

**D I S T R I C T**  
**O F**  
**C O L U M B I A**  
**C O U R T S**

ANNUAL REPORT,  
1974

28712





District of Columbia Courts  
Joint Committee on Judicial Administration  
Washington, D. C. 20001

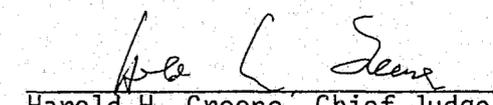


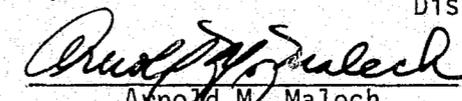
June 1, 1975

Under the provisions of 11 D. C. Code 1701(c)(2) and 1745(a), the Joint Committee on Judicial Administration in the District of Columbia and the Executive Officer publish this report summarizing the operations of the District of Columbia Courts during 1974, the first year in which full original jurisdiction was completely vested in the Superior Court, following a transition period of approximately three years.

All of the judges and employees are grateful for the opportunity of contributing toward continued improvements in the administration of justice and the outstanding record of achievement of the District of Columbia Courts.

  
Gerard D. Reilly, Chief Judge  
District of Columbia  
Court of Appeals

  
Harold H. Greene, Chief Judge  
Superior Court of the  
District of Columbia

  
Arnold M. Malech  
Executive Officer



District of Columbia Courts  
Washington, D. C. 20001



Arnold M. Malech  
Executive Officer

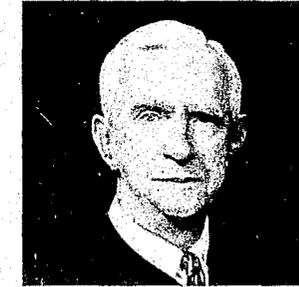
I am pleased to send you for your personal use the Annual Report of the District of Columbia Courts.

*Arnold M. Malech*

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1974  
Joint Committee on Judicial Administration  
in the  
District of Columbia



Chief Judge Gerard D. Reilly  
District of Columbia Court of Appeals  
Chairman



Chief Judge Harold H. Greene  
Superior Court of the  
District of Columbia



Judge Frank Q. Nebeker  
District of Columbia  
Court of Appeals



Judge Fred L. McIntyre  
Superior Court of the  
District of Columbia



Judge William S. Thompson  
Superior Court of the  
District of Columbia



Arnold M. Malech  
Executive Officer

DISTRICT OF COLUMBIA COURT OF APPEALS

District of Columbia Court of Appeals

DISTRICT OF COLUMBIA COURT OF APPEALS

*Chief Judge*

Gerard D. Reilly

*Associate Judges*

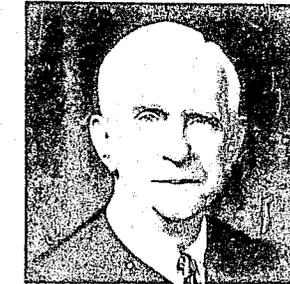
Catherine B. Kelly  
Austin L. Fickling  
John W. Kern III  
George R. Gallagher  
Frank Q. Nebeker  
Hubert B. Pair<sup>1</sup>  
J. Walter Yeagley  
Stanley S. Harris

*Retired Judges*

Nathan Cayton<sup>2</sup>  
Andrew M. Hood<sup>2</sup>  
Thomas D. Quinn  
Frank H. Myers<sup>3</sup>  
Hubert B. Pair<sup>1</sup>

*Clerk of the Court*

Alexander L. Stevas



Chief Judge Gerard D. Reilly



Judge Catherine B. Kelly



Judge Austin L. Fickling



Judge John W. Kern III



Judge George R. Gallagher



Judge Frank Q. Nebeker



Judge Hubert B. Pair



Judge J. Walter Yeagley



Judge Stanley S. Harris

<sup>1</sup> Retired April 14, 1974.

<sup>2</sup> Retired Chief Judge.

<sup>3</sup> Died February 8, 1974.

\*Judges are pictured in order of seniority

REPORT OF CHIEF JUDGE  
GERARD D. REILLY  
DISTRICT OF COLUMBIA COURT OF APPEALS

Several Congressional enactments in 1974, the past calendar year, will have a significant impact on the Court of Appeals. In recent annual reports, I have commented on the difficulties of judicial administration caused by the fact that a nine-judge court, which regularly sits in divisions (constantly rotating) of three judges, has not been housed in any central facility—six of the nine judges occupying chambers four blocks away from the courthouse and the courtroom itself being too small for en banc hearings.

Fortunately, this problem seems to be on its way to solution as a result of an appropriation of \$40,000,000 for a new courthouse for both our Court and the Superior Court. This appropriation was sponsored by Representative William H. Natcher and was adopted by both the House and Senate, thus enabling the Courts to retain a construction manager and architects to carry out an expedited program of construction under the supervision of a committee consisting of Federal and District of Columbia engineering officials, Judges John W. Kern III and Frank Q. Nebeker of this Court, and Judges William S. Thompson and Fred L. McIntyre of the Superior Court.

The architectural plans approved contemplate that one wing of the top floor of the new building will contain an appellate courtroom, chambers for the active and retired judges, and adequate office space for the Clerk of Court and his staff. Excavation at the site (a block bounded by Sixth Street, Indiana Avenue and C Street, N.W.) has begun.

Congress also enacted a bill recommended by the Courts for a District of Columbia Criminal Justice Act authorizing payments for counsel appointed in indigent criminal defendant cases to be paid from District of Columbia appropriations. The bill is patterned after the Federal Criminal Justice Act which had been made applicable several years ago to criminal cases in the District of Columbia Courts.

During the latter part of the year the Courts appointed, pursuant to another 1974 statute, the District of Columbia Law Revision Commission Act, two representatives to this new body. It is charged with the duty of reviewing and revising the code of laws for the District of Columbia and reporting its recommendations to Congress. The statute also charges the new Commission with the duty to give priority to the consideration of those titles in the code defining crimes in this jurisdiction.

Two drafting defects in the D.C. Court Reform and Criminal Procedure Act of 1970 were remedied last year by an Act of Congress dealing with petitions for review affecting two administrative agencies. One provision made it clear that petitions for review of orders of the local Unemployment Compensation Board were to be filed directly in this Court. Another provision vests this Court with the power of final review of cases decided by the Board of Psychology Examiners. Prior to the passage of this statute, a person aggrieved by a decision of that agency could not only obtain review in this Court, but could also appeal from any order of this Court to the United States Court of Appeals for the District of Columbia Circuit.

Early in the year, retired Judge Frank H. Myers, who had been a member of this Court from 1962-1968 and a trial judge from 1948-1962, died. Memorial services, attended by his family as well as his numerous friends in bench and bar, were conducted by the Court a few weeks later.

Judge Hubert B. Pair joined the ranks of retired judges in April of 1974, having reached the statutory age of 70 that month. The vacancy caused by his retirement has not as yet been filled despite the rising caseload of the Court. Fortunately, the willingness of Judge Pair and that of two other retired judges, former Chief Judge Andrew M. Hood and Judge Thomas D. Quinn, to accept calendar assignments on a fairly regular basis has been a major factor in enabling the Court to avoid a backlog of unargued cases.

In enacting the Appropriations Act for fiscal year 1975, Congress recognized the value of the services performed by the retired judges by authorizing the creation of three new staff positions to assist them—two law clerks and a secretary.

Two other needed increments to the staff, in view of the Court's tremendous caseload, were provided by the Law Enforcement Assistance Administration in the form of temporary grants. One permitted each judge to appoint an additional law clerk to assist him in reviewing the record and doing legal research in criminal appeals. Another authorized the establishment of a small screening unit. The Court in its budget estimate for the next fiscal year has requested Congress to make these positions permanent, as the LEAA grants are to last for only one year.

The statistical report for 1974 reflects the steady increase in the volume of cases which the Court has been facing over the past few years. The total number of cases filed in 1974 represented an increase of 15% over 1973 and a 150% increase over 1970, the year in which the Courts in the District of Columbia began the first phase of major court reorganization. The following table is illustrative:

#### CASE LOAD

FILINGS	1970	1971	1972	1973	1974	% Change 1973-1974	% Change 1970-1974
Criminal	224	269	392	569	702	23.3%	213.4%
Civil	191	274	310	329	308	-6.4%	61.3%
Agency	<u>37</u>	<u>70</u>	<u>94</u>	<u>82</u>	<u>118</u>	43.9%	218.9%
Total	452	613	796	980	1,128	15.1%	149.6%

As expected, the number of criminal appeals has continued to grow at a far greater rate than appeals from civil judgments. This trend is not expected to continue, for with the elimination of the statutory limit on the amount of recovery in the Superior Court, and the transfer to that Court of probate jurisdiction, the volume of civil appellate business will undoubtedly show a corresponding expansion.

Petitions for review of administrative agency orders have fluctuated in the last few years. In 1973, the number of petitions filed decreased slightly, but in 1974, there was a 44% increase in such filings.

In order to keep pace with the ever increasing caseload, the Court has adopted new procedures. One new successful method for expediting appeals through the appellate process has been an increased use of short unpublished per curiam memoranda popularly called "judgments." This type of disposition allows the Court to express the reasoning behind an order of affirmance or reversal without the necessity of a formal printed opinion particularly in cases which raise no substantial issues of law. The Court increased its use of "judgments" by 34% since 1973 and 200% since 1970. Nevertheless, because of the growing number of filings, opinions and orders of dismissal also continued to rise in 1974.

