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# 2005 ANNUAL REPORT

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



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

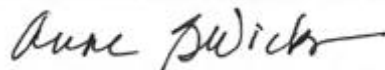
Pursuant to District of Columbia Code, Section 11-1701(c)(2) and 1745(a), I hereby transmit the *Annual Report* of the District of Columbia Courts for the calendar year 2005. Included are statements from the Honorable Eric T. Washington, Chair of the Joint Committee on Judicial Administration and Chief Judge of the District of Columbia Court of Appeals, and the Honorable Rufus G. King, III, Chief Judge of the Superior Court of the District of Columbia.

During 2005, the D.C. Courts made significant progress on the Master Plan for Judiciary Square, which received final approval from the National Capital Planning Commission this year and will guide the restoration of this historic open space designated in the Pierre L'Enfant plan for the city. Renovations continued on the Old Courthouse for the District of Columbia Court of Appeals, and construction commenced in Building A, the future home of the Superior Court's Probate and Multi-Door Dispute Resolution divisions. Renovation of Building B was completed, and Court System support divisions were relocated to Gallery Place.

The Courts continued to migrate the trial court's case management system from a legacy system to IJIS, the new courtwide Integrated Justice Information System. IJIS implementation was completed in the Civil Division during 2005 and the Criminal Division in January 2006, which enhanced the exchange of information among the District's criminal justice agencies and completed the IJIS installation.

Finally, services and outreach efforts to the public were enhanced in 2005 as the Courts' implemented a reading and literacy program for children under its supervision, continued refinements to the Criminal Community Court, and participated in outreach forums sponsored by the Standing Committee on Fairness and Access, neighborhood groups and other District agencies.

Many goals outlined in our Strategic Plan were achieved during 2005. I am confident that the Courts will continue to enhance services to the citizens of the District of Columbia and administer justice fairly and efficiently. We remain committed to our vision of being "Open to All, Trusted by All, and providing Justice to All."



Anne B. Wicks  
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# DISTRICT OF COLUMBIA COURTS' STRATEGIC PLAN

## MISSION STATEMENT

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

## VISION STATEMENT

Open to All  
Trusted by All  
Justice for All

## STRATEGIC ISSUES

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

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# REPORT OF CHIEF JUDGE ERIC T. WASHINGTON CHAIR OF THE JOINT COMMITTEE ON JUDICIAL ADMINISTRATION

The Joint Committee on Judicial Administration in the District of Columbia was created as part of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (the Act). The Joint Committee is the policy-making body for the District of Columbia Courts. It is responsible for the Courts' general personnel policies, accounts and auditing, procurement and disbursement, development and coordination of statistics and management information systems and reports, submission of the annual budget request for the District of Columbia Courts, and other related administrative matters. Pursuant to the Act, five judges serve on the Joint Committee: the Chief Judge of the District of Columbia Court of Appeals, who is the chair; the Chief Judge of the Superior Court of the District of Columbia; an associate judge of the Court of Appeals, who is elected by the judges of that court; and two associate judges of the Superior Court, who are elected by the judges of the Superior Court. The members of the Joint Committee during calendar year 2005 were Chief Judge Eric T. Washington<sup>1</sup>, Chair, Chief Judge Rufus G. King, III, Judge Michael Farrell of the Court of Appeals, and Judges Geoffrey M. Alprin and Judge Lee F. Satterfield, of the Superior Court.

By statute, there is an Executive Officer for the District of Columbia

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<sup>1</sup> Chief Judge Washington began serving on the Joint Committee on August 6, 2005, when he succeeded Chief Judge Annice M. Wagner, who retired and assumed senior status.

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

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

## **STRATEGIC PLAN**

The 2005 calendar year marked the third year of the District of Columbia Courts effort to integrate enterprise-level strategic planning and performance assessment into the Courts' business operations. Entitled, *Committed to Justice in the Nation's Capital, Strategic Plan of the District of Columbia Courts 2003 –2007*, the Plan identifies five strategic areas vital to the administration of justice:

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

Guided by the 18 goals and 67 strategies contained in the Plan, court divisions have developed Management Action Plans (MAPs), which identify actions they will undertake to help achieve courtwide goals. Directors monitor and report their progress in accomplishing MAP objectives according to measurable performance criteria, and update their MAPs every two years to ensure responsiveness to emerging community needs and issues facing the Courts. During 2005, the Joint Committee adopted 13 courtwide performance measures. Assessing our performance and reporting the results increases accountability and enhances public trust and confidence in our justice system.

The Courts' Strategic Planning Leadership Council (SPLC), which developed the Strategic Plan, continues to play an important role as the Plan is implemented. Appointed by the Joint Committee in 2002, the SPLC is a 17 member working group comprised of judges, the Executive Officer, Clerks of Court, and division directors from the Court of Appeals, Superior Court, and Court System. The SPLC monitors the Courts' progress in achieving the goals of the Strategic Plan; facilitates communication and collaboration among divisions, committees, and other entities implementing strategic initiatives; and reports periodically to the Joint Committee. The SPLC also ensures that the Courts continue to seek input from the community as to how the Courts can achieve their vision of being Open to All, Trusted by All, and providing Justice for All.

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

Fair and timely court processes and the effective and efficient use of the Courts' resources are central to the Courts' mission. In 2005, the Courts continued to work to administer justice fairly, promptly, and efficiently.

**Budget and Spending.** Under the terms of the National Capital Revitalization and Self Government Act of 1997 (Revitalization Act), the federal government assumed responsibility for funding the Courts directly. The Revitalization Act provides for the Joint Committee to submit its budget estimates to Congress and the Director of the Office of Management and Budget (OMB), and the Courts' estimates are to be "included in the budget without revision by the President but subject to the President's recommendations." D.C. Code § 11-1743 (1997). The statute also provides for the Joint Committee to send its budget estimates to the Mayor and the Council, although the budget for the Courts is no longer a part of the budget of the District of Columbia government. The Revitalization Act authorizes the Courts to make expenditures from appropriated monies for such expenses as may be necessary to execute efficiently the functions vested in the Courts. Pursuant to the District of Columbia Appropriations Act, 2005, Public Law No. 108-335, the Courts' appropriation is to be apportioned quarterly by OMB and obligated and expended as funds for other federal agencies. Payroll and financial services are provided by the General Services Administration on a contractual basis.

**FY 2005.** For FY 2005, the Courts requested \$151,154,000 for operations and \$120,930,000 for capital improvements. Congress appropriated \$134,599,000 for operations and \$56,201,000 for capital improvements to courthouse facilities. In addition, for defender services in the District of Columbia Courts, the Courts requested \$50,500,000 and Congress provided \$38,500,000.

To support the Courts' commitment to serve the public in our Nation's Capital, the President and Congress provided funds to maintain court services at the current level, despite an austere fiscal environment. Increases for the operating budget were limited to inflationary changes and partial funding for cost of living allowances (COLAs). The Joint Committee carefully reviewed and monitored the Courts' FY 2005 spending plan and its execution to ensure responsible stewardship of these funds.

The FY 2005 appropriation for capital improvements included funding for the first phase of construction costs for the restoration of the Old Courthouse at 451 Indiana Avenue. The appropriation provided \$25,741,000 and the Conference Report, H. Rept. 108-734, stated, "[t]he conferees are supportive of the Old Courthouse project and the much needed Judiciary Square renovation, and are committed to providing the needed resources for the Old Courthouse project within the context of the fiscal year 2006 appropriations process." Restoration of this architectural jewel for use by the Court of Appeals is key to meeting the space needs of the entire court system, including the Superior Court and the Family Court.

The Old Courthouse funds were included in a total capital appropriation of \$56,201,000, an increase of approximately \$20 million over the FY 2004 level. These funds also provided \$18.8 million for projects to rebuild the Courts' infrastructure, \$8.8 million for health and safety projects, and \$2.8 million for the Integrated Justice Information System (IJIS)—the new automated case management system. Many years of limited funding forced the Courts' to defer basic facility maintenance, and several years of adequate funding will be required to restore the facilities to an acceptable condition.

**FY 2006.** The most critical issue facing the D.C. Courts is sufficient capital funding to address the Courts' severe space shortage and deteriorating infrastructure. Therefore, the Courts' FY 2006 budget request focused on addressing these needs. For FY 2006, beginning October 2005, the Courts requested \$149,860,000 for operations and \$192,874,000 for capital improvements. The FY 2006 appropriation, enacted November 30, 2005, provided \$138,183,000 for court operations and \$80,729,000 for the capital budget. In addition, the Courts requested \$54,000,000 and were appropriated \$44,000,000 for defender services.

The FY 2006 appropriation provided \$51.5 million for the Old Courthouse restoration project. Increases in the operating budget were limited to inflationary changes and partial funding for COLAs. These appropriations continue to support many of the Courts' most critical capital priorities.

**Enhancing Jury Service.** In May 2005, the Courts began to provide online services to jurors. A new juror services website gives prospective jurors 24 hour access to the Jurors Office for activities that would otherwise require mailing paper documents or calling during business hours. The interactive juror services webpage enables prospective jurors to fill out the juror questionnaire, change their date of service, and access their last and next scheduled dates of service, all online. The juror services webpage was accessed more than 24,000 times in 2005.

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

The D.C. Courts recognize the increasing diversity of the community and seek to ensure that all District residents have full access to the judicial process. In 2005, the Courts conducted several activities to meet this need.

**Access to Justice Commission.** In January 2005, the Joint Committee appointed four judicial members to the District of Columbia Access to Justice Commission, established by the Court of Appeals in 2004. The Commission's mission is to assure high quality access to the civil justice system for low and moderate-income individuals in the District and to raise public awareness of the need for equal access to justice. Court of Appeals Judges Inez Smith-Reid and Eric T. Washington and Superior Court Judges Stephanie Duncan-Peters and Hiram Puig-Lugo were appointed.

**Website.** In 2005, the D.C. Courts continued to use their website to enhance public access. The website is designed to provide to the public information that is helpful and easy to use. Information available on the website includes the following: divisions' hours of operations, phone numbers, directions to the courthouse, juror procedures, self-represented litigant assistance, use of the child care center, and availability of interpreter services, among many others. Visitors to the website can also access Court of Appeals decisions, a child support calculator, court forms, and this *Annual Report*. Key information on the Courts, including interpreter services, is available in Spanish and other frequently requested languages. In 2005, the Courts continued to increase the information available in Spanish. Now materials such as Court of Appeals self-help manuals, the Crime Victims Compensation Program brochure, and marriage license requirements are available in Spanish.

**Standing Committee on Fairness and Access.** The Joint Committee established the Standing Committee on Fairness and Access to the District of Columbia Courts (Standing Committee) in the Fall of 1996. The initial mandate of the Standing Committee was to continue, on a permanent basis, the work of the earlier Task Forces on Racial, Ethnic and Gender Bias in the District of Columbia Courts with respect to monitoring the D.C. Courts to ensure the elimination of bias based on race, ethnicity and gender. The mission of the Standing Committee, however, is now broader than the earlier task forces and its initial focus, since it also seeks to improve community access to the Courts, monitor compliance with the Americans With Disabilities Act, and generally improve the quality of service provided to court users.

Three subcommittees continued to guide the work of the Standing Committee in 2005. The Hiring and Promotions Subcommittee plays an oversight role in reviewing

compliance with the Courts' affirmative employment plan in recruiting, hiring, and promoting staff. Issues addressed, with the collaboration of various segments of the D.C. Courts and the D.C. Bar, included the need to increase bilingual employees within the D.C. Courts, the challenge of enhancing access to the Landlord/Tenant Branch, and improving the process for tenants who are unrepresented.

The Improving the Treatment of Court Participants Subcommittee continued holding its Outreach Initiative Forums in an effort to get input from communities impacted by the courts operations. For example, one of the outreach sessions in 2005 was held with the D.C. Chapter of the American Immigration Lawyers Association to explore the concerns of attorneys representing members of the immigrant community.

The Improving Court Access Subcommittee focuses on issues confronting persons with various disabilities. Areas of focus include physical barriers within court buildings, and language barriers confronting litigants.

With the creation of the Access to Justice Commission by the D.C. Court of Appeals, the Standing Committee began collaborating with the Commission in 2005, in an effort to find joint ways to improve fairness and access in the D.C. Courts. These collaborative endeavors have focused on ways to increase the number of lawyers representing low-income civil litigants, especially in Landlord and Tenant Court.

**Youth Law Fair.** Each spring, the Courts co-host the annual Youth Law Fair with the D.C. Bar, inviting area teens to spend a Saturday at the courthouse for mock trials and a discussion of legal issues. The goal of the Fair is to promote a dialogue on current legal issues, enhance knowledge about the judicial system, and educate teens about legal and court-related careers. In May 2005, a record 300 students from D.C. public and charter schools attended the Sixth Annual Youth Law Fair, which focused on "Risky Business: Reckless Driving." The teens participated in mock trials, playing the judge, members of the jury, prosecutors, defense attorneys and witnesses, with the help of judges and attorneys with them in the courtroom. They engaged in "Youth Speak Outs" on the consequences of car theft, reckless driving, drag racing and other juvenile-related crimes. Students toured the courthouse, including courtrooms, judge's chambers, and holding cells. Students also had the opportunity to view a number of law and education-related exhibits with information on teen law, summer jobs, scholarships, colleges, and law-related careers. Exhibits included "Stump the Lawyer" with the Criminal Law Section of the D.C. Bar and "Law Jeopardy" with the Young Litigators Committee of the D.C. Bar. This event has reached nearly 1,500 area youth since its inception in 2000.

**Black History Month.** In February 2005, the Courts continued their tradition of celebrating Black History Month with a series of events designed to educate, enhance understanding, and commemorate. Dr. Charlene Drew Jarvis was the featured speaker at the first program entitled, "African American Firsts." She discussed lessons from her father, Dr. Charles Drew, the noted blood bank pioneer, as well as her own experiences as a D.C. Councilmember and president of Southeastern University. At the second event, recollections of the civil rights movement were shared by Mrs. Mary Bolling, widow of the plaintiff in the Washington, D.C. desegregation case, *Bolling v. Sharpe*, that was consolidated with *Brown v. Board of Education* before the U.S. Supreme Court. Duane B. Delaney, the Clerk of the Superior Court; Judge Frank E. Schwelb of the Court of Appeals; and James Watts, a retired D.C. Superior Court Probation Officer also participated in the session. In the final event, area student groups, including the Jefferson Junior High School Choir, the D.C. Scores Poetry Slam Team from Burville Elementary School, and SistasX2 from D.C. Public Schools, shared their talents in a celebration of African American heritage through song, poetry and dance.

**Hispanic Heritage Month.** In the fall, the D.C. Courts marked Hispanic Heritage Month with a series of programs for staff and the public. In 2005, the first event featured the talents of court personnel. Judge Hiram Puig-Lugo recited his poetry; Judge Jose Lopez, Yvonne Martinez-Vega, Daniuska Cruz, and Jorge Salazar demonstrated dance; and James Plunkett played music and sang ballads. The second event was a panel discussion entitled, *The Afro-Latino Presence in the Hispanic Experience*, with Roland Roebuck, Hispanic Program Manager, Department of Human Services, and Judith Morrison, Executive Director of the Inter-Agency Consultation on Race in Latin America. The series ended with the annual CORO Awards ceremony. The CORO Awards, standing for community, outreach, recognition, and opportunity, are given in recognition of outstanding service to the Latino community that has enhanced the lives of area Latinos and the District of Columbia community in general. The 2005 CORO Award winners were Denise Gilman, Achievement Recognition Award; Anya Sykes, Legal Community Award; Freddie Valentin, Allan Kline Award; the Gang Intervention Partnership Unit, Community Agency Award; and the Superior Court Domestic Violence Unit, Community Outreach Award.

**Native American Heritage.** In November 2005, the D.C. Courts held their first celebration of Native American Heritage Month. Mr. Lawrence Baca, Deputy Director of the Office of Tribal Justice, U.S. Department of Justice, immediate past president of the American Bar Association Commission on Racial and Ethnic Diversity in the Profession, and National Secretary of the Indian Law Section of the Federal Bar Association, spoke on the topic *Dignity and Recognition: Law, Culture, Relationships, and Community*. His discussion focused on legal issues related to Native Americans, such as the relationship between tribal courts and federal and state courts; adoptions, family law, domestic violence, and jury service in state courts; and the Indian Child Welfare Act.

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

A third strategic issue for the Courts is promoting the competence and professionalism of court personnel and enhancing civility among all court participants.

**New Employee Orientation.** In 2005, the Courts implemented an Employee Orientation Program to introduce new employees to the D.C. Courts. The program features a formal swearing-in ceremony with the Chief Judge and a tour of the Courts' facilities and Judiciary Square campus. Additional components of the program targeted for implementation in 2006-2007 include a comprehensive employee handbook, informational video, and a seminar series on various operations and programs of the D.C. Courts.

**Performance Management.** June 2005 marked the completion of the first performance evaluation cycle in the D.C. Courts' new Performance Management Program for court staff. This program was implemented in July 2004, following the adoption of a new performance management system for senior administrators the previous year. The new program links employee performance appraisals to their individual and/or team contribution towards fulfillment of the Courts' strategic objectives through division MAPs. The program offers more levels in the performance assessment, giving managers the opportunity to make more meaningful distinctions between employee performance levels. In addition to rating employee job performance based on the traditional elements and standards, the new program assesses employee performance in core competencies

such as communication skills, customer service, job knowledge, dependability, integrity, and initiative. Extensive training on the new program was provided to employees and supervisors prior to its implementation.

**Training.** From April 27 through 29, 2005, the Courts' judges and senior managers participated in a training conference entitled, *Promoting Competence and Professionalism*. One hundred fifty judges and managers participated in sessions on mental illness, judicial decision-making, performance evaluations, situational leadership, mental health courts, and bias. Experts on these topics facilitated the conference.

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

**Facilities.** The District of Columbia Courts process more than 200,000 cases each year and employ a staff of 1,200 who directly serve the public, process the cases, and provide administrative support. The Courts' capital funding requirements are significant because they include funding for projects critical to maintaining, preserving, and building in a timely manner safe and functional courthouse facilities essential to meeting the heavy demands of the administration of justice in our Nation's Capital. To effectively meet these demands, the Courts' facilities must be both functional and emblematic of their public significance and character.

The Joint Committee, as the policy-making body for the District of Columbia Courts, has responsibility for, among other things, space and facilities issues in our court system. Capital improvements are an integral part of the Strategic Plan. Improved facilities were a need identified as a high priority among all constituency groups surveyed by the Courts as the Strategic Plan was developed. The effective administration of justice requires an appropriate physical and technical environment. Thus, the Courts have developed a detailed Facilities Master Plan and in 2005, reached a number of milestones on several projects.

The D.C. Courts occupy 1.1 million gross square feet of space in Judiciary Square, one of the original significant green spaces in the District of Columbia designated in the L'Enfant Plan for the Nation's Capital and one of the last to be revitalized. Several of the Courts' buildings are historically significant. The Courts are responsible for four buildings in the square: the Old Courthouse at 451 Indiana Avenue, the Moultrie Courthouse at 500 Indiana Avenue, N.W., and Buildings A and B, which are located between 4<sup>th</sup> and 5<sup>th</sup> Streets and E and F Streets, N.W. In addition, when the District government's payroll office vacates Building C, the old Juvenile Court, it will be returned to the Courts' inventory. Recent studies by the General Services Administration (GSA) have documented both the D.C. Courts' severe space shortage<sup>2</sup> and the inadequacy of the physical condition of the Courts' facilities.<sup>3</sup>

The Master Plan for D.C. Courts Facilities defined a shortfall of 48,000 square feet of space in 2002, with a shortfall of 134,000 square feet projected in the next decade. The Plan proposes to meet the Courts' space needs through three mechanisms: (1) renovation of the Old Courthouse for use by this jurisdiction's court of last resort, the District of Columbia Court of Appeals, which will free critically needed space in the Moultrie Courthouse for trial court operations; (2) construction of an addition to the Moultrie Courthouse, a major portion of which will be developed as a separately accessible Family Court facility; and (3) the future occupation of Building C.

**The Old Courthouse**, the centerpiece of the historic Judiciary Square, built from 1821 to 1881, is one of the oldest public buildings in the District of Columbia. Inside the Old Courthouse, Daniel Webster and Francis Scott Key practiced law, and John Surratt was

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<sup>2</sup> Master Plan for D.C. Courts Facilities, 2002

<sup>3</sup> Building Evaluation Report, 2001

tried for his part in the assassination of President Abraham Lincoln. The architectural and historical significance of the Old Courthouse led to its listing on the National Register of Historic Places and its designation as an official project of Save America's Treasures.

The unique character of the building, together with its compact size, makes it ideal for occupancy by the highest court of the District of Columbia. Its renovation to house the D.C. Court of Appeals is central to meeting the Courts' space requirements, but it is uninhabitable in its present condition and requires extensive work to meet health and safety building codes and to re-adapt it for use as a courthouse. The restoration of the Old Courthouse for use as a functioning court building will not only provide much needed space for the Courts, but it will also impart new life to one of the most significant historic buildings and precincts in Washington, D.C. It will meet the needs of the Courts and benefit the community through an approach that strengthens a public institution, restores a historic landmark, and stimulates neighborhood economic activity.

With the support of the President and the Congress in prior years, the Courts have been able to take steps to prevent further deterioration of this important landmark and commence the process leading to the re-adaptation of the building for use as a functioning courthouse. The architectural firm Beyer Blinder Belle Architects & Planners LLP was selected to design the restoration. In 2004, the plans received final approval from both the National Capital Planning Commission and the Commission of Fine Arts. The plans include a new entrance on the north side of the Old Courthouse that will provide universal access to the building, as well as provide appropriate space for security functions. In addition, the interior will be restored both for historic preservation and for efficient service as a modern courthouse, and a ceremonial courtroom will be constructed.

In March 2005, the D.C. Courts broke ground for an underground parking garage that will serve the Old Courthouse and replace the surface parking currently found between the new courthouse entrance and E Street. This parking lot serves the D.C. Courts and the U.S. Court of Appeals for the Armed Forces, and the garage will provide secure parking for judges and staff of both courts.

On May 10, 2005, the Courts celebrated the groundbreaking for the restoration of the Old Courthouse. Congresswoman Eleanor Holmes Norton spoke at the ceremony, touting the importance of preserving the District's history and commending then Chief Judge Annice M. Wagner for her work to win funding for the restoration. In addition, Chief Judge Wagner, Superior Court Chief Judge Rufus G. King, III, and architect John Belle also spoke. Mayor Anthony Williams and architect Hany Hassan also participated in the groundbreaking ceremony. The Jefferson Junior High School Choir performed the National Anthem. Numerous judges from the D.C. Court of Appeals, the U.S. Court of Appeals, the U.S. Court of Appeals for the Armed Forces, and the U.S. District Court, as well as other dignitaries attended the ceremony.

**The H. Carl Moultrie I Courthouse**, built in the 1970's, although not historic, is located along one of the District's major view corridors, which is comprised of the National Building Museum, the Old Courthouse, and John Marshall Park. The Moultrie Courthouse reinforces the symmetry of Judiciary Square through its similar form and material to the municipal building located across the John Marshall Plaza. Currently, the Moultrie Courthouse provides space for most Court of Appeals, Superior Court, and Family Court operations and clerk's offices.

Investment in the restoration of the Old Courthouse not only will improve efficiencies by co-locating the offices that support the Court of Appeals, but also will provide 37,000 square feet of space critically needed for Superior Court and Family Court functions in the Moultrie Courthouse, which is uniquely designed to meet the needs of a busy trial court. It has three separate and secure circulation systems – for judges, the



public, and the large number of prisoners present in the courthouse each day. Built in 1978 for 44 trial judges, today it is strained beyond capacity to accommodate 59 trial judges and 24 magistrate judges in the trial court and 9 appellate judges, as well as senior judges and support staff for the two courts. Essential criminal justice and social service agencies also occupy office space in the Moultrie Courthouse. The Courts have outgrown the Moultrie Courthouse, whose space is inadequate for this high volume court system to serve the public in the heavily populated metropolitan area in and around our Nation's Capital. The Courts require well-planned and adequate space to ensure efficient operations in a safe and healthy environment.

