

103^D CONGRESS
1ST SESSION

S. 1718

To create a Supreme Court for the District of Columbia, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 19 (legislative day, NOVEMBER 2), 1993

Mr. LIEBERMAN introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To create a Supreme Court for the District of Columbia, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “District of Columbia
5 Judicial Reorganization Act of 1993”.

1 **TITLE I—SUPREME COURT OF**
2 **THE DISTRICT OF COLUMBIA**

3 **SEC. 101. ESTABLISHMENT OF SUPREME COURT OF THE**
4 **DISTRICT OF COLUMBIA.**

5 Title 11 of the District of Columbia Code is amended
6 by adding after chapter 5 the following new chapter 6:

7 **“CHAPTER 6. SUPREME COURT OF THE DISTRICT**
8 **OF COLUMBIA**

 “SUBCHAPTER I. ESTABLISHMENT AND ORGANIZATION

“Sec.

“11-601. Establishment; court of record; seal.

“11-602. Composition.

“11-603. Justices; service; compensation.

“11-604. Oath of justices.

“11-605. Term; hearings; quorum.

“11-606. Absence, disability, or disqualification of judges; vacancies.

“11-607. Assignment of justices and judges to and from other courts of the
District of Columbia.

“11-608. Clerks and secretaries for justices.

“11-609. Reports.

 “SUBCHAPTER II. JURISDICTION

“11-621. Certification to the Supreme Court of the District of Columbia.

“11-622. Review by the Supreme Court of the District of Columbia.

“11-623. Certification of questions of law.

 “SUBCHAPTER III. MISCELLANEOUS PROVISIONS

“11-641. Contempt powers.

“11-642. Oaths, affirmations, and acknowledgments.

“11-643. Rules of court.

“11-644. Judicial conference.

9 “SUBCHAPTER I. ESTABLISHMENT AND
10 ORGANIZATION

11 **“§ 11-601. Establishment; court of record; seal**

12 “(a) The Supreme Court of the District of Columbia
13 (hereafter in this chapter referred to as ‘the court’) is

1 hereby established as a court of record in the District of
2 Columbia.

3 “(b) The court shall have a seal.

4 **“§ 11-602. Composition**

5 “The court shall consist of a chief justice and 6 asso-
6 ciate justices.

7 **“§ 11-603. Justices; service; compensation**

8 “(a) The chief justice and the justices of the court
9 shall serve in accordance with chapter 15 of this title.

10 “(b) Justices of the court shall be compensated at
11 the rate prescribed by law for judges of the United States
12 Court of Appeals. The chief justice shall receive \$500 per
13 year in addition to the salary of other justices of the court.

14 **“§ 11-604. Oath of justices**

15 “Each justice, when appointed, shall take the oath
16 prescribed for judges of courts of the United States.

17 **“§ 11-605. Term; hearings; quorum**

18 “(a) The court shall sit in one term each year for
19 such period as it may determine.

20 “(b) The court shall sit in banc to hear and determine
21 cases and controversies, except that the court may sit in
22 divisions of 3 justices to hear and determine cases and
23 controversies certified for review under section 11-621 if
24 the court determines that subsection (b)(2) of such section
25 is the exclusive basis for such certification. The court in

1 banc for a hearing shall consist of the justices of the court
2 in regular active service.

3 “(c) A majority of the justices serving shall constitute
4 a quorum.

5 “(d) A rehearing before the court may be ordered by
6 a majority of the justices of the court in regular active
7 service. The court in banc for a rehearing shall consist
8 of the justices of the court in regular active service.

9 **“§ 11-606. Absence, disability, or disqualification of**
10 **justices; vacancies**

11 “(a) When the chief justice of the court is absent or
12 disabled, the duties of the chief justice shall devolve upon
13 and be performed by such associate justice as the chief
14 justice may designate in writing. In the event that the
15 chief justice is (1) disqualified or suspended, or (2) unable
16 or fails to make such a designation, such duties shall de-
17 volve upon and be performed by the associate justices of
18 the court according to the seniority of their original com-
19 missions.

20 “(b) A chief justice whose term as chief justice has
21 expired shall continue to serve until redesignated or until
22 a successor has been designated. When there is a vacancy
23 in the position of chief justice the position shall be filled
24 temporarily as provided in the second sentence of sub-
25 section (a).

1 **“§ 11-607. Assignment of justices and judges to and**
2 **from other courts of the District of**
3 **Columbia**

4 “(a) Upon presentation of a certificate of necessity
5 by the chief judge of the District of Columbia Court of
6 Appeals, the chief justice of the Supreme Court of the Dis-
7 trict of Columbia may designate and assign temporarily
8 one or more justices of the Supreme Court of the District
9 of Columbia or one or more judges of the Superior Court
10 of the District of Columbia to serve on the District of Co-
11 lumbia Court of Appeals or a division thereof whenever
12 the business of the District of Columbia Court of Appeals
13 so requires. Such designations or assignments shall be in
14 conformity with the rules or orders of the District of
15 Columbia Court of Appeals.

