 115,

and those in domestic violence cases. Courtroom C-10 operates six days a week, Monday through Saturday, regardless of holidays. The list of all defendants who will be before the judge in courtroom C-10 that day is posted on the wall in the hallway to the right off the elevator on the C level of the Moultrie Building. A defendant charged with a felony does not have to plead until the grand jury returns an indictment (which can be up to nine months from date of presentment).

11. D.C. law has very **limited bail/bond** opportunities. Defendants are to be released, generally with some conditions, as they are presumed innocent, unless there is a risk of flight or a danger to themselves or to others. Decisions about pre-trial detention are made by a magistrate judge at the initial hearing in C-10 (or by an associate judge on Saturdays and holidays) and, if the defendant is held, a more substantive evidentiary hearing a few days later in courtroom 201.
12. Several **types of warrants may be issued by a judge**. Bench warrants are arrest orders for defendants who fail to appear for a court hearing. These warrants are public information. Other arrest warrants and search warrants are not public until executed, that is, until the person is arrested or the premises are searched.

13. The D.C. Courts are funded by **Congress** in an annual appropriation. Budget documents may be found at [www.dccourts.gov/dccourts/about/documents.jsp](http://www.dccourts.gov/dccourts/about/documents.jsp). In addition, in the Revitalization Act, Congress retained authority over the structure of the D.C. Courts, Title 11 of the D.C. Code.
14. D.C. judges are selected after the Judicial Nominations Commission sends the name of three candidates to the White House. The President then nominates one of the three; the U.S. Senate's Committee on Homeland Security and Government Affairs holds a hearing and the full Senate votes on the nomination.
15. Superior Court **Magistrate Judges are selected** by the Board of Judges (all the associate judges) upon a recommendation by the Chief Judge.
16. **Juvenile and neglect proceedings are closed** to the public by D.C. Code section 16-2316(e). Press may be admitted at the court's discretion. Confidentiality is a key factor in the decision to admit a reporter and usually there is a requirement that the reporter agree not to release any names or other identifying information about the party and his or her family.
17. Juveniles who are found "involved" can be given probation or be committed to the city's custody. **The Family Court's Social Services Division supervises all youth pre-trial and handles all juveniles placed on probation**. The District's Department of Youth Rehabilitative Services (DYRS) is responsible for all committed youth, as well as those youth who are ordered detained pre-trial.

18. **Press information** is available on the Courts' web site at [www.dccourts.gov/dccourts/about/media/index.jsp](http://www.dccourts.gov/dccourts/about/media/index.jsp) or by calling the Courts' Executive Office at 202-879-1700. All press advisories and releases are sent out via email in addition to being posted on this web page. To add your email address to the distribution list, call the Public Information Officer at 202-879-1700. Docket information can be found at [www.dccourts.gov/pa](http://www.dccourts.gov/pa).

## Federal Courts in the District of Columbia

1. District Court has **15 active judges and one chief judge**; the Court of Appeals for the D.C. Circuit has **11 active judges and one chief judge**. The chief judge in both courts is determined by seniority. Both courts have **senior judges** – those who have reached an age where they may work a reduced case load - who sit as-needed. The District Court has three magistrate judges.
2. For covering cases in the District Court (or any other federal court), **get a PACER account and get familiar with how to search cases**. PACER will inform you of the bulk of what has happened in a case. Many of the docket entries can be printed out directly from PACER, which eliminates the need to travel to the Clerk's Office. Note: PACER does not give you remote access to the pleadings from appeals pending in the U.S. Courts of Appeals (see page 20 for more information on PACER).
3. For a variety of reasons, **certain pleadings may not be accessible either on-line or in paper**. You should direct all questions or concerns about access to District Court and Appeals Court records to the executive administrator for the chief judge. You should also consider consulting with your editor, producer and/or counsel for your news organization if you are having trouble getting access to records.
4. When you need to find out exactly what was said in a hearing, **remember that court reporters transcribe virtually everything that is said in court and court proceedings may be electronically recorded**, as well. You should contact the court reporter if you need to purchase a copy of the transcript (see pages 20-21).
5. If you know there is a federal case and you cannot find it in District Court, check with the federal courts in Maryland and Virginia.