**Buildings A, B, and C**, dating from the 1930's, are also situated symmetrically along the view corridor and form part of the historic, formal composition of Judiciary Square. These buildings have been used primarily as office space in recent years, with a number of courtrooms in operation in Building A. The D.C. Courts have begun implementation of the Master Plan, relocating the Superior Court's two highest volume courtrooms, Small Claims and Landlord and Tenant, into Building B. This move vacated space in the Moultrie Courthouse that was immediately renovated for the Family Court, permitting the construction of three new courtrooms, three new hearing rooms, a centralized case intake facility, a family-friendly waiting area and District government liaison offices for Family Court matters.

In April 2005, renovations in Building B for the Family Court Social Services Division were completed. In July 2005, construction began in Building A to improve its infrastructure and reconfigure space for the Multi-Door and Probate Divisions.

**Judiciary Square Master Plan.** The National Capital Planning Commission (NCPC) required the D.C. Courts to develop a Master Plan for Judiciary Square – essentially an urban design plan – before any construction could commence in the area. The D.C. Courts worked with all stakeholders on the Plan, including the United States Court of Appeals for the Armed Forces, the National Law Enforcement Officers Memorial Fund (Memorial Fund), the Newseum, and the Metropolitan Police Department. A draft Judiciary Square Master Plan was submitted to the NCPC in June 2003, and subsequently approved in August 2003. NCPC approved the final plan on August 4, 2005.

The Judiciary Square Master Plan integrates the facilities development program of the Courts into a rapidly changing and publicly oriented area of the District. The Plan resolves important technical issues related to access, service, circulation, and security while re-establishing the importance of this historic setting in the "City of Washington." It provides a comprehensive framework for project implementation and lays the groundwork for the regulatory approval process with the National Capital Planning Commission, the U.S. Commission of Fine Arts, the District of Columbia Office of Historic Preservation, the District of Columbia Office of Planning, and the District of Columbia Department of Transportation, among others.

The Judiciary Square Master Plan recommends: (1) re-introduction of landscaped green space around court buildings and the construction of secure underground parking garages for the Courts to house vehicles now parked in surface lots; (2) integration of a new service area, security features and landscape concept; and (3) coordination of the Courts' development with the National Law Enforcement Memorial Fund.

The Judiciary Square Master Plan will ensure the preservation of one of the last green spaces in the District of Columbia awaiting revitalization, incorporating areas where the public can gather and relax, and creating a campus-like environment where citizens can feel safe and secure. The Judiciary Square Master Plan will be of great benefit to the city of Washington, D.C.

**Master Plan for Facilities.** The Courts have worked with the General Services Administration (GSA) on a number of our capital projects since fiscal year 1999. In 1999, GSA produced a study for the renovation of the Old Courthouse to house the D.C. Court of Appeals. In 2001, GSA prepared Building Evaluation Reports that assessed the condition of the D.C. Courts' facilities, which have been adversely affected by maintenance deferrals necessitated by severely limited capital funds in prior years. These projects culminated in the development of the first Master Plan for D.C. Court Facilities in 2002, which delineates the Courts' space requirements and provides a blueprint for optimal space utilization, both in the near- and long-term.

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

**Family Court in the Master Plan.** The Master Plan incorporates an Interim Space Plan for the Family Court that provides the facilities necessary to fully implement the Family Court Act, as well as a long-term plan that optimizes space and programmatic enhancements for the Family Court. It concluded that the Family Court would be most effectively and efficiently located in the Moultrie Courthouse, as no other court facility had adequate square footage space to meet the needs of Family Court.

*Interim Family Court Space Plan.* The Interim Space Plan for Family Court was completed in the fall of 2004 and procedural changes were implemented to meet the requirements of the Family Court Act. The majority of the public functions of the Family Court were consolidated in a family friendly space on the JM level of the Moultrie Courthouse, including the Central Intake Center to provide one-stop public service and the Mayor's Services Liaison Office. Completed components of the Plan are straightforward. During FY 2002, the Courts constructed and reconfigured space in the Moultrie Courthouse to accommodate nine new Family Court magistrate judges and their support staff. The Courts also constructed four new hearing rooms in Building B for Family Court magistrate judges hearing child abuse and neglect cases, and renovated short-term space for the Mayor's Services Liaison Office in 2003. Two operations on the JM level of the Moultrie Courthouse, Small Claims and Landlord and Tenant Branches of the Superior Court's Civil Division, were relocated to renovated space in Building B to free space for the Family Court. The new Family Court space on the JM level of the courthouse was completed in 2004.

*Long-Term Family Court Space Plan.* The long-term plan to optimize the Family Court includes expansion of the Moultrie Courthouse. Once complete, it will provide a state-of-the-art, family-friendly facility for Family Court operations, with its own identity and separate entrance, which will be a model for the Nation. The Plan envisions a safe and inviting facility to families with children of all ages. It also envisions a facility that will incorporate a "one-stop" concept by locating all related court units in one place, thereby making it easier for families to access needed social services from D.C. government agen-

cies. The interim Family Court plan is designed to transition smoothly into this long-term plan and to maximize the efficient use of time and money.

**Technology.** To provide technology that supports efficient and effective case processing, court management, and judicial decision-making, the Courts converted to a new case management system, the Integrated Justice Information System (IJIS) which consolidates over 20 automated databases into one comprehensive system, thereby ensuring complete information on all cases pertaining to one individual or family.

**Security Enhancements.** In 2005, several enhancements were made to the security of court facilities. First, the Courts contracted with Booz Allen Hamilton to develop a Continuity of Operations Plan (COOP) for the D.C. Courts. The COOP provides policy, responsibilities, procedures, and planning guidance for ensuring the ability of the D.C. Courts to continue essential functions when the use of court facilities are threatened or diminished. A tabletop exercise with members of the Courts' Emergency Relocation Team was held on July 21, 2005. Also in 2005, the Courts installed a control entry access system in Building B, including security cameras and duress alarms, and contracted with ADT Security Systems to enhance security in the Moultrie Courthouse and Building A, including the installation of a control entry system, security cameras and duress alarms. In addition, the Courts upgraded the Security Control Center in the Moultrie Courthouse, including the installation of a new digital recording system and closed circuit TV system.

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

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

**Courtwide Performance Measures.** In March 2005, the Joint Committee approved 13 courtwide performance measures proposed by the SPLC to enhance accountability to the public. These measures were developed following extensive review of existing court performance measures, including American Bar Association and National Center for State Courts standards. The measures are as follows:

- | Access & Convenience to Court Facilities & Services
- | Access to Case Information & Court Proceedings
- | Courtesy & Responsiveness of Court Personnel
- | Courtroom Treatment of Litigants
- | Case Processing Time: (a) Clearance Rate, (b) Time to Disposition, (c) Age of Active Pending Caseload, (d) Certainty of Trial Dates
- | Equality & Fairness in Decisions
- | Use of Juries
- | Reliability & Integrity of Case Records
- | Enforcement of Court Orders
- | Access for Indigent & *Pro Se* Persons
- | Public Education/Community Outreach
- | Strategic Use of Human Resources, Technology & Capital
- | Fiscal Accountability

Each court division and program is determining which data and information is required for an assessment using these performance measures. Baseline data will be identified to permit future comparisons, and benchmarks or standards will be selected to facilitate

performance reporting. Our goal is to enhance public accountability.

**D.C. Courts Historical Society.** In 2005, the Joint Committee endorsed the creation of a planning committee to establish a historical society for the D.C. Courts. The society is to be modeled after historical societies at several federal and local courts around the nation. Also, the planning committee is to develop a historical museum component for the Old Courthouse. The first meeting of the planning committee was held in July and was followed by a tour of the Old Courthouse. The Joint Committee also appointed former Chief Judge Annice M. Wagner to serve as Chair of the planning committee.

## **CONCLUSION**

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

## ORGANIZATION OF THE DISTRICT OF COLUMBIA COURTS

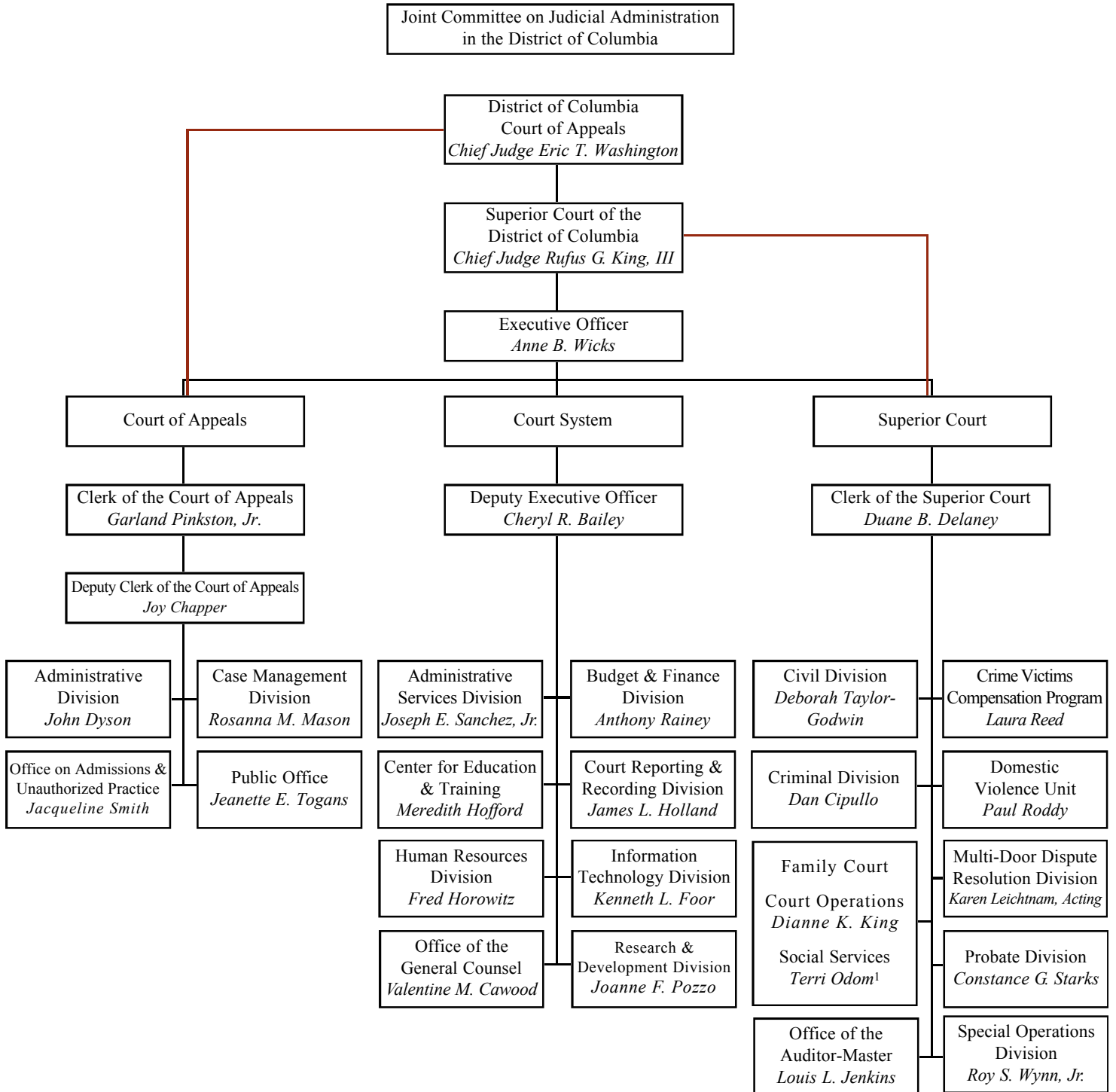
The District of Columbia Courts, consisting of the Court of Appeals, the Superior Court, and the Court System, constitute the Judicial Branch of the District of Columbia and are separate and distinct from the Executive and Legislative Branches. The organization and operation of the District of Columbia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

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

**Trial Court:** The Superior Court of the District of Columbia is the court of general jurisdiction over virtually all local legal matters. The court consists of divisions which provide for all local litigation functions including criminal, civil, juvenile, domestic relations, probate, tax, landlord and tenant, and traffic. Judges of the Superior Court rotate to each division on a scheduled basis. The Civil Division has general jurisdiction over any civil actions at law or in equity brought in the District of Columbia, regardless of the amount in controversy, including Small Claims and Landlord and Tenant cases. The Criminal Division processes defendants who are charged with criminal offenses in the District of Columbia. The Family Court embraces the jurisdiction exercised by the former Juvenile Court of the District of Columbia and the Domestic Relations Branch of the former D.C. Court of General Sessions. It consists of two divisions: Family Court Operations and Social Services. The Social Services Division of the Family Court serves as the juvenile probation system for the District of Columbia, and is responsible for providing supportive social services, community supervision, and recommendations to permit the Court to make decisions in the adjudication process. The Probate Division supervises the administration of all decedents' estates, guardianships of minors, conservatorships, and guardianships of adults, certain trusts, and assignments for the benefits of creditors. The Tax Division processes all tax cases, both civil and criminal, brought by or against the District of Columbia.

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

# ORGANIZATION STRUCTURE OF THE DISTRICT OF COLUMBIA COURTS



<sup>1</sup> Appointed February 2005.



# REPORT OF ANNE B. WICKS EXECUTIVE OFFICER

The D.C. Courts' Strategic Plan, *Committed to Justice in the Nation's Capital*, identifies five issues, or major objectives, to which the Courts are committed: enhancing the administration of justice; broadening access to justice and service to the public; promoting competence, professionalism, and civility; improving court facilities and technology; and building trust and confidence. In 2005, the Court System divisions, which support both the Court of Appeals and the Superior Court, continued their efforts to successfully accomplish a number of initiatives that strengthen the capability of the Courts to meet the goals of our strategic plan.

## **Enhancing the Administration of Justice**

The creation of the court record through timely production of transcripts is essential for the effective administration of justice. To enhance management of transcript production, the Courts initiated a transcript tracking and reporting system for the Court Reporting and Recording Division providing the capability to initiate, edit, search, categorize, and browse transcript orders. The Division reengineered and streamlined the transcript production process, adding express (three day) and intermediate (15 day) transcript delivery options, and achieved its goal of increasing transcript production by 30% in 2005.

Sound financial management and the prudent stewardship of fiscal resources remained a priority for the Courts in 2005. Thanks in large part to the hard work of the Budget and Finance Division, the Courts obtained an unqualified opinion on their annual independent financial audit for the fifth year in a row. To ensure the timely processing and payment of invoices, the Budget and Finance Division continued to enhance operation of the PayIT system and to train court staff in its use. As of September 30, 2005, the Division achieved its goal of 90% on-time payments.

Utilizing best practices is a key strategy in enhancing the administration of justice. The Research and Development Division conducted research to identify best practices and assisted with the design of new programs, such as the Appellate Mediation Pilot Program in the Court of Appeals, to expedite case processing and to improve timely and efficient disposition of cases.

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

The Courts' internship program, sponsored by the Human Resources Division, provided over 9,000 "volunteer" hours in support of court operations last year. The program affords college and post-graduate students interested in law, management, and social services, a unique opportunity to gain valuable real life experience in the field of judicial administration. The program also provides the Courts with additional personnel resources, thereby enhancing service to the public.

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

In June 2005, employees received their first evaluations under the Courts' new Performance Management Program. The new program links job performance to the Courts' Strategic Plan, through each division's Management Action Plan (MAP). The new Performance

Management Program enables managers to distinguish between levels of employee performance, to assess employee competencies that are essential to high job performance, and to reward employees whose performance is exceptional. The Human Resources Division provided training to managers on timely and constructive feedback techniques in association with the new program.

In times of strategic change, training is critical to the success of many initiatives. Enhancing and developing staff skills remained an important objective for the Courts in 2005. The Center for Education and Training offered a regular schedule of monthly training, with opportunities for development in areas such as computer skills, customer service, leadership, performance evaluations, and teambuilding. Special training programs coordinated by the Center in 2005 included the Family Court's 4<sup>th</sup> Annual Interdisciplinary Training Conference on *Substance Use and Abuse: Promoting Recovery and Celebrating Resilience*, which attracted 330 attendees; an intensive Leadership Program for the Court Executive Service that included a 2-day workshop on emotional intelligence, 360° feedback, and executive coaching; and a Mini-Institute on Domestic Violence and Children for judges presiding over Domestic Violence and Family Court cases, funded by a Violence Against Women Act grant. Court employees participated in over 100 court-sponsored courses and completed over 10,000 hours of court-sponsored training. Judicial officers participated in 12 court-sponsored events and completed over 2,000 hours of in-service training. The Courts also hosted educational tours and programs for over 40 delegations, comprised of almost 1,000 visitors, from around the world, across the nation, and within the D.C. community.

Recruiting top candidates for job openings in the Courts is essential to maintaining a highly-skilled workforce. In 2005, the Human Resources Division assumed responsibility for preparing and posting vacancy announcements on the D.C. Courts' website. The majority of applicants now learn of court job opportunities from the website, and over 3,000 applicants responded to 102 recruitment actions in 2005.

To enhance staffing in the Court Reporting and Recording Division, the Division developed and implemented a Court Reporter Apprenticeship Program. During the initial year of the program, the Courts hired three apprentices in a field in which it has become increasingly difficult to fill vacant positions.

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

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

In March, the D.C. Courts broke ground for a new garage to serve the Old Courthouse, the future home of the Court of Appeals, and the U.S. Court of Appeals for the Armed Forces. The groundbreaking ceremony for the Old Courthouse restoration project followed in May as hazardous materials removal was in progress and the Courts were initiating the procurement of a construction contractor.

Two Family Court spaces were under renovation in 2005. In April, the Courts completed renovation of Social Services Division space in Building B. In September, the Courts initiated design of a new juvenile holding area in the Moultrie Courthouse. In addition, the Courts initiated infrastructure improvements and space redesign activities in Building A to house the Multi-Door and Probate Divisions, which will relocate from the Moultrie Courthouse next year, thereby making room for Family Court consolidation.

To ensure the security of facilities, the Courts continued the implementation of a major upgrade of the security system. A new state of the art Security Command Center was completed in 2005, including the installation of a digital recording system and a closed circuit TV system. A control access system was installed in Building B, and work commenced on the installation of a control access system and security cameras in the Moultrie Courthouse.

A Continuity of Operations Plan (COOP) blueprint was developed to ensure the continuity of court operations in the event of an emergency or disaster. A tabletop exercise with mem-



bers of the Courts' Emergency Relocation Team was held to test the initial plans. In addition, the Information Technology (IT) Division continued the development of a Business Impact Analysis and Disaster Recovery Plan to facilitate continued IT operations in case of an emergency.

Technology enhancements remained a major focus in 2005 with the IT Division continuing implementation of the Integrated Justice Information System (IJIS), a multi-year initiative to replace approximately 20 independent case management systems with a single system - CourtView. The Civil Division's Landlord and Tenant Branch was brought on line in February and the Civil Actions Branch in May, bringing the total number of IJIS users at the Courts to 750. IJIS is scheduled to be on line in the Criminal Division in January 2006, completing courtwide IJIS implementation.

The IT Division reached a major milestone in 2005 with certification of compliance with Capability Maturity Model Integration (CMMI) Level II, reflecting the D.C. Courts' use of best practices in performance, governance, and control of information systems. To achieve this certification, the Courts developed a concept of operations and updated program and project management plans for the implementation of IJIS to align program and project management with CMMI. In addition, the Courts continued best practices adopted in prior years, such as promoting active involvement by the IT Steering Committee, the IJIS Management Information Team, and other working groups and conducting a lessons-learned review of each phase of IJIS implementation to gather input from stakeholders and use their feedback to improve program and project management activities. We are pleased that the Government Accountability Office (GAO) has asked the Courts to prepare a white paper discussing our experiences with CMMI that can be shared as a model with federal institutions.

The IT Division also implemented a number of operational enhancements in 2005. In cooperation with the Budget and Finance Division, IT implemented a new web-based voucher system for CJA and CCAN, the Court of Appeals, and the Probate, Multi-Door, and Court Reporting and Recording Divisions, replacing the mainframe application. To enhance family mediation services, IT implemented a web-based Family Mediation Agreement/Consent Order application for the Multi-Door Dispute Resolution Division.

### **Building Trust and Confidence**

Several court programs and initiatives that build public confidence in the justice system were supported during 2005 with more than \$3 million in grant funds secured by the Research and Development Division. These funds were used to implement a comprehensive electronic workflow management process for IJIS and improve the Court's document management system; to initiate a program providing life skills training, mentoring, and counseling to female youth under the court's supervision; to continue support for the Domestic Violence Satellite Intake Center; to assess and improve judicial proceedings related to child abuse and neglect matters; and to provide an alternative disposition for serious, non-compliant offenders and increase program youths' responsiveness to the juvenile justice system. In addition, to facilitate application for and management of grants, in 2005, the Research and Development Division issued courtwide *Grant Administration Guidelines*.

The Office of the General Counsel provided a broad spectrum of advisory legal functions concerning matters affecting the administration of the Court. The Office interpreted enacted legislations, regulations and court decisions, and drafted legislative and appropriation language.

### **Conclusion**

When justice is administered fairly, when services are accessible, when government employees are professional, and when courthouse facilities and technology are state-of-the-art and secure, then public trust and confidence in the justice system is assured. During 2005, the District of Columbia Courts made significant strides towards achieving our vision:

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

# BUDGET AND FINANCE

## DISTRICT OF COLUMBIA COURTS' FINANCES

### OVERVIEW

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

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

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

### CAPITAL BUDGET

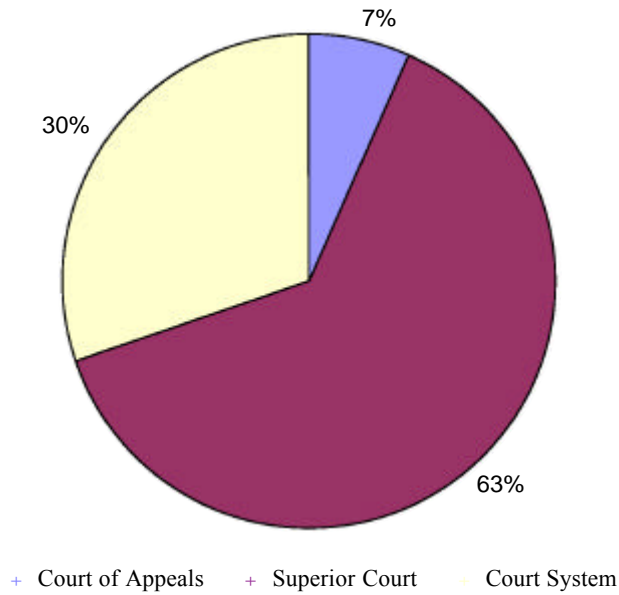
The D.C. Courts' capital requirements are significant because they include funding for projects critical to maintaining, preserving, and building safe and functional courthouse facilities essential to meeting the heavy demands of the administration of justice in our Nation's Capital. To effectively meet these demands, the Courts' facilities must be both functional and emblematic of their public significance and character. The Courts are responsible for four buildings in Judiciary Square: the Old Courthouse at 430 E Street, N.W., the Moultrie Courthouse at 500 Indiana Avenue, N.W., and Buildings A and B, located between 4th and 5th Streets and E and F Streets, N.W. In addition, when the District Government's payroll office vacates Building C, the old Juvenile Court, this building will be returned to the Courts' inventory. Also, the Courts occupy leased space at Gallery Place for the administrative support divisions in the Court System.

**OPERATING BUDGET**

	<b>FY 2005</b> <b><u>Appropriation*</u></b>	<b>FY 2006</b> <b><u>Appropriation*</u></b>
Court of Appeals	\$ 8,952,000	\$ 9,198,000
Superior Court	\$ 84,948,000	\$ 87,342,000
Court System	<u>\$ 40,699,000</u>	<u>\$ 41,643,000</u>
<b>Total</b>	<b>\$ 134,599,000</b>	<b>\$ 138,183,000</b>

\* Reflects appropriation before rescission.