#### DISPOSITIONS

	1970	1971	1972	1973	1974	% Change 1973-1974	% Change 1970-1974
Opinion	205	190	219	221	251	13.5%	22.4%
Judgment	122	86	165	284	382	34.5%	213.1%
Order	<u>164</u>	<u>226</u>	<u>224</u>	<u>284</u>	<u>312</u>	9.8%	90.2%
Total Dispositions	491	502	608	789	945	19.7%	92.4%

Another new procedure adopted by the Court in 1974 has been the use of the summary calendar developed in conjunction with a new screening procedure. The procedure begins with the early screening of all cases upon the filing of the appellee's brief and before argument has been scheduled. The purpose of the screening is to separate the caseload into two categories: (1) cases which appear to be relatively simple presenting no novel legal questions and likely to be noncontroversial; and (2) cases presenting difficult questions of law or those involving complex factual situations and lengthy trial and pretrial records. The cases earmarked as simple are placed on the summary calendar for the following month. The attorneys are notified that no argument will be held in their cases unless specifically requested. The waiting time to argument is, therefore, eliminated and the panel of judges is able to review and decide these cases in a shorter period of time than those cases categorized as complex. The first summary calendar was published in November 1974. This device is expected to shorten the following average time periods substantially:

STAGES OF APPEAL	Number of Days			
	1971	1972	1973	1974
1. Time from notice of appeal to the filing of the record	67	65	61	62
2. Time from filing of record until briefing is completed	97	96	97	90
3. Time from complete briefing to argument	24	25	47	62
4. Time from argument to decision	55	79	81	97
5. Overall time from notice of appeal to decision	243	265	286	311

The time intervals in Stages 1 and 2, above, have not significantly changed in the last two years. Moreover, in the case of Stage 2, there has been a seven-day decrease in the average time period from filing of the record until the briefing process is completed. However, the time intervals in Stages 3 and 4 have lengthened. Stage 3 is dependent on the number of calendar days each month. As the number of cases ready for argument increases, a backlog of cases ready to be calendared is created. The Court has attempted to remedy this potential problem with the creation of the summary calendar which places an additional responsibility on each judge by increasing his individual work load.

In sum, the Court in 1974 has tried new procedures and new techniques in order to cut down on a growing backlog. The following table illustrates this trend:

	1970	1971	1972	1973	1974
Total Caseload	452	613	796	980	1,128
Total Dispositions	491	502	608	789	945
Average Number of days from Notice of Appeal . . . to Disposition	NA	243	265	286	311

The Court also is responsible for the bar admission and discipline of attorneys in the District of Columbia. In 1974, the Committee on Admissions of this Court processed 1,155 applications for admission to the bar by examination and 1,005 applications for admission to the bar by motion of attorneys from other jurisdictions. The total number of attorneys admitted in calendar year 1974 was 1,064; 829 by motion and 235 by examination. Four attorneys were disbarred and 12 were suspended.

DISCIPLINARY ACTIONS

	1972	1973	1974
Disbarments	0	1	4
Suspensions	10	10	12
Petitions for Reinstatement	0	3	2
Petition of Bar Counsel of Unified Bar to conduct formal hearing	0	1	16
Miscellaneous Petitions	0	3	6
Petitions for Admission	0	2	1

BAR ADMISSIONS STATISTICS

	1972	1973	1974
Number of Applications for Admission to Bar by Examination			
Total Number of Applications Filed	785	1,265	1,155
Number of Applications Withdrawn	51	84	53
Number of Applications Rejected	3	5	7
Number of Unsuccessful Applicants	173	443	389
Number of Successful Applicants	558	733	696
Number of Applicants Admitted	556	733	235
Number of Applicants Pending Admission	2	27	461
Number of Applications for Admission to the Bar by Motion (reciprocity):			
Total Number of Applications Filed	402	809	1,005
Number of Applicants Admitted	195	705	829
Number of Applications Rejected	8	3	18
Number of Applications Pending	199	300	458*

\*Of the 458 applications pending, 175 are being investigated by the National Conference, 182 are pending admissions (have been notified to come in and take the oath), and 101 are in process.

The Court also monitors the Law Students in Court program which provides for limited practice in the local Courts for third-year law students. The program now has 511 participating third-year students.

LEAA Sub-Grants Awarded to the D.C. Court of Appeals

1. Technical Assistance and Screening for the D.C. Court of Appeals.
2. Indexing the D.C. Court Reorganization Act and Legislative History.
3. Legal Assistants for the Judges of the D.C. Court of Appeals.

Technical Assistance and Screening for the D.C. Court of Appeals: The Court was awarded \$36,714 to provide a staff of one experienced attorney and a secretary to assist in the preliminary screening of appeals by reviewing cases as the briefs are filed. This process isolates those cases susceptible to summary treatment by the panel of judges assigned to them. This project will be continued through 1975 and has been incorporated in the Court's budget request for FY 1976.

Indexing the D.C. Court Reorganization Act and Legislative History: The Court was awarded \$4,000 to index the District of Columbia Court Reorganization Act of 1970 (P. L. 91-358, 84 STAT. 473), its legislative history, and those cases which have interpreted the provisions of the Act for the use of the judges of the D.C. Court of Appeals and other D.C. agencies. The index will provide the judges with a useful research tool in the analysis of the 438-page Act and the thousands of pages of legislative history. A contractor has been employed to perform the indexing and it is expected that the final work product will be available to the Court in early 1975.

Legal Assistants for the Judges of the D.C. Court of Appeals: The Court was awarded \$142,998 to expedite the appellate process in the District of Columbia through the employment of nine legal assistants by the D.C. Court of Appeals. These assistants perform legal research duties for the judges directed toward early disposition of criminal appeals. The Court has requested Congress to amend §11-708 of the D.C. Code, which now provides one law clerk for each associate judge and two for the Chief Judge, to incorporate these grant positions as additional law clerks on a permanent basis. Pending legislation would permit the associate judges of the Court to employ two law clerks and the Chief Judge to employ three.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

*Chief Judge*  
Harold H. Greene

*Associate Judges*

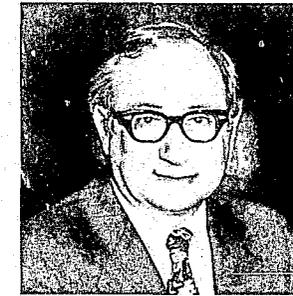
Edward A. Beard  
Orm Weston Ketcham  
DeWitt S. Hyde  
Joseph M. F. Ryan, Jr.  
Edmond T. Daly  
Charles W. Halleck  
Richard R. Atkinson  
Harry Touissant Alexander  
Tim Murphy  
Milton D. Korman  
Fred L. McIntyre  
Alfred Burka  
John D. Fauntleroy  
Joyce Hens Green  
James A. Belson  
William C. Pryor  
W. Byron Sorrell  
George Herbert Goodrich  
William S. Thompson  
George H. Revercomb  
James A. Washington, Jr.  
John F. Doyle

Paul F. McArdle  
William E. Stewart, Jr.  
Dyer Justice Taylor  
Leonard Braman  
Nicholas S. Nunzio  
Sylvia Bacon  
John Garrett Penn  
Norma Holloway Johnson  
Eugene N. Hamilton  
Theodore R. Newman, Jr.  
George W. Draper II  
Samuel B. Block  
Margaret Austin Haywood  
Joseph Michael Hannon  
Robert H. Campbell  
Luke C. Moore  
John R. Hess  
Donald S. Smith  
H. Cari Moultrie I  
David L. Norman  
Fred B. Ugast

*Retired Judges*

George D. Neilson  
Thomas C. Scalley  
Milton S. Kronheim, Jr.  
Mary C. Barlow  
John J. Malloy  
Robert M. Weston

*Clerk of the Court*  
Joseph M. Burton



Chief Judge  
Harold H. Greene



Judge Edward A. Beard



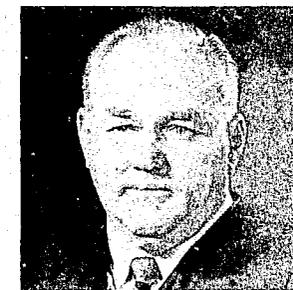
Judge Orm Weston Ketcham



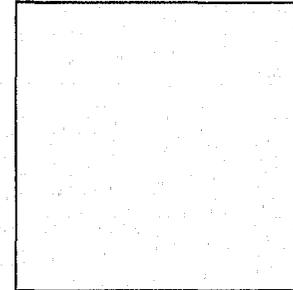
Judge DeWitt S. Hyde



Judge Joseph M. F. Ryan, Jr.



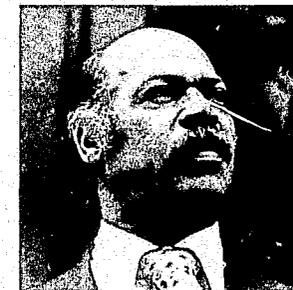
Judge Edmond T. Daly



Judge Charles W. Halleck



Judge Richard R. Atkinson



Judge Harry Touissant Alexander



Judge Tim Murphy

\*Judges are pictured in order of seniority.



Judge Milton D. Korman



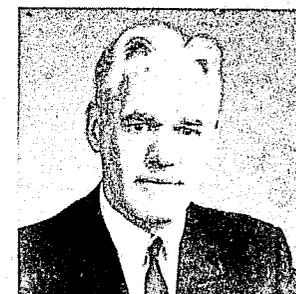
Judge Fred L. McIntyre



Judge Alfred Burka



Judge John F. Doyle



Judge Paul F. McArdle



Judge John D. Fauntleroy



Judge Joyce Hens Green



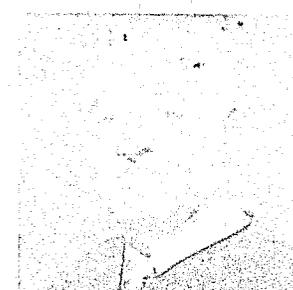
Judge James A. Belson



Judge William E. Stewart, Jr.