## SECTION FIVE

# Contact Information

### Federal Courts in the District of Columbia

U.S. Supreme Court  
1 First Street, N.E.  
Washington, D.C. 20543  
Supreme Court Information 202-479-3000  
Public Information Office 202-479-3211  
Web: [www.supremecourtus.gov/](http://www.supremecourtus.gov/)

U.S. Court of Appeals for the District of Columbia Circuit  
United States Courthouse  
333 Constitution Avenue, N.W.  
Washington, D.C. 20001  
Office of the Clerk 202-216-7000  
Web: [www.cadc.uscourts.gov/](http://www.cadc.uscourts.gov/)

U.S. Court of Appeals for the Federal Circuit  
The National Courts Building  
717 Madison Place, N.W.  
Washington, D.C. 20439  
Office of the Clerk 202-633-6550  
Web: [www.cafc.uscourts.gov](http://www.cafc.uscourts.gov)

U.S. District Court for the District of Columbia  
United States Courthouse  
333 Constitution Avenue, N.W.  
Washington, D.C. 20001  
Office of the Clerk (202) 354-3000  
Web: [www.dcd.uscourts.gov](http://www.dcd.uscourts.gov)

## District of Columbia Courts

District of Columbia Courts  
Information 202-879-1010  
Public Information Officer 202-879-1700  
Web: [www.dccourts.gov](http://www.dccourts.gov)

D.C. Court of Appeals  
Historic Courthouse  
430 E Street, N.W.  
Washington, D.C. 20001  
Court Information 202-879-2725  
Public Information Officer 202-879-1700  
Office of the Clerk 202-879-2725  
TTY 202-626-8843

D.C. Superior Court  
Moultrie Courthouse  
500 Indiana Avenue, N.W.  
Washington, D.C. 20001  
Public Information Officer 202-879-1700  
Information 202-879-1010  
Office of the Clerk 202-879-1400  
TDD Office of the Clerk 202-879-1232  
Interpreting Services 202-879-4828

## Prosecutorial and Defense Agencies

U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530-0001  
Main Switchboard 202-514-2000  
Office of the Attorney General 202-353-1555  
Web: [www.usdoj.gov/](http://www.usdoj.gov/)

U.S. Attorney's Office for the District of Columbia  
555 4th Street, N.W.  
Washington, D.C. 20530  
U.S. Attorney's Office 202-514-7566  
TTD Line U.S. Attorney's Office 202-514-7558  
Web: [www.usdoj.gov/usao/dc/](http://www.usdoj.gov/usao/dc/)

Office of the Attorney General  
Government of the District of Columbia  
441 4th Street, N.W.  
Suite 1145S  
Washington, D.C. 20001  
Main 202-727-3400  
Media Inquiries 202-727-2320  
Web: [oag.dc.gov/](http://oag.dc.gov/)

Federal Public Defender for the District of Columbia  
625 Indiana Avenue, N.W.  
Washington, D.C. 20004  
Main 202-208-7500  
Web: [www.dcfpd.org/](http://www.dcfpd.org/)

The Public Defender Service for the District of Columbia  
633 Indiana Avenue, NW  
Washington, DC 20004  
Main 202-628-1200  
TTY 202-824-2531  
Web: [www.pdsdc.org/](http://www.pdsdc.org/)

## SECTION SIX

# Glossary

**AAG:** An acronym for “Assistant Attorney General.” The D.C. Attorney General represents the District in civil cases and is the prosecutor in juvenile, traffic and minor misdemeanor cases in D.C. Superior Court.

**ACCUSED:** A person charged with committing a crime.

**ACQUITTAL:** A finding of not guilty, that is, the government did not prove guilt beyond a reasonable doubt.

**ACTION:** The proceeding or dispute that is before the court for resolution; it is formally known as a “cause of action.”

**AFFIDAVIT:** A sworn written statement by a party or other person involved in a case.

**ALFORD PLEA:** A type of plea that allows a defendant to plead guilty without admitting the commission of the acts underlying the offense and incurring civil liability. The name is derived from the case *North Carolina v. Alford*.

**ALTERNATIVE DISPUTE RESOLUTION (ADR):** An alternative to courtroom litigation that attempts to achieve a compromise resolution to a case, rather than the “win or lose” decision that is often the result of litigation. Mediation and arbitration are forms of ADR. For D.C. Courts, see Multi-Door Dispute Resolution Division.