**FY05 OPERATING BUDGET DISTRIBUTION**



**CAPITAL BUDGET**

	<b>FY 2005</b> <b><u>Appropriation*</u></b>	<b>FY 2006</b> <b><u>Appropriation*</u></b>
Capital Budget	\$ 56,201,000	\$ 80,729,000

\* Reflects appropriation before rescission.

## DEFENDER SERVICES

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

## DEFENDER SERVICES APPROPRIATION BY FUND

	<b>FY 2005</b>	<b>FY 2006</b>
	<b><u>Appropriation*</u></b>	<b><u>Appropriation*</u></b>
Criminal Justice Act	\$ 26,625,000	\$ 29,700,000
Counsel for Child Abuse & Neglect	\$ 10,875,000	\$ 12,800,000
Guardianship	\$ 1,000,000	\$ 1,500,000
<b>Total</b>	<b><u>\$ 38,500,000</u></b>	<b><u>\$ 44,000,000</u></b>

\* Reflects appropriation before rescission.

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# REPORT OF ERIC T. WASHINGTON CHIEF JUDGE DISTRICT OF COLUMBIA COURT OF APPEALS

The scope of the Court of Appeals' jurisdiction and work during calendar year 2005 is reported in the following sections which include: 1) an overview of the District of Columbia Court of Appeals' structure and caseload activity; 2) a summary of the Court's strategic initiatives; 3) funding and key personnel changes; and, 4) a summary of the work of the committees of the Court and those of allied Court functions. Following this report is a section describing the significant decisions made by the Court in 2005.

## **STRUCTURE AND CASELOAD ACTIVITY**

### **Structure and Jurisdiction**

Congress established the District of Columbia Court of Appeals as the highest court of the District of Columbia in 1970. The Court consists of a Chief Judge and eight Associate Judges. The Court is assisted by the service of retired judges who have been recommended and approved as Senior Judges. The cases before the Court are determined by randomly-selected, three-judge divisions, unless a hearing or rehearing *en banc* is ordered. Generally, a hearing or rehearing before the Court sitting *en banc* may be ordered by a majority of judges in regular active service, 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 *en banc* Court consists of judges of the Court in regular active service, except that a retired judge may sit to rehear a case or controversy if he or she sat on the division during the original hearing. Pursuant to statute, the Chief Judge may designate and assign temporarily one or more judges of the Superior Court of the District of Columbia to serve on the District of Columbia Court of Appeals when the business of the Court so requires.

As the court of last resort for the District of Columbia, the Court of Appeals is authorized to review all final orders and judgments, as well as specified interlocutory orders, of the Superior Court of the District of Columbia. Congress also vested the Court of Appeals with jurisdiction to review final decisions of the District of Columbia Office of Administrative Hearings, and decisions of boards and commissions of the District of Columbia government, as well as to answer questions of law certified by the Supreme Court of the United States, a Court of Appeals of the United States, or the highest appellate court of any state. As authorized by Congress, the Court reviews proposed rules of the trial court and promulgates its own rules and the rules of professional conduct for members of the District of Columbia Bar.

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

### **Case Filings and Caseload**

During 2005, 1,648 cases were filed in the Court of Appeals. In addition to the 1,648 cases filed, 28 appeals were reinstated in 2005. When added to the 2,357 pending appeals, the total number of cases on appeal during the year was 4,033.<sup>1</sup>

The number of motions related to appeals has remained substantial, despite a decrease in 2005. The number of procedural motions filed in 2005 decreased by 10% from the 2004 level (4,249 in 2005, compared to 4,738 in 2004). A combination of factors - practice under the Court's new rules of procedure, significant improvements in the timeliness and completeness in transcript preparation, and implementation of the Court's new CJA Plan with more exacting standards for qualifying and remaining qualified for CJA appointments - has contributed to the decrease in procedural motions related to appeals.<sup>2</sup>

However, the number of substantive motions remained constant, compared to the 2004 level of filings (1,603 in 2005, compared to 1,618 in 2004). In addition, 208 petitions for rehearing and rehearing *en banc* were filed in 2005, a 10% increase from the 2004 level of 188 filings.

Qualitatively, the Court is more frequently required to resolve cases of greater complexity and difficulty. In this report, there are summaries of some of the Court's significant decisions for 2005. These opinions reflect the range of issues that the Court was called upon to address in 2005. These cases range from issues of first impression and constitutional questions affecting the community as a whole, to questions involving private interests of the litigants, and difficult questions of statutory construction.

Judicial productivity remained high. The Court disposed of 1,537 cases in 2005, of which 835 were disposed of by opinion (323) or by memorandum opinions and judgments (512). The Court also continued its trend of disposing of cases at an efficient pace. The Court's appeal clearance rate in 2005 was 93% (*i.e.*, 1,537 dispositions compared to 1,648 appeal filings).

The Court continued to manage its caseload effectively. The average (mean) time on appeal increased slightly, from 550 days in 2004 to 562 days in 2005. The median time on appeal increased slightly, from 412 days in 2004 to 439 days in 2005. In 2005, the average (mean) time from argument or submission to decision increased from 115 days in 2004, to 125 days in 2005. The median time between argument or submission to decision increased by 2 days, from 19 days in 2004 to 21 days in 2005.

Despite the increase in the average overall time in appeal the Court has experienced some improvement in case processing over the past several years. We believe that these improvements will be reflected in future reports. For example, the average time from filing of the notice of appeal to the filing of the trial court or agency record decreased from 288 days in 2004 to 249 days in 2005, continuing a decrease from the high of 317 days in 2003. In addition,

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<sup>1</sup> Historically, the level of appeal filings in the D.C. Court of Appeals has exceeded the level of filings in 15 - 17 states, both in absolute-total numbers of appeals filed, and in relative terms, *i.e.*, the number of appeals filed per 100,000 population. The Court obtained comparative figures about filings and dispositions in state appellate courts from the National Center for State Courts (NCSC) which annually publishes an extensive and comprehensive statistical report on state court (trial and appellate) workloads and productivity. The latest NCSC statistical report contains comparative statistical data for calendar year 2003, too far removed in time for meaningful comparison with the Court of Appeals 2005 statistics.

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

the average time from the filing of the trial court or agency record to completion of briefing by the parties decreased from 245 days in 2004 to 220 days in 2005, continuing a decrease from a high of 287 days in 2002. It is believed that these improvements are the result of increased efficiency in trial transcript preparation by the Court Reporting and Recording Division of the Court System, simplified record preparation and submission requirements under the revised rules (implemented in January 2004), and the increased selectivity of attorneys appointed to handle indigent criminal appeals, along with their more timely brief filings.

## **STRATEGIC INITIATIVES OF THE D.C. COURT OF APPEALS**

A number of new initiatives were implemented or continued during calendar year 2005 to address the D.C. Courts' five strategic objectives. These are summarized below by the objectives of the Courts' *Strategic Plan* that they address.

### **Enhancements to the Administration of Justice**

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

- In January 2004, a comprehensive revision to the Court's rules of practice took effect. It was the most significant overhaul of the rules in over a decade. These revisions made significant changes in practice before the court, simplified and clarified the rules, and adopted many of the procedures of the federal appellate court system, including use of the original trial court record as the "record on appeal," coupled with a requirement that parties file a joint appendix with the appellate brief.
- To ensure more effective coordination with the Court Reporting and Recording Division for the timely completion of trial court transcripts necessary for appeal, the Court now requires explicit reporting by appellate counsel as to the identity of transcripts necessary for the appeal, along with the date or dates when such requests were initiated.
- The Court continued *sua sponte* expedition of appeals in adoption and termination of parental rights cases in an effort to ensure prompt decisions in disputes affecting the stability of the home environment of children who have been subjected to abuse and neglect.
- The Clerk's Office continued to work with the Office of the Appeals Coordinator and the Court Reporting and Recording Division to eliminate or reduce delays and other problems encountered in obtaining a complete and accurate record of trial court proceedings. The Office of the Appeals Coordinator worked closely and successfully with the Clerk's Office to ensure a smooth implementation of the Court's new rules, and to facilitate expeditious processing of appeal-related documents. Significant improvements in the timeliness of transcript preparation that occurred in calendar years 2003 and 2004 also continued in 2005.
- *Routine Shepard/Doe Stays of Direct Criminal Appeals Eliminated.* In the past, the Court has routinely granted requests to stay criminal appeals upon the filing of a D.C. Code § 23-110 motion in the Superior Court, so that if the § 23-110 motion is denied, the appeal from its denial could be consolidated with the pending criminal appeal, *see, Shepard v. United States*, 533 A.2d 1278 (D.C. 1987). This policy has delayed the



processing of criminal appeals, often significantly, while the Court awaited a decision on the § 23-110 motion in the trial court. The Court determined that the interests of judicial economy are no longer served by such routine stays. As a result, the Court announced a new policy (No. M-225-05) whereby stays of pending criminal appeals no longer will be routinely granted upon the filing of a § 23-110 motion in the trial court. Under the new policy, counsel must show “good cause” for staying a pending criminal appeal to await the outcome of the § 23-110 motion. This policy does not affect appellate counsel’s obligation to determine if there is a sufficient basis for filing a motion for relief pursuant to § 23-110, and to file or assist the appellant in filing a motion for appointment of counsel in the Superior Court to file such motion.

**Appellate Mediation Initiative.** In addition to these case processing reforms, and in an effort to address its significant workload, as well as to assist parties in obtaining a more speedy resolution of their disputes, the Court launched a mandatory mediation initiative for certain civil cases during the summer of 2005. Selected for the Summer Mediation Program were twenty-three cases meeting the following criteria: 1) that the case involved money damages; 2) that all parties were represented by counsel; 3) that the case had been briefed; and, 4) that the case was not scheduled to be placed on the Court’s calendars for September or October 2005. The mediations were conducted by experienced attorney-mediators who were already on the list of qualified mediators maintained by the Multi-Door Dispute Resolution Division of the Superior Court of the District of Columbia, and who were provided training on mediation at the appellate level. Of the cases selected for the Summer Program, four, or nearly 20%, settled in mediation. The remainder of cases scheduled for mediation, but not settled, maintained their places in the queue of cases waiting to be calendared.

As a result of the Summer Mediation Program, and to further assess the efficacy of appellate mediation and its approach thereto, the Court instituted a one-year, early-intervention, mandatory Appellate Mediation Pilot Program commencing in January 2006. Within this program, mediations will be conducted by two groups of individuals – Senior Judges of the Court of Appeals and the Superior Court, and attorney-mediators from the Multi Door Division roster of experienced civil mediators trained in appellate mediation. For comparison purposes in assessing the efficacy of mediation, there will be a third group of cases which will follow the normal appeals process and not be included in the Pilot Program.

Selection criteria for the Pilot Program are similar to those of the Summer Mediation Program, except that all appeals from civil actions, where both sides are represented by counsel, will be eligible for mediation as opposed to only cases involving money damages. Also, cases for mediation under the Pilot Program are scheduled soon after the filing, instead of after briefing, as were those selected for the Summer Program.

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

Improved access to services of the Court of Appeals continued to be a top priority during calendar year 2005. Among the initiatives of the Court were the following:

- Pursuant to its updated plan for furnishing representation to indigent criminal and juvenile appellants under the Criminal Justice Act (CJA), adopted in 2004, and after an extensive application process, the Court established a new list of attorneys to be appointed under the CJA. Approximately 70 well-qualified attorneys were selected from over 300 applicants. In 2005, the Court re-evaluated the members of its CJA panel of attorneys, to determine which attorneys should, based on performance, remain on the list. Additional applicants were also solicited for CJA appointments.

- D The Court also retrofitted and installed microphones on the tables at which counsel sit during oral arguments to accommodate a person in a wheelchair.
- D With the launching of the D.C. Courts website - [www.dccourts.gov](http://www.dccourts.gov) -<sup>3</sup> the Court of Appeals continued to provide revised and enhanced instructional materials through the internet for litigants, as well as applicants for admission to the Bar. Internet access to the Court's rules, forms and opinions also continued to be available through the website.
- D The Court's Committee on Admissions (COA) conducted evidentiary "character and fitness" hearings when such issues surfaced during the bar admissions process. In 2005, a bar applicant who was required to participate in such a hearing wanted to present testimony from several witnesses who lived in Florida and could not travel to Washington, D.C. for the hearing. In response, the COA arranged to conduct the hearing in a facility of the D.C. Courts that has teleconferencing capability. As a result, the applicant was able to present the testimony of his Florida witnesses.

### **Improvements to Court Facilities and Technology**

The Court continued to make improvements to facilities and technology in 2005 in order to provide easier access physically and electronically to the D.C. Courts and to facilitate case processing and the management of court users on a day-to-day basis.

In January 2005, the Court completed testing of a computer-based, digital sound and recording system in its courtroom. The new system provides enhanced sound clarity for litigants, judges and the public. It also improved the quality of the recordings of oral arguments, which are now made available on compact disks.

**Old Courthouse.** Constructed in 1820, the Old Courthouse at 451 Indiana Avenue is the fourth oldest government building in the District of Columbia. Its architectural and historical significance have led to its listing in the National Register of Historic Places and its designation as an Official Project of Save America's Treasures. A study of the building

by the federal General Services Administration found that, although the structure is sound, all major systems need to be replaced, and hazardous materials removed. Funds for the renovation of the Old Courthouse were appropriated by the U.S. Congress in 2005 and 2006. After a nationwide bid solicitation process, a contract for the renovations will be awarded in the Spring of 2006 and the Old Courthouse renovations completed in late of 2008. As a first step in the construction and modification



*New Main Entrance of the Court of Appeals.*

of this building, work began in 2005 on the construction of an underground garage, which will accommodate judges and staff of the both the D.C. Court of Appeals and the United States Court of Appeals for the Armed Forces.

<sup>3</sup> The Court of Appeals section of the D.C. Courts website can be accessed directly at [www.dcappeals.gov](http://www.dcappeals.gov).

## Promoting Competence, Professionalism and Civility

As noted in the Courts' *Strategic Plan*, the effective administration of justice depends upon respect for the Courts as an institution and the competence, professionalism and civility of



*Mr. John Belle, Mayor Anthony Williams, Chief Judge Rufus G. King, Congresswoman Eleanor Holmes Norton, Chief Judge Annice M. Wagner, and Mr. Hany Hassan break ground for the expansion and renovation of the Old D.C. Courthouse.*

those who work for or conduct business with the Courts. To this end, the Court continued to be committed to providing training and learning experiences necessary for its public servants to achieve excellence and meet the needs of the public. An in-house training program initiated in 2004 by the Court's Chief Deputy Clerk and members of the Clerk's Office legal staff was continued and enhanced in 2005. The curriculum is designed to instruct non-lawyer staff in the Clerk's Office on legal terminology and processes, court practice under the new rules of the Court, and other law/legal process topics.

## Building Trust and Confidence

Public accountability for actions and decisions is an essential ingredient of building trust and confidence in the courts as an institution that is fair and impartial in dispensing justice and resolving disputes. To this end, the Court of Appeals undertook several activities in 2005 to further public trust and confidence. These included:

- Apprising the Bar of Court Practices and Procedures. An important initiative in 2002, which continued in 2005, was the development and presentation of a CLE approved course on practice in the Court of Appeals. The three-hour course, developed and presented by court managers and judicial officers, was attended by approximately 80 attorneys. Material on Court of Appeals' practice was also presented at the D.C. Bar's mandatory course for new admittees.
- Thirtieth Annual Judicial Conference. Pursuant to D.C. Code § 11-744 (2001), the Chief Judge of the District of Columbia Court of Appeals is required to "summon annually the active associate judges of the District of Columbia Court of Appeals and the active judges of the Superior Court of the District of Columbia to a conference . . . for the purpose of advising as to means of improving the administration of justice within the District of Columbia." The Thirtieth Annual Judicial Conference was held in May 2005. The theme of the Conference was, "The Changing Face of the Law: The Impact of Demographic Changes and Immigration on the D.C. Courts." The Conference featured panel discussions on such topics as: "International Child Abductions;" "The Demographics of Justice: Jury Pools, Jury Panels and the Impact of Diversity Considerations on Jury Selection and Jury Deliberation;" and "Ethnic, Racial and Gender Gangs, the Community and the Justice System." In addition, plenary session included speakers from the 9/11 Victims Compensation Fund and the National Network to End Violence Against Immigrant Women. The Honorable Inez Smith Reid chaired the Committee on Arrangements. Other members of the Committee were: Honorable Eric T. Washington, Vice Chair, Honorable Patricia A. Broderick, Honorable Kaye K. Christian, Honorable Stephanie Duncan-Peters, Honorable Ramsey Johnson, Honorable Robert E. Morin, Honorable Thomas J.

Motley, Honorable Hiram Puig-Lugo, Devarieste Curry, Esquire, Narda Newby, Esquire, Elizabeth Noel, Esquire, Eugene Ohm, Esquire and Michelle Roberts, Esquire.

Other highlights included annual reports on the state of the judiciary by Chief Judge Annice M. Wagner, of the Court of Appeals, and Chief Judge Rufus G. King, III, of the Superior Court of the District of Columbia. District of Columbia Bar President, John Keeney, gave the Bar's Report.

## **FUNDING AND PERSONNEL**

### **Funding**

The Court of Appeals received a funding level for fiscal year (FY) 2006 (which commenced October 1, 2005) of \$9,198,000 and 94 full-time equivalent positions. This represents an increase of \$246,000 from the FY 2005 appropriation.

The judicial branch is required, by law, to address all matters which come before it — the Court cannot turn away parties who have a right to access the court system. The Court of Appeals, with limited exceptions, is the court of last resort for those who litigate their rights in the District of Columbia court system. For this reason, it is essential to maintain a court system that is prompt and fair. This can be achieved only with adequate funding.

### **Personnel**

In 2005, Chief Judge Annice M. Wagner retired and was appointed a Senior Judge, and Associate Judge Eric T. Washington was appointed to succeed her as Chief Judge. Additionally, appointed as Associate Judges by the President of the United States were the Honorable Noël Anketell Kramer, formerly an Associate Judge on the Superior Court of the District of Columbia, and the Honorable John R. Fisher, formerly Chief of the Appellate Section, Office of the U.S. Attorney for the District of Columbia.

## **COURT AND RELATED AGENCY COMMITTEES**

Major activities of committees of the Court and those committees related to allied functions of the Court are noted as follows:

### **The Rules Committee**

This committee considers and reviews proposed rules prior to recommendation to the Board of Judges for action. The work of this Committee encompasses D.C. Court of Appeals Rules, D.C. Bar Rules, Rules of Professional Conduct and recommendations for proposed rule changes submitted for approval by the Superior Court of the District of Columbia pursuant to D.C. Code § 11-946. The Rules Committee is chaired by Judge John A. Terry. Judges Frank E. Schwelb and Michael W. Farrell are members, and are assisted in their duties by Garland Pinkston, Clerk of the Court, and Ernest M. Brooks, Special Assistant to the Clerk. Other special committees have been established when necessary to address broad changes in the rules or specialized areas. At the recommendation of the Committee, the following rule changes were made:

- D Pursuant to Order No. M-219-04, effective February 4, 2005, the Court of Appeals amended D.C. App. Rule 46 (a) and (b), creating more flexibility in Committee members' term limits; changing the bar examination application filing deadlines to

December 15 and May 3 for the February and July bar examinations, respectively; clarifying the eligibility requirements of 46 (b) (4); and, authorizing the Committee on Admissions to extend the examination schedule upon the approval of a request for testing accommodations due to disability.

- D The devastation wrought by Hurricane Katrina disrupted the lives of millions of people in Louisiana, Mississippi and Alabama. In response to this tragedy, the Court joined several other jurisdictions in promulgating a temporary rule amendment to create an exception to its rules governing the unauthorized practice of law (D.C. App. 49). The temporary exception, which expired on February 28, 2006, allowed members of the Bars of those states who were displaced by Katrina to practice the law of those states from offices within the District of Columbia, without violating the Court's rules governing the unauthorized practice of law.

In addition to various internal committees, the Court is greatly assisted by members of the Bar and the public in carrying out its responsibilities for admission of attorneys to the District of Columbia Bar, attorney discipline, the unauthorized practice of law, and administration of the Clients' Security Trust Fund. Major activities of these entities in calendar year 2005 were:

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

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

The Court of Appeals appoints seven members of the District of Columbia Bar to the Committee on Admissions and designates one to serve as counsel to the Committee. The members are Mark S. Carlin, Esquire, who serves as Chair; Phyllis D. Thompson, Esquire, who serves as Vice-Chair; Alan H. Kent, Esquire, who serves as Counsel to the Committee; Claudia A. Withers, Esquire; Sean C. Dent, Esquire; and Mark MacDougall, Esquire. Former Chair, Richard B. Nettler, Esquire and former members, Zoreanna Barnes, Esquire, and Wayne C. Witkowski, Esquire, also served during 2005.

In 2005, the Committee received more than 4,200 applications for admission, conducted extensive character and fitness investigations, and certified for admission more than 3,000 attorneys who were administered the oath of admission in formal ceremonies before the Court of Appeals. The members also were responsible for grading 5,051 essay answers of applicants tested in the February and July bar examinations. In addition, more than 9,000 certificates of good standing were issued to Bar members.

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

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

In August 2005, the Court appointed Roger A. Klein, Esquire, as Vice-Chair of the Board. He replaced former Vice-Chair, Paul R.Q. Wolfson, Esquire, whose second full term expired July 31, 2005. Dr. Kay T. Payne resigned after her first full term expired July 31, 2005. Ms. Jean S. Kapp and Irvin B. Nathan, Esquire, were appointed to fill the vacancies created by

the expiration of Dr. Payne's and Mr. Wolfson's terms. Charles J. Willoughby, Esquire, who was appointed to fill the unexpired term of Frank H. Wu, was appointed to his first full term. Other members include Martin R. Baach, Esquire, Chair, Ms. Ernestine Coghill-Howard, Lee Ellen Helfrich, Esquire, James P. Mercurio, Esquire, and Shirley M. Williams, Esquire.

On April 26, 2005, the Board held its 35<sup>th</sup> Annual Disciplinary Conference which featured a discussion on the "Proposed Amendments to the D.C. Rules of Professional Conduct: A Comparison to the Recently Amended ABA Model Rules."

For the year ending December 31, 2005, the Board disposed of 88 cases<sup>4</sup>, including recommendations in 71 cases filed with the Court of Appeals. Eighteen of these cases were original disciplinary proceedings; 36 involved reciprocal discipline, which may be imposed upon a member of the District of Columbia Bar who has been disciplined in another jurisdiction; 5 were criminal conviction cases; 3 cases were remanded from the Court of Appeals; 7 cases were recommendations for disbarment on consent; and 2 were recommendations in reinstatement petitions filed by suspended or disbarred attorneys. The Board also issued 5 reprimands, dismissed 6 cases, referred 3 cases to Bar Counsel for hearing, petitioned the Court for an order of disability suspension in 2 cases, petitioned the Court for appointment of a conservator to protect the clients of a deceased attorney in 1 matter, and ruled on 65 motions. Lastly, the Board approved diversion agreements recommended by Bar Counsel in 15 cases.

During 2005, 1,337 complaints were filed with the Office of Bar Counsel, 344 of which were docketed for formal investigation. Hearing committee contact members approved 402 dispositions, resulting in the dismissal of 337 complaints, the issuance of informal admonitions in 27 complaints, the filing of petitions instituting formal disciplinary proceedings in 20 complaints, and the deferral of 18 complaints.

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

The Committee on the Unauthorized Practice of Law investigates complaints against persons who are engaging in the unauthorized practice of law. *See*, D.C. Bar R. 49. It also monitors motions made by attorneys from other jurisdictions for permission to appear *pro hac vice* in the District of Columbia Courts. The Committee is required to have no fewer than six (or no more than 12) members who are members of the District of Columbia Bar. It also has one non-attorney member who is required to be a resident of the District of Columbia.

