

Statement of Vision and Leadership For the Courts of the District of Columbia

For the consideration of the Judicial Nomination Commission in its designation
of the Chief Judge of the District of Columbia Court of Appeals

Submitted by Eric T. Washington

STATEMENT OF CHIEF JUDGE ERIC T. WASHINGTON

It has been a pleasure to serve as the Chief Judge of the District of Columbia Court of Appeals for the past 8 years. During that time, I have had an opportunity to witness, and actively participate, in efforts by the D.C. Courts to realize its aspirational vision of being a court system that is “Open to All, Trusted by All, with Justice for All.” Over the past 4 years, my leadership of the courts has been guided by the goals and strategies that were developed as part of the Courts’ 2008- 2012 Strategic Plan, *Delivering Justice: Strategic Plan of the District of Columbia Courts*. I am proud to say that we have been able to accomplish many of the goals outlined in that plan and I believe that we are positioned to make even greater strides towards achieving our vision that coincidentally, is the title of our recently approved Strategic Plan for 2013-2017. The Courts’ Strategic Plan has been and remains my framework for establishing priorities and performance goals for the Judicial Branch in the District of Columbia.

The first priority of the Courts in both our past and present Strategic Plans is fair and timely case resolution. In addition to implementing the initiatives that I presented to the Commission as part of my 2009 Statement of Vision and Leadership, I have encouraged my colleagues to reprioritize our case dispositions by erring on the side of resolving the oldest calendared cases first. This practice has had a dramatic impact on the court’s backlog and has resulted in more timely case dispositions in all case types. Another important step I took to encourage more timely disposition of appropriate cases was encouraging our institutional litigants to shift resources to the front end of the appellate process and file dispositive motions early on. This has resulted in the court being able to calendar cases that are more worthy cases of being placed on the court’s regular calendar. Finally, I have attempted to use

senior judges more aggressively in the court's motions practice and that has resulted in giving active judges more time to work on drafting opinions and memorandum opinions in calendared cases.

In addition to the above reforms, I am pleased to inform you that the Court of Appeals has also recently installed a new case management system to replace the outdated and unsupported system that had been in place for the last 20 years. Our new case management system, C-Track, provides real time electronic access to the court's dockets, including the briefs, transcripts, and other filings critical to the resolution of cases pending before the court. C-Track is a digital based case management system that is able to accommodate electronic document transfers from the Superior Court and digital trial transcripts from court reporting between the Superior Court and the Court of Appeals. That allows the Court of Appeals to get cases into briefing much more quickly, further reducing time on appeal. For the judges on the Court of Appeals, having C-Track means that they can remotely access the court's files, including briefs, records, and transcripts of calendared cases at any time from any location. To increase productivity, I authorized the purchase of I-Pads earlier this year for all of the judges to enhance their ability to conduct legal research and access files away from their chambers. As importantly, C-Track also includes an electronic filing system. Over the next year, we will be working to develop and implement an electronic filing system that should further enhance the timely disposition of cases on appeal while increasing access to justice.

In addition to the reforms outlined above and the new technology that has increased our access to case information, I was able to secure funding in FY 2011 for new law clerk positions and several of those new positions have been used to bolster our central legal staff so that they are better able to handle the increased work load associated with the court's newly invigorated motions practice.

With the new additions to our central legal staff, our judges are also better able to effectively handle more motions, more quickly, and thus, more cases are being resolved prior to full briefing and calendaring which has helped lower the median time on appeal. Most notably, the Court of Appeals has reduced the median time on appeal for cases from 505 days in 2007 to 404 days in 2009 to less than a year—352 days in 2012. The Court of Appeals has also made great progress in reducing our case backlog, achieving clearance rates of over 100% almost every year with the exception of 2012, when new case filings spiked to over 2000.

I regret that I have not been able to secure funding to institute a formal appellant mediation program. I continue to view mediation as a process through which we can resolve some of the more complex cases on our calendar more quickly than through the traditional appellate process. Although the President has supported funding for the Court's proposed appellate mediation program in each of the last two budgets the Administration sent to Congress, funds to run the program have not been appropriated. However, with the continued support of the Administration and the promise of a recovering economy, I remain hopeful that during the next 4 years, the appellate mediation program will become a reality and we will have another tool to assist the court in more effectively and efficiently disposing of cases on appeal.