**ANSWER:** A formal court document in which the defendant responds to and disputes the plaintiff’s allegations.

**APPEAL:** A request by the losing party to take the case to a higher court. The appeals court does not actually retry the case, but focuses on possible legal errors made by the trial court.

**ARBITRATION:** The process whereby parties to a dispute decide that a third-party, not the court, will determine the outcome, thereby avoiding litigation.

**ARRAIGNMENT:** A criminal proceeding in which the accused is brought before the judge, told the charges against him or her and asked to plead guilty or not guilty. **NOTE:** defendants in felony cases are not “arraigned” until the grand jury indicts them; a felony defendant’s first court appearance is technically a “presentment.”

**ARREST:** The taking into custody of a person suspected of committing a crime.

**AUSA:** An acronym for “Assistant U.S. Attorney.” In D.C., the U.S. Attorney’s Office for D.C. prosecutes cases in U.S. District Court, all felonies and most misdemeanors in D.C. Superior Court, as well handling appellate arguments in those criminal cases before the D.C. Court of Appeals and U.S. Court of Appeals for the D.C. Circuit.

**BEYOND A REASONABLE DOUBT:** The standard in a criminal case necessary for the jury to declare the defendant guilty. It requires that the evidence be so conclusive that it removes all reasonable doubts from the minds of the jurors.

**BOOKING:** The process by which law enforcement photographs, fingerprints and gets information from a suspect following arrest.

**BRADY MATERIAL:** Exculpatory evidence the prosecution is required to provide the defense, as specified in the Supreme Court case of *U.S. v. Brady*.

**BURDEN OF PROOF:** In criminal cases, the burden is on government to prove a case beyond a reasonable doubt, the most difficult threshold of proof. In civil cases, the burden is on the plaintiff to prove the case by the preponderance of the evidence.

**C-10:** The number of the arraignment and presentment courtroom in Superior Court. It is located on the C Street level of the Moultrie Courthouse, two floors below the main lobby. Open Monday through Saturday, including holidays.

**CAPITAL CRIME:** A crime punishable by death. District of Columbia law does not provide for the death penalty.

**CCAN:** An acronym for “Counsel for Child Abuse and Neglect.” A list of attorneys approved to represent families and children in abuse and neglect cases in Superior Court.

**CHALLENGE FOR CAUSE:** An objection to a particular person being seated on a jury, based on a stated reason.

**CHARGE:** An accusation made against a person that he or she committed a crime.

**CITATION RELEASE:** The process of releasing the accused from police custody in cases involving minor criminal violations, with a court date scheduled at which he or she must appear. This determination is made solely by the police.

**CIVIL PROTECTION ORDER (CPO):** A court order directing the respondent to stay away from a person or sometimes from a neighborhood, usually for a one-year period.

**CJA:** An acronym for “Criminal Justice Act,” it is used as a shorthand term referring to attorneys who have been approved to be appointed under the Criminal Justice Act to represent indigent defendants in D.C. Courts and the federal courts in D.C.

**CLEAR AND CONVINCING EVIDENCE:** Evidence indicating that the thing to be proved is highly probable or reasonably certain. This is a greater burden than “preponderance of the evidence,” which is the standard applied in most civil trials, but less than evidence beyond a “reasonable doubt,” the standard in criminal trials.

**CLERK OF COURT:** The highest ranking non-judicial employee in each court, responsible for the functioning of all offices and divisions within the court, as well as all courtrooms.

**COMMUNITY COURTS:** Courtrooms in which the judge seeks not only to determine guilt or innocence, but to address the underlying cause of the crime and to seek redress of the harm caused by the offense, for low-level, misdemeanor crimes. Community courts frequently require defendants or offenders to “pay back” the community by performing court-supervised community service. They also seek to reduce the likelihood of future offense by linking offenders with social services they may need, such as drug treatment, job training, and mental health counseling. For more information on Superior Court’s various community court initiatives, see [www.dccourts.gov/dccourts/superior/community\\_courts.jsp](http://www.dccourts.gov/dccourts/superior/community_courts.jsp).

**COMPLAINT:** In civil cases, it is the formal document that one party files with the court to begin a lawsuit. It states the facts of the case and the action which the filing party wishes the court to take. In criminal cases the complaint is a written statement of the charges against a person and the facts that constitute the charges.