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

During 2005, the Committee investigated 48 new complaints against persons allegedly engaging in the unauthorized practice of law in the District of Columbia and requests for guidance in complying with Rule 49. The Committee monitored approximately 434 motions of attorneys seeking *pro hac vice* appearances in the District of Columbia Courts. The Committee issued two advisory opinions: Opinion 15-05, "Holding Out by Foreign Lawyers with Principal Offices in the District of Columbia;" and Opinion 16-05, "Compliance with Rule 49 by Contract Lawyers in the District of Columbia."

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<sup>4</sup> Beginning in 2005, the Board began to track both the number of disciplinary cases decided and the number of disciplinary complaints resolved by those cases, since one case may include allegations from multiple disciplinary complaints. The statistics here are based on the number of cases decided by the Board. Bar Counsel's statistics are based on the disposition of disciplinary complaints.

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

The Clients' Security Trust Fund was established in 1972 to reimburse any person who has lost money, property or other items of value because of the dishonest conduct of a member of the District of Columbia Bar. *See*, D.C. Bar R. XII. The Fund is administered by five trustees who are D.C. Bar members and who are appointed by the Board of Judges of the District of Columbia Court of Appeals for a term of five years.

During the Fiscal Years 2004-05 (July 1, 2004 – June 30, 2005), the Fund received 36 new requests for reimbursement. The Trustees reviewed 39 claims, of which 25 were new applications (or claimants) and 13 were pending claims carried over from FY 2003-04. There was one request for reconsideration. Ultimately, the Fund approved 31 claims and reimbursed individuals for losses totaling \$314,793.

The Fund is maintained through an allotment from the District of Columbia Bar. The Trustees seek to recover funds from the attorneys whose dishonest conduct resulted in disbursements from the Fund. In 2004-05, the Fund recovered \$13,420.

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

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

The District of Columbia Court of Appeals created the District of Columbia Access to Justice Commission (Commission) by Order dated December 29, 2004, and held its first meeting in April 2005. The Commission is charged with assuring high quality access for low and moderate income residents and others in the District of Columbia who face barriers accessing the civil justice system, and with raising the profile of the need for equal access to justice in the community. On February 28, 2005, the Court of Appeals appointed seventeen Commissioners who have been working actively since that time to fulfill its charge. In November 2005, the Court of Appeals named Judge Vanessa Ruiz to replace Chief Judge Eric T. Washington on the Commission. The Commission is staffed by an Executive Director and a part-time administrative assistant. Over fifteen law firms have provided funding for the Commission's operating expenses. The Commission also receives donated office space from Venable LLP, and extensive *pro bono* legal research and support from DLA Piper Rudnick Gray Cary. The Commission meets monthly and its meetings are open to the public.

The Commission began several initiatives identified through extensive consultation with legal services providers, community leaders, and a review of existing reports documenting the needs of low-income District of Columbia (the District) residents. A summary of these initiatives follows:

#### ***Goal One: Increase in Funding.***

- D *Public Funding for Civil Legal Services.* Despite the dedicated efforts of legal services providers and the significant *pro bono* work of the private bar, studies indicate that only about 10% of the District's low-income residents' civil legal needs are met. The lack of legal services for the District's poorest residents has become even more critical due to cost of living increases, loss of affordable housing, and significant demographic change. The Commission is seeking District funding for civil legal services beginning in fiscal year 2007 that will provide for more lawyers to work in underserved areas and housing-related cases/matters. The funding will also establish a shared legal interpreter bank so that providers will have access to quality interpreters that can serve their limited English proficient clients.



- *Interest on Lawyers Trust Accounts (IOLTA).* The IOLTA program, administered by the D.C. Bar Foundation, has generated an average annual return of \$652,000 over the last four years. The actual amount brought in depends on the number of lawyers participating in this “opt-out” program, the amount of funds placed by participating lawyers in their IOLTA accounts, and the interest rates paid by banks on IOLTA accounts. IOLTA revenues are used for grants to local legal services providers, and to support the operating expenses of the Foundation. The Commission is working with the D.C. Bar Foundation to strengthen the IOLTA program by: 1) updating the IOLTA rules to provide for revenue enhancement and more effective oversight and enforcement; 2) educating banks and lawyers about their IOLTA obligations; and, 3) working with banks to offer a more attractive interest rate for local lawyers’ IOLTA accounts.

***Goal Two: Improved Planning and Coordination.***

- *Support Center for Legal Services Providers.* The Commission is working with the Consortium of Legal Services Providers to establish support capacity among legal services providers that will enhance their delivery of services. This capacity can address areas such as staff training, case intake, coordination of services, provision of legal/legislative updates and collective supply/technology purchasing. The Commission has established a committee comprised of Commissioners, local legal services providers, and national leaders in the legal services field to prioritize among several possible support functions and develop a plan to implement these functions.
- *Legal Needs Assessment.* The Commission is conducting a comprehensive assessment of low and moderate income residents’ legal needs in the District and legal services providers’ capacity to meet those needs. The Commission plans to survey legal and social services providers, conduct focus groups of people living in poverty and other demographic categories, review court statistics, and examine past legal needs surveys done in the District to determine the nature and extent of service gaps.

***Goal Three: Reduction in Barriers Preventing Access to Justice.***

- *Language Access.* The District has over 39,000 people who are limited English proficient, an increase of more than 30% between 1990 and 2000. The poverty rate for these residents is higher than the rate in the general population. A 2003 D.C. Bar Foundation report concluded that improving language assistance for these individuals is one of the most pressing needs for legal services providers to address. In response, the Commission brought together government officials, legal services and social service providers, and directors of community interpreter banks to examine the feasibility of a shared legal interpreter and translator bank. There was broad consensus that such a bank is needed. The Commission has led planning efforts for the bank and is seeking funding to implement this program.
- *Landlord and Tenant Court.* Court statistics indicate that approximately 99% of tenants in Landlord and Tenant Court are not represented by lawyers. The lack of legal representation is one of the primary barriers preventing access to justice since *pro se* litigants often do not raise claims or defenses that may be applicable. The Commission is seeking funding for more lawyers to represent income-



eligible litigants in housing-related cases, and reviewing models of *pro bono* representation in other parts of the country to determine which models can be used in the District. The Commission has also been asked to support Landlord and Tenant Court rule changes proposed by the Consortium of Legal Services Providers that are designed to make the court more accessible to low-income and *pro se* litigants. The Commission will review these proposals and make recommendations, as appropriate.

## **CONCLUSION**

The Court of Appeals, with limited exceptions, is the court of last resort for those who litigate their rights in the District of Columbia Court system. The Court's goal is to administer justice in the most accessible, timely, and cost-efficient manner possible. To that end, the Court of Appeals continuously studies and evaluates its operations; maintains a high level of productivity from its judges and staff; and continues to seek adequate funding to operate in a manner that our citizens expect and deserve.

## ADMINISTRATIVE LAW

ATTORNEY DISCIPLINE: DISCOVERY: REQUIREMENTS BEFORE REINSTATEMENT: *In re Artis*, 883 A.2d 85 (D.C. 2005). A Hearing Committee found that attorney Artis had violated two ethical rules: D.C. R. Prof. Conduct 8.4(d) (conduct that seriously interferes with the administration of justice) and D.C. Bar R. XI § 2(b)(3) (failure to comply with an order of the Board or the Court of Appeals). The Board on Professional Responsibility recommended that Artis be suspended from the practice of law for 30 days, with his reinstatement conditioned upon compliance with Bar Counsel’s subpoena *duces tecum* and an order of the Court of Appeals enforcing it. Bar Counsel urged, contrary to the Board’s recommendation, that Artis also be required to prove fitness to practice law before resuming practice and answer interrogatory-like questions. The Court carefully examined the positions of the Board, the Hearing Committee and Bar Counsel in light of the decisions reached in other cases. The Court concluded that Artis’ conduct did not rise to the level of egregiousness warranting a fitness requirement before reinstatement, which tends to increase the length of the suspension, and adopted the Board’s unanimously recommended sanction. The Court was persuaded that Artis’ case differed from cases where proof of fitness was imposed as a condition of reinstatement because Artis initially responded to Bar Counsel, participated in the disciplinary hearing, met with Assistant Bar Counsel, produced some documents and acknowledged his misconduct. An important issue resolved by the Court in this case was that, “[g]iven the nature of the [disciplinary] proceeding and the competing interest, . . . interrogatories, as provided for under civil court rules, should not be incorporated into the disciplinary process without promulgation of rules governing their use.”

ATTORNEY DISCIPLINE: SANCTIONS: *In re Eric Steele*, 868 A.2d 146 (D.C. 2005). In response to a number of complaints made to the Office of Bar Counsel against attorney Steele by private citizens and a judicial officer, Bar Counsel, after investigation, presented evidence of multiple violations of the District of Columbia Rules of Professional Conduct to three hearing committees. Finding little, if any, dispute about the underlying facts giving rise to the complaints, the Board on Professional Responsibility (Board) recommended a suspension from the practice of law for three years, along with a requirement of a showing of fitness for reinstatement and payment of restitution. In contrast to the Board’s recommendation, Bar Counsel recommended disbarment. In resolving the nature and length of Steele’s separation from the practice of law, the Court of Appeals considered “the nature of the violation[s], aggravating and mitigating circumstances, the absence or presence or prior disciplinary sanctions, the moral fitness of the attorney, and the need to protect the legal profession, the courts, and the public.” Upon finding substantial evidence in the record, and after determining that the recommended sanction fell within the range of acceptable outcomes, the Court adopted the Board’s recommendation. The Court reasoned that the difference between the three-year suspension with fitness and disbarment was insignificant here because Steele would only be reinstated to practice law after demonstrating his fitness to do so.

D.C. FREEDOM OF INFORMATION ACT: ACCESS TO MOTOR VEHICLE FILES FOR CLIENT SOLICITATION: *Wemhoff v. District of Columbia*, 887 A.2d 1004 (D.C. 2005). An attorney filed a FOIA request to obtain the identity and addresses of motorists who received traffic violation citations as a result of being photographed by a “red light camera” at a District of Columbia intersection. He desired the information to solicit clients for a class action lawsuit. The District denied the request in part because it considered the addresses not releasable under the FOIA since they are exempted by the federal Driver’s Privacy Protection Act [the DPPA], 18 USC § 2721 *et seq.* and by D.C. Code § 2-534 (a)(2) and (6) (2001). Appellant filed suit in the trial court seeking declaratory and injunctive relief compelling the District to turn over the requested information. The trial court dismissed his complaint. The Court of Appeals affirmed reiterating that even though the District has a general policy favoring public access to and disclosure of its public records, that policy has limita-

tions. These limitations are embodied in federal and District law. After interpreting the DPPA and D.C. Code §§ 2-534 (a)(2) and (6), the Court concluded that § 2-534 (6) did not authorize the disclosure of personal information from the District's motor vehicle records for purpose of solicitation of clients because the DPPA, 18 USC § 2721, prohibits such disclosure and use.

INVALID BALLOT INITIATIVE: *District of Columbia Bd. of Elections and Ethics v. District of Columbia*, 866 A.2d 788 (D.C. 2005). The voters of the District of Columbia adopted an initiative measure providing for substance abuse treatment as an alternative to incarceration. The District of Columbia filed suit to invalidate the initiative on the ground that it fell within the exclusion from the initiative process of "laws appropriating funds." The Court of Appeals upheld the trial court's grant of summary judgment in favor of the District. After reviewing the totality of its provisions, the Court noted that the initiative imposed numerous mandated obligations upon trial courts to effectuate its goals and that plainly the trial courts would be unable to comply with those mandatory duties in the absence of funding to establish and operate the treatment programs contemplated by the initiative. Hence, the act was one that compels the appropriation of funds and was impermissibly adopted through the initiative process.

## CIVIL LAW

### Landlord & Tenant

AFFIRMATIVE DUTY TO MAKE PREMISES LEAD-FREE: *Childs v. Purill*, 882 A.2d 227 (D.C. 2005). Alleging that her two minor children suffered lead poisoning from their exposure to lead-based paint and paint dust in their rental apartment, Marcella Childs sued her landlord for damages. The landlord claimed lack of notice of the lead hazard. The Court of Appeals held that when a landlord is notified that the prospective occupants of the leased premises include children under eight years of age, the District of Columbia Housing Regulations impose an affirmative duty on the landlord to lease the premises in a lead-free condition or not at all. The Housing Regulations require the landlord to ascertain whether the premises are lead-free before allowing children under eight to occupy them, and thus preclude a defense of lack of notice.

REASONABLE ACCOMMODATION BASED ON MENTAL IMPAIRMENT: *Douglas v. Kriegsfeld Corp.*, 884 A.2d 1109 (D.C. 2005) (en banc). This case held, under the federal Fair Housing Act Amendments of 1968, that the trial court erred in not affording a tenant a greater opportunity to defend her landlord's action for possession by claiming discrimination – namely, the landlord's failure to provide a "reasonable accommodation" – based on her alleged "handicap" (a mental impairment). The landlord had sought to evict the tenant for violating the covenant in the lease requiring her to "maintain the apartment in clean and sanitary condition." Through counsel, the tenant had requested, as a "reasonable accommodation," a stay of eviction pending an opportunity to show that she could enlist the assistance of D.C. Government Adult Protective Services to clean the apartment and keep it clean, thereby curing her lease violation and entitling her to remain on the premises. The *en banc* court remanded the case to the trial court to permit the tenant to show that triable issues of fact remained as to whether her mental impairment could be accommodated in a manner consistent with the health and safety of the other tenants.

### Malpractice Issues

LEGAL MALPRACTICE: FRAUD AS A BARRIER TO CLAIM: *Marboah v. Ackerman*, 877 A.2d 1052 (D.C. 2005). John B. Marboah was injured in a workplace accident in Virginia. He brought a legal malpractice suit against his former attorneys, claiming that they had negligently allowed the statute of limitations to run on his workers' compensation claim. Marboah was, however, an illegal alien, and was ineligible under Virginia law to receive workers' compensation. In order to conceal his status as an illegal alien, Marboah used the identity and social security card of an acquaintance, Charles A. Boateng. Marboah represented himself to be Boateng to his employer, to the Workers'

Compensation Commission, to his former attorneys, to the new attorney who brought the malpractice suit, and, until his masquerade was discovered, to the Superior Court. The trial court granted summary judgment in favor of Marboah's former attorneys, holding that because Marboah was ineligible to recover workers' compensation, he could not prevail in a malpractice suit based on a claim that the former attorneys failed to obtain such compensation for him. The Court of Appeals affirmed, invoking the legal maxim that "no man may take advantage of his own wrong . . . and become the richer for it."

MEDICAL MALPRACTICE: EXPERT WITNESSES TO PROVE STANDARD OF CARE: *Burke v. Scaggs*, 867 A.2d 213 (D.C. 2005). Plaintiffs, parents of a child who had been severely injured during childbirth, presented two expert witnesses at trial whose testimony regarding the proper standard of care slightly differed. The defendant doctor moved for judgment as a matter of law at the close of plaintiffs' case, arguing that the divergent testimony on the applicable standard of care failed to establish that element of the prima facie case of medical malpractice. The trial court denied the motion, and the jury ultimately found in favor of the plaintiffs. On appeal, the doctor contended that the plaintiffs were required to present evidence of a single applicable standard of care against which his actions could be assessed. In affirming the judgment, the Court of Appeals held that if either of the plaintiffs' expert witnesses presented evidence sufficient to establish the standard of care, then their burden was met. Any disagreement between plaintiffs' expert witnesses on the standard of care would show that there is a range of medical opinion as to the proper course of action - the jury need not definitively settle on a single standard of care, as long as it agrees that the physician's conduct fell short.

#### **Tort Law Issues**

PRODUCTS LIABILITY: PROXIMATE CAUSE: *Weakley v. Burnham Corp.*, 871 A.2d 1167 (D.C. 2005). Basil F. Weakley, Jr., was employed as a boiler service worker in the Washington, D.C. area from 1964 to 1979. He developed asbestosis many years later. Weakley brought suit against eight boiler manufacturers, claiming that the boilers contained asbestos and that he had suffered injury as a result of the manufacturers' negligence and failure to warn him about the dangers of exposure to asbestos. The trial court granted summary judgment in favor of the manufacturers, ruling that Weakley had failed to present adequate evidence that the manufacturers had proximately caused his asbestosis. The Court of Appeals reversed, holding that evidence that Weakley and the manufacturers' asbestos-containing products were in the same place at the same time, together with expert testimony by a pulmonologist that each and every exposure to asbestos significantly contributed to Weakley's development of the illness, constituted a sufficient showing of causation to defeat summary judgment and to permit Weakley to present his evidence to a jury. The Court noted that product liability cases involving asbestos present difficult problems of proof, because plaintiffs generally learn of their illness so long after their exposure to asbestos that it is virtually impossible for them to be able to recall exactly where and when the events that caused their affliction occurred and by whom the exposure was caused.

GROSS NEGLIGENCE: LIABILITY OF AN OFFICER ON AN EMERGENCY RUN: *Patricia Duggan v. District of Columbia*, 884 A.2d 651 (D.C. 2005) (en banc). In this suit for negligence arising from police pursuit of a motor vehicle that in turn struck the plaintiff's car, the *en banc* court reversed a trial court decision granting judgment as a matter of law to the District of Columbia. The Court concluded that a reasonable jury could have found gross negligence by the pursuing officer in the face of, among other things, a police General Order arguably prohibiting a pursuit in the circumstances presented. However, the Court rejected the plaintiff's argument that a trial was warranted on the issue of simple negligence as well. The Court held that, as a matter of law, any reasonable juror would have had to find that the injury occurred while the officer was on an "emergency run" as defined by D.C. Code § 2-411(4) (2001), thereby invoking the District's waiver of sovereign immunity only for "gross negligence."

NEGLIGENCE AND PUBLIC NUISANCE: PROXIMATE CAUSE: INTERVENING ACTS OF THIRD-PERSONS: *District of Columbia v. Beretta, U.S.A., Corp.*, 872 A.2d 633 (D.C. 2005). In this suit by individual plaintiffs and the District of Columbia against numerous manufacturers or distributors of firearms, the Court sustained the trial court's dismissal of counts alleging common law negligence and public nuisance, but reversed the dismissal of a statutory count claiming damages under the District's Assault Weapon Manufacturing Strict Liability Act of 1990, D.C. Code § 7-2551.02 (2001). The Court held that in the context of this case, where intervening criminal acts of third persons (who fired the guns) caused the deaths or injuries for which suit had been brought, general tort concepts of duty and proximate causation did not permit recognition of a claim for common-law negligence against defendants as remotely situated as these. For similar reasons, the Court held that the District of Columbia had not stated a claim for public nuisance. However, the individual plaintiffs, and the District derivatively, had stated a valid claim for damages under the Strict Liability statute.

ASSESSMENT OF DAMAGES: RESIDUAL DIMINUTION IN VALUE: *Am. Serv. Ctr. Assocs. v. Helton*, 867 A.2d 235 (D.C. 2005). Plaintiff car dealership ASCA sued driver Helton for damages caused when her car collided with plaintiff's car. Plaintiff had already received payment for the cost of repairs, but sued in Small Claims court for the residual diminution in value, alleging that the brand-new car was worth less than before the accident, despite repairs. Plaintiff lost on summary judgment in Small Claims and again on appeal to the Superior Court, both of which denied the claim on the ground that it would constitute a double recovery. On appeal, the Court of Appeals noted that the issue is one of first impression; previous case law on double recovery did not cover the situation where the cost of repairs was less than the diminution in value. A survey of other jurisdictions found that the consensus rule is that when the cost of repairs is less than the diminution in value, plaintiff may sue for the entire diminution in value by proving both the cost of repair and the residual diminution between the pre- and post-repair value. The Court adopted this rule and remanded the case for further proceedings.

BREACH OF CONTRACT AS TORT OF FRAUDULENT MISREPRESENTATION: *Virginia Academy of Clinical Psychologists v. Group Hospitalization and Medical Servs.*, 878 A.2d 1226 (D.C. 2005). Two subscribers to a mental health insurance plan brought suit, claiming, *inter alia*, that the defendants had refused to supply mental health services in accordance with their promotional representations. The claim was based on common-law fraud. The initial issue faced by the Court of Appeals was whether a breach of a contractual promise could ever be the subject of the tort of fraudulent misrepresentation. The Court held that the breach of a contractual promise can be the subject of the tort of fraudulent misrepresentation where at the time of making the representation in the contract, the promisor did so without any intent to perform. However, fraud is never presumed but must be proven by clear and convincing evidence. On the facts presented in appellants summary judgment motions, the Court concluded that there was an inadequate showing under the burden imposed by a fraud claim that at the time representations were made, appellees did so with a subjective intent to breach.

### **Other Civil Issues**

TRUSTS AND ESTATES: TRUST CREATED FOR FRAUDULENT PURPOSE HELD INVALID: *White v. Sargent*, 875 A.2d 658 (2005). Mrs. Sargent filed suit for divorce and a request for child support. During the pendency of the child support proceedings, Mr. Sargent created a trust. The stated purpose of the trust was to provide for the education of the Sargents' two young children, but Mr. Sargent retained the power to obtain from the trustees as much of the income and principal as he desired during his lifetime. During the course of subsequent judicial proceedings, Mr. Sargent died. The Sargents were still married at the time of Mr. Sargent's death.

Mrs. Sargent later filed suit in the Superior Court seeking to have the trust declared invalid, arguing that the trust had been created "to evade and circumvent her marital rights" and to "deprive her of her statutory interest in her deceased husband's estate," leaving her "without any means of

support.” The trial court ruled in favor of Mrs. Sargent, declaring the trust null and void “because it had been established to conceal Mr. Sargent’s assets and to circumvent Mrs. Sargent’s marital rights.” The court also ruled that the trust assets, the annuities, had “become part of Mr. Sargent’s estate, and Mrs. Sargent can claim her elective share” pursuant to D.C. Code § 19113 (2001).

The Court of Appeals affirmed, finding that there was sufficient evidence to support the trial court’s findings. Although there were no District of Columbia cases directly on point, the court followed the reasoning of a 1981 case from the Maine Supreme Court, which in turn cited cases from eight other states, along with a well-known treatise on trusts and an A.L.R. annotation. Because “nearly all” of Mr. Sargent’s assets had been transferred to the trust, the Court of Appeals said, “the practical effect was to leave his estate virtually insolvent. Thus, it was proper for the trial court to order that the trust property be included in Mr. Sargent’s estate and be subject to Mrs. Sargent’s statutory share.”

CONSTITUTIONAL LAW: EMPLOYMENT DISCRIMINATION: *Kathleen Pardue v. The Ctr. City Consortium Schools of the Archdiocese of Washington, Inc.*, 875 A.2d 669 (D.C. 2005). In this suit by a former principal of a Catholic elementary school alleging racial discrimination by her employer, the Court upheld dismissal of the suit based on the “ministerial exception” to application of statutory anti-discrimination laws. That doctrine, grounded in the First Amendment, bars civil courts from adjudicating employment discrimination claims by ministers and similar persons exercising religious functions against the religious institution employing them. In affirming the dismissal, the Court pointed to, among other things, the extensive evidence of shared responsibility between the school principal and the parish pastor in carrying out the spiritual objectives of the school.

SANCTIONS FOR BRINGING LITIGATION IN PRINCIPAL RELIANCE ON KNOWN FORGED DOCUMENTS: *Breezevale Ltd. v. Dickinson*, 879 A.2d 957 (D.C. 2005). On appeal, Breezevale challenged the imposition by the trial court of over \$4 million in attorneys fees and \$1 million in punitive damages, as well as dismissal of its lawsuit for legal malpractice, where the trial court found by clear and convincing evidence that Breezevale knowingly instigated litigation in principal reliance upon documents that it knew to be forgeries. The Court of Appeals rejected Breezevale’s sufficiency of evidence claim and its claim that it was entitled to a further hearing on the issue of sanctions. However, the Court noted that both the dismissal and the award of attorneys’ fees in the circumstances here bore punitive elements, something that the trial court did not sufficiently take in to account. As a result, the Court vacated the separate award of \$1 million in punitive damages as excessive.

