

Overview

The Superior Court of the District of Columbia is the District's trial court. The District of Columbia Court of Appeals resolves appeals from judgments of the Superior Court, the DC Office of Administrative Hearings, and some DC administrative agencies.

Congress sets the number of judges for each court. Including the chief judges, the maximum is 62 judges for the Superior Court and 9 judges for the Court of Appeals.

District of Columbia judges are appointed and reappointed through a merit-selection process; they are not elected. The District of Columbia Judicial Nomination Commission (JNC) screens all judicial applicants and recommends three nominees. The President appoints one of the nominees, and the Senate confirms the appointment. The salaries of DC judges are identical to those of federal judges.

Confirmed judges to either court have a 15-year term, and they may apply and be reappointed to additional terms. A different commission, the Commission on Judicial Disabilities and Tenure, reviews the performance of judges who are seeking reappointment and makes judgments about whether judges should be reappointed.



Judicial Appointment Process



- 1) Judge provides written notification of resignation or retirement
- 2) JNC publishes *Notice of Vacancy*, an invitation to apply
- 3) Qualified applicants complete questionnaire
- 4) JNC does background checks and interviews applicants
- 5) JNC selects 3 persons to nominate for the vacancy
- 6) White House does background checks and interviews the 3 nominees
- 7) President nominates one candidate
- 8) Senate confirms the nominee
- 9) Confirmed nominee is sworn in and begins judicial service

How Long Does it Take?

Smooth operation of a court is helped if all judicial positions are filled, or the duration of vacancies is predictable. CCE researched those issues for the 1994 to 2011 period.

Some highlights:

- There have been 51 DC Superior Court vacancies (among the 62 judge positions) from 1994 to 2011, for an average of 3 each year.
- The average vacancy took 13 months to fill. The range was vast and unpredictable: the shortest vacancy was 6 months and the longest was 38 months.
- Nearly all of the time required to fill judicial vacancies is consumed by the Presidential nomination and Senate confirmation process (steps 6, 7, and 8 at left).
- Thus, both keeping judicial positions filled and predicting the duration of vacancies are beyond the control of the Superior Court or the Judicial Nomination Commission (JNC).
- It is rare for the Superior Court to have its full complement of 62 judges.



Professional Pathways to the Superior Court

To shed light on the various pathways that lead to becoming a judge, CCE studied the professional backgrounds of the 150 persons who were selected by the JNC for nomination to the DC Superior Court between January 1994 and July 2011.

Some highlights:

- 80% of the judges appointed during that period had their primary experience working in government, either local or federal; and 58% had primarily a criminal law background, either prosecution or defense.
- But many judges had followed a varied professional pathway: 96% had some experience in government, 60% in the private sector, and 40% in teaching; 89% had some experience in criminal law, 73% in civil law, and 29% in family law.
- 45 years was the average age of the judges at the time of their appointment to the Superior Court.



We are pleased to present this executive summary of our 2011 report *How the District of Columbia Gets Its Judges*

This is an executive summary of our full report. For a more detailed explanation of the judicial appointment process or the professional pathways DC judges have followed, please see our 2011 publication *How the District of Columbia Gets Its Judges*.

We hope that understanding more about the third branch of the District of Columbia government—the District of Columbia Courts—and knowing how the judges of those courts are selected will increase the community’s faith and confidence in our judiciary.



**Council for
Court Excellence**

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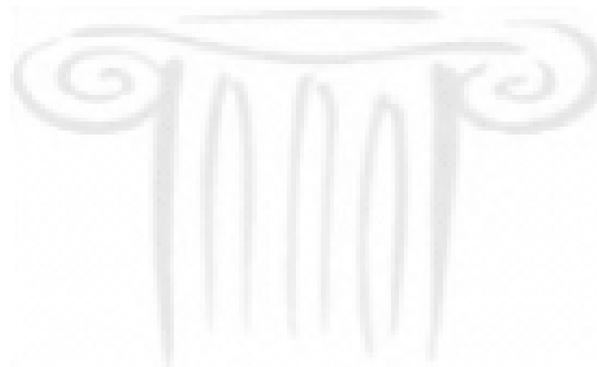
About the Council for Court Excellence

“...the American people must think about, discuss, and contribute to the future planning of their courts.”

-Former Chief Justice William Rehnquist

We are a nonprofit, nonpartisan civic organization that works to improve the administration of justice in our DC community. We accomplish this by identifying and promoting reforms, improving access to justice, and increasing understanding of our justice system. The Council has published and distributed over 350,000 copies of plain-language booklets and other materials explaining various aspects of DC court systems.

The Council for Court Excellence grew out of a desire for a better, more transparent justice system in DC. We examine issues thoughtfully, and identify long-term solutions to bring about real and lasting improvements. The Council takes a hands-on approach to education and civic engagement, to help the general public recognize the crucial role they play in improving community justice. Contact us if you would like to know more about our efforts.



How the District of Columbia Gets Its Judges

A Community Education Guide

Executive Summary