**CONTEMPT:** Disobeying a court order. A judge can hold a hearing to determine whether a person has shown “contempt of court.” There are sanctions for both civil and criminal contempt. These offenses are punishable by jail or fines.

**CONVICTION:** A decision made by a judge or a jury in a criminal case that the defendant is guilty beyond a reasonable doubt of the crime.

**COURT SERVICES AND OFFENDER SUPERVISION AGENCY (CSOSA):** The federal agency that handles pretrial monitoring and post-conviction probation of D.C. criminal defendants. See, [www.csosa.gov](http://www.csosa.gov). The Pretrial Services Agency, an independent agency that is part of CSOSA, handles all pretrial monitoring and services.

**COURTVIEW:** The database that contains all Superior Court cases.

**CRIME VICTIMS COMPENSATION PROGRAM:** A Superior Court program funded by fees, fines and grants that covers out-of-pocket costs of crime victims. For more information, see [www.dccourts.gov/dccourts/superior/cvcp.jsp](http://www.dccourts.gov/dccourts/superior/cvcp.jsp).

**CROSS-CLAIM:** A claim by one party against a co-party, not against persons on the opposite side, arising out of the original complaint.

**COUNTER-CLAIM:** A claim which a defendant makes against the plaintiff.

**DAMAGES:** Money awarded by the court to the party who suffered injuries or a loss due to the unlawful acts or negligence of another.

**D.C. MISDEMEANOR:** These are minor misdemeanor infractions, such as Possession of an Open Container of Alcohol, Drinking in Public, Disorderly Conduct, etc, which are prosecuted by the D.C. Office of Attorney General in the Superior Court. These cases are all heard by the D.C. Misdemeanor and Traffic Community Court in courtroom 115 of the Moultrie Courthouse.

**DEFAULT JUDGMENT:** This occurs when a defendant does not plead in a civil suit within the time allowed, or fails to appear at the trial, and as a result, automatically loses the case. Default judgments may also occur in domestic violence cases (civil protection orders) and landlord-tenant court.

**DEFENDANT:** In a criminal case, a person who has been charged with committing a crime. In a civil case, a defendant is the party against whom a civil complaint has been filed.

**DELINQUENT:** A juvenile who has committed an act which would be a crime if committed by an adult.

**DE NOVO:** Anew, or a second time. A “trial de novo” is a new or second trial.

**DEPOSITION:** The testimony of a witness not taken in court, but taken under oath in preparation for a trial.

**DISCOVERY:** The pre-trial process in civil cases through which each party is informed of the evidence that the other party will be using in the trial or that may otherwise be relevant to the case.

**DISMISSAL:** The decision by the judge to end a case, often at the request of the parties.

**DISPOSITION:** The sentencing or other final settlement of a criminal or juvenile case.

**DIVERSITY JURISDICTION:** A method of having a case heard in a “neutral” federal court rather than in a state court, if the two parties are from different states and the amount in controversy exceeds \$75,000.

**DOMESTIC VIOLENCE INTAKE CENTER:** One of two centers sponsored by the D.C. Superior Court’s Domestic Violence Unit at which a victim of domestic violence can not only file a complaint, but also speak to the police, an advocate, the prosecutor, a representative of the Crime Victims Compensation Program and representatives from the DC Attorney General’s office regarding child support, contempt filings and other matters.

**DWP:** Acronym for “Dismissed for Want of Prosecution.” This usually means that the government was not ready to proceed in a criminal case, often because a key witness did not appear for trial. Often pronounced as “dwipped.”

**EN BANC:** A Latin term meaning a hearing in which all of the judges of an appellate court participate, rather than a three-judge panel.

**EQUITY:** Civil disputes that do not involve monetary awards, but involve a request for an act or the cessation of a particular action, such as an injunction. Equity also is defined as justice administered according to fairness, as contrasted with the strictly formulated rules of common law.

**EVIDENCE:** Testimony and objects presented in court by the parties to support their case.

**EX PARTE:** A Latin term meaning a hearing before the court when only one side is present; in many circumstances it is not allowed.

**FAMILY TREATMENT COURT:** A 15-month D.C. Superior Court therapeutic drug court program for mothers of children under court supervision due to neglect and abuse. Participants receive intensive residential substance abuse treatment at a facility where they can live along with their young children during the six-month in-patient treatment process.

