



November 13, 2023

## The District of Columbia Courts: A Brief Introduction

The Superior Court of the District of Columbia (DC) and the DC Court of Appeals (the DC Courts) exercise jurisdiction over local matters in Washington, DC. Although these courts are authorized under federal law, they exist separately from other federal courts in DC, instead filling the traditional role of state courts in many ways. This In Focus describes the DC Courts' creation, jurisdiction, structure, procedures, and workload. It also discusses how the DC Courts differ from state courts and identifies selected issues that may be of interest during the 118<sup>th</sup> Congress.

### Creation

In 1970, Congress exercised its authority under Article I, Section 8 of the U.S. Constitution to establish a new system of courts through the District of Columbia Court Reform and Criminal Procedure Act (PL 91-358), which revised multiple titles of the DC Code (for more information on Article I courts, see CRS Report R43746, *Congressional Power to Create Federal Courts: A Legal Overview*). In 1973, Congress enacted the District of Columbia Self-Government and Governmental Reorganization Act (P.L. 93-198), also known as the Home Rule Act, which, in part, codified the DC Courts' organization in the District of Columbia Charter, a law akin to a state constitution that sets forth the structure of the local DC government. Together, these laws established the modern DC Courts as an independent judicial authority in DC, replacing Civil War-era municipal courts overseen by the broader federal court system.

### Jurisdiction

The DC Courts' jurisdiction is similar to that of state courts. The Superior Court is a trial court of general jurisdiction that hears civil and other noncriminal matters brought in DC, with a few exceptions provided by law. The Superior Court also has jurisdiction over all criminal cases arising under criminal laws applicable exclusively to DC (in contrast to generally applicable federal criminal laws). The Court of Appeals has appellate jurisdiction over decisions of the Superior Court. The Court of Appeals is the local court of last resort, and there is no intermediate appellate court. Both the Superior Court and Court of Appeals may, if permitted by law, review administrative actions of DC agencies. The Court of Appeals also oversees the DC Bar, which governs attorney licensure.

The DC Courts' relationship to Article III federal courts is likewise similar to other state-federal judicial relationships. Although the Superior Court has jurisdiction over any civil action brought in DC, such cases may be transferred to the U.S. District Court for the District of Columbia according to the general rules governing removal (a process by which

a case in state court is transferred to federal court if a basis for federal jurisdiction exists). At the same time, claims under local DC law, although ultimately stemming from Congress's Article I powers, do not give rise to jurisdiction in federal district court on the basis of a federal question (a type of jurisdiction that allows federal courts to hear cases based on federal law). Thus, federal courts do not have authority to decide claims under local DC law absent another jurisdictional basis. Finally, a party may petition the U.S. Supreme Court to review a decision of the Court of Appeals by writ of certiorari, similar to the Court's review of decisions by the highest courts in each state.

### Structure

The Superior Court consists of a chief judge and 61 associate judges. These judges are assisted by 24 magistrate judges appointed by the court. Additionally, retired judges may serve as senior judges, performing judicial duties on a part-time basis. The Superior Court is organized into eleven separate divisions, including five established by statute: (1) the Civil Division; (2) the Criminal Division; (3) the Family Court; (4) the Probate Division; and (5) the Tax Division. Another division that also hears cases, the Domestic Violence Division, was created by administrative order. Additional administrative divisions assist these divisions, and each division may be further divided into smaller branches under court rules.

The Court of Appeals consists of a chief judge and eight associate judges. Retired judges may also serve in a senior judge capacity, hearing cases on a part-time basis.

### Court Rules and Procedures

The Superior Court is a court of general jurisdiction that hears cases on a wide range of subject matter areas. As a result, it does not follow a single set of procedures. Rather, the applicable rules vary based on the type of case. For example, the Superior Court has separate rules for criminal matters, general civil cases, domestic relations cases, and landlord-tenant disputes, among others. Proceedings in Superior Court are generally adversarial, with each party representing themselves or being represented by an attorney, although some limited exceptions exist.

By contrast, the Court of Appeals has a single set of rules for all appeals. Appeals are randomly assigned to three-judge panels, unless the court orders hearing (or rehearing) of a case before all active judges together, referred to as the court sitting en banc.

Both courts use electronic filing systems, although a small number of matters such as certain probate filings must be filed physically with the appropriate clerk of court. Both

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**United States. Congress. Senate**



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*Report of the District of Columbia Court System Study Committee of the District of Columbia Bar* District of Columbia Bar. District of Columbia Court System Study Committee,1983      **Financial Services and General Government Appropriations for 2008: District of Columbia** United States. Congress. House. Committee on Appropriations. Subcommittee on Financial Services and General Government,2007      **Congressional Record** United States. Congress,1970 The Congressional Record is the official record of the proceedings and debates of the United States Congress It is published daily when Congress is in session The Congressional Record began publication in 1873 Debates for sessions prior to 1873 are recorded in The Debates and Proceedings in the Congress of the United States 1789 1824 the Register of Debates in Congress 1824 1837 and the Congressional Globe 1833 1873      Statistical Reference Index ,1981      *Financial Services and General Government Appropriations for 2009: District of Columbia FY 2009 budget justifications* United States. Congress. House. Committee on Appropriations. Subcommittee on Financial Services and General Government,2008

State Court Caseload Statistics ,1994      District of Columbia Code. 1967 Ed Washington (D.C.),1967      **United States Statutes at Large** United States,1970      **Journal of the House of Representatives of the United States** United States. Congress. House,2009 Some vols include supplemental journals of such proceedings of the sessions as during the time they were depending were ordered to be kept secret and respecting which the injunction of secrecy was afterwards taken off by the order of the House      Hearings, Reports and Prints of the House Committee on the District of Columbia United States. Congress. House. Committee on the District of Columbia,1976      **District of Columbia Appropriations for 2004** United States. Congress. House. Committee on Appropriations. Subcommittee on District of Columbia Appropriations,2003

*Report* United States. Congress. House,      **National Survey of Court Organization** United States. Bureau of the Census,United States. Law Enforcement Assistance Administration,1973      108-1 Hearings: District of Columbia Appropriations For 2004, Part 2, 2003, \* ,2003      **Governmental direction and support** United States. Congress. House. Committee on Appropriations. Subcommittee on District of Columbia Appropriations,1981      **Journal of the Senate of the United States of America** United States. Congress. Senate,1970      **To Preserve Existing Judgeships on the Superior Court of the District of Columbia** United States. Congress. Senate. Committee on Governmental Affairs,2003      *District of Columbia Court of General Sessions* United States. Congress. House. Committee on the District of Columbia. Subcommittee No. 5,1966 Considers S 2255 to add 3 judges to the D C Court of General Sessions and S 2263 to add 5 judges to the D C Court of General Sessions and establish a new traffic branch therein      **District of Columbia Court of General Sessions** United States. Congress. House. The District of Columbia,1966      *Document Retrieval Index* ,1976

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