FELLOW EMPLOYEE LIABILITY IN WORKPLACE ACCIDENT: *McGregor v. Grimes*, 884 A.2d 605 (D.C. 2005). McGregor was injured in a workplace accident in the District of Columbia allegedly caused by the negligence of his fellow employee, Grimes. McGregor and the employer were both Maryland residents and McGregor received benefits under the Maryland Workers Compensation Act. McGregor then brought suit against Grimes in the District of Columbia seeking additional compensation. In the District, a fellow employee is not generally subject to suit. However in Maryland, the law is to the contrary. On appeal, the Court of Appeals ruled that under the circumstances presented here, whether or not the employer had obtained proper insurance under the District of Columbia Workers Compensation Act, D.C. Code § 32-1501 *et seq* (2001), (a fact that was in dispute on summary judgment), the employee was protected from suit by § 32-1504 (b) of the Act which bars suits against fellow employees in workplace accidents.

TIMELINESS OF MOTION FOR ATTORNEY’S FEES: *District of Columbia v. Felicia Jackson*, 878 A.2d 489 (D.C. 2005). On appeal, the issue for review concerned the timeliness of a motion for attorney’s fees in an action for damages for use of excessive force by police officers in violation of 42 U.S.C. § 1983. The prevailing plaintiff filed the motion for attorney’s fees and costs only after

the judgment was affirmed in part on appeal. The District opposed, arguing, *inter alia*, that the motion was untimely filed pursuant to Super. Ct. Civ. R. 54 (d)(2)(B) which states that a motion for attorney's fees "must be filed and served no later than 14 days after entry of judgment." The Court of Appeals agreed, referencing relevant portions of the explanatory note the Superior Court attached when the proposed amendment of the relevant section of Rule 54 was published for comment. In support of its ruling, the Court noted that the fourteen-day limitation for filing a motion for attorney's fees gives the opposing party notice of the claim before the time for appeal has lapsed, and facilitates the trial court's review of the services performed. Prompt filing also makes possible the resolution of fee disputes while the services are still fresh in mind and, if the trial court deems it appropriate, enables the trial court to rule on fees in time for appellate review of the fee dispute along with the merits. Finally, timely filing may also clarify for the parties what legal issues should be presented to the appellate court for resolution. In this case, there were legal issues relating to the § 1983 claim that this Court did not have to reach in order to dispose of the initial appeal, but would have required appellate resolution if the matter of attorney's fees had been introduced into the case before that appeal.

SUMMARY JUDGMENT: NOTICE REQUIRED PRIOR TO DISMISSAL OF CLAIMS: *Mila Tobin v. John Grotta Co.*, 886 A.2d 87 (D.C. 2005). Mila Tobin filed a complaint against the John Grotta Company (Grotta) alleging, *inter alia*, assault and battery, and defamation in connection with her employment with the company. Grotta moved unsuccessfully for summary judgment on all counts, except for assault and battery. Upon consideration of a request for reconsideration as to the defamation claim only, the trial court granted relief as to all remaining counts. The Court of Appeals affirmed the dismissal of the defamation claim, finding that Tobin had failed to set forth facts which would indicate that the alleged defamatory statements had been published to a third-party (a necessary element in establishing a prima facie case of defamation). However, in granting summary judgment as to the remaining claims that had not been sought in the request for reconsideration, the Court held that "before the trial court could fairly *exceed* the requested relief and grant summary judgment *en toto*, appellant was entitled to prior notice and an opportunity to oppose that course of action."

## CRIMINAL LAW

### Constitutional Issues

PEREMPTORY CHALLENGES: PURPOSEFUL EXCLUSION BASED ON RACE: *Robinson v. United States*, 878 A.2d 1273 (D.C. 2005). The prosecutor used a majority of his peremptory strikes to exclude black women from appellant's jury. The Court of Appeals held that the purposeful exclusion of black females or any other group defined by the intersection of racial and gender identity constitutes unconstitutional discrimination. The Court further held that appellant made a prima facie showing of such discrimination, and that the prosecutor therefore should have been required to furnish a satisfactory, race- and gender-neutral explanation for his strikes. In the absence of such an explanation, appellant's conviction was reversed.

FIFTH AMENDMENT RIGHT AGAINST SELF-INCRIMINATION: FAILURE TO GIVE MIRANDA WARNINGS: *In re I.J.*, 884 A.2d 611 (D.C. 2005). Defendant I.J., a juvenile living in a juvenile detention center, made incriminating statements to the police about marijuana possession in response to police questioning. The trial court ruled that although the confession was otherwise voluntary, the statements could not be admitted because defendant was in custody and had not been given *Miranda* warnings. The government appealed the suppression order, arguing that *Miranda* warnings were not required because defendant had been subjected to a valid *Terry* stop. On appeal, the Court affirmed, holding that defendant was in custody for Fifth Amendment purposes, and therefore in the absence of *Miranda* warnings, his incriminating statements could not be used against him. The Court distinguished the purposes of and analyses under the Fourth and Fifth Amendments, noting that a reasonable seizure within the scope of *Terry* for Fourth Amendment purposes does not automatically void a

suspect's right to *Miranda* protections under the Fifth Amendment. In finding that defendant was in custody, the Court emphasized that the police officer said nothing to mitigate the compulsive atmosphere of a juvenile detention office, that there were no parents or other protective adults present, and that the suspect was directly "confronted with the obvious evidence of guilt." Therefore, under these circumstances, a reasonable person would have believed that he was under arrest, "not free to leave or disregard the officer's questioning."

**DUE PROCESS: SEVERANCE AND SEQUENCING OF CO-DEFENDANT TRIALS** Due Process: Severance and Ordering of Co-Defendants' Trials: *Williams and Smalls v. United States*, 884 A.2d 587 (D.C. 2005). Two co-defendants were found guilty of constructive possession of a gun found between the two on the front seat of a car. Before and during their trial, the passenger defendant repeatedly moved to sever his trial from his co-defendant, the driver and owner of the car. The passenger defendant proffered that the defendant driver would testify that he never saw the defendant passenger in possession of the gun when he entered or while he was in the car. The defendant driver would testify to these facts, however, only if the trial were severed and the driver could testify without jeopardizing his Fifth Amendment privilege against self-incrimination. The trial court denied the severance motion. On appeal, the Court of Appeals set forth the analysis required in reaching a decision on a motion for severance for the purpose of presenting a co-defendant's testimony, emphasizing the defendant's right to present a defense. The trial court must weigh the exculpatory value of the proposed evidence, the willingness of the co-defendant to testify, the desire of the defendant to present the evidence, and considerations of judicial efficiency. The Court held that the trial court had abused its discretion in denying the motion to sever by improperly giving conclusive weight to the fourth factor, resulting in a denial of due process to defendant passenger, since the evidence was substantially exculpatory; the defendant passenger had clearly and repeatedly expressed his desire to sever the trials; the defendant driver had proffered the substance of the exculpatory testimony that he would provide if he were tried first; and any concerns regarding administrative efficiency did not outweigh the defendant's rights "to exercise his due process right to present witnesses in defense and to accommodate a co-defendant's Fifth Amendment privilege against self-incrimination." Because a proper balancing of the relevant factors yielded only one permissible option, the Court did not remand the matter to the trial court for further consideration, but reversed the defendant passenger's conviction, and remanded for a new trial.

### **Criminal Law and Procedure Issues**

**JURY INSTRUCTIONS: PROXIMATE CAUSATION AS A THEORY OF SECOND-DEGREE MURDER:** *Roy & Settles v. United States*, 871 A.2d 498 (D.C. 2005). Roy and Settles (Appellants) were convicted of, *inter alia*, the second-degree murder of an innocent bystander caught in the crossfire of a gun battle on a public street between the Appellants. At trial, the jury was instructed that in deciding whether Appellants were responsible for the death of the bystander, it was required to find that they were "armed and prepared" to engage in a gun battle, and in fact did so engage. On appeal, Appellants challenged, *inter alia*, the trial court's causation instruction, arguing that the jury should have been required to find an "agreement," either tacit or explicit, to engage in mutual combat involving firearms. In affirming the trial court on this issue, the Court of Appeals noted that second-degree murder based on a proximate cause theory has been recognized in case law for some time in the District of Columbia. However, the factual scenario presented here of a "gun battle" on city streets, was relatively new. The Court noted that unlike gun battles years ago, combatants now use automatic and semiautomatic weapons, resulting in "pocket wars with no rules of engagement [causing] a highly increased risk to noncombatants." For this reason, the Court determined that the application of proximate cause liability for those who willfully choose to engage in such battles is justified.

**JURY INSTRUCTIONS: GOVERNMENT'S OBLIGATION TO COLLECT CORROBORATIVE EVIDENCE:** *Brown v. United States*, 881 A.2d 586 (D.C. 2005). Brown was charged with unlawful distribution



of, and possession with intent to distribute a controlled substance. During trial, the Government only presented eyewitness accounts of the drug-related transaction from D.C. police detectives. In an attempt to show that the Government had failed to meet its burden of proving guilt beyond a reasonable doubt, defense counsel pointed out to the jury that the detectives had not obtained any corroborative evidence to support their eyewitness accounts of the crime. At the request of the Government, the trial court instructed the jury, *inter alia*, that the Government was under “no duty” to collect corroborative evidence. On appeal, Appellant argued, *inter alia*, that the trial court erred in giving the “no duty” instruction because the Government had not laid the evidentiary foundation entitling it to such. The Court of Appeals agreed. The Court reasoned that Appellant had not made a “missing evidence” argument, which would have entitled the Government to a “no duty” instruction as a matter of law, but had simply made an effort to prove the Government had not met its burden of proof. Notwithstanding this, the Court determined that under the circumstances presented in this case, the error was harmless.

DISTORTION OF FACTS IN-OPENING STATEMENT: *Najafi v. United States*, 886 A.2d 103 (D.C. 2005). Suheel Najafi was convicted by a jury of unlawful distribution of a controlled substance. At trial, the government presented evidence that Najafi sold two “ecstasy” pills to an undercover officer in a single transaction at a Washington, D.C. nightclub. The prosecutor represented in his opening statement that Najafi was “running a business” on the night in question and that “while running the business, [Najafi] sold ecstasy tablets to an undercover police officer.” Although the government’s evidence showed only one sale, the prosecutor, during his opening statement, referred to Najafi’s running a business, or selling for profit, at least six times. Najafi’s attorney moved for a mistrial, but the trial judge denied the motion. Following his conviction, Najafi appealed, contending that the prosecutor’s remarks were improper and not based on any evidence, and that Najafi had been denied his right to a fair trial. The Court of Appeals affirmed Najafi’s conviction, ruling that the evidence against Najafi was overwhelming, and that any trial court error in denying a mistrial was harmless. The Court was sharply critical of the prosecutor’s opening statement, however, and “emphasize[d] that this kind of exaggeration and distortion — repeated characterization of a single alleged sale of two ecstasy pills as ‘running a [drug-selling] business’ — has no place in a courtroom of the District of Columbia.”

INTRAFAMILY OFFENSE: DEFAMATION CLAIMS: *Richardson v. Easterling*, 878 A.2d 1212 (D.C. 2005). Relying on the District’s “Intrafamily Offenses Act,” Michael S.A. Richardson, M.D., applied to the Superior Court for a civil protection order (CPO) against his former homosexual lover, Aaron Easterling. Richardson claimed that Easterling had committed an intrafamily offense against him by making numerous threatening, abusive and harassing telephone calls to Richardson, and by contacting the Board of Medicine and many of Richardson’s colleagues, friends and associates and telling them that Easterling had contracted AIDS from Richardson. The trial judge dismissed the case and declined to issue a CPO, ruling that Richardson was not entitled to relief because he had not alleged physical abuse or violence.

The Court of Appeals reversed in part. The Court held that Easterling’s alleged threatening and harassing telephone calls amounted to the crime of “stalking,” and that in light of the former relationship between Richardson and Easterling, such conduct, if proved at trial, would constitute an intrafamily offense. The Court agreed with the trial judge, however, that Richardson’s claim that Easterling defamed him did not implicate the Intrafamily Offenses Act. The Court stated that a civil protection order prohibiting future defamation “at least arguably constitutes constitutionally impermissible prior restraint of speech,” that the Intrafamily Offenses Act must be construed “so as to avoid serious doubts as to [its] constitutionality,” and that the Act therefore did not apply to alleged defamation.

JURIES AND JURORS: USE OF MAGNIFYING GLASS: *Eric Evans v. United States*, 883 A.2d 146 (D.C. 2005). During its deliberations in a first-degree burglary case where the trial court admitted

into evidence fingerprints and expert testimony regarding those fingerprints, the jury requested “a magnifying glass to examine the fingerprints.” The trial judge sent three magnifying glasses to the jury room. Appellant challenged his conviction, in part, on the ground that the trial court erred in permitting use of the magnifying glasses by the jurors. After recognizing that a jury may consider only matters that have been received into evidence, and that matters not received into evidence generally are regarded as extrinsic or new, the Court of Appeals concluded that the jury’s requested use of a magnifying glass did not constitute extrinsic or new evidence. Rather, the jury wanted to make a “more critical examination of the [fingerprint] exhibits introduced at trial,” and that the jury did not seek new or extrinsic evidence. The Court’s conclusion was based, in part, on case law from other jurisdictions which viewed the use of a magnifying glass as an aid to jurors who required more powerful eyeglasses to view an exhibit, and rejected the notion that their use fell into the category of prohibited extrinsic or new evidence.

OWNERSHIP OF STOLEN PROPERTY: NAME OF OWNER OF STOLEN PROPERTY IS NOT AN ELEMENT THAT MUST BE PROVED BEYOND A REASONABLE DOUBT. *Zacarias v. United States*, 884 A.2d 83 (D.C. 2005). Benjamin Zacarias was tried and convicted for the unauthorized use of a vehicle and receiving stolen property. The evidence showed that he was arrested while driving a car that had recently been reported stolen. The indictment charged that the car was the “property of Rebecca Lanning.” Shortly before trial, the government notified the court and defense counsel that the true owner of the car was Robert Lanning, Rebecca Lanning’s father. The government did not seek a new indictment maintaining that the name of the actual owner of the car was “surplusage,” *i.e.*, not an essential element of either of the charged offenses. At trial, defense counsel objected when the government proved that Robert Lanning was the actual owner of the stolen car, arguing that this was an impermissible constructive amendment of the indictment and that the name of the owner was an element of both offenses. The court overruled the objection. The Court of Appeals affirmed the conviction, finding “that the evidence showing that the owner of the car was someone other than the person named in the indictment was only a variance, and that it was not fatal.” After examining several prior cases involving the difference between variances and constructive amendments, the Court held that it was not necessary to prove exactly who the owner of the car was, but merely that the owner was someone other than the defendant. Because the defense at trial was simply a claim that Zacarias did not know the car was stolen, the Court concluded that his defense would not have been different in any respect if the indictment had named Robert Lanning, rather than Rebecca Lanning, as its owner. Hence, the defense was unaffected by the variance.

JENCKS ACT: STATEMENTS MADE BY VICTIM TO MARYLAND POLICE OFFICERS: *Lyles v. United States*, 879 A.2d 979 (D.C. 2005). A car was stolen from a shopping center parking lot in Prince George’s County, Maryland, just a few blocks outside the border of the District of Columbia. The theft was immediately reported to the P.G. County Police Department, resulting in an official police report. Several days later, the defendant was arrested in the District of Columbia while still in possession of the stolen vehicle. At trial, defense counsel asked the court to order the government to turn over the P.G. County police report pursuant to the Jencks Act, 18 U.S.C. § 3500. In response, the prosecutor indicated that the report was “a Maryland report” and therefore “not within [his] control.” In agreement, the trial court denied defense counsel’s request. The defendant was subsequently convicted of unauthorized use of a vehicle. The Court of Appeals affirmed the conviction, noting that the Jencks Act requires production of only those witness statements that are within the government’s actual possession. The Court determined that it was clear from the record that the Maryland report had never been in the possession of either the Metropolitan Police, the trial prosecutor, or the United States Attorney’s Office for the District of Columbia. Because “Maryland and the District of Columbia are independent jurisdictions,” the prosecutor was under no obligation to obtain or produce any materials in the possession of Maryland authorities.

INNOCENCE PROTECTION ACT: *Bouknight v. United States*, 867 A.2d 245 (D.C. 2005). This matter required the Court of Appeals to review for the first time the trial court’s application of the

Innocence Protection Act (IPA), D.C. Code § 22-4131 (2004 Supp.). The IPA enables convicted persons to seek relief on the basis of “new evidence,” whether biological (*e.g.*, DNA) or not, of “actual innocence,” which it defines as meaning “that the person did not commit the crime of which he or she was convicted.” A motion for relief under the IPA must include, *inter alia*, an affidavit by the movant stating that he is actually innocent of the crime and that the new evidence was not deliberately withheld by the movant for purposes of strategic advantage. Subsequent to his 1994 convictions for first degree (felony) murder while armed and various related offenses, Bouknight appealed the trial court’s orders denying his motion for relief pursuant to § 23-110 and relief under the IPA. In his motions, Bouknight acknowledged that he had deliberately placed before the jury a fabricated account of how the murder took place. His testimony during the motions hearing was that at the time of trial, the alibi defense he had testified to then had a better chance of succeeding than the new account he advanced at the motions hearing, *i.e.*, that one Steven Davis, since deceased, was present and murdered the victim. The Court affirmed the ruling of the trial court that a statement by murder witness Jamal Jones, which supported Bouknight’s claim that Davis was the actual killer, was not “new evidence” under the IPA. In so doing, the Court considered the argument that Fifth Amendment concerns of witness Jones supported the conclusion that the testimony of Jones was “new evidence” under the IPA because, even though personally known to Bouknight, it could not have been compelled or, by the exercise of reasonable diligence, otherwise obtained at the time of trial. This Court agreed with the trial court that the defense had not exercised reasonable diligence to obtain Jones’ testimony. It neither subpoenaed him nor sought immunity for him. The defense did not, as far as the record showed, ever approach Jones about testifying. While the “new evidence” provision of the IPA is broader and more inclusive than the judicial test for newly discovered evidence under Super Ct. Crim. R. 33, both the IPA and Rule 33 require the exercise of “reasonable” or “due” diligence.

#### **Other Criminal Issues**

INEFFECTIVE ASSISTANCE OF COUNSEL: NATURE OF THE PROCEEDING: REQUIREMENTS FOR ENTRY OF ORDER IN PROCEEDING COLLATERALLY ATTACKING CRIMINAL CONVICTION: *Craig Williams v. United States*, 878 A.2d 477 (D.C. 2005). The principal issue raised in this appeal was whether an order entered in a proceeding attacking a criminal conviction for ineffective assistance of counsel under D.C. Code § 23-110 must be set forth on a separate document in conformity with the applicable civil rule. Appellant argued that: (1) § 23-110 (f) provides that appeals from an order entered on a motion under this section be taken “as from a final judgment on application for a writ of habeas corpus,” which is civil in nature; and (2) § 23-110 proceedings are substantially similar to the federal statute, 28 U.S.C. § 2255 (governing *habeas corpus* proceedings in federal courts). In order to address appellant’s claims, the Court of Appeals examined cases from federal courts confronting similar issues arising under 28 U.S.C. § 2254 (*habeas corpus* remedy for state prisoners) and 28 U.S.C. § 2255 (providing post-conviction remedy for federal prisoners). The Court of Appeals noted that the federal authorities lent support to the government’s argument that habeas and § 2255 proceedings had characteristics of both civil and criminal proceedings depending on the circumstances in which the issue arose; hence, the civil-criminal dichotomy did not resolve the issue raised by appellant. The Court then examined the applicable federal and local rules, which differed in material respects. The Court observed that the courts of this jurisdiction had not adopted precisely the federal procedure for the entry of judgment or the procedure by which appeals must be filed from orders in § 23-110 proceedings; therefore, there was no requirement that the Court apply the rules governing civil appeals. Finally, the Court noted that even if the civil rules were applicable, Rule 52 (a) permits the trial court sitting without a jury to state findings of fact and conclusions of law orally in open court if they were stenographically recorded. The Court found that the trial court’s detailed findings in this case, which were recorded and transcribed, adequately satisfied the purposes of a separate written statement under Rule 58 and could serve as the equivalent of such statement.

SCIENTIFIC EVIDENCE: CONFLICTING EXPERT TESTIMONY CONCERNING RELEVANCY OF RESULTS: *United States v. Raymond A. Jenkins*, 887 A.2d 1013 (D.C. 2005). Raymond Jenkins was charged

with the murder of Dennis Dollinger. Jenkins was identified as the suspect in Dollinger's homicide after a DNA sample obtained from the crime scene was processed through a DNA offender database. Acquiring a suspect through a search of a DNA database is known as a "cold hit." At trial the government sought to introduce evidence of the DNA match, as well as statistical evidence of the rarity of Jenkins' DNA profile. Jenkins argued that expressing the rarity statistic alone had not gained general acceptance in the scientific community and that competing schools of thought valued other statistics in expressing the significance of a cold hit. The trial court agreed, holding that the existence of a debate in the scientific community regarding the appropriate statistical expression of a cold hit DNA match precluded admission.

The Court of Appeals reversed, holding that the admissibility of scientific evidence analysis begins and ends with the acceptance of a particular scientific methodology, and not the acceptance of a particular result or conclusion derived from that methodology. In this case, the formulas cited by Jenkins were all statistical representations of different questions that one may ask when confronted with a cold hit. The accuracy of the math underlying the various calculations was not being questioned; each statistic accurately addressed the question it sought to answer. The debate cited by Jenkins, therefore, was not over methodology of calculating the statistics, but of the appropriateness of using that statistic to express the significance of a match. In other words, the debate was over relevancy. There was no debate in the scientific community over the methodology, mechanics, or mathematics of the various calculations.

DISTRICT OF COLUMBIA INTERPRETER ACT: ERRORS IN TRANSLATION: *Ramirez v. United States*, 877 A.2d 1040 (D.C. 2005). Ramirez, a Spanish-speaking immigrant from El Salvador, was convicted of assault with a deadly weapon. During the course of trial, four errors in translation by the court-appointed interpreter assigned to Ramirez pursuant to the District of Columbia Interpreter Act, D.C. Code § 2-1901 (2001), were detected by defense counsel and by the prosecutor, both of whom were fluent in Spanish. The trial court took corrective action in both cases. On appeal, however, Ramirez argued that the trial court should have *sua sponte* conducted an investigation into the competence of the interpreter. Ramirez argued that the principle that a trial court has such a duty where possible deficiencies of defense counsel are raised pre-trial should be equally applied to interpreter errors. The Court of Appeals noted that while a defendant is clearly entitled to an interpreter competent to render accurate translations, that right may be waived if it is not raised in a timely fashion. Under the circumstances presented here, where both parties had Spanish-speaking counsel, where the errors were not of major import, and where counsel acquiesced in the corrective steps taken by the trial court, the Court could not conclude that the trial court abused its discretion by not undertaking the *sua sponte* investigation into the competence of the interpreter.