**FELONY STATUS CONFERENCE:** A pre-trial status hearing in a felony case to determine how the case is proceeding while the defendant is being detained awaiting grand jury action.

**FELONY:** A serious crime punishable by one year or more in a prison and/or a fine. Felonies include crimes such as murder, rape, burglary, and robbery.

**FELONY 1:** The most serious of felony crimes, including murder, first degree sexual assault, conspiracy cases, and other complex criminal litigation.

**GENERAL JURISDICTION:** A court that hears controversies of all types, seeking different legal rights and remedies. See Unified Court System.

**GERSTEIN:** The narrative describing the circumstances of an arrest by a law enforcement officer that accompanies a criminal complaint.

**GUILTY:** A finding by a jury or a judge that the accused committed the crime.

**HEARING:** A court proceeding with one or more issues to be agreed upon or determined.

**IN CAMERA:** Information presented for review by the court outside the hearing of the public and, on occasion, outside the hearing of the other party.

**INDICTMENT:** A written accusation made by a grand jury charging a person with committing a crime.

**INFORMATION (MISDEMEANOR COMPLAINT, FELONY COMPLAINT):** A document filed by the prosecutor explaining the unlawful actions of the accused and formally charging him or her with committing a crime.

**INTAKE CENTER:** See Domestic Violence Intake Center.

**INTERROGATORIES:** Written questions given by one party in a civil lawsuit to the other party in the suit which must be answered under oath.

**JUDGMENT:** Final decision of a civil lawsuit made by the judge or jury.

**JURY:** A petit jury is a group of citizens who have been selected to hear the evidence in a trial presented in court and render a verdict according to the law and the facts presented. A grand jury is a group of citizens selected to investigate certain actions or consider indicting persons accused of committing a felony crime.

**JUVENILE:** Generally, any person under the age of 18 years. In court, a youth charged with violating the law.

**LINE-UP:** A police process where a suspect is lined up with other persons to be identified by a witness.

**LITIGATION:** A case or lawsuit; the process of settling a dispute between two or more parties in a trial or adversarial setting.

**LOCK-UP LIST:** The daily list of all defendants who were arrested, held in police custody overnight, and who will be arraigned or presented in Superior Court's courtroom C-10. Currently, the lock-up list is posted on the C-Level of the Moultrie Courthouse on the wall to the right after exiting the escalator.

**MAGISTRATE JUDGES:** Judicial officials with authority for some, but not all, types of proceedings, such as jury trials.

**MEDIATION:** A process used when the parties to a dispute present their case to a neutral third-party (the mediator) to see if they can resolve their conflict in a mutually agreeable fashion. In some cases, mediation is required, but if not successful the case goes to trial.

**MIRANDA WARNING:** A statement required of police to inform a suspect taken into custody of his or her right to an attorney and that he or she has the right to refuse to answer any questions asked by the police.

**MISDEMEANOR:** A crime that is punishable by one year or less in jail and/or a fine; e.g., petty theft, minor assaults and drug offenses, and most traffic violations.

**MISTRIAL:** A trial that is terminated before a verdict is reached either because the jury cannot decide the guilt of the accused or because of some error found in the trial.

**MOTION:** A written or oral request to the judge to make a decision or take a specific action.

**MOTION TO DISMISS:** A motion for the judge to dismiss the case before the trial based on the insufficiency of the pleading, of process, or some other matter of law.

**MULTI-DOOR DISPUTE RESOLUTION DIVISION:** The Superior Court's division that offers mediation/ alternative dispute resolution. For more information, see [www.dccourts.gov/dccourts/superior/multi/index.jsp](http://www.dccourts.gov/dccourts/superior/multi/index.jsp).

**NO PAPER:** A prosecutorial decision against filing charges after an arrest. Thus, no case is filed with the court.

**NOLLE:** Abbreviation of *nolle prosequi*, a Latin term meaning that the government declines further prosecution of a criminal case, after initial papering and before trial.

**NOLO CONTENDERE:** Latin for "I will not contest it," a plea to a crime that does not admit guilt but has the same result as a guilty plea.