Judge Dyer Justice Taylor



Judge Leonard Braman



Judge William C. Pryor



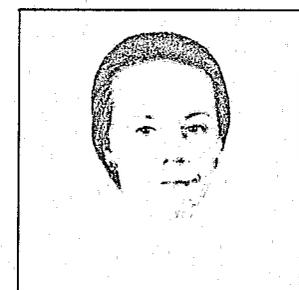
Judge W. Byron Sorrell



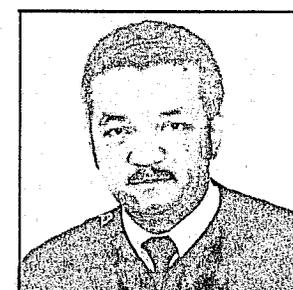
Judge George Herbert Goodrich



Judge Nicholas S. Nunzio



Judge Sylvia Bacon



Judge John Garrett Penn



Judge William S. Thompson



Judge George H. Revercomb



Judge James A. Washington, Jr.



Judge Norma Holloway Johnson



Judge Eugene N. Hamilton



Judge Theodore R. Newman, Jr.



Judge George W. Draper II



Judge Samuel B. Block



Judge Margaret Austin Haywood



Judge Joseph Michael Hannon



Judge Robert H. Campbell



Judge Luke C. Moore



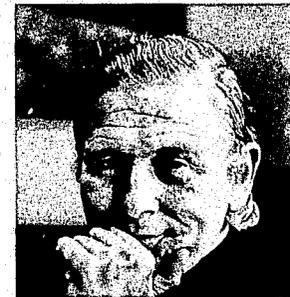
Judge John R. Hess



Judge Donald S. Smith



Judge H. Carl Moultrie I



Judge David L. Norman



Judge Fred B. Ugast

## REPORT OF CHIEF JUDGE HAROLD H. GREENE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

As every year since 1966, the Superior Court was again able in 1974 to dispose of a large number of cases in a great variety of areas of litigation swiftly and without the accumulation of backlogs and unwarranted delays. At the same time, the Court, unlike courts in almost every other major city, relied for the disposition of its criminal caseload not on a 90 to 95% guilty plea rate, but made trials freely available to those defendants who wanted to contest the charges against them. It is this combination of speedy trials with a relatively high percentage of dispositions by actual trial that, in my judgment, continues to be uniquely characteristic of the D. C. Superior Court among state tribunals with a comparable volume of litigation.

Two major problems which had plagued the Court for several years advanced significantly toward solution during 1974. Early in the year, a work stoppage of attorneys handling the bulk of criminal representation led to a lawyer "draft" and an acute crisis in criminal litigation. Ultimately, Congress enacted a local Criminal Justice Act program separate from the federal program, and funds were appropriated for the operation of this new local law. While the level of funding continues to cause some concern, it is my hope and expectation that the divorce of the District of Columbia legal representation program from the federal program will, in the long run, prove to be beneficial, if only because it will end the system of widely scattered responsibilities which had been partially responsible for bringing on the crises in previous years.

The appropriation by the Congress of \$40 million permitted work to begin on a new courthouse. When that structure is completed, all courtrooms (except that for the traffic court), all judges' chambers, and all clerks' offices will be in the new building. That building will also contain the "intake" functions of the U.S. Attorney, the Corporation Counsel, the Public Defender, the Bail Agency, and the offices of a substantial number of court-related agencies. Some functions (Court Personnel and Finance Offices, Social Services Division, etc.) will have to remain in older space presently occupied by the Court, but none of these is so directly connected with actual court operations that its separation from the main complex will cause significant inconvenience to the public or be detrimental to judicial efficiency.

Like other District of Columbia governmental bodies, the Court was affected by the enactment of home rule legislation. While court organization continues to be a responsibility of the Congress and while the criminal laws will remain its responsibility for an additional two years, all other phases of Superior Court litigation are now subject to the legislative jurisdiction of the City Council and the Mayor. It is our expectation that the intimate knowledge of the legislative and executive officials of local needs and their responsiveness to local wishes will prove to be beneficial to the Courts and the citizens who are served by them. On behalf of the judges and the non-judicial personnel of the Superior Court, I pledge to the executive and legislative officials of the District government the full cooperation of that Court to the end that this renewed venture in self-government will prove to be of real and sustained benefit to the citizens of the District.

### Criminal Division

The number of new criminal prosecutions continued to increase. The overall increase (excluding traffic and petty offenses) amounted to 1,236 cases (from 16,341 in 1973 to 17,577 in 1974). In addition to the new criminal prosecutions, there were 1,237 reinstated major triable cases. There were 160 more felony indictments returned than in the previous year (3,354 in 1973 and 3,514 in 1974), and 1,009 more misdemeanor informations were filed (10,967 in 1973 and 11,976 in 1974). Although dispositions of criminal cases by the Court also increased substantially by almost

2,100, a slight increase in the overall number of cases pending was registered (2,892 at the end of 1973 and 3,391 at the end of 1974).

The number of felonies pending showed an actual decrease of 128 (1,529 at the end of 1973 compared to 1,401 at the end of 1974), notwithstanding the fact that during the last two weeks before the end of the year, as a result of a special drive initiated by the United States Attorney's Office, the grand jury returned an unusual number (381) of new indictments. But for that extraordinary development, the number of pending felonies would have been even further reduced. As the special report (State of the Superior Court Trial Calendars) on page 21 shows, except when unusual circumstances are present, the average time between felony arraignment and felony disposition is sixty days. (By way of comparison, the Speedy Trial Act, passed by Congress during its last session, requires the federal courts to achieve a sixty-day disposition period only by 1979.)

Although the Court increased its dispositions of misdemeanors by over 600, the number of pending misdemeanors rose by 500. I do not consider this increase in pending misdemeanors to be significant. In view of their relatively less complex nature, misdemeanors can be disposed of relatively quickly by judicial action, if not by diversion. It may be significant to note that of the total misdemeanor filings in 1974, 2,439 were for marijuana possession and 1,232 were for soliciting for prostitution. These latter categories, then, accounted for approximately 31% of the misdemeanor filings and were principally responsible for the increase in the backlog.

Dispositions by the Court of felonies and major misdemeanors (other than in traffic and D.C. cases) amounted to 7,750 in 1974. There were 2,011 or 26% disposed of by trial; 4,933 or 63% by guilty plea; and 806 or 11% by dismissal. As noted, the 26% trial rate is about three or four times as high as that achieved in courts in other major metropolitan areas.

The Court also handled approximately 67,000 traffic and so-called D.C. (generally municipal regulation) cases; issued 16,806 warrants (other than traffic cases); and conducted 4,360 preliminary hearings in felony cases.

#### Civil Division

The number of civil actions filed continued to increase. While 9,734 jury and non-jury actions were filed in 1972, and 10,981 in 1973, this past year witnessed the filing of 11,361 actions, for an increase from the preceding year of 3.4%. The number of pending cases on the ready calendar likewise increased slightly, from 3,330 to 3,421 or by 2.7%. Civil jury cases on the ready calendar declined by a minute number (from 2,682 to 2,663), while non-jury actions on the ready calendar rose from 648 to 758. The average time between the placing of jury cases in the ready calendar and trial is eight months; for non-jury cases, it is 2-1/2 months.

Effective October 1, 1974, the Court initiated on an experimental basis an individual calendar system for complex and protracted civil cases. Prior to the October date, 2,800 pending civil cases were screened for assignment to the Civil I calendar; but of this total, only 153 or 5.4% were considered sufficiently complex for such designation. However, of the 400 cases filed after the Court assumed unlimited civil jurisdiction, 52 or 13% were designated Civil I and placed on the individual calendar. If this percentage continues to hold true in the future, each of the three judges assigned to the Civil I calendar should have to handle approximately 130 cases per year, or 19 per month. It is believed that this is a manageable figure, but a longer period of experience will be necessary before a definitive judgment can be made. The Bar has, by and large, reacted favorably to this experiment; and if disposition rates permit, it will be continued beyond the one-year experimental period.

The Court's experience with respect to landlord-tenant matters is interesting. A total of 116,782 actions were filed in the L&T Branch: 60,402 were disposed of when the tenant failed to appear; 45,168 were dismissed either by the landlord-plaintiff or by the Court; 116 were tried without jury. Jury demands were made in 485 cases, but only one case actually proceeded to jury trial. (The plaintiff prevailed in the one jury trial held.) Of the jury demand cases, 338 were disposed of by consent judgments, settlements, or dismissals; and 146 were still pending at the end of the year. In spite of the enormous number of cases filed, writs of restitution were issued in only 31,594 cases; evictions were scheduled in only 3,823 cases; and 2,296 evictions were actually carried out (representing about 3% of the cases in which the plaintiff-landlord secured a judgment). Thus, in the overwhelming majority of the cases, the landlord-tenant complaint serves as a collection device rather than as a means of securing a judgment which will actually be carried out.

#### Family Division

Overall, the operations in the Family Division of the Court have remained relatively stable. The number of divorce cases pending increased slightly from 3,506 to 3,597; but only 480 were pending on the contested calendar. The time between joinder of issue and trial remained steady at from six to eight weeks.