Even though timely case resolution will remain a priority of the Court under my leadership for the next 4 years, we must not forget that resolving cases fairly is an equally important goal of the court. Recently, in response to a statement by a Member of Congress who acknowledged our progress in reducing time on appeal, but lamented that even a year is too long, I pointed out that the Court of Appeals is the highest court of the District of Columbia, and

therefore, our decisions are essentially the last word on legal issues affecting the almost 700,000 people who live here and the hundreds of thousands more who work, do business, and visit here each day. For that reason, we have an obligation to do our best to get it right while providing a reasoned basis for our rulings. I also reminded members of the Subcommittee that as far back as 1993, the House of Representatives recognized how difficult it was for our court to keep up with its overwhelmingly large and complex work load by passing legislation to create an intermediate court of appeals for the District of Columbia. Given the significant efforts that have been made by the Court over the last 8 years to reduce time on appeal, it may be that the time has come to restart the conversation regarding the establishment of an intermediate court of appeals in the District of Columbia.

In 2009, I promised to continue the court's education outreach efforts and I am pleased to report that the Court has continued to hold oral arguments at area law schools. In fact, earlier this year the Court heard oral arguments at both the David A Clarke School of Law and the Howard University School of Law. After the arguments the judges participated in educational programs arranged by the faculty and students. We have been very pleased with the reception the program has gotten over the years and we look forward to holding sessions at the other law schools over the next year.

One of our newer outreach initiatives has been the streaming of the court's oral arguments over the internet. This is an effort to provide easier access to court proceedings and further educate the public about the work of our court. We have also made renewed efforts to reach out to a younger audience to promote the ideals of citizenship and the role of the courts and the Rule of Law in our constitutional democracy. Working through the Capital City Public Charter Schools and the Keystone Clubs of the Boys and Girls Clubs of Greater Washington, we have reached out to middle school age

children to get them excited about learning about the courts through the web based ICivics program that was developed by Justice O'Connor and through graphic novels developed by the National Center for State Courts. Both tools have proven effective in teaching young people important civics lessons. For the Boys and Girls Club activities, the Court partnered with young lawyers from the District of Columbia who participated as instructors in the program. In addition to the young lawyer participants, law clerks from the Court of Appeals also worked with the young people advising them and assisting them in mock trials held at the Historic Courthouse.

Our strategic plan also recognizes that a sound infrastructure is critical to the fair administration of justice. Despite the difficult budget circumstances faced by the Courts in recent years, we were able to complete the renovation and modernization of Building C, a court building that was originally built in the late 1930's and formerly housed the juvenile court. The restoration provides modern office space for our Multi-Door Case Resolution Center as well as office space for our IT Department. The renovation not only complies with current building codes while preserving key historic elements of the building, it is designed to Leadership in Energy and Environmental Design (LEED) "Gold" standards to ensure energy efficiency, emissions reduction, and indoor environmental quality.

Our focus over the next 4 years will turn to the expansion and renovation of the Moultrie Courthouse. Work is already underway to modernize the infrastructure and outdated spaces, and, in order to meet our master space plan, expands the building by 175,000 feet to enable the Courts to return support functions from leased space to Judiciary Square. Maintenance of court facilities is a huge task that is critical to protecting the substantial public investment represented by recent renovations. The Courts are completing the installation of a new roof, and the original adult holding facility is

nearing the end of a major renovation to meet current health and safety, accessibility and security standards. We have also reconfigured building entrances and upgraded security screening equipment and our access control system to assure, to the greatest degree possible, that the administration of justice will continue in the event of an emergency.

Throughout my tenure as Chief Judge, I have focused my attention on building the public's trust and confidence in the Courts. Individuals who live, work, and do business in the District of Columbia need a judicial branch that is fair, efficient, and independent in its resolution of cases. During the past 4 years, we have strived to become more transparent in our business operations and I have strived to promote and support efforts to communicate our story more effectively. When I last appeared before the Commission seeking reappointment as Chief Judge, I touted our award winning website as a way of effectively communicating with the public. Now, 4 years later, we are audio streaming Court of Appeals' oral arguments, and proactively using our presence on Facebook, Twitter, and YouTube to better inform the public about new and ongoing court initiatives. For example, earlier this year, Court produced videos were placed on YouTube promoting our new 5 year strategic plan. While the cuts associated with the sequester have forced us to put our plans to video stream all Court of Appeals arguments on hold, I am hopeful that we will be able to at begin video streaming our en banc oral arguments by the end of 2013, and that soon thereafter, we will be able to establish an online argument archive on our D.C. Courts website.

My goal, should I have the honor of being re-designated for another 4 year term as Chief Judge of the Court of Appeals will be to continue to work with the Court's administrative leadership to modernize the Court's operations in pursuit of reaching our vision of being a court that truly provides justice for all. In trying to move

the court forward, I will be guided by the Courts' newly released Strategic Plan for 2013-2017, "Open to All, Trusted by All, Justice for All", and the values, goals and strategies it embraces. While I am proud of all that we have accomplished over the past 4 years, there is much left to do. Therefore, I formally request the opportunity to continue my service to the Courts and to my community as Chief Judge of the District of Columbia Court of Appeals for another term.