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## FILINGS BY CATEGORY & RATIO TO DISPOSITIONS, 2001-2005

	2001	2002 <sup>a</sup>	2003 <sup>b</sup>	2004 <sup>b</sup>	2005
<b>Mandatory Appeal &amp; Bar Cases</b>					
Pending Jan. 1	2,828 <sup>c</sup>	2,682 <sup>c</sup>	2,415	2,319	2,357
Filings:					
Criminal	673	510	633	819	705
Civil	381	373	531	414	367
Family	189	238	195	186	168
Agency	116	153	114	125	219
Special Proceedings	150	28	13	16	16
Bar Cases	95	93	96	115	95
Total Filings	1,604	1,395	1,582	1,675	1,570
Reinstated	19	49	29	23	28
Available for Disposition	4,451	4,126	4,026	4,017	3,955
Total Dispositions	1,768	1,711	1,707	1,660	1,458
Pending Dec. 31	2,683	2,415	2,319	2,357	2,497
<b>Original Jurisdiction Matters</b>					
Pending Jan. 1	9	1	4	2	1
Filings	61	71	77	70	57
Dispositions	69	68	79	71	56
Pending Dec. 31	1	4	2	1	2
<b>Discretionary Jurisdiction Matters</b>					
Pending Jan. 1	3	6	3	2	2
Filings	55	54	52	24	21
Dispositions	52	57	53	24	23
Pending Dec. 31	6	3	2	2	-
Total Filings	1,659	1,520	1,710	1,769	1,648
Total Dispositions	1,820	1,836	1,839	1,755	1,537
Clearance Rate <sup>d</sup>	110%	121%	108%	99%	93%

<sup>a</sup> Beginning in CY2002, original jurisdiction matters, previously reported under "Special Proceedings," are reported separately. Figures for CY2001 have been adjusted to reflect this reporting change.

<sup>b</sup> Calendar year 2003 and 2004 figures have been revised to reflect additional filings from Superior Court not previously reported.

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

<sup>d</sup> The clearance rate, a measure of court efficiency, is the total number of cases disposed divided by the total number of cases added to the caseload (i.e. new filings and reactivations) during a given time period. Rates of over 100% indicate that the court disposed of more cases than were added, thus reducing the pending caseload.

## DISPOSITIONS BY METHOD, 2001-2005

	2001	2002 <sup>a</sup>	2003	2004	2005
Opinion	277	339	299	295	323
Memorandum Opinion & Judgment	502	575	619	506	512
Judgment	85	61	57	84	51
Order	904	861	864	870	651
Total	1,768	1,836	1,839	1,755	1,537

<sup>a</sup> Beginning in CY2002, figures include dispositions in discretionary matters.

## MOTIONS & PETITIONS, 2001-2005

	2001	2002 <sup>a</sup>	2003	2004	2005
Procedural Motions	5,162	5,749	5,243	4,738	4,249
Substantive Motions	1,960	1,701	1,667	1,618	1,603
Petitions for Rehearing/Rehearing En Banc	181	174	221	188	208

<sup>a</sup> Beginning in CY2002, figures include motions filed in original actions and discretionary matters.

## TIME ON APPEAL, 2001-2005

	2001	2002 <sup>a</sup>	2003	2004	2005
<b>Overall Time On Appeal (in Days)</b>					
Average	522	650	623	550	562
Median	na	505	475	412	439
From Notice of Appeal to Filing of Trial Court or Agency Record					
Average	256	303	317	288	249
Median	na	184	196	149	131
From Filing of Trial Court or Agency Record to Completed Briefing by the Parties					
Average	263	287	270	245	220
Median	na	173	170	155	148
From Completed Briefing to Argument or Submission					
Average	153	155	150	174	192
Median	na	140	149	176	186
From Argument or Submission to Court Decision					
Average	118	126	107	115	125
Median	na	24	16	19	21
<b>Overall Time On Appeal for Certain Matters (in Days)</b>					
Bar Cases <sup>b</sup>					
Average	332	391	435	470	516
Median	na	358	279	414	420
Original Jurisdiction Matters					
Average	23	22	11	15	14
Median	na	14	8	7	8
Discretionary Jurisdiction Matters					
Average	73	29	32	45	22
Median	na	27	27	33	20

<sup>a</sup> Beginning in CY2002, average and median times are displayed for the various stages of the appellate process and original jurisdiction matters are excluded. Only those cases which reach a particular stage of appeal are used to calculate the average time in that stage. These figures include the time during which some appeals are stayed for reasons such as bankruptcy or additional trial court proceedings.

<sup>b</sup> The time includes periods when such cases are not under active processing by the Court of Appeals. In reciprocal bar matters, the Court opens a case file upon notification that another jurisdiction has disciplined a member of the D.C. Bar. Active processing of the case does not commence until the Court receives a report and recommendations from the Board on Professional Responsibility.

## BAR ADMISSIONS, 2001-2005

	2001	2002	2003	2004	2005
<b>Admission to Bar by Examination:</b>					
Applications Filed	603	739	830	777	687
Applications Withheld	72	93	117	111	94
Applications Rejected	26	22	15	16	16
Unsuccessful Applicants	220	294	351	325	288
Successful Applicants	311	353	362	341	305
Applicants Admitted	294	347	337	337	305
<b>Admission to Bar by Motion:</b>					
Applications Filed	3,117	2,445	2,611	2,752	3,610
Applications Admitted	2,991	2,917	2,157	2,629	2,741
Applicants Rejected	12	4	2	6	10
Certificates of Good Standing	6,878	6,678	8,153	9,448	9,053
Certification for Law Student in Court Program	362	354	395	351	306
Certification as Special Legal Consultant	11	11	15	9	9

## BAR DISCIPLINARY ACTIONS, 2001-2005

	2001	2002	2003	2004	2005
Disbarments	21	22	26	29	37
Suspensions	36	24	11	24	41
Public Censure	4	4	6	7	10
Petitions for Reinstatement	3	1	3	3	2
Petitions for Formal Hearings	27	37	57	22	22
Miscellaneous Petitions	5	2	11	5	7

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## MAGISTRATE JUDGES OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Magistrate Judges of the Superior Court are responsible for the following:

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

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

Many significant achievements took place in the Superior Court during 2005, the third year of the District of Columbia Courts' five-year Strategic Plan. As part of the strategic planning process, the Court has progressed from the very general statement of mission and vision to specific projects designed to implement the Plan. Some highlights of the Court's accomplishments during the year are as follows:

## **Enhancing the Administration of Justice**

Two judges joined the Superior Court bench: Laura Cordero, former Executive Assistant U.S. Attorney for External Affairs in the U.S. Department of Justice; and Juliet J. McKenna, former Superior Court Magistrate Judge in Family Court. Frederick J. Sullivan, formerly in private practice, and Lori E. Parker, former Chief of Staff to the Deputy Mayor for Children, Youth, Families and Elders, joined the bench as Magistrate Judges. With these additions, the Court remains at its full, authorized strength of 59 judges and 25 magistrate judges.

During 2005, the Court was saddened by the deaths of two distinguished judges. Senior Judge Steffen W. Graae, who died in September 2005, was credited with reforming the District's public housing agency, by ordering it placed in receivership and providing exemplary oversight of the receivership. He also initiated important reforms in the Landlord and Tenant court. Senior Judge Iraline Green Barnes, a former corporate executive and civic leader who died in December 2005, was known for her outstanding work presiding over tough probate and tax cases and reforming the probate court. Judge Barnes, who was only 32 at the time, held the distinction of being the youngest woman appointed to the Court.

The Appeals Coordinator's Office, in collaboration with the D.C. Court of Appeals and Family Court Operations, developed an interim plan for the single point of filing of notices of appeal (NOAs). Such filings are scheduled to begin in Family cases through the new, unified Appeals Coordinator's Office in early 2006.

The Civil Division's Small Claims Court began an assessment of its current practices and procedures in an effort to enhance the processing of small claims filings. Daily filing limits and other changes in procedure were made in an effort to improve service to the public. In order to better assure the accuracy of electronic records, a new Quality Review Branch was formed to verify data maintained in the Court's automated system, and also to review the quality of the work performed by Civil Division staff.

The Criminal Division's Special Proceedings Branch worked with the Metropolitan Police Department and the Department of Motor Vehicles to improve the enforcement of outstanding bench warrants for alcohol-related driving offenses. Warning notices were sent to defendants residing in the Washington metropolitan area in order to encourage voluntary compliance with these warrants, where service might be long delayed.

In 2005, the Family Court expanded its "one-judge-one-family" case management model to include juvenile traffic cases filed in conjunction with delinquency matters. These cases are now consolidated before one magistrate judge in the New Referrals courtroom. In addition, the Family Court developed new procedures to appoint Guardians Ad Litem (GALs) in abuse and neglect cases within 24 hours of a child's removal and to hold initial hearings within 72 hours of removal. These changes facilitate newly authorized family team meetings that involve family members in decisions regarding placement of children removed from their homes as promptly as possible after removal. Completing a transition initiated by the Court in 2003, the District of Columbia City Council enacted legislation that authorized the transfer of wage withholding functions from the Superior Court to the Child Support Services Division of the Office of the Attorney General for the District of Columbia. Consolidating the enforcement and collection functions in one agency promises to improve the District of Columbia's ability to collect and disperse child support payments.

The Social Services Division of the Family Court, which serves as the District's juvenile probation office, instituted evening curfew monitoring for all juvenile offenders ordered to adhere to curfews, and initiated efforts to monitor compliance with court ordered community service and restitution among juveniles. The Division also launched a Delinquency Prevention Initiative, which engages local neighborhoods, Area Neighborhood Commissions (ANCs), civic associations, Police Service Areas (PSAs) and schools to prevent delinquency and recidivism among youth. Other new Social Services' initiatives begun in 2005 include an expansion of services provided to juvenile girls, a growing portion of the Court's caseload. With grant funds, the Social Services Division was able to expand counseling, mentoring, and life skills training provided to adolescent girls under probation supervision. This is an initial step in developing a seamless probation supervision and services framework for female juvenile offenders to be called "Leaders Of Today in Solidarity" (LOTS). As part of this endeavor, the Family Court plans to designate one judge who will preside over all female juvenile offender cases.

The Multi-Door Dispute Resolution Division collaborated with the District of Columbia Court of Appeals and the Courts' Research and Development Division to launch an Appellate Mediation Project involving the use of experienced mediators from the Multi-Door volunteer civil mediator corps. Goals of the program include expedited case processing, increased client satisfaction with case outcomes and efficient use of resources.

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

The Criminal Division's community courts operate on the principal that in traffic and "quality of life" misdemeanors, focused community service and prompt involvement in support services better serve justice in the community than do traditional criminal sanctions. These courts increased public and governmental awareness of their functions by hosting an all-day conference, "Community Courts: Working Together for D.C.," which was attended by officials and representatives from the Council of the District of Columbia, government social services agencies, criminal justice agencies, members of the Superior Court Trial Lawyers Association, and representatives of private, nonprofit social services agencies.

The Crime Victims Compensation Program processed 2,452 new claims in 2005, a 12% increase over the number filed in 2004, and awarded \$7,588,463 in 2005 to victims of violent crime. The program collaborated with domestic violence victims' service providers, including the House of Ruth, to provide victims of domestic violence with information and referrals regarding permanent housing and counseling services.

The Domestic Violence Unit was honored during the Courts' 2005 Hispanic Heritage Month CORO ("Community, Outreach, Recognition and Opportunity") Award ceremony with a Community Outreach Award for its dedication and service to the District of Columbia Latino community. The Unit's satellite intake site at Greater Southeast Community Hospital continued to have steady client participation.

The Family Court expanded services to the growing number of self-represented parties by fully staffing its Self Help Center. The Court hired a family law facilitator and two paralegals for the Center, permitting the court to increase its hours of operation to five days per week. The Self Help Center has served 3,580 litigants since it opened.

The Office of Court Interpreting Services (OCIS) of the Special Operations Division, which provides interpreters for court participants who speak languages other than English or who are hearing-impaired, assisted the Family Court Translation Committee in developing a list of English-Spanish legal terminology, and began to draft several of the Family Court forms in a bilingual format. OCIS also added interpreting services for parents of juveniles participating in the Court's Truancy Diversion Program.

The Probate Division continued efforts to enhance service to the public by translating materials that explain its procedures into Spanish and posting them on the Court's website. In addition, the Probate Division posted accounting forms, an attorney-training manual, and an accounting guide. Improvements were made in disseminating notices for publication to local newspapers by transmitting them electronically. The Division also installed more public access computer terminals and modified procedures for reviewing requests for compensation, resulting in more expeditious dispositions of the requests, and related fiduciary accountings.

The Juror's Office, in the Special Operations Division, instituted online jury services that permit jurors to complete the jury questionnaire, schedule a one-time deferral of their reporting date, review their jury service history, and obtain general information regarding jury service. The Office also convened a focus group with some former jurors to solicit their feedback concerning their jury service experiences, and to ask their opinions on how jury service can be improved.

The Tax Division disseminated a user-friendly informational brochure, which explains where and how to obtain information for filing petitions in Court.

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

The Criminal Division sponsored a forum on Professionalism and Civility in 2005 for members of the bar and criminal justice agencies and organizations with large numbers of members, including the United States Attorney's Office, the Office of the Attorney General for the District of Columbia, the Public Defender Service and the Superior Court Trial Lawyers Association. The discussion addressed appropriate standards of civility and professional conduct before the bench, with colleagues and with clients.

The Multi-Door Dispute Resolution Division celebrated the 20<sup>th</sup> anniversary of its founding by holding a recognition ceremony for its current roster of more than 300 volunteer mediators, during which more than 100 individuals were awarded mediator certificates. In 20 years, Multi-Door has grown from a special, two-program project in the Research and Development Division to an independent division consisting of nine mediation programs in Superior Court operations.

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

The Court nearly completed the installation of its Integrated Justice Information System (IJIS) in 2005. This multi-year technology initiative is designed to facilitate case management and case linkage of family members (which is essential to implementing one judge-one family in Family Court), better automate the Court's business processes, equip employees with productivity-enhancing tools, provide a seamless exchange of information

between the Court and other local and national criminal justice agencies, and enhance services to the public by, among other things, enabling case filing and payment of fees in one location.

In 2005, the Information Technology Division (IT), which is responsible for implementation of IJIS, completed implementation in Landlord and Tenant Court, and in the Civil Actions Branch, bringing the total of Court IJIS users to approximately 750, including those in Family Court and Probate.

The Civil Division continued to implement electronic filing, or e-filing, which began as a pilot program in 2001, and has since evolved into a standard procedure. The Division anticipates expanding e-filing beyond complex Civil I cases into all civil case types, including Small Claims and Landlord and Tenant.

Information Technology launched a new web-based voucher system for the Criminal Justice Act (CJA) and Counsel for Child Abuse and Neglect (CCAN). This system permits counsel to file vouchers for payment on line, where they are processed and distributed electronically. The system replaces paper vouchers in an increasing percentage of cases, and it will be implemented in all CJA and CCAN cases by late spring of 2006.

IT also supported the Superior Court's operating divisions by providing the interactive, web-based juror registration system referred to above and initiating an electronic payment review system for mediators and a web-based Family Mediation Agreement and Consent Order for use by mediators of the Multi-Door Dispute Resolution Division.

### **Building Trust and Confidence**

The Superior Court has instituted a number of programs and services in response to community needs. Often the Court provides such programs and services in collaboration with public agencies and private organizations.

The Family Court, in conjunction with the District of Columbia Child and Family Services Agency, sponsored the 19<sup>th</sup> annual Adoption Day in Court in November 2005. Adoption Day is a means for encouraging District of Columbia area residents to adopt some of the thousands of children living in foster care, and permanently place them with warm, loving families. During the event, the Court celebrated the adoption of 31 children by 27 families. Among the featured speakers were D.C. Delegate Eleanor Holmes Norton and actress Victoria Rowell of the television daytime drama, "The Young and the Restless." Having grown up in five different foster homes, Ms. Rowell is a forceful advocate for foster children and adoption. The event highlighted a calendar year in which the Family Court granted 358 adoptions.

The Family Court initiated a "Hooked on Books" Program in 2005. In this program, children's books donated by judges, court staff and others are placed in shelves in Family Court courtrooms and hearing rooms for children to take with them while they wait to attend court proceedings.

The Special Operations Division's Juror-Witness Child Care Center hosted its annual "Back to School Bash," at which children identified by the Counsel for Child Abuse and Neglect as living in residential treatment with their mothers are invited to a party and given tote bags filled with school supplies and personal care kits to help them prepare for the coming school year. The children's parents and guardians are given information on effective parenting skills during the event.

Overall, the Superior Court strove to realize many of the improvements contemplated in the Court's strategic plan, and it succeeded to a great degree. The process is ongoing, and I am confident that 2006 will bring new successes along with many challenges. No less than in 2005 and before, our vision remains:

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

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## SUPERIOR COURT CASE ACTIVITY FOR 2005

DIVISION/UNIT OF SUPERIOR COURT	Cases Pending Jan 1	Cases Filed	Cases Reactivated/ Certified In	Total Cases Available for Disposition	Cases Disposed	Cases Pending Dec. 31	% Change in Pending 2004 - 2005	Clearance Rate <sup>a</sup>
<b>Civil Division</b>								
Civil Actions	10,063	10,162	248	20,473	10,094	10,379	3.1%	97%
Landlord & Tenant	6,888	45,346	99	52,333	43,720	8,613	25.0%	96%
Small Claims	4,687 <sup>b</sup>	14,622	4	19,313	14,209	5,104	8.9%	97%
<b>Total</b>	<b>21,638</b>	<b>70,130</b>	<b>351</b>	<b>92,119</b>	<b>68,023</b>	<b>24,096</b>	11.4%	97%
<b>Criminal Division</b>								
D.C. Misdemeanors	311	3,625	1,304	5,240	4,736	504	62.1%	96%
Felony <sup>c</sup>	2,482	7,535	2,474	12,491	10,011	2,480	-0.1%	100%
Special Proceedings	133	3,489	49	3,671	3,497	174	30.8%	99%
Traffic	820	7,657	3,938	12,415	11,402	1,013	23.5%	98%
U.S. Misdemeanors	2,422	13,371	6,774	22,567	20,574	1,993	-17.7%	102%
<b>Total</b>	<b>6,168</b>	<b>35,677</b>	<b>14,539</b>	<b>56,384</b>	<b>50,220</b>	<b>6,164</b>	-0.1%	100%
<b>Domestic Violence Unit<sup>d</sup></b>								
Intrafamily	149	3,748	825	4,722	4,545	177	18.8%	99%
Paternity & Child Support	80	na	380	460	405	55	-31.3%	107%
Misdemeanors	745	4,426	431	5,602	4,799	803	7.8%	99%
<b>Total</b>	<b>974</b>	<b>8,174</b>	<b>1,636</b>	<b>10,784</b>	<b>9,749</b>	<b>1,035</b>	6.3%	99%
<b>Family Court Operations</b>								
Abuse & Neglect	3,414 <sup>b</sup>	933	17	4,364	1,197	3,167	-7.2%	126%
Adoption	507	324	-	831	495	336	-33.7%	153%
Divorce/Custody/Miscellaneous	2,187	3,659	-	5,846	3,499	2,347	7.3%	96%
Juvenile	1,015 <sup>b</sup>	2,772	29	3,816	2,526	1,290	27.1%	90%
Mental Health	228 <sup>b</sup>	1,155	99	1,482	1,073	409	79.4%	86%
Mental Retardation	1,189	49	-	1,238	6	1,232	3.6%	12%
Paternity & Child Support	3,863 <sup>b</sup>	3,192	76	7,131	1,900	5,231	35.4%	58%
<b>Total</b>	<b>12,403</b>	<b>12,084</b>	<b>221</b>	<b>24,708</b>	<b>10,696</b>	<b>14,012</b>	13.0%	87%
<b>Probate Division</b>								
Conservatorships	244	-	-	244	29	215	-11.9%	na
Foreign Proceedings	-	153	-	153	153	-	-	100%
Formal Probate	3,784	1,429	28	5,241	2,743	2,498	-34.0%	188%
Guardianships	231	29	-	260	91	169	-26.8%	314%
Interventions	1,907	316	-	2,223	187	2,036	6.8%	59%
Small Estates	107	747	32	886	800	86	-19.6%	103%
Trusts	287	23	-	310	2	308	7.3%	9%
<b>Total</b>	<b>6,560</b>	<b>2,697</b>	<b>60</b>	<b>9,317</b>	<b>4,005</b>	<b>5,312</b>	-19.0%	145%
<b>Tax Division</b>								
Civil Cases	431	166	-	597	160	437	1.4%	96%
Criminal Cases	22	14	-	36	-	36	63.6%	0%
<b>Total</b>	<b>453</b>	<b>180</b>	<b>-</b>	<b>633</b>	<b>160</b>	<b>473</b>	4.4%	89%
<b>Grand Total</b>	<b>48,196</b>	<b>128,942</b>	<b>16,807</b>	<b>193,945</b>	<b>142,853</b>	<b>51,092</b>	<b>6.0%</b>	<b>98%</b>

<sup>a</sup> The clearance rate, a measure of court efficiency, is the total number of cases disposed divided by the total number of cases added to the caseload (i.e., new filings/reactivations/certified in/transferred in) during a given time period. Rates of over 100% indicate that the court disposed of more cases than were added, thus reducing the pending caseload.

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

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

<sup>d</sup> The Domestic Violence Unit receives cases as follows: Intrafamily (CPO) and Misdemeanor cases as direct filings; Paternity & Child Support cases are certified into the Unit from Family Court Operations, where these cases are originally filed.

## NEW CASE FILINGS, 2001-2005

	2001	2002	2003	2004	2005	% Change 2004 - 2005
<b>Civil Division</b>						
Civil Actions	9,481	10,736	10,277	10,553	<b>10,162</b>	-3.7%
Landlord & Tenant	55,649	49,138	47,951	48,999	<b>45,346</b>	-7.5%
Small Claims	<u>21,378</u>	<u>20,529</u>	<u>17,891</u>	<u>15,756</u>	<u><b>14,622</b></u>	-7.2%
<b>Total</b>	<b>86,508</b>	<b>80,403</b>	<b>76,119</b>	<b>75,308</b>	<b>70,130</b>	-6.9%
<b>Criminal Division</b>						
D.C. Misdemeanors	3,451	2,681	2,709	3,242	<b>3,625</b>	11.8%
Felony	8,270	8,341	8,016	8,013	<b>7,535</b>	-6.0%
Special Proceedings	3,479	3,310	3,297	3,197	<b>3,489</b>	9.1%
Traffic	7,542	7,448	6,745	7,128	<b>7,657</b>	7.4%
U.S. Misdemeanors	<u>14,329</u>	<u>14,018</u>	<u>11,540</u>	<u>13,571</u>	<u><b>13,371</b></u>	-1.5%
<b>Total</b>	<b>37,071</b>	<b>35,798</b>	<b>32,307</b>	<b>35,151</b>	<b>35,677</b>	1.5%
<b>Domestic Violence Unit</b>						
Intrafamily Misdemeanors <sup>a</sup>	3,738	3,895	4,194	3,845	<b>3,748<sup>a</sup></b>	na
	<u>-</u>	<u>-</u>	<u>4,392</u>	<u>4,244</u>	<u><b>4,426</b></u>	4.3%
<b>Total</b>	<b>3,738</b>	<b>3,895</b>	<b>8,586</b>	<b>8,089</b>	<b>8,174</b>	1.1%
<b>Family Court</b>						
Abuse & Neglect	1,490	1,105	853	802	<b>933</b>	16.3%
Adoption	657	574	504	467	<b>324</b>	-30.6%
Divorce/Custody/Misc.	4,086	3,885	3,589	3,507	<b>3,659</b>	4.3%
Juvenile	2,390	2,241	2,412	2,783	<b>2,772</b>	-0.4%
Mental Health	1,912	1,958	1,958	1,623	<b>1,155</b>	-28.8%
Mental Retardation	19	29	25	16	<b>49</b>	206.3%
Paternity & Child Support	<u>2,578</u>	<u>2,325</u>	<u>2,468</u>	<u>2,595</u>	<u><b>3,192</b></u>	23.0%
<b>Total</b>	<b>13,132</b>	<b>12,117</b>	<b>11,809</b>	<b>11,793</b>	<b>12,084</b>	2.5%
<b>Probate Division</b>						
Foreign Proceedings	126	112	109	132	<b>153</b>	15.9%
Formal Probate	1,536	1,474	1,431	1,515	<b>1,429</b>	-5.7%
Guardianships	61	102	64	38	<b>29</b>	-23.7%
Interventions	372	375	281	326	<b>316</b>	-3.1%
Small Estates	694	773	646	642	<b>747</b>	16.4%
Trusts	<u>31</u>	<u>23</u>	<u>8</u>	<u>13</u>	<u><b>23</b></u>	76.9%
<b>Total</b>	<b>2,820</b>	<b>2,859</b>	<b>2,539</b>	<b>2,666</b>	<b>2,697</b>	1.2%
<b>Tax Division</b>						
Civil Cases	85	148	172	189	<b>166</b>	-12.2%
Criminal Cases	<u>7</u>	<u>6</u>	<u>7</u>	<u>12</u>	<u><b>14</b></u>	16.7%
<b>Total</b>	<b>92</b>	<b>154</b>	<b>179</b>	<b>201</b>	<b>180</b>	-10.4%
<b>Grand Total<sup>a</sup></b>	<b>143,361</b>	<b>135,226</b>	<b>131,539</b>	<b>133,208</b>	<b>128,942</b>	na
Monthly Average	11,947	11,269	10,962	11,101	<b>10,745</b>	na

<sup>a</sup> Beginning in CY2003, misdemeanor domestic violence cases were filed directly with the Domestic Violence Unit. Previously these cases were filed with the Criminal Division's Misdemeanor Branch and then certified to the Domestic Violence Unit. Additionally, beginning in CY2005 Intrafamily Contempt Enforcement filings are not included; therefore, figures are not comparable to previous years and percent change figures are not meaningful statistics for both Domestic Violence intrafamily cases and the grand total.