Although 6,377 new juvenile delinquency cases were filed, the number of such cases pending increased only from 1,142 to 1,416 (which is approximately what it was in 1972). If the number of pending cases continues to rise, additional judges will be assigned to the Family Trial Branch to reduce that number to about 1,000 cases. The average time between arrest and trial continued to be six weeks.

At the end of 1974, 218 juvenile neglect cases were pending, compared to 323 at the beginning of the year, and 489 intrafamily cases were pending, compared to 339 on January 1, 1974. There were 1,993 mental health petitions filed, of which 686 were brought to judicial attention. At the present time, 78 judicial mental health petitions are pending.

#### Tax Division

Progress was also made in the Tax Division. Fifty-three criminal tax cases were pending on January 1, 1974; and all of them had been disposed of by the end of the year. No criminal tax cases were pending on December 31, 1974. The civil tax cases pending increased slightly from 73 at the beginning of the year to 79 at the end of 1974.

#### New Programs

Among the more significant new programs which have not previously been reported upon are the narcotics diversion program and the new system for processing notices for moving traffic violations.

#### Narcotics Diversion

During 1974 the Narcotics Pretrial Diversion Project, begun late in 1973 to provide pretrial diversion and intensive supervision for hard-drug abusers, became fully operational. The Project has been funded for a three-year pilot phase by LEAA funds allocated to Washington, D.C.

The pilot project was conceived by the American Bar Association's Special Committee on Crime Prevention and Control in 1972. This Court was sought out for this pilot program because of the generally recognized effectiveness of its non-addict diversion program, Project Crossroads (which was a Department of Labor-funded pilot effort from 1968 until its integration into the Court's Division of Social Services in 1971). Like Project Crossroads before it, the Court hopes to institutionalize the Narcotics Pretrial Diversion Project as a regular court service after three years of operation as a grant-funded pilot program, provided an independent professional evaluation determines that the Project is meeting its twin goals of reducing drug dependence and criminal recidivism in this city.

Since 1970, reporting to the Narcotics Treatment Administration (NTA), for testing and treatment, has been made a specific condition of pretrial release from the Superior Court. While this procedure has afforded the opportunity for drug treatment to large numbers of defendants at the pretrial stage, experience has shown that the level of supervision and control has often been inadequate to bring about changes in the behavior of the type of hard-core narcotics addicts. Moreover, even for those defendants who performed satisfactorily in the city's treatment program prior to their trial date, there was no formal mechanism for the dropping of criminal charges.

The Narcotics Pretrial Diversion Program attempts to overcome these problems by the operation of a program where selected individuals, whose narcotics addiction appears to be directly related to their criminal activity, receive both treatment for their drug problem and intensive counselling and supervision to aid them in dealing with related problems. Regular progress reports on each individual in the project are made both to the judge and to the prosecutor, and it is clearly understood when an individual enters the project that charges against him will be dropped if he succeeds in the treatment program but that, if he fails to comply with the requirements of the program or is rearrested, he will be dealt with by the immediate resumption of the underlying prosecution.

One of the most satisfying aspects of the first year of Project operations has been the fact that it has demonstrated that a complex interface of traditional criminal justice agencies, such as that on which the Project depends for its day-to-day existence, can function smoothly and effectively in support of an innovative pilot program. The Office of the U.S. Attorney, the Criminal Clerk's Office of the Court, NTA's Criminal Justice Division, the D.C. Bail Agency, the Bureau of Treatment Services of NTA, and its on-site urine testing laboratory are all relied upon on a regular basis to provide liaison personnel, supportive services and/or data to the Project so that defendants can be screened, interviewed, enrolled and served.

To date, the Project has enrolled 79 defendants, charged with a total of 136 offenses (counts), primarily Possession of Narcotics (for one's own use) in violation of the Uniform Narcotics Act (UNA) or the Dangerous Drug Act (DDA); Possession of the Implements of Crime (PIC), i.e., narcotics paraphernalia; Petit Larceny; Unlawful Entry (UE); Receiving Stolen Property (RSP); and Soliciting for Prostitution.

Ten defendants (14 cases) have been unfavorably terminated (returned for sentencing) while 13 defendants (14 cases) have been favorably terminated (graduated), thereby resulting in nolle prosequis. This gives the Project an 87.4% retention rate.

It is expected that, inasmuch as the small pilot program has proven to be successful, an expansion can take place during the coming year.

#### Moving Traffic Violations

On January 7, 1974, a new system of processing traffic violation notices went into effect in the District of Columbia. The new tickets serve both moving and parking violations. When an officer cites an operator for a moving violation, he enters the court date and the appropriate amount of collateral for the violation involved. The alleged violator may either forfeit the amount of collateral within 15 days or appear on his court date. If the individual fails to appear on this trial date, a computerized summons is issued; and if he fails to honor the summons, a traffic warrant is issued.

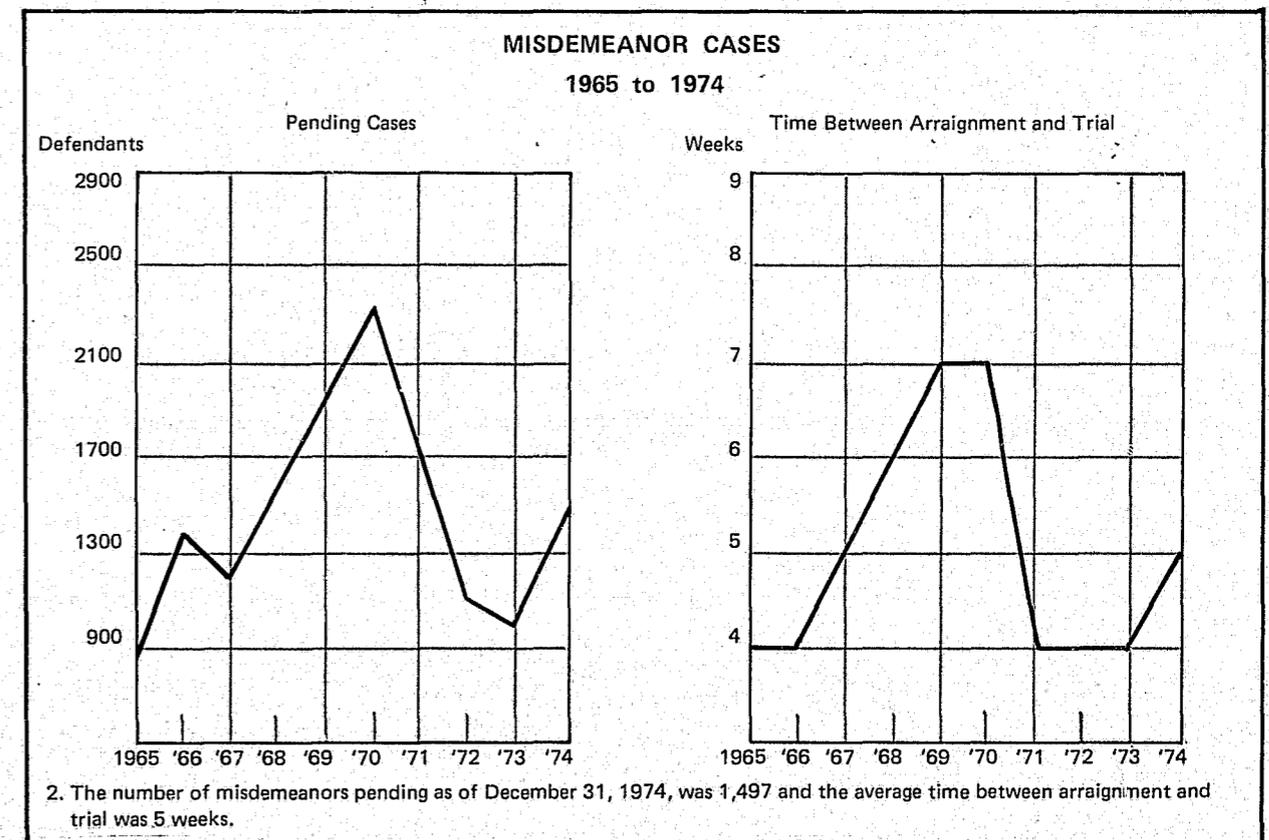
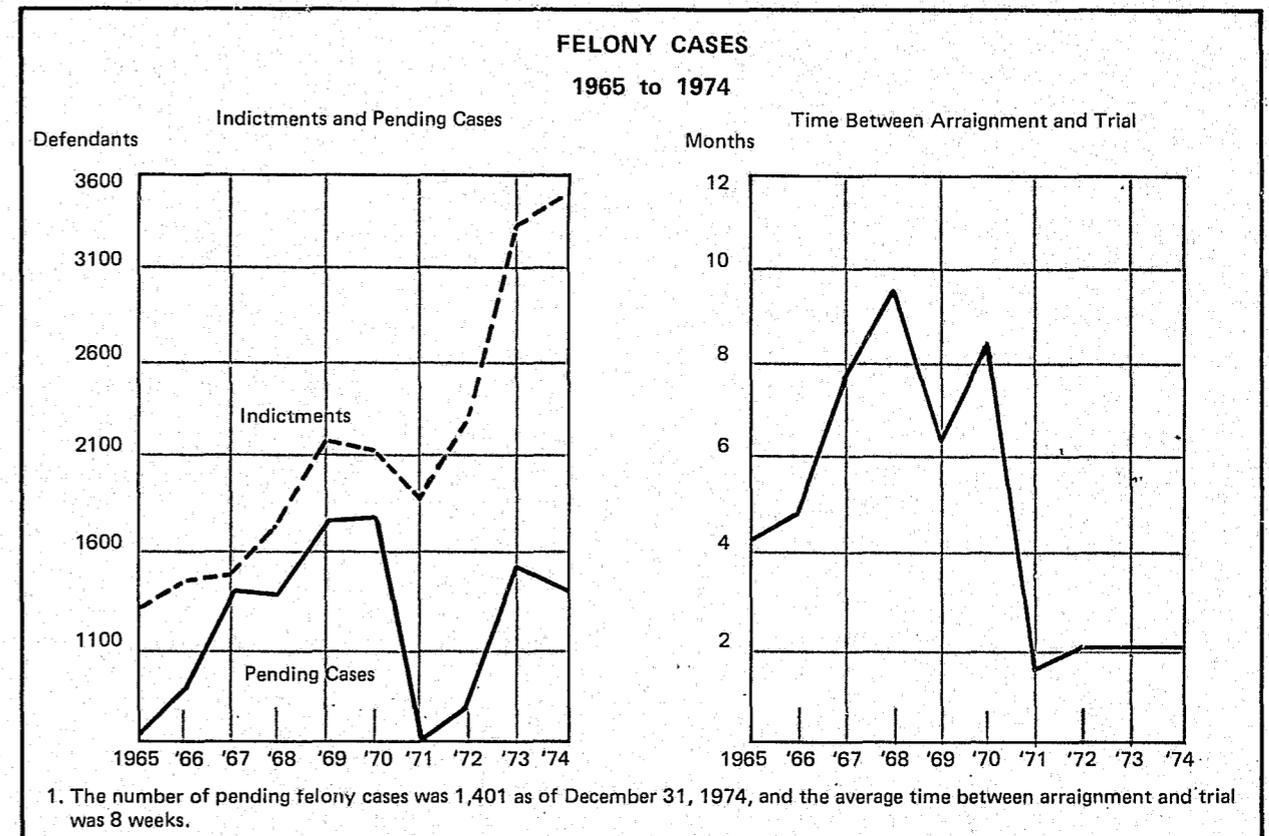
In the case of parking violations, the violator has 15 days to pay his collateral or the amount doubles. If the violator does not pay, he is then notified by a "Notice of Intent to Issue Warrant" of the outstanding violation. The next step that is taken, if the collateral remains unpaid, is the issuance of a summons to require either the payment of the collateral or the setting of a trial date. If the individual does not respond to the summons, a warrant is issued.

