

DISTRICT OF COLUMBIA COURT OF APPEALS

<u>FY 2010 Enacted</u>		<u>FY 2011 Annualized CR</u>		<u>FY 2012 Request</u>		<u>Difference FY 2010/2012</u>	
FTE	Obligations	FTE	Obligations	FTE	Obligations	FTE	Obligations
94	12,022,000	94	12,022,000	103	13,183,000	9	1,161,000

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

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

Organizational Structure

The Office of the Clerk of the Court

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

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

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

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

Organizational Objectives

1 Strategic Plan: Fair and Timely Case Resolution

Goal 1.2: The Courts will resolve cases promptly and efficiently.

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

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

2 Strategic Plan: Fair and Timely Case Resolution

Goal 1.2: The Courts will resolve cases promptly and efficiently.

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

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

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

3 Strategic Plan: A Strong Judiciary and Workforce

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

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

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

4 Strategic Plan: Public Trust and Confidence

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

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

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

Workload Data

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

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

Fiscal Year	Cases Filed	Cases Disposed	Case Clearance Rate*	Cases Pending	Motions and Petitions Filed
2008	1,693	1,832	108%	2,319	5,973
2009	1,619	1,725	107%	2,192	6,748
Difference	-5%	-7%	-1%	-7%	+12%

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

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

Fiscal Year	Bar Admission Applications Received	Multistate Bar Exam Score Transfer Requests Processed	Certificates of Good Standing Issued	Wall Certificate Orders Processed
2008	4,460	3,082	10,379	933
2009	3,926	2,720	11,119	1,266

Case Processing and Operational Efficiency Initiatives

The Court has instituted many initiatives to facilitate or expedite case processing, to achieve operational efficiencies, and to enhance service to the public. In Fiscal Years 2009 and 2010, the following initiatives were undertaken to improve operations and case processing.

- 1 The Court began its bar disciplinary rules to expedite the imposition of discipline, and to authorize negotiated discipline where appropriate.
- 2 The Court participated in a complete revision and updating of a scholarly-law review quality work on the appellate court process. The revision was done under the auspices of the Young Lawyers Section of the Bar Association of the District of Columbia, which published it.
- 3 Pursuant to its updated plan for furnishing representation to indigent criminal and juvenile appellants under the Criminal Justice Act (CJA), and an extensive application process, the Court established a new list of attorneys to be appointed under the CJA in 2005. Approximately 80 well-qualified attorneys were selected from over 300 applicants. Re-evaluation of members of the panel of attorneys and consideration of new applicants occurred in every year thereafter.
4. The Court is implementing a new case management system.
5. The Court initiated a pilot project in which the time allotted for oral arguments in regular cases was limited to 15 minutes.

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

- 1 The Court of Appeals installed assisted listening devices in its courtroom for attorneys, litigants, judges, and the public and improved quality recording of oral arguments which can be made available on compact disks. Additionally, the new system permits court staff to hear oral arguments through their desktop PC's and permits audio-streaming of the oral arguments over the internet for the public.
- 2 The Court developed and conducts annually a continuing legal education course on

appellate practice for members of the D.C. Bar.

- 3 The Court of Appeals continued to revise and enhance the instructional materials available through the Internet for litigants and for applicants for admission to the Bar, and continued internet access to the Court's rules, forms and opinions. The Court of Appeals section of the website can be accessed directly at www.dcappeals.gov.
- 4 The *sua sponte* expedition of appeals in cases involving adoption and the termination of parental rights to ensure prompt decisions in cases that affect the stability of the living environment of children who have been subjected to abuse and neglect.
- 5 Annual training of the Court's Criminal Justice Act and Counsel for Child Abuse and Neglect bars, and the provision of informational materials to the public on how to pursue an appeal.

Table 3
COURT OF APPEALS
Performance Measurement Table

Type of Indicator	Performance Indicator	Data Source	FY 2009 Actual	Projection FY 2010	Projection FY 2011	Projection FY 2012
Input	Number appeals filed	Court data	1,619	1,753	1,771	1,795
Output/ Activity	Number of cases disposed	Court data	1,725	1,825	1,880	1,893
Productivity/Efficiency	Cases disposed/cases filed	Court data	106%	105%	107%	109%

FY 2012 Request

In FY 2012, the D.C. Courts request for the Court of Appeals is \$13,183,000, an increase of \$1,161,000 or 10% above the FY 2010 Enacted Budget. New FY 2012 request consists entirely of built-in increases (see Table 5).

Table 4
COURT OF APPEALS
Budget Authority by Object Class

	FY 2010 Enacted	FY 2011 Annualized CR	FY 2012 Request	Difference FY 2010/2012
11 – Compensation	8,658,000	8,658,000	9,536,000	878,000
12 – Benefits	2,165,000	2,165,000	2,395,000	230,000
Subtotal Personnel Cost	10,823,000	10,823,000	11,931,000	1,108,000
21 - Travel, Transp. of Persons	55,000	55,000	57,000	2,000
22 - Transportation of Things	0	0	0	0
23 - Rent, Commun. & Utilities	95,000	95,000	98,000	3,000
24 - Printing & Reproduction	79,000	79,000	83,000	4,000
25 - Other Services	241,000	241,000	252,000	11,000
26 - Supplies & Materials	85,000	85,000	89,000	4,000
31 – Equipment	644,000	644,000	673,000	29,000
Subtotal Non Personnel Cost	1,199,000	1,199,000	1,252,000	53,000
TOTAL	12,022,000	12,022,000	13,183,000	1,161,000
FTE	94	94	103	9

Table 5
COURT OF APPEALS
Detail, Difference FY 2010/2012

Object Class	Description of Request	FTE	Cost	Difference FY2010/2012
11 - Personnel Compensation	Current Positions WIG	94	271,000	
	Law Clerks (FY11 Pres. Rec.)	9	607,000	
<i>Subtotal 11</i>				878,000
12 - Personnel Benefits	Current Positions WIG		72,000	
	Law Clerks (FY11 Pres. Rec.)		158,000	
<i>Subtotal 12</i>				230,000
21 - Travel, Transp. of Persons	Built-in Increase			2,000
22 - Transportation of Things				
23 - Rent, Commun. & Utilities				3,000
24 - Printing & Reproduction	Built-in Increase			4,000
25 - Other Services	Built-in Increase			11,000
26 - Supplies & Materials	Built-in Increase			4,000
31 - Equipment	Built-in Increase			29,000
Total				1,161,000

Table 6
COURT OF APPEALS
Detail of Full-Time Equivalent Employment

Grade	FY 2010 Enacted	FY 2011 Annualized CR	FY 2012 Request
JS-5	1	1	1
JS-6			
JS-7			
JS-8	5	5	5
JS-9	8	8	8
JS-10	8	8	8
JS-11	42	42	51
JS-12	6	6	6
JS-13	2	2	2
JS-14	9	9	9
JS-15	2	2	2
JS-16			
CES	2	2	2
Ungraded	9	9	9
Total Salary	\$8,658,000	\$8,658,000	\$9,536,000
Total FTEs	94	94	103