## CASE DISPOSITIONS, 2001-2005

	2001	2002	2003	2004	2005	% Change 2004 - 2005
<b>Civil Division</b>						
Civil Actions	10,474	10,527	12,296	11,325	<b>10,094</b>	-10.9%
Landlord & Tenant	55,262	50,573	48,387	46,087	<b>43,720</b>	-5.1%
Small Claims	22,387	19,231	18,493	16,485	<b>14,209</b>	-13.8%
<b>Total</b>	<b>88,123</b>	<b>80,331</b>	<b>79,176</b>	<b>73,897</b>	<b>68,023</b>	-7.9%
<b>Criminal Division</b>						
D.C. Misdemeanors	4,472	3,178	3,106	4,591	<b>4,736</b>	3.2%
Felony	10,040	10,178	10,206	10,216	<b>10,011</b>	-2.0%
Special Proceedings	3,526	3,448	3,379	3,233	<b>3,497</b>	8.2%
Traffic	10,098	10,823	8,334	10,884	<b>11,402</b>	4.8%
U.S. Misdemeanors	16,103	16,591	14,935	20,426	<b>20,574</b>	0.7%
<b>Total</b>	<b>44,239</b>	<b>44,218</b>	<b>39,960</b>	<b>49,350</b>	<b>50,220</b>	1.8%
<b>Domestic Violence Unit</b>						
Intrafamily	4,452	4,582	4,779	5,074	<b>4,545<sup>a</sup></b>	na
Paternity & Child Support	505	519	471	348	<b>405</b>	16.4%
Misdemeanors	3,625	3,275	4,742	4,876	<b>4,799</b>	-1.6%
<b>Total</b>	<b>8,582</b>	<b>8,376</b>	<b>9,992</b>	<b>10,298</b>	<b>9,749</b>	na
<b>Family Court</b>						
Abuse & Neglect	1,634	1,332	1,387	1,565	<b>1,197</b>	-23.5%
Adoption	548	464	579	802	<b>495</b>	-38.3%
Divorce/Custody/Misc.	2,770	7,203 <sup>b</sup>	4,678	3,576	<b>3,499</b>	-2.2%
Juvenile	2,354	2,044	2,247	2,469	<b>2,526</b>	2.3%
Mental Health	2,030	1,491	3,760	1,590	<b>1,073</b>	-32.5%
Mental Retardation	56	20	49	11	<b>6</b>	-45.5%
Paternity & Child Support	4,564	5,375	5,893	4,218	<b>1,900</b>	-55.0%
<b>Total</b>	<b>13,956</b>	<b>17,929</b>	<b>18,593</b>	<b>14,231</b>	<b>10,696</b>	-24.8%
<b>Probate Division</b>						
Conservatorships	32	26	25	48	<b>29</b>	-39.6%
Foreign Proceedings	126	112	109	132	<b>153</b>	15.9%
Formal Probate	1,526	1,693	1,426	2,025	<b>2,743</b>	35.5%
Guardianships	95	99	102	157	<b>91</b>	-42.0%
Interventions	201	173	227	280	<b>187</b>	-33.2%
Small Estates	722	830	719	717	<b>800</b>	11.6%
Trusts	5	4	2	4	<b>2</b>	-50.0%
<b>Total</b>	<b>2,707</b>	<b>2,937</b>	<b>2,610</b>	<b>3,363</b>	<b>4,005</b>	19.1%
<b>Tax Division</b>						
Civil Cases	65	72	111	161	<b>160</b>	-0.6%
Criminal Cases	4	6	5	5	<b>-</b>	-100.0%
<b>Total</b>	<b>69</b>	<b>78</b>	<b>116</b>	<b>166</b>	<b>160</b>	-3.6%
<b>Grand Total<sup>a</sup></b>	<b>157,676</b>	<b>153,869</b>	<b>150,447</b>	<b>151,305</b>	<b>142,853</b>	na
Monthly Average	13,140	12,822	12,537	12,609	<b>11,904</b>	na

<sup>a</sup> Beginning in CY2005 Intrafamily Contempt Enforcement filings are not included; therefore, figures are not comparable to previous years and percent change figures are not meaningful statistics for both Domestic Violence intrafamily cases and the grand total.

<sup>b</sup> An audit of the pending caseload resulted in a one-time addition of dismissals of older cases where the petitioner failed to take the legal action necessary for the court to act on the case.

## PENDING CASELOADS, 2001-2005

	2001	2002	2003	2004	2005	% Change 2004 - 2005
<b>Civil Division</b>						
Civil Actions	9,141	10,843	10,216	10,063	<b>10,379</b>	3.1%
Landlord & Tenant	5,215	4,006	3,803	6,888	<b>8,613</b>	25.0%
Small Claims	1,359	2,692	2,115	4,687 <sup>a</sup>	<b>5,104</b>	8.9%
<b>Total</b>	<u>15,715</u>	<u>17,541</u>	<u>16,134</u>	<u>21,638</u>	<b>24,096</b>	11.4%
<b>Criminal Division</b>						
D.C. Misdemeanors	384	218	296	311	<b>504</b>	62.1%
Felony	2,845	2,851	2,556	2,482	<b>2,480</b>	-0.1%
Special Proceedings	103	124	142 <sup>a</sup>	133	<b>174</b>	30.8%
Traffic	2,313	733	1,075	820	<b>1,013</b>	23.5%
U.S. Misdemeanors	1,863	2,079	2,265	2,422	<b>1,993</b>	-17.7%
<b>Total</b>	<u>7,508</u>	<u>6,005</u>	<u>6,334</u>	<u>6,168</u>	<b>6,164</b>	-0.1%
<b>Domestic Violence Unit</b>						
Intrafamily	253	222	265	187	<b>177<sup>b</sup></b>	na
Paternity & Child Support	98	62	70	80	<b>55</b>	-31.3%
Misdemeanors	731	675	838	745	<b>803</b>	7.8%
<b>Total</b>	<u>1,082</u>	<u>959</u>	<u>1,173</u>	<u>1,012</u>	<b>1,035</b>	na
<b>Family Court Operations</b>						
Abuse & Neglect	5,145	4,918	4,184 <sup>a</sup>	3,421	<b>3,167</b>	-7.2%
Adoption	807	917	842	507	<b>336</b>	-33.7%
Divorce/Custody/Misc.	6,663	3,345	2,256	2,187	<b>2,347</b>	7.3%
Juvenile	825	1,022	670 <sup>a</sup>	1,025	<b>1,290</b>	27.1%
Mental Health	1,237	1,817	112	228	<b>409</b>	79.4%
Mental Retardation	1,199	1,208	1,184	1,189	<b>1,232</b>	3.6%
Paternity & Child Support	8,487	7,325	6,497 <sup>a</sup>	3,863 <sup>a</sup>	<b>5,231</b>	35.4%
<b>Total</b>	<u>24,363</u>	<u>20,552</u>	<u>15,745</u>	<u>12,403</u>	<b>14,012</b>	13.0%
<b>Probate Division</b>						
Conservatorships	343	317	292	244	<b>215</b>	-11.9%
Foreign Proceedings	-	-	-	-	-	-
Formal Probate	4,500	4,284	4,289	3,784	<b>2,498</b>	-34.0%
Guardianships	385	388	350	231	<b>169</b>	-26.8%
Interventions	1,605	1,807	1,861	1,907	<b>2,036</b>	6.8%
Small Estates	150	156	138	107	<b>86</b>	-19.6%
Trusts	253	272	278	287	<b>308</b>	7.3%
<b>Total</b>	<u>7,236</u>	<u>7,224</u>	<u>7,208</u>	<u>6,560</u>	<b>5,312</b>	-19.0%
<b>Tax Division</b>						
Civil Cases	259	336	397	431	<b>437</b>	1.4%
Criminal Cases	13	13	15	22	<b>36</b>	63.6%
<b>Total</b>	<u>272</u>	<u>349</u>	<u>412</u>	<u>453</u>	<b>473</b>	4.4%
<b>Grand Total<sup>b</sup></b>	56,176	52,630	47,006	47,632	<b>51,092</b>	na
Monthly Average	4,681	4,386	3,917	3,969	<b>4,258</b>	na

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

<sup>b</sup> Beginning in CY2005 Intrafamily Contempt Enforcement filings are not included; therefore, figures are not comparable to previous years and percent change figures are not meaningful statistics for both Domestic Violence intrafamily cases and the grand total.

# CIVIL DIVISION

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

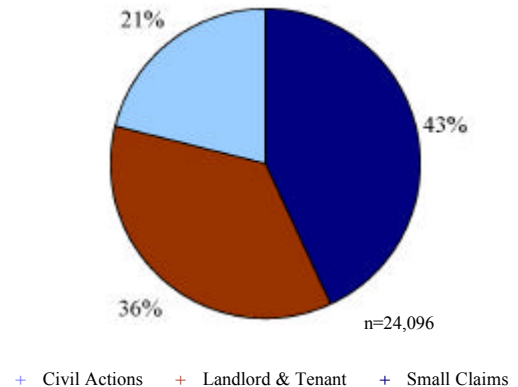
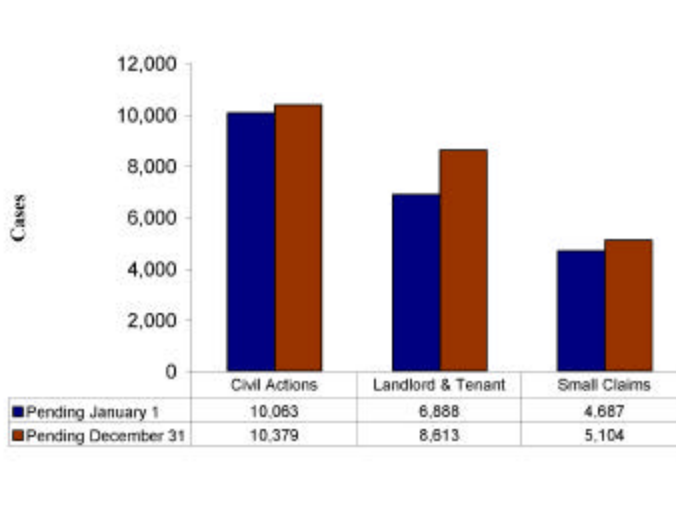
## CIVIL DIVISION CASE ACTIVITY FOR 2005

	Civil Actions	Landlord & Tenant	Small Claims	Total
Pending Jan. 1	10,063	6,888	4,687 <sup>a</sup>	21,638
Filings/Assignments	10,162	45,346	14,622	70,130
Reinstatements/Reactivations	216	99	4	319
Transferred In	32	-	-	32
<b>Total for Disposition</b>	<b>20,473</b>	<b>52,333</b>	<b>19,313</b>	<b>92,119</b>
Dispositions:				
Settled/Dismissed	3,422	778	1,776	5,976
Dismissed by Court	1,550	26,468	1,363	29,381
Dismissed Rule 41	1,116	-	-	1,116
Dismissed Rule 4(m)	1,217	-	-	1,217
Default Judgment	797	-	5,610	6,407
Judgments/Consents	105	15,890	-	15,995
Exparte Proof-Affidavit	406	-	-	406
Removed to Federal Court	147	-	-	147
Dispositive Motions	564	-	-	564
Jury Trials	131	-	-	131
Non-Jury Trials	61	-	201	262
Settled During Trial	4	-	-	4
Mediation Agreement Approved	-	291	-	291
Certified to Civil Trial Calendar	-	275	1	276
Other	560	18	5,258 <sup>b</sup>	5,836
<b>Total Dispositions</b>	<b>10,080</b>	<b>43,720</b>	<b>14,209</b>	<b>68,009</b>
Transferred Out	14	-	-	14
<b>Pending Dec. 31</b>	<b>10,379</b>	<b>8,613</b>	<b>5,104</b>	<b>24,096</b>
Percent Change in Pending	3.1%	25.0%	8.9%	11.4%
Clearance Rate	97%	96.2%	97.1%	96.5%

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

<sup>b</sup> Figure includes 5,250 cases disposed but not previously counted.

## CIVIL DIVISION PENDING CASELOAD, 2005



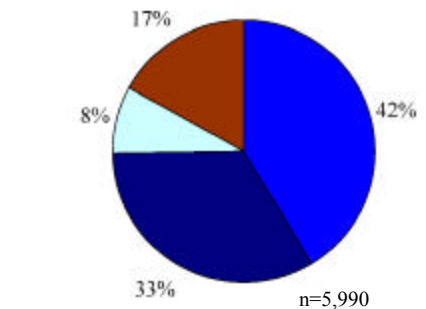
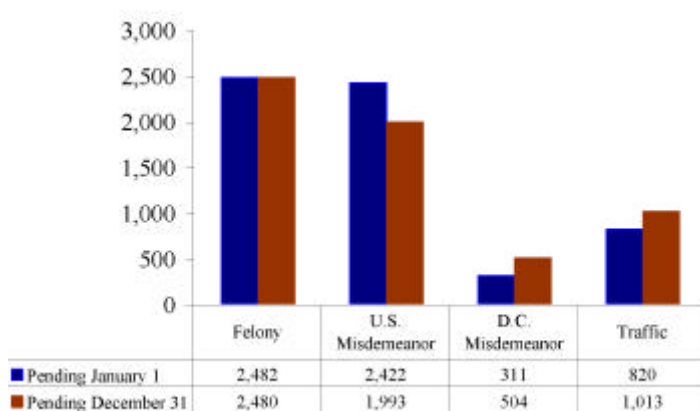
# CRIMINAL DIVISION

**Criminal Division.** The Criminal Division is responsible for processing matters which are in violation of the United States Code, the District of Columbia Code and municipal and traffic regulations. The Division provides administrative and support services with direct courtroom support for judicial officers, uniform assignment of cases to judges, accurate daily calendars for courtroom operations, efficient case processing, and timely delivery of information regarding criminal cases to the public. The Criminal Division is administratively divided into four branches: Case Management, Special Proceedings, Quality Assurance and Courtroom Support.

## CRIMINAL DIVISION CASE ACTIVITY FOR 2005

	Felony	U.S. Misdemeanors	D.C. Misdemeanors	Traffic	Total
Pending Jan. 1	2,482	2,422	311	820	6,035
Filings	7,535	13,371	3,625	7,657	32,188
Reinstatements	1,725	4,067	906	3,195	9,893
Transferred In	749	2,707	398	743	4,597
<b>Total for Disposition</b>	<b>12,491</b>	<b>22,567</b>	<b>5,240</b>	<b>12,415</b>	<b>52,713</b>
Dispositions:					
Prior to Adjudication:					
No Papered	1,666	2,342	562	1,154	5,724
Nolle Prosequi	31	2,411	613	2,226	5,281
Dismissed	490	-	-	-	490
Other	124	-	1	1	126
<b>Total</b>	<b>2,311</b>	<b>4,753</b>	<b>1,176</b>	<b>3,381</b>	<b>11,621</b>
Court Adjudications:					
Jury Trials	404	33	2	2	441
Court Trials	25	842	36	90	993
Pleas	3,457	5,050	774	2,869	12,150
Dismissed/DWP	1,307	2,739	75	168	4,289
Incompetent to Stand Trial	10	-	-	-	10
Security Forfeited	-	-	1,016	354	1,370
Other	179	34	1	6	220
<b>Total</b>	<b>5,382</b>	<b>8,698</b>	<b>1,904</b>	<b>3,489</b>	<b>19,473</b>
Placed on Inactive Status:					
Absconded	1,385	3,433	977	1,674	7,469
Mental Observation	7	67	11	6	91
Pretrial Diversion	-	961	212	2,354	3,527
<b>Total</b>	<b>1,392</b>	<b>4,461</b>	<b>1,200</b>	<b>4,034</b>	<b>11,087</b>
<b>Total Dispositions</b>	<b>9,085</b>	<b>17,912</b>	<b>4,280</b>	<b>10,904</b>	<b>42,181</b>
Transferred Out	926	2,662	456	498	4,542
<b>Pending Dec. 31</b>	<b>2,480</b>	<b>1,993</b>	<b>504</b>	<b>1,013</b>	<b>5,990</b>
Percent Change in Pending	-0.1%	-17.7%	62.1%	23.5%	-0.7%
Clearance Rate	100.0%	102.1%	96.1%	98.3%	100.1%

## CRIMINAL DIVISION PENDING CASELOAD, 2005



- + Felony
- + U.S. Misdemeanor
- + D.C. Misdemeanor
- + Traffic

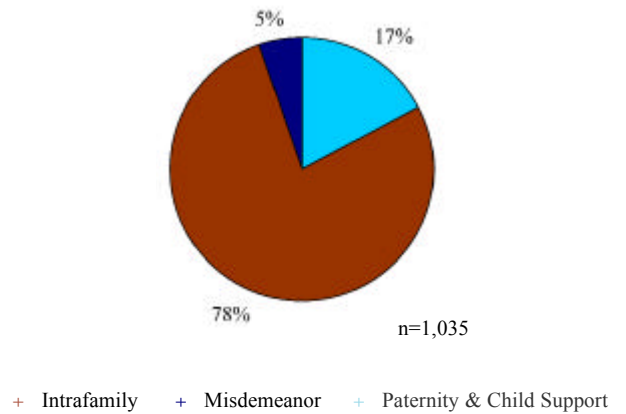
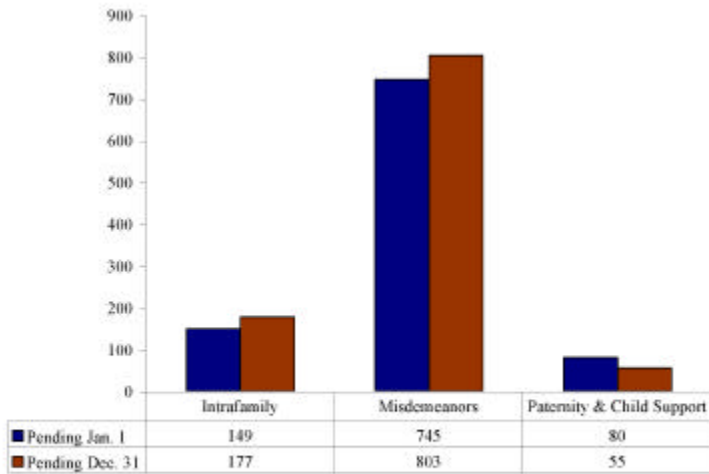
# DOMESTIC VIOLENCE UNIT

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

## DOMESTIC VIOLENCE UNIT CASE ACTIVITY FOR 2005

	Intrafamily	Misdemeanors	Paternity & Child Support	Total
Pending Jan. 1	149	745	80	974
Filings	3,748	4,426	-	8,174
Reinstatements/Certified in	825	431	380	1,636
<b>Total for Disposition</b>	<b>4,722</b>	<b>5,602</b>	<b>460</b>	<b>10,784</b>
Dispositions:				
Prior to Court Adjudication	-	2,333	-	2,333
Court Adjudications	4,545	2,466	405	7,416
<b>Total Dispositions</b>	<b>4,545</b>	<b>4,799</b>	<b>405</b>	<b>9,749</b>
<b>Pending Dec. 31</b>	<b>177</b>	<b>803</b>	<b>55</b>	<b>1,035</b>
Percent Change in Pending	18.8%	7.8%	-31.3%	6.3%
Clearance Rate	99.4%	98.8%	106.6%	99.4%

## DOMESTIC VIOLENCE PENDING CASELOAD, 2005





# FAMILY COURT OPERATIONS

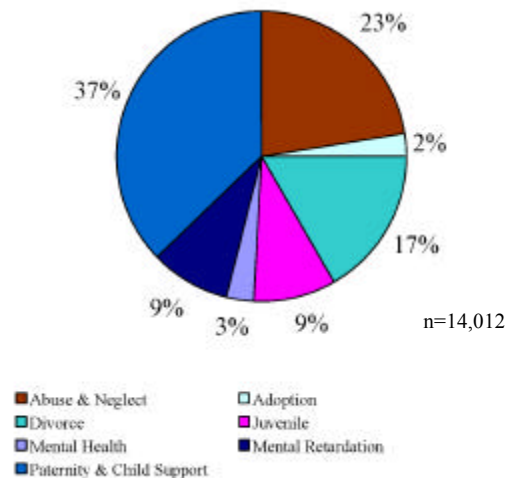
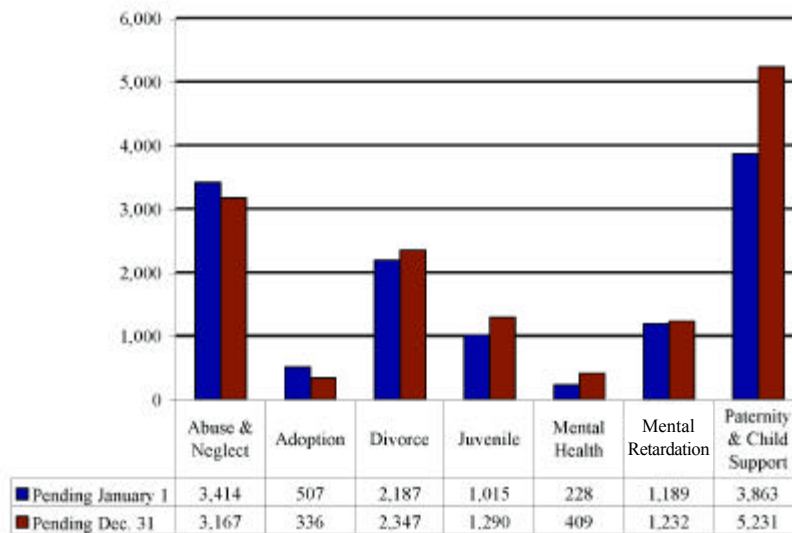
**Family Court Operations.** Family Court Operations is responsible for the processing and adjudication of all actions involving families and children in the District of Columbia Superior Court. The Office of the Director, seven administrative branches, two support offices and a self help center comprise the Family Court. The Central Intake Center serves as the initial point of contact between the public and the Family Court and provides the public with a centralized location for filing all Family Court pleadings and paying any fees associated with those filings; the Domestic Relations Branch processes cases seeking divorce, annulment, custody and adoption; the Paternity & Support Branch processes actions seeking to establish paternity and child support; the Juvenile & Neglect Branch handles cases involving children alleged to be delinquent, neglected, abused or otherwise in need of supervision; the Counsel for Child Abuse & Neglect (CCAN) recruits, trains and assigns attorneys to provide representation for children, eligible parents and caretakers in proceedings of child abuse and neglect; the Mental Health & Mental Retardation Branch is responsible for matters involving the commitment of individuals who are mentally ill or substantially retarded; and the Marriage Bureau issues licenses for marriages in the District of Columbia and maintains a list of officiants who perform civil marriages in the court. The Family Court is further supported by the functions of: the Office of the Attorney Advisor, that assists and monitors the Court's compliance with the Adoption and Safe Families Act (ASFA) and other child welfare laws applicable to cases involving abuse and neglect; the Quality Control Office, that conducts limited ASFA reviews and processes the transfer of all prisoners in Family Court cases; and the Family Court Self Help Center. Developed in collaboration with the D.C. Bar, the Self Help Center provides legal information and assistance to self-represented parties in Family Court cases.