With the inception of the new moving violation citation system, the Court's Central Violations Bureau received 135,033 traffic citations from the Metropolitan Police Department in addition to 1,309,365 parking citations. Of these, 54,600 were processed for court action.

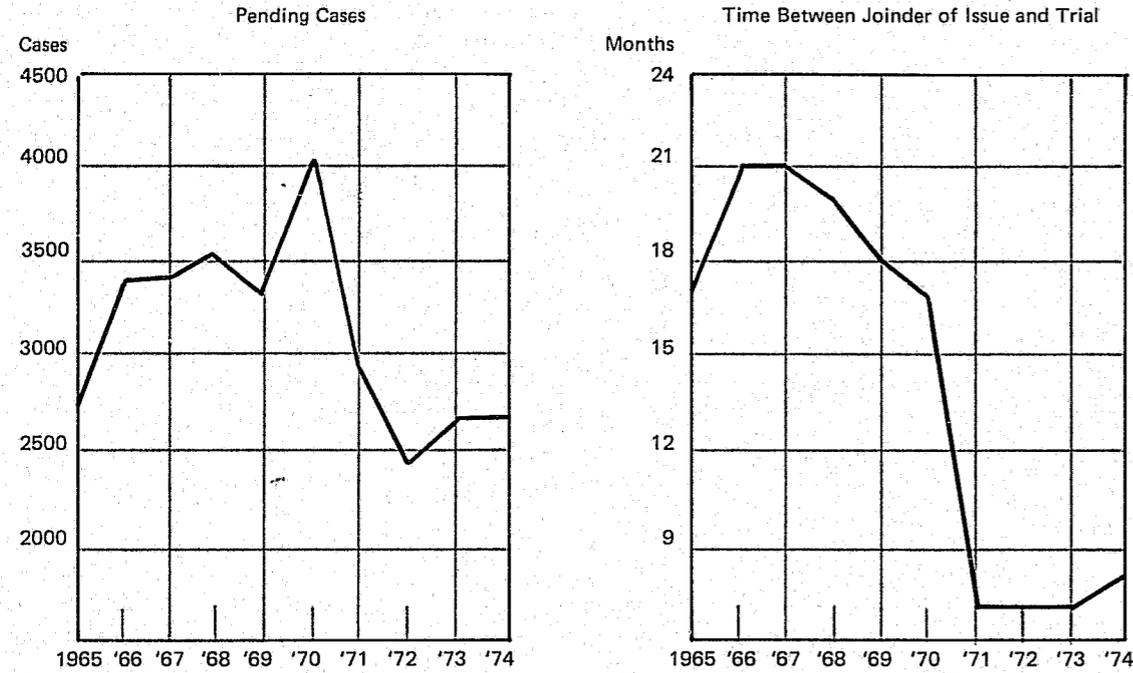
The advantages of this new system are found largely in the savings to the Police Department in terms of drastically reduced overtime payments for Court appearances of officers who, under the old system, could not effectively arrange their duty schedule around their court days. Moreover, because of the elimination of booking procedures at the Police Districts and the automatic computerized system of issuance of summonses and warrants, there has been an additional savings in manhours to both the Police Department and the Court.

There were 135,033 moving traffic citations issued in 1974 under the new system, as compared to 226,986 issued in 1973 under the old system. The decline in the issuance of moving citations this year appears to be due to several factors: reduced driving because of the high cost of gasoline and more extensive use of car pools; disbanding of the Metropolitan Police motorcycle squad, and the reduction in overall size of the police force; the de-emphasis of traffic enforcement by the Police Department; and the issuance of warning citations rather than regular citations.