**NOT GUILTY PLEA:** A statement given by the accused denying that he or she committed the crime.

**OBJECTION:** An action taken by one of the attorneys during the trial in which that attorney disagrees with some statement or procedure during the trial, requesting the judge reverse it or disallow it.

**OFFENDER:** A person who has been convicted of a crime.

**OFFICE OF THE ATTORNEY GENERAL (OAG):** Acronym for the DC Office of Attorney General, see *oag.dc.gov*.

**ON NOTICE MOTION:** A motion where advance notice is required to be given to the other party.

**OVERRULE:** A judge's decision on an objection in which he or she does not allow the objection.

**PAPERING:** The process, including a review of arrest paperwork and evidence gathered by a police officer, by which the prosecutor fills out the forms necessary to commence a criminal case with the court; the initiation of a criminal case. See also "no paper."

**PARTY:** A person, organization, or government entity involved in a legal proceeding.

**PEREMPTORY CHALLENGE:** An objection to the selection of a juror for which a specific reason does not need to be given.

**PERSON IN NEED OF SERVICES (PINS):** A juvenile who has committed illegal acts which, if committed by adults, would not be considered criminal offenses; i.e., truancy.

**PLAINTIFF:** The person who starts and files a civil action.

**PLEA:** A formal statement made by an accused person either denying or admitting that he or she committed the crime of which he or she is accused.

**PLEADING:** A written statement of fact and law filed by both parties in civil suits which outlines their position and how they think the judge should rule.

**POST and FORFEIT:** A procedure provided for in the D.C. Code by which the police are allowed to have the defendant just pay a fine and the case ends there, without any case being filed with the court.

**POST-TRIAL MOTION:** A motion permitted after a trial such as a motion for a new trial and a motion for relief from judgment.

**PRELIMINARY HEARING:** A pre-trial hearing to determine if there is enough evidence to present to a grand jury.

**PREPONDERANCE OF THE EVIDENCE:** The greater weight of the evidence, not necessarily established by the greater number of witnesses testifying to a fact but by evidence that has the most convincing force; the burden of proof in most civil trials.

**PRESENTMENT:** The first appearance by a felony defendant before a judge, where the initial decision is made on whether there is probable cause and whether the defendant should be detained pre-trial. A felony defendant does not have to plead unless and until he or she has been indicted by a grand jury, at which point the defendant then has an arraignment before the judge who will preside over his or her case.

**PRE-TRIAL CONFERENCE:** An informal conference between the attorneys for both sides to clarify the issues or to attempt to work out a settlement with the judge as a moderator.

**PRETRIAL SERVICES AGENCY:** The agency which does initial background checks and recommendations at arraignment/presentation and then supervises defendants who have been released pending trial. See [www.dcpsa.gov](http://www.dcpsa.gov).

**PREVENTATIVE DETENTION HEARING:** This hearing occurs 3-5 days after the defendant's initial appearance in the Superior Court *if* he or she is detained. This is a longer evidentiary hearing with witness testimony on whether the defendant should be detained until trial, and is a more involved probable cause determination.

**PRO SE:** A Latin phrase meaning "for himself" or "in one's own behalf." A person who represents himself or herself in court is said to be appearing *pro se* or to be a *pro se* party.

**PROBABLE CAUSE:** A preliminary determination that the crime was committed and that the defendant is likely to have committed it.

**PROBATE:** Legal process through which a personal representative is appointed and the assets of someone who has died are collected and distributed and the deceased person's debts are paid.

**PROBATION:** A sentence allowing the accused to remain outside of jail or prison under the supervision of a probation officer. In D.C., adult probation is monitored by the Court Services and Offender Supervision Agency. Juvenile probation is monitored by the Family Court Social Services Division.

**PROSECUTOR:** The lawyer representing the government in a criminal case.

**PUBLIC DEFENDER:** An attorney employed by the government to represent defendants who cannot afford to pay for a lawyer. The D.C. Public Defender Service represents indigent adults and juveniles in the D.C. Courts; the Federal Public Defender represents indigent adults in the Federal Courts.

**PUBLIC DEFENDER SERVICE (PDS):** The D.C. Public Defender Service, often referred to as "PDS" is a federally funded agency that provides criminal defense for indigent adults and juveniles in cases in the Superior Court, the D.C. Court of Appeals. See <http://www.pdsdc.org/>.