## FAMILY COURT OPERATIONS CASE ACTIVITY FOR 2005

	Abuse & Neglect	Adoption	Divorce	Juvenile	Mental Health	Mental Retardation	Paternity & Child Support	Total
Pending Jan. 1	3,414 <sup>a</sup>	507	2,187	1,015 <sup>a</sup>	228 <sup>a</sup>	1,189	3,863 <sup>a</sup>	12,403
Filings	933	324	3,659	2,772	1,155	49	3,192	12,084
Reactivations/Reopened	17	-	-	29	99	-	76	221
<b>Total for Disposition</b>	<b>4,364</b>	<b>831</b>	<b>5,846</b>	<b>3,816</b>	<b>1,482</b>	<b>1,238</b>	<b>7,131</b>	<b>24,708</b>
<b>Dispositions</b>	<b>1,197</b>	<b>495</b>	<b>3,499</b>	<b>2,526</b>	<b>1,073</b>	<b>6</b>	<b>1,686</b>	<b>10,482</b>
Certified to Domestic Violence	-	-	-	-	-	-	214	214
<b>Pending Dec. 31</b>	<b>3,167</b>	<b>336</b>	<b>2,347</b>	<b>1,290</b>	<b>409</b>	<b>1,232</b>	<b>5,231</b>	<b>14,012</b>
Percent Change in Pending	-7.2%	-33.7%	7.3%	27.1%	79.4%	3.6%	35.4%	13.0%
Clearance Rate	126.0%	152.8%	95.6%	90.2%	85.6%	12.2%	58.1%	86.9%

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

## FAMILY COURT PENDING CASELOAD, 2005



# FAMILY COURT SOCIAL SERVICES

**Social Services Division.** The Social Services Division, which serves as the juvenile probation system for the District of Columbia, is responsible for screening, assessing and supervising all youth involved in the front-end of the juvenile justice system. The Division provides information and recommendations to assist the Court in making individualized decisions in all dispositional phases of the adjudication process, conducts risk assessment screenings, makes detention and release recommendations on all youth subsequent to arrest, suggests court supervised alternatives to incarceration, and offers supportive services and specialized treatment programs to youths whose problems bring them within the purview of the Court. The Division is comprised of several branches and specialized units which work together to accomplish the Division's goals, as follows: Intake Services and Juvenile Drug Court; Pre-Disposition Services; Probation Supervision; Delinquency Prevention; Child Guidance Clinic; Contract Monitoring and Purchase of Services; Juvenile Information Control Center; and a female adolescent probation unit, Leaders of Today In Solidarity (LOTS).

## SOCIAL SERVICES DIVISION ACTIVITY FOR 2005

	Pending Jan. 1	New Clients	Total	Closed	Pending Dec. 31	% Change Pending 2004 - 2005
<b>Intake</b>						
Active Clients <sup>a</sup>	-	821	821	821	-	-
New Clients	431	1,776	2,207	1,775	432	0.2%
Diversion	124	92	216	198	18	-85.5%
<b>Total</b>	<b>555</b>	<b>2,689</b>	<b>3,244</b>	<b>2,794</b>	<b>450</b>	<b>-18.9%</b>
<b>Diagnostic</b>						
Domestic Relations	48	123	171	142	29	-39.6%
Juvenile	254 <sup>b</sup>	576	830	649	181	-28.7%
<b>Total</b>	<b>302</b>	<b>699</b>	<b>1,001</b>	<b>791</b>	<b>210</b>	<b>-30.5%</b>
<b>Juvenile Drug Court</b>	<b>27</b>	<b>26</b>	<b>53</b>	<b>37</b>	<b>16</b>	<b>-40.7%</b>
<b>Supervision:</b>						
Intensive Community Supervision	92	117	209	90	119	29.3%
Regular Supervision <sup>c</sup>	778 <sup>b</sup>	958	1,736	905	831	6.8%
<b>Total</b>	<b>870</b>	<b>1,075</b>	<b>1,945</b>	<b>995</b>	<b>950</b>	<b>9.2%</b>
<b>Total Pending Clients<sup>d</sup></b>	<b>1,754</b>	na	na	na	<b>1,626</b>	<b>-7.3%</b>

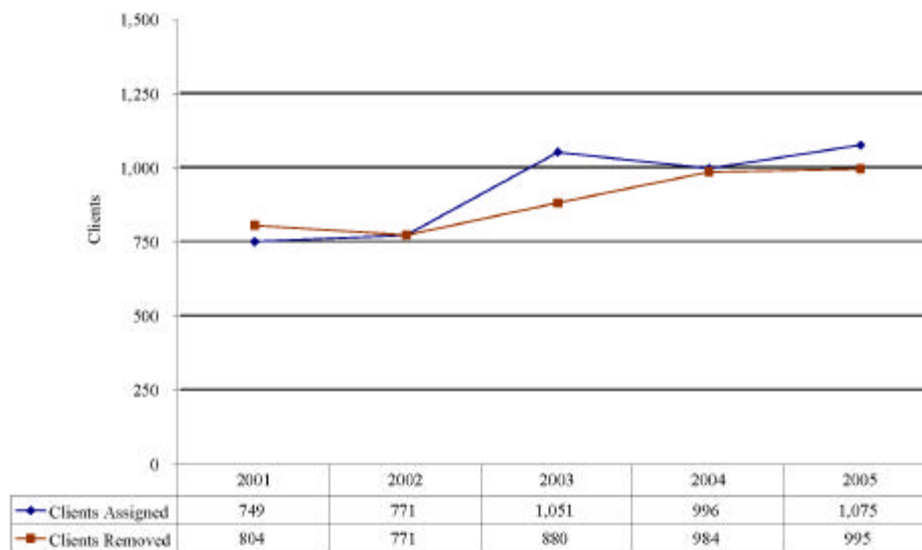
<sup>a</sup> Individuals who are arrested in a new case, but are already included in the diagnostic or supervision caseloads.

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

<sup>c</sup> Includes probation, interstate compact and consent decree cases.

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

## JUVENILE SUPERVISION, 2001-2005



## MULTI-DOOR DISPUTE RESOLUTION DIVISION

**Multi-Door Dispute Resolution Division.** Multi-Door facilitates the settlement of disputes through the following alternative dispute resolution (ADR) programs: the Civil Dispute Resolution Program (arbitration, mediation, or neutral case evaluation for civil cases); Small Claims Mediation; Tax and Probate Mediation; and Family and Child Protection Mediation. The Community Information and Referral Program (CIRP) provides information and referrals for assistance in resolving contract, domestic relations, personal injury and other disputes. ADR is performed by neutral volunteers (lawyers, social workers, government employees, retirees, and others) trained, evaluated and supported by Multi-Door staff. Multi-Door also provides ADR observations and technical assistance to international and domestic judges, lawyers, government officials, and court administrators who seek to establish ADR programs in their own locales.

## CIVIL ALTERNATIVE DISPUTE RESOLUTION ACTIVITY, 2001-2005

	2001	2002	2003	2004	2005	% Change 2004 - 2005
<b>Arbitration</b>						
Cases Referred	115	35	32	5	3	-40.0%
Cases Closed	154	58	38	12	2	-83.3%
Cases Disposed	69	32	20	3	2	-33.3%
Disposition Rate <sup>a</sup>	45%	55%	53%	25%	100%	na
<b>Civil Mediation</b>						
Cases Referred	2,814	2,528	2,906	2,838	3,184	12.2%
Cases Closed	2,022	2,223	2,160	2,272	2,258	-0.6%
Cases Settled <sup>a</sup>	754	686	727	767	576	-24.9%
Settlement Rate <sup>a</sup>	37%	38%	41%	34%	38%	na
<b>Early Civil Mediation</b>						
Cases Referred	57	41	116	135	300	122.2%
Cases Closed	55	47	99	132	198	50.0%
Cases Settled	15	14	37	82	110	34.1%
Settlement Rate <sup>a</sup>	33%	30%	37%	58%	52%	na
<b>Landlord and Tenant Mediation<sup>b</sup></b>						
Cases Mediated	na	na	445	570	678	18.9%
Cases Closed	na	na	445	570	654	14.7%
Cases Settled	na	na	350	390	465	19.2%
Settlement Rate <sup>a</sup>	na	na	79%	68%	71%	na
<b>Probate Mediation</b>						
Cases Referred	57	38	11	32	61	90.6%
Cases Closed	45	40	22	24	38	58.3%
Cases Settled	19	21	10	8	20	150.0%
Settlement Rate <sup>a</sup>	42%	52%	45%	33%	50%	na
<b>Small Claims Mediation</b>						
Cases Mediated	1,613	1,573	1,479	1,466	1,178	-19.6%
Cases Closed	1,613	1,573	1,479	1,466	1,144	-22.0%
Cases Settled	679	718	581	700	485	-30.7%
Settlement Rate <sup>a</sup>	43%	46%	39%	48%	42%	na
<b>Tax Mediation</b>						
Cases Referred	66	151	127	147	292	98.6%
Cases Closed	51	93	103	150	173	15.3%
Cases Settled	17	25	50	56	57	1.8%
Settlement Rate <sup>a</sup>	33%	27%	49%	37%	33%	na

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

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

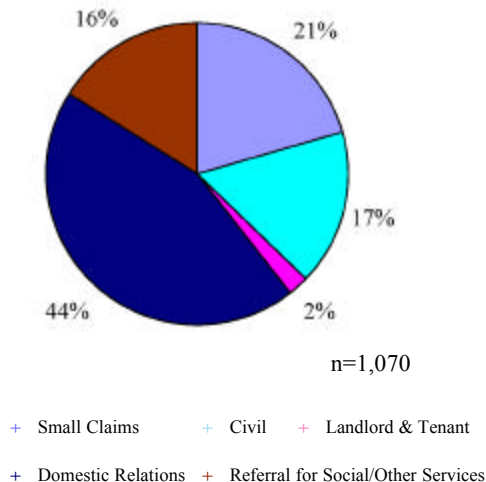
## FAMILY/COMMUNITY ALTERNATIVE DISPUTE RESOLUTION ACTIVITY, 2001-2005

	2001	2002	2003	2004	2005	% Change 2004 - 2005
<b>Community Information &amp; Referral Program Activity</b>						
Number of Clients Assisted	2,444	2,608	2,652	1,846	<b>1,504</b>	-18.5%
Type of Case:						
Small Claims	265	264	255	247	<b>220</b>	-10.9%
Civil	115	128	207	162	<b>177</b>	9.3%
Landlord & Tenant	29	52	29	26	<b>25</b>	-3.8%
Domestic Relations	682	816	928	565	<b>475</b>	-15.9%
Referral for Social/Other Services	342	193	89	324	<b>173</b>	-46.6%
Other	49	20	-	-	-	-
Total Number of Cases	<u>1,482</u>	<u>1,473</u>	<u>1,508</u>	<u>1,324</u>	<b><u>1,070</u></b>	-19.2%
Cases Mediated/Conciliated	152	170	111	134	<b>125</b>	-6.7%
Cases Settled	89	122	73	109	<b>97</b>	-11.0%
Settlement Rate <sup>a</sup>	59%	72%	66%	81%	<b>78%</b>	na
<b>Child Protection Mediation<sup>b</sup></b>						
Cases Referred	89	308	390	396	<b>851</b>	114.9%
Cases Closed	78	136	425	388	<b>480</b>	23.7%
Cases Settled	56	131	338	289	<b>363</b>	25.6%
Settlement Rate <sup>a</sup>	86%	96%	80%	74%	<b>51%</b>	na
<b>Family Mediation</b>						
Cases Opened	441	529	532	439	<b>354</b>	-19.4%
Cases Closed	361	273	295	352	<b>313</b>	-11.1%
Cases Settled	99	110	110	142	<b>88</b>	-38.0%
Settlement Rate <sup>a</sup>	39%	41%	37%	40%	<b>22%</b>	na

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

<sup>b</sup> Beginning in CY2002, the Child Protection Mediation Program began receiving all new abuse and neglect cases, rather than a random selection of cases under the pilot program which ended in 2001.

## COMMUNITY INFORMATION & REFERRALS, 2005



# PROBATE DIVISION

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



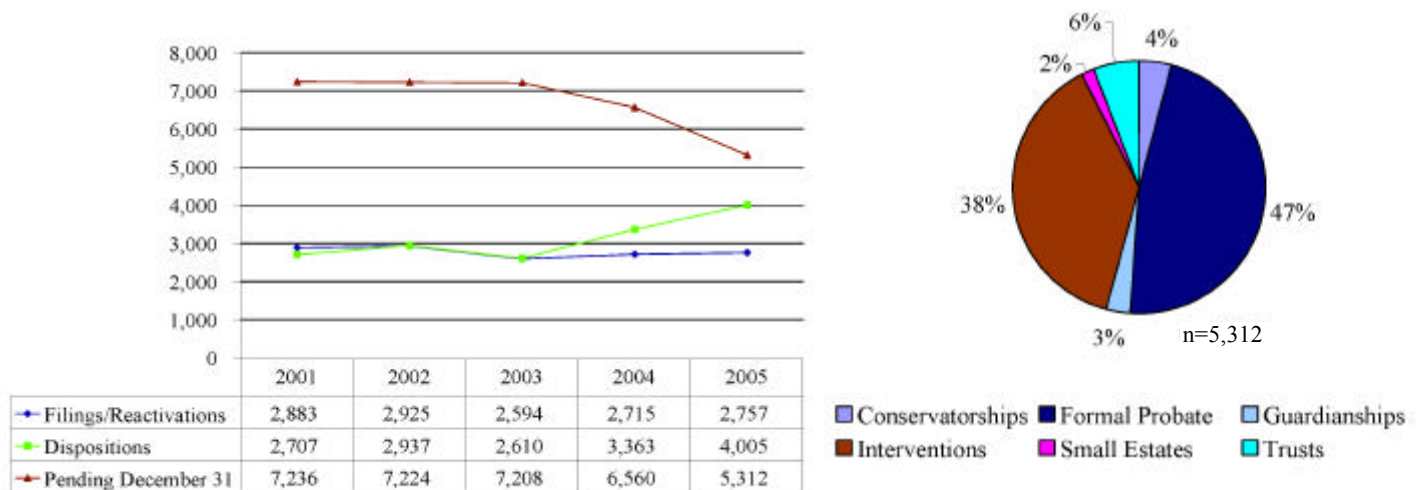
## PROBATE DIVISION CASE ACTIVITY FOR 2005

	Cases Pending Jan. 1	Cases Filed	Cases Reactivated	Available for Disposition	Cases Disposed	Cases Pending Dec. 31	% Change in Pending 2004 - 2005
Conservatorships	244	-	-	244	29	215	-11.9%
Formal Probate	3,784	1,429	28	5,241	2,743	2,498	-34.0%
Small Estates	107	747	32	886	800	86	-19.6%
Foreign Proceedings	-	153	-	153	153	-	-
Guardianships	231	29	-	260	91	169	-26.8%
Interventions	1,907	316	-	2,223	187	2,036	6.8%
Trusts	287	23	-	310	2	308	7.3%
<b>Total</b>	<b>6,560</b>	<b>2,697</b>	<b>60</b>	<b>9,317</b>	<b>4,005</b>	<b>5,312</b>	<b>-19.0%</b>

## ACCOUNT AND FEE ACTIVITY, 2001-2005

	2001	2002	2003	2004	2005	% Change 2004 - 2005
Accounts Filed	2,096	1,887	2,163	2,060	<b>1,995</b>	-3.2%
Accounts Disposed	2,008	1,981	2,109	2,367	<b>2,357</b>	-0.4%
Petition for Compensation Request Filed	-	1,269	1,253	1,381	<b>1,354</b>	-2.0%
Petition for Compensation Request Disposed	1,285	1,323	1,246	1,388	<b>1,304</b>	-6.1%

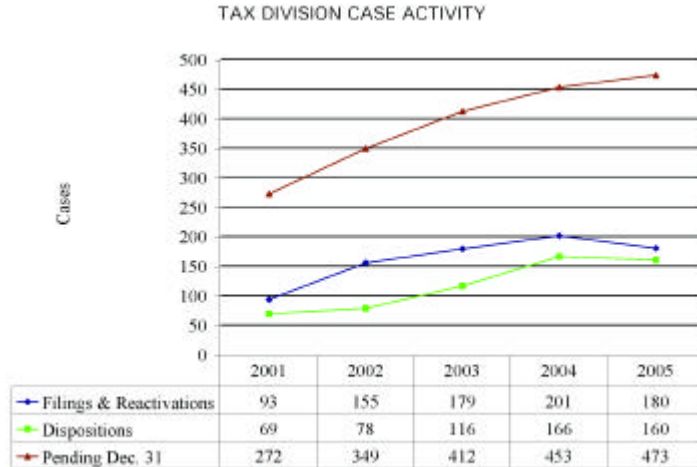
## PROBATE DIVISION CASE ACTIVITY AND PENDING CASELOAD, 2005



# SPECIAL OPERATIONS DIVISION

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

## TAX DIVISION CASE ACTIVITY, 2001-2005



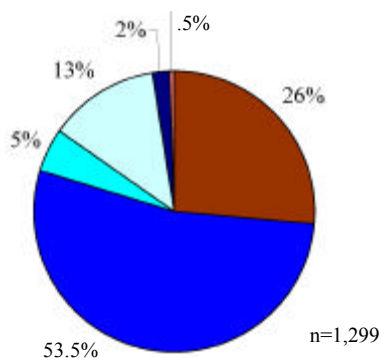
## PETIT JUROR ACTIVITY, 2001-2005

	2001		2002		2003		2004		2005	
	Total	Daily Average	Total	Daily Average	Total	Daily Average	Total	Daily Average	Total	Daily Average
Jurors Reporting for Service	46,229	198	47,488	205	46,318	236	42,192	228	45,013	234
Jurors Sent to Voir Dire	31,819	136	33,172	144	35,366	180	35,720	193	34,046	177
Jurors Selected For Panels	6,953	30	7,608	33	7,852	40	7,826	42	7,670	40
Juror Utilization Rate <sup>a</sup>	69%		70%		76%		83%		76%	

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

## APPEALS COORDINATORS OFFICE

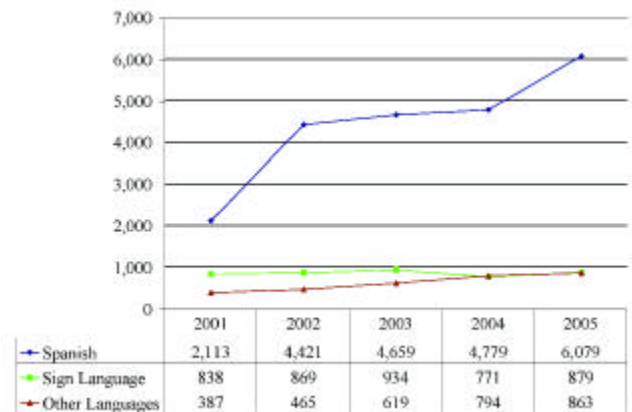
Type of Superior Court Cases  
Appealed to the D.C. Court of Appeals, 2005



- + Civil
- + Criminal
- + Domestic Violence
- + Family
- + Probate
- + Tax

## OFFICE OF COURT INTERPRETING SERVICES

Number of Court Events Requiring Interpreters, 2001-2005<sup>a</sup>



<sup>a</sup> Foreign language services are provided for all criminal and family matters, for probate and civil matters if the party is adjudicated as indigent, or as a directive from the judge. Sign language services are provided for all deaf and hard of hearing individuals.

## OTHER SUPERIOR COURT ACTIVITIES

### AUDITOR MASTER CASE ACTIVITY, 2004-2005

	<b>2004</b>	<b>2005</b>	
Pending January 1	125	35	<p>The Auditor-Master investigates matters as assigned by the Court, presides over hearings, takes testimony and admits documents in order to issue proposed findings of fact and conclusions of law in a report to the Court. The Auditor-Master conducts meetings with parties and issues subpoenas as needed. Cases referred to the Auditor-Master include various civil, domestic relations, tax and probate matters involving complex financial analysis and computation. Such matters encompass the stating of accounts for defaulted fiduciaries, audits of fiduciary accounts, assignments for benefit of creditors, dissolutions of business entities and real estate partitions. These matters are assigned to the Office through Orders of Reference.</p>
New Orders of Reference	24	42	
Available for Disposition	149	77	
Closed	114	53	
Pending December 31	35	24	

### CRIME VICTIMS COMPENSATION PROGRAM, 2004-2005

	<b>2004</b>	<b>2005</b>	
Claims Filed	2,186	2,452	<p>The Crime Victims Compensation Program assists innocent victims of violent crime, as well as the survivors of homicide victims and dependent family members with crime-related expenses including: medical, counseling and funeral bills; lost wages and support; the cost of temporary emergency housing for victims of domestic violence; replacement of clothing held as evidence; and costs associated with cleaning a crime scene. Through the services of the victim advocate, crime victims are also provided with assistance in filing applications, locating other victim service programs and support groups, mental health counseling, and many of the other quality of life issues that arise after victimization.</p>
Payments Made	8,616	9,590	
Amount Awarded to Victims	\$ 7,498,616	\$ 7,588,463	

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# COURT REPORTING AND RECORDING

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

## TRANSCRIPT PRODUCTION BY REPORTERS, 2001-2005

	2001	2002	2003	2004	2005	% Change 2004 - 2005
Pages Produced by Court Reporters:						
Appeal Pages	174,406	184,546	167,384	177,002	<b>152,054</b>	-14.1%
Non-Appeal Pages	124,424	144,130	133,453	101,842	<b>92,322</b>	-9.3%
<b>Total</b>	<b>298,830</b>	<b>328,676</b>	<b>300,837</b>	<b>278,844</b>	<b>244,376</b>	-12.4%
Ratio of Appeal Pages to Total Pages Produced	58.3	56.1	55.7	63.5	<b>62.2</b>	-2.0%
Transcript Orders Pending December 31	360	277	637	305	<b>545</b>	78.7%
Average Number of Days to Complete	89	101	38	61	<b>50</b>	-18.0%

## TRANSCRIPT PRODUCTION FROM RECORDINGS, 2001-2005

	2001	2002	2003	2004	2005	% Change 2004 - 2005
Pages Produced by Court Transcribers:						
Appeal Pages	4,589	5,004	7,020	8,309	<b>10,819</b>	30.2%
Non-Appeal Pages	15,479	16,116	21,890	24,041	<b>19,713</b>	-18.0%
<b>Total</b>	<b>20,068</b>	<b>21,120</b>	<b>28,910</b>	<b>32,350</b>	<b>30,532</b>	-5.6%
Pages Produced by Contract Transcription Services:						
Appeal Pages	30,201	46,652	36,730	21,338	<b>67,402</b>	215.9%
Non-Appeal Pages	34,766	46,716	33,892	23,311	<b>65,587</b>	181.4%
<b>Total</b>	<b>64,967</b>	<b>93,368</b>	<b>70,622</b>	<b>44,649</b>	<b>132,989</b>	197.9%
<b>Total</b>	<b>85,035</b>	<b>114,488</b>	<b>99,532</b>	<b>76,999</b>	<b>163,521</b>	112.4%
Transcript Orders Pending December 31	726	377	148	404	<b>143</b>	-64.6%
Average Number of Days to Complete	170	220	120	41	<b>48</b>	17.1%

## TRANSCRIPT PRODUCTION, 2001-2005