## STATE OF THE SUPERIOR COURT TRIAL CALENDARS

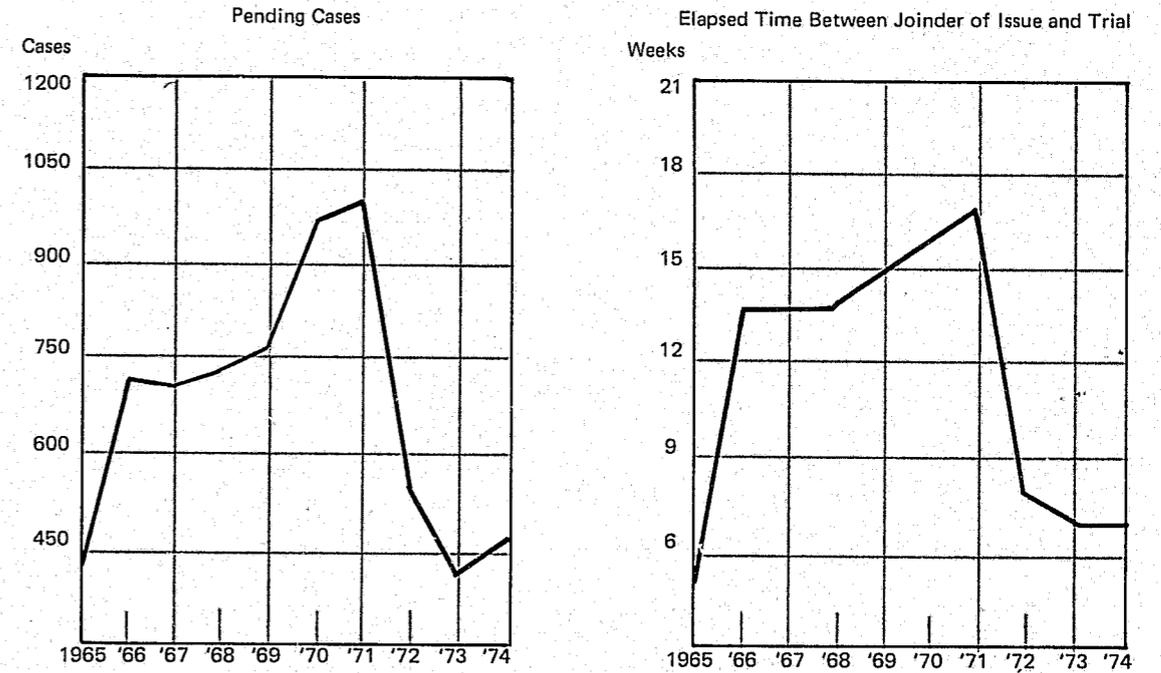


**CIVIL JURY CASES  
1965 to 1974**



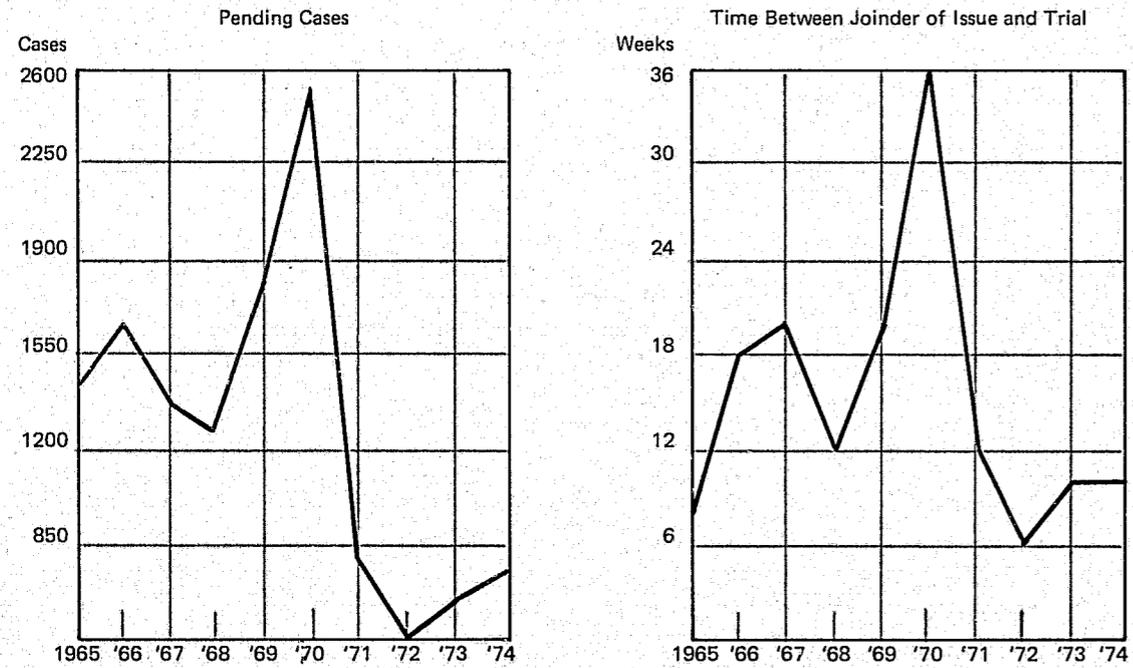
3. The number of civil jury cases pending trial was 2,663 as of December 31, 1974, and the average time lapse between joinder of issue and trial was 8 months.

**CONTESTED DIVORCE CASES  
1965 to 1974**



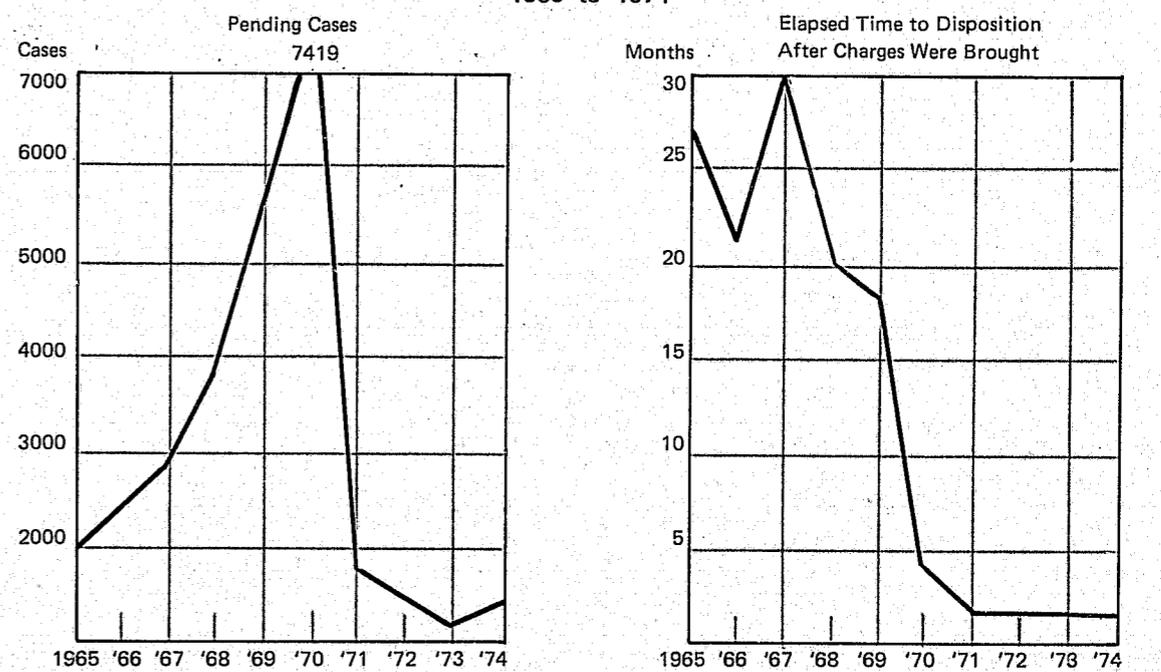
5. As of December 31, 1974, 480 contested divorce actions were pending on the calendar. The elapsed time between joinder of issue and trial was 6-8 weeks.

**CIVIL NON-JURY CASES  
1965 to 1974**



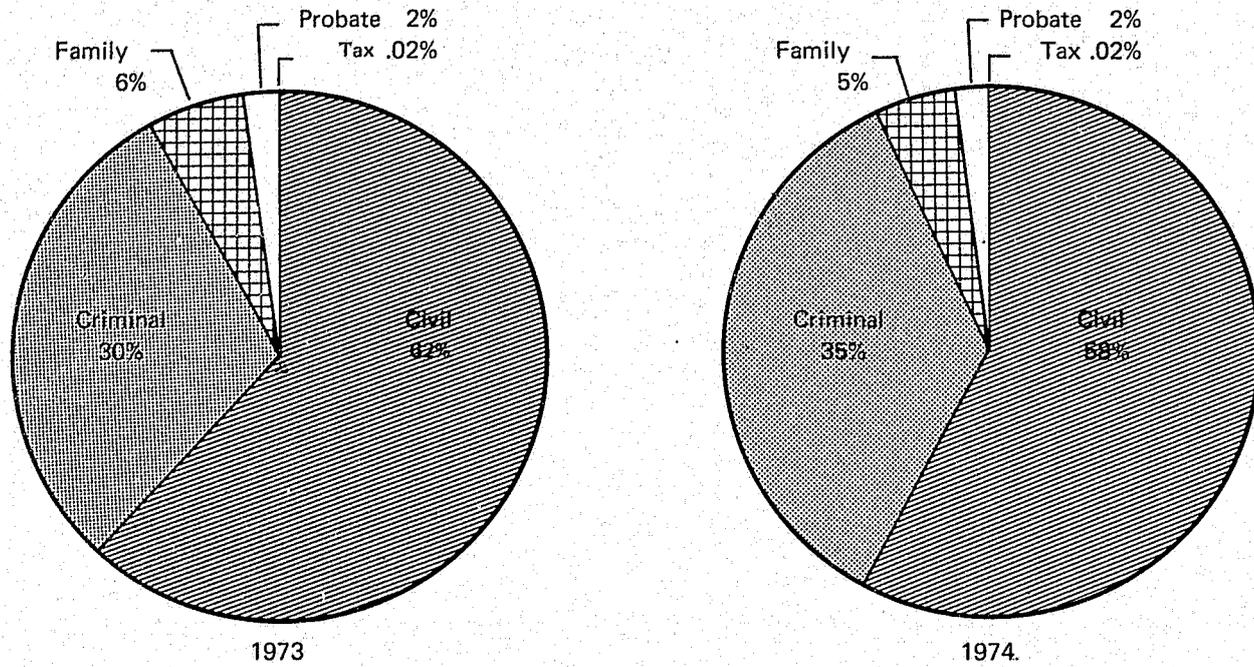
4. As of December 31, 1974, the number of civil non-jury cases pending trial was 758. The average elapsed time between joinder of issue and trial was 10 weeks.

**JUVENILE DELINQUENCY CASES  
1965 to 1974**



6. As of December 31, 1974, 1,416 juvenile delinquency cases were pending. Juvenile delinquency cases were disposed of within 6 weeks after charges were brought.

COMPARATIVE SUMMARY OF THE BUSINESS OF THE COURT



	1973	1974	% Change 1973-1974
<b>Criminal Division</b>			
District of Columbia Branch	3,238	3,383	4.4%
United States Branch	23,166	25,282	9.1%
Traffic Branch	51,464	65,549	27.3%
Total	77,868 <sup>a</sup>	94,214 <sup>b</sup>	20.9%
<b>Civil Division</b>			
Civil Actions Branch	10,981	11,361	3.4%
Landlord & Tenant Branch	115,703	116,782	.9%
Small Claims Branch	35,832	30,512	-14.8%
Total	162,516	158,655	-2.3%
<b>Family Division</b>			
Domestic Relations Branch	6,230	6,250	.3%
Intrafamily Branch	907	734	-19.0%
Neglect Branch	659	693	5.1%
Juvenile Branch	7,188	7,079	-1.5%
Total	14,984	14,756	-1.5%
<b>Tax Division</b>			
Civil Tax Cases	26	53	103.8%
Criminal Tax Cases	91	7	-92.3%
Total	117	60	-48.7%
<b>Probate Division</b>			
New Wills	2,283	2,240	-1.8%
New Decedents' Estates	2,456	2,452	-.1%
New Minors' Estates	165	158	-4.2%
Total	4,904	4,850	-1.1%
<b>Grand Total</b>	260,389	272,535	4.6%
<b>Monthly Average of New Cases</b>	21,699	22,711	4.6%

<sup>a</sup>Includes the 1973 Criminal Division's 16,341 new filings from Table 1; 52,682 from Table 5; 8,192 from Table 7; and 653 from Table 8.

<sup>b</sup>Includes the 1974 Criminal Division's 17,577 new filings from Table 1; 66,845 from Table 5; 9,083 from Table 7; and 709 from Table 8.