**REASONABLE DOUBT:** The amount of doubt present in the minds of the jurors which entitles the defendant to acquittal.

**REBUTTAL:** The evidence given to explain, counteract, or disprove facts given by the opposite party.

**RESTITUTION:** An order from the judge in a criminal case that requires that the offender pay the victim for damages the victim suffered as a result of the crime.

**SELF-HELP CENTERS / RESOURCE CENTERS:** Several centers in various branches of the Superior Court to assist those who are not represented by an attorney. See [www.dccourts.gov/dccourts/about/prose.jsp](http://www.dccourts.gov/dccourts/about/prose.jsp).

**SELF-INCRIMINATION:** A defendant's giving of testimony against himself that might subject him to criminal liability.

**SENTENCE:** The punishment for a person convicted of a crime.

**SHOW CAUSE HEARING:** A hearing at which the person summoned is asked to present testimony as to why the judge should not take some adverse action against them (find them in contempt, revoke probation, etc.).

**STATEMENT OF CLAIM:** A statement of claim is the legal document that starts a small claims court case in the Superior Court and sets forth an individual's claim to obtain money, property, or the enforcement of a right against another party.

**STEP-BACK:** To take a defendant into custody. For example, if there is a probation revocation hearing and the judge determines that the defendant needs to be held in jail rather than remain in the community because he or she has violated probation, the judge will “step back” the defendant, meaning ask the Deputy US Marshal to take him or her into custody (such defendants are taken to the cell block behind the courtroom, hence they are “stepped back.”)

**SUA SPONTE:** An action taken by a judge on the court's own initiative and not at the request of the parties.

**SUMMARY JURY TRIAL:** An abbreviated trial involving a panel of six jurors who render an advisory, nonbinding decision.

**SUMMONS:** A notice sent to a person to appear in court to answer charges.

**SUSTAIN:** The decision on an objection by a judge to support it and prevent the other party from continuing that line of questioning or introducing the evidence that was objected to.

**TPO:** Acronym for “Temporary Protection Order.” A TPO is a 14-day order for one party to stay away from another. This order can be issued by a judge upon one person's testimony if he or she finds grounds in the petitioner's testimony. [Note: it is not effective until served on the defendant.] For the year-long CPO (see above), the respondent has a right to respond and make a case as to why the order should not be issued.

**TESTIMONY:** Statements made in court by parties and witnesses who are under oath to tell the truth.

**THIRD-PARTY CLAIM:** A complaint filed by the defendant against a person not originally a party in the lawsuit.

**TRIAL:** A hearing before a judge and sometimes a jury where evidence is presented to decide in criminal cases whether or not the accused committed the crime, and in civil cases whether evidence and the law are in favor of the plaintiff or defendant.

**U.S. MARSHALS:** The U.S. Marshal Service provides judicial and courtroom security in the federal courts, the Superior Court, and the D.C. Court of Appeals, and brings detained defendants to courtrooms for proceedings.

**UNIFIED COURT SYSTEM:** A court system in which all types of cases are heard by one trial court, rather than a system in which there are separate probate, juvenile, civil, criminal and other types of courts. The D.C. Superior court is a unified court.

**VERDICT:** The decision of the judge or jury at the end of a criminal trial that the accused is either not guilty or guilty of the charges. Note that there is not a finding of “innocence,” the options are “guilty” or “not guilty.” In a civil trial, the decision of the judge or jury that the defendant is either liable or not liable.

**VICTIM:** An individual against whom an offense of civil or criminal law, or an attempted offense, was committed.

**VOIR DIRE (*vvar deer*):** The process of selecting a jury, by asking questions to elicit whether the person could be a fair, impartial juror.

**VVCA PAYMENT:** A court-ordered payment under the Victims of Violent Crime Act that goes to the Crime Victims Compensation Program (see above). This fee is usually imposed on criminal defendants as part of their sentence. The program uses the revenue from such payments to recompense victims for the costs they incur as a result of a crime.

**WAIVER:** The intentional giving up of a right.

**WITNESS:** A person who is called to testify, in either an oral or written statement, to what he or she has seen, heard, or knows about concerning the facts in a criminal or civil case.

**WRIT OF CERTIORARI:** The discretionary device used by the U.S. Supreme Court to choose which cases it wishes to hear.

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