JOINT COMMITTEE ON JUDICIAL ADMINISTRATION  
IN THE DISTRICT OF COLUMBIA

REPORT OF EXECUTIVE OFFICER  
ARNOLD M. MALECH

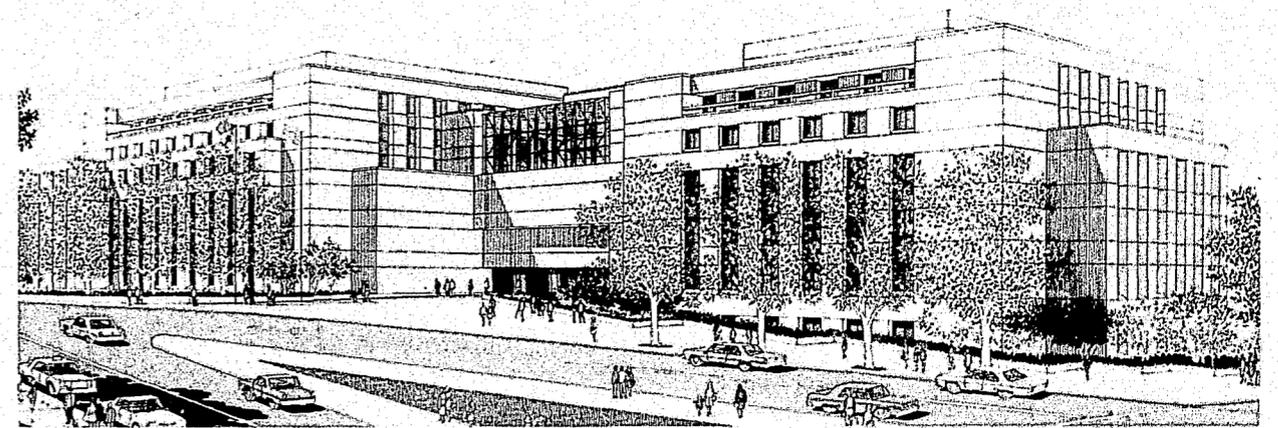
Joint Committee on Judicial Administration  
in the District of Columbia

The Joint Committee on Judicial Administration was established by Congress in the District of Columbia Court Reform and Criminal Procedure Act of 1970 as the general governing body of the courts with responsibility for administering the District of Columbia's court system. It is assisted in the exercise of these responsibilities by the Executive Officer. Some of the major activities upon which the Joint Committee and the Executive Officer acted during 1974 include:

Building and Space Management

The District of Columbia Courts are situated in an historic area of Washington called Judiciary Square, an area designated for court use by Major Pierre Charles L'Enfant in his original plan for the nation's capital. The courts presently occupy seven buildings in Judiciary Square. This scattered court complex generates a number of problems, including confusion, loss of time in awaiting necessary parties and frustration on the part of the public. In order to solve these problems and to plan for an urgently needed new building, a Subcommittee of the Joint Committee on Judicial Administration, along with the Executive Officer and other court officials, continued planning and coordinating the design and construction of a new courthouse for the District of Columbia Courts.

During 1974, the Subcommittee worked closely with a firm of architect-engineers responsible for the design of the new courthouse and with a construction management firm which has responsibility for cost effectiveness and adherence to deadlines. The main design objective was for a single building to house the District of Columbia Court of Appeals and all courtrooms of the Superior Court, except traffic court. In addition to the courtrooms, space will be provided for judges chambers, clerks' offices and related agencies.

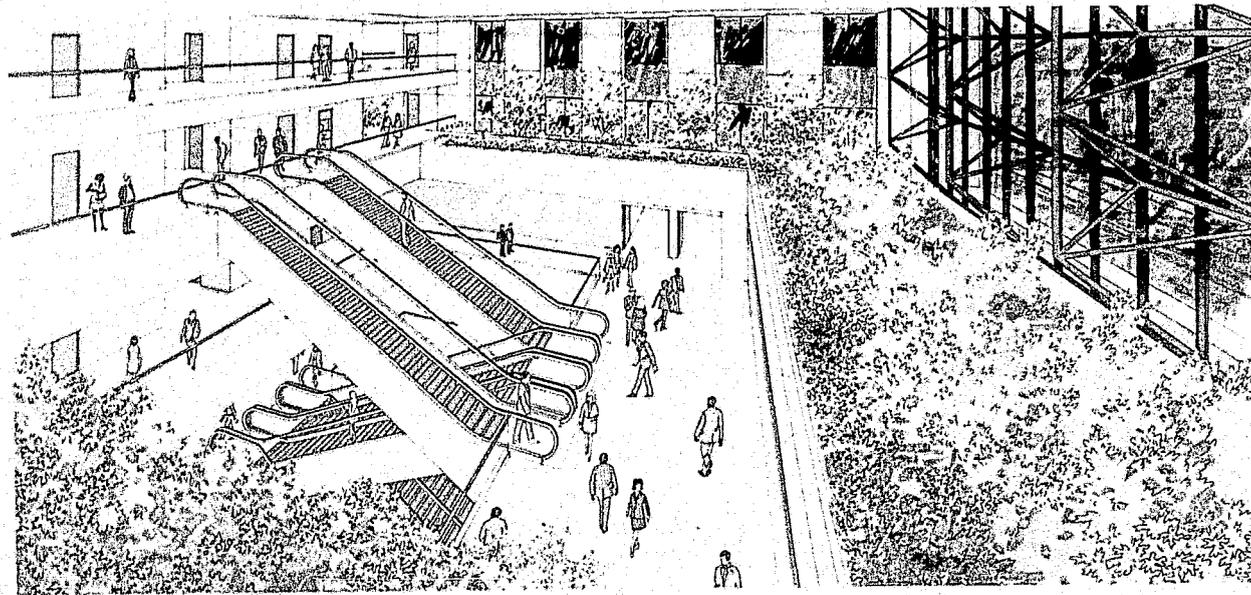


Main entry — view from Indiana Avenue level.

Early in the year a feasibility and design report, prepared by the architect-engineer, was approved by the Congress which thereafter appropriated \$40 million in construction funds for fiscal year 1975. The fast-track method of design and construction is being used. In the fast-track method, the physical work on the site takes place simultaneously with final design work. This method telescopes the time needed for construction, thereby enabling the courts to provide more space in the courthouse than could be obtained by using the traditional method.

The new courthouse, which is scheduled for completion in the latter part of 1977, will be located in Northwest Washington, in the block bounded by C street on the south, Indiana Avenue on the north, Sixth Street on the west, and John Marshall Place on the east.

Work on the site actually began in 1974. During the late summer and early fall, test borings were taken. Demolition of the May Building, an existing structure on the site, commenced on November 11, 1974. Earthwork started in December.



Skylighted main public circulation area.

#### Criminal Justice Act

The District of Columbia Criminal Justice Act, Public Law 93-412 (September 3, 1974), authorized the Joint Committee on Judicial Administration to establish a plan which provided for the representation of defendants who are financially unable to obtain adequate defense in the courts of the District of Columbia. The Act also provided a mechanism for the appointment and compensation of counsel.

Prior to the enactment of the 1974 legislation, payments for attorneys representing indigent defendants under court appointment were made pursuant to the plan established by the Criminal Justice Act (18 U.S.C. 3006A). The reimbursement program under this plan was administered by the Administrative Office of the United States Courts. The District of Columbia Court Reform and Criminal Procedure Act of 1970, Public Law 91-358, 84 Stat. 473 (July 29, 1970), transferred local criminal jurisdiction from the United States District Court for the District of Columbia to the Superior Court and local appellate jurisdiction from the United States Court of Appeals for the District of Columbia Circuit to the District of Columbia Court of Appeals. Following the transfer of jurisdiction, the United States Judicial Conference was unwilling to have its Director of Administration include in its budget Criminal Justice Act assistance for courts outside the federal system. This issue was resolved with the enactment of the District of Columbia Criminal Justice Act that placed responsibility for the program in the Joint Committee. This Committee, with assistance from the Public Defender Service, has established a plan for reimbursement of counsel in indigent criminal defendant cases patterned on the one developed by the Administrative Office for the federal courts.

#### Equal Employment Opportunity Plan

An Equal Employment Opportunity Plan for the District of Columbia Courts was adopted by the Joint Committee on Judicial Administration on November 1, 1974. The plan for Equal Employment Opportunity applies to all nonjudicial personnel appointed under the authority of the Executive Officer. The plan includes the development of an affirmative action program involving the monitoring of selection, promotion, disciplinary action and other activities designed to provide equal employment opportunity for all persons.

#### Code of Judicial Conduct

Previously the Joint Committee on Judicial Administration adopted with minor modifications the American Bar Association's Code of Judicial Conduct for all active and retired judges in the court system.

On November 14, 1974, the Joint Committee, under the authority vested in it by 11 D.C. Code 1701, approved the following amendment to Canon 3A(4) relating to the performance of judicial duties with impartiality and diligence:

#### Canon 3

*A(4) A judge should accord to every person who is legally interested in a proceeding, or his lawyer, full right to be heard.*

*He should not permit private interviews, arguments or communications designed to influence, as distinguished from objectively assist, his judicial action, where interests to be affected thereby are not represented before him, except in cases where provision is made by law for ex parte application.*

#### District of Columbia Law Revision Commission

In fulfillment of a statutory requirement under the District of Columbia Law Revision Commission Act, Public Law 93-379 (August 21, 1974), the Joint Committee on November 20, 1974, appointed the following members of the bar to four-year terms on the Commission:

Frank J. Whalen, Jr., Esquire  
James J. Murphy, Esquire.

The Act charges the fifteen-member Commission with the task of examining the common law and statutes relating to the District of Columbia ordinances, regulations, resolutions and acts of the District of Columbia Council and all relevant judicial decisions for the purpose of discovering defects and anachronisms in the law relating to the District and recommending needed reforms.

In addition, the Commission receives and considers changes in the law recommended by the American Law Institute, the Conference of Commissioners on Uniform State Laws, any bar association or other learned bodies as well as suggestions from judges, justices, public officials, lawyers and the public generally as to defects and anachronisms in the law relating to the District of Columbia. The Commission is also charged with recommending from time to time to the Congress and, where appropriate, to the Mayor of the District of Columbia and to the City Council, changes in the law it deems necessary to modify or eliminate antiquated and inequitable rules of law and with bringing the laws relating to the District of Columbia, both civil and criminal, into harmony with modern conditions.

#### Financial Operations

During 1974, the Courts received into their registries \$18,271,032 and disbursed \$18,845,913. Included in the amount received was \$9,612,715, which represented fines and fees collected by the Courts and deposited to the D.C. Treasury as revenue.

Appropriated funds for fiscal year 1975 for the entire court system increased from \$20,552,600 to \$23,590,100. A major portion (\$1,995,000) of this increase was due to the passage of the District of Columbia Criminal Justice Act, Public Law 93-412 (September 3, 1974), authorizing the District of Columbia and the Courts to pay for representation of defendants who are unable to obtain an adequate defense in criminal cases.

On November 18, 1974, the fiscal office began processing the first payment check for services performed under the Criminal Justice Act. A check is issued to the attorney within two weeks after the initial pre-audit of the voucher is made and the judge's signature obtained.

Table 1

TOTAL RECEIPTS AND DISBURSEMENTS  
FOR THE DISTRICT OF COLUMBIA COURTS

	RECEIPTS		DISBURSEMENTS	
	1973	1974	1973	1974
COURT OF APPEALS	\$ 183,943.25	\$ 191,862.41	\$ 183,943.25	\$ 191,862.41
SUPERIOR COURT				
Criminal Division				
Collections	\$ 9,737,922.36	\$ 8,318,678.93		
Fines & Forfeitures			\$ 8,972,255.87	\$ 8,256,431.85
Refunds			739,803.68	589,214.02
Total	\$ 9,737,922.36	\$ 8,318,678.93	\$ 9,712,059.55	\$ 8,845,645.87
Civil Division				
Fees —				
Civil Actions	97,797.10	108,090.75	97,797.10	108,090.75
Small Claims	43,372.00	37,621.01	43,372.00	37,621.01
Landlord & Tenant	233,297.01	253,237.90	233,297.01	253,237.90
Marriage Bureau	24,538.85	24,975.55	24,538.85	24,975.55
Escrow —				
Civil Actions	1,496,818.05	1,690,844.13	1,011,671.43	1,754,367.98
Small Claims	2,038.61	2,637.83	2,008.92	3,535.36
Landlord & Tenant	192,419.55	160,548.34	92,489.10	140,186.28
U.S. Marshal	83,567.00	73,674.05	83,567.00	73,647.05
Certified Mail	19,738.38	17,187.63	19,738.38	17,187.63
Total	\$ 2,193,586.55	\$ 2,368,817.19	\$ 1,608,479.79	\$ 2,412,849.51
Family Division				
Fees	\$ 29,394.15	\$ 34,105.93	\$ 29,394.15	\$ 34,105.93
Escrow —				
Support Account	5,970,637.60	6,399,221.95	5,970,637.60	6,399,221.95
Attorney Account	152,030.00	146,775.00	118,460.00	153,700.00
Miscellaneous	24,300.02	21,703.42	22,201.45	18,659.64
U.S. Marshal	1,938.00	1,940.00	1,938.00	1,940.00
Total	\$ 6,178,299.77	\$ 6,603,746.30	\$ 6,142,631.20	\$ 6,607,627.52
Auditor-Master				
Fees	\$ 166,653.53	\$ 122,988.45	\$ 166,653.53	\$ 122,988.45
Register of Wills				
Fees	130,397.56	399,497.37	130,397.56	399,497.37
Escrow	207,965.44	81,537.55	207,965.44	81,537.55
Total	\$ 388,363.00	\$ 481,034.92	\$ 338,363.00	\$ 481,034.92
Other Income				
Court Reporter Transcripts	3,155.55	4,278.15	3,155.55	4,278.15
Interest Income	11,262.37	13,645.65	11,262.37	13,645.65
Unclaimed Deposits (Over six years old)	3,229.85	165,980.40	3,299.85	165,980.40
Total	\$ 17,647.77	\$ 183,904.20	\$ 17,647.77	\$ 183,904.20
Superior Court — Total Received and Disbursed	\$18,632,472.98	\$18,079,169.99	\$17,985,834.84	\$18,654,050.47
<b>TOTAL — DISTRICT OF COLUMBIA COURTS</b>	<b>\$18,816,416.23</b>	<b>\$18,271,032.40</b>	<b>\$18,169,778.09</b>	<b>\$18,845,912.88</b>

Table 2

CASH INCOME  
OF THE DISTRICT OF COLUMBIA COURTS

	1973	1974
COURT OF APPEALS		
Fees:	\$ 183,943.25	\$ 191,862.41
SUPERIOR COURT		
Criminal Division —		
Fines and Forfeitures:		
District of Columbia	134,043.00	117,187.30
United States	88,676.07	67,633.15
Traffic	8,749,536.80	8,071,611.40
Total	\$8,972,255.87	\$8,256,431.85
Civil Division —		
Fees:		
Civil Action	97,797.10	108,090.75
Small Claims	43,372.00	37,621.01
Landlord and Tenant	233,297.01	253,237.90
Marriage Bureau	24,538.85	24,975.55
Total	\$ 399,004.96	\$ 423,925.21
Family Division —		
Fees:	\$ 29,394.15	\$ 34,105.93
Auditor-Master —		
Fees:	\$ 166,653.53	\$ 122,988.45
Register of Wills —		
Fees:		
August/December, 1973		
January/December, 1974	\$ 130,397.56	\$ 399,497.37
Other Income —		
Court Reporter Transcripts	3,155.55	4,278.15
Interest Income	11,262.37	13,645.65
Unclaimed Deposits (over two years old) 1974	3,229.85	165,980.40
Total	\$ 17,647.77	\$ 183,904.20
<b>TOTAL CASH INCOME</b>	<b>\$9,899,297.09</b>	<b>\$9,612,715.42</b>

Table 3

DISTRICT OF COLUMBIA COURTS  
STATEMENT OF APPROPRIATED FUNDS

	FY 1974 <sup>a</sup>	FY 1975 <sup>b</sup>
D. C. Court of Appeals	\$ 1,320,700	\$ 1,447,900
Superior Court	17,963,300	18,373,300
D. C. Court System	<u>1,523,000</u>	<u>3,768,900</u>
Total	\$20,807,000	\$23,590,100

<sup>a</sup>Actual fiscal year obligations.  
<sup>b</sup>Fiscal year appropriations.

Table 4

DISTRICT OF COLUMBIA COURTS  
LEAA GRANTS AWARDED

	1973	1974
D. C. Court of Appeals	—	\$183,714
Superior Court	\$280,949	435,746
D. C. Court System	—	—
Total	\$280,949	\$619,460

Court Reporter Operations

One of the major activities of the Court Reporter Division during 1974 was the successful completion of the initial phase of the Reporter Trainee Program which was designed to serve as a base for continued recruitment of personnel into the system. The program has been in operation for approximately two years, during which time 21 graduates of court reporting schools were employed as court reporter trainees. Nineteen trainees remaining in the program have reached the projected performance levels and are expected to improve their skills and attain the journeyman level of recording 225 words per minute in machine shorthand.

The District of Columbia Criminal Justice Coordinating Board awarded the Superior Court a Law Enforcement Assistance Administration block grant from the state planning agency under the Omnibus Crime Control and Safe Streets Act of 1968. The \$75,000 award will be used to finance a one-year pilot program of computer-aided transcription of machine shorthand into English text. It is anticipated that this program will assist reporters in the rapid preparation of transcripts and will provide better service to the Courts and members of the Bar.

Early in 1974, the Division was responsible for providing nearly 12,000 pages of daily copy transcripts during a prolonged trial of notoriety, involving multiple defendants. Daily transcripts were produced and delivered within three to five hours following adjournment.

During 1974, there were 835 transcripts or 8,237 pages prepared by reporters and 28 transcripts or 277 pages prepared from the Court Memory System for the exclusive use of judges. In 1973, there were only 189 transcripts or 2,993 pages prepared by reporters and 13 transcripts or 63 pages prepared from the Court Memory System for the exclusive use of judges.

Table 1

REPORTERS' TRANSCRIPTION PRODUCTION

	1973	1974	% Change 1973-1974
Total Pages Produced	150,778	180,772	19.8%
Number of Pages Produced for Appeals	67,567	117,802	73.3%
Percentage of Appeals Pages/ Total Pages Produced	44.8%	65.1%	45.3%
Number of Appeal Orders Processed	592	1,196	102.0%
Number of Reporter Positions Filled as of December 31	41	41	—

Table 2

COURT MEMORY SYSTEM  
TRANSCRIPTION PRODUCTION

	1973	1974	% Change 1973-1974
Pages Produced by Transcriber-Typist			
Appeal Cases	700	880	25.7%
Non-Appeal Cases	<u>3,607</u>	<u>2,202</u>	-38.9%
Total	4,307	3,082	-28.4%
Pages Produced by Reporter Volunteers			
Appeal Cases	1,804	334	-81.4%
Non-Appeal Cases	<u>2,200</u>	<u>844</u>	-29.6%
Total	3,004	1,178	-60.7%
Total Pages Produced from Court Memory System	7,311	4,260	-41.7%
Number of Transcriber-Typist Positions Authorized as of December 31	4	4	—
Number of Courtrooms Equipped with Court Memory System	9	9	—