16 “(b) Upon presentation of a certificate of necessity
17 by the chief judge of the Superior Court of the District
18 of Columbia, the chief justice of the Supreme Court of
19 the District of Columbia may designate and assign tempo-
20 rarily one or more justices of the Supreme Court of the
21 District of Columbia or one or more judges of the District
22 of Columbia Court of Appeals to serve as a judge of the
23 Superior Court of the District of Columbia.

24 **“§ 11-608. Clerks and secretaries for justices**

25 “Each justice may appoint and remove a personal
26 secretary. The chief justice may appoint and remove not

1 more than three personal law clerks, and each associate
2 justice may appoint and remove not more than two per-
3 sonal law clerks. In addition, the chief justice may appoint
4 and remove law clerks for the court and law clerks and
5 secretaries for the senior justices. The law clerks ap-
6 pointed for the court shall serve as directed by the chief
7 justice.

8 **“§ 11-609. Reports**

9 “Each justice shall submit to the chief justice such
10 reports and data as the chief justice may request.

11 “SUBCHAPTER II. JURISDICTION

12 **“§ 11-621. Certification to the Supreme Court of the**
13 **District of Columbia**

14 “(a) In any case or class of cases in which an appeal
15 has been taken to or filed with the District of Columbia
16 Court of Appeals, the Supreme Court of the District of
17 Columbia, by order of the Supreme Court sua sponte, or,
18 in its discretion, on motion of the District of Columbia
19 Court of Appeals or of any party, may certify the case
20 or class of cases for review by the Supreme Court before
21 it has been determined by the District of Columbia Court
22 of Appeals. The effect of such certification shall be to
23 transfer jurisdiction over the case or class of cases to the
24 Supreme Court of the District of Columbia for all pur-
25 poses.

1 “(b) Such certification may be made only if not less
2 than 3 of the justices of the Supreme Court of the District
3 of Columbia determine that—

4 “(1) the case or class of cases involves a ques-
5 tion that is novel or difficult or is of importance in
6 the general public interest or the administration of
7 justice; or

8 “(2) the case or class of cases was pending in
9 the District of Columbia Court of Appeals on the ef-
10 fective date of this section and, because the justices
11 of the Supreme Court of the District of Columbia
12 were familiar with the case or class of cases while
13 serving as judges of the District of Columbia Court
14 of Appeals, the sound and efficient administration of
15 justice dictates that the case or class of cases be cer-
16 tified for review by the Supreme Court of the
17 District of Columbia.

18 **“§ 11-622. Review by the Supreme Court of the Dis-**
19 **trict of Columbia**

20 “(a) Any party aggrieved by a final decision of the
21 District of Columbia Court of Appeals may petition the
22 Supreme Court of the District of Columbia for an appeal.
23 Such a petition may be granted and appeal be heard by
24 the Supreme Court of the District of Columbia only upon
25 the affirmative vote of not less than 3 of the justices that

1 the matter involves a question that is novel or difficult,
2 is the subject of conflicting authorities within the jurisdic-
3 tion, or is of importance in the general public interest or
4 the administration of justice. The granting of such peti-
5 tions for appeal shall be in the discretion of the Supreme
6 Court of the District of Columbia. The Supreme Court
7 of the District of Columbia shall not be required to state
8 reasons for denial of petitions for appeal.

9 “(b) On hearing an appeal in any case or controversy,
10 the Supreme Court of the District of Columbia shall give
11 judgment after an examination of the record without re-
12 gard to errors or defects which do not affect the substan-
13 tial rights of the parties.

14 **“§ 11-623. Certification of questions of law**

15 “(a) The Supreme Court of the District of Columbia
16 may answer a question of law of the District of Columbia
17 certified to it by the Supreme Court of the United States,
18 a Court of Appeals of the United States, or the highest
19 appellate court of any State, if—

20 “(1) such question of law may be determinative
21 of the case pending in such a court; and

22 “(2) there is no controlling precedent regarding
23 such question of law in the decisions of the District
24 of Columbia Court of Appeals or the Supreme Court
25 of the District of Columbia.

1 “(b) This section may be invoked by an order of any
2 of the courts referred to in subsection (a) upon such
3 court’s motion or upon the motion of any party to the
4 case.

5 “(c) A certification order under this section shall—

6 “(1) describe the question of law to be an-
7 swered;

8 “(2) contain a statement of all facts relevant to
9 the question certified and the nature of the con-
10 troversy in which the questions arose; and

11 “(3) upon the request of the Supreme Court of
12 the District of Columbia contain the original or cop-
13 ies of the record of the case in question or of any
14 portion of such record as the Supreme Court of the
15 District of Columbia considers necessary to deter-
16 mine the questions of law which are the subject of
17 the motion.

18 “(d) Fees and costs shall be the same as in appeals
19 docketed before the Supreme Court of the District of Co-
20 lumbia and shall be equally divided between the parties
21 unless precluded by statute or by order of the certifying
22 court.

23 “(e) The written opinion of the Supreme Court of the
24 District of Columbia stating the law governing any ques-

1 tions certified under subsection (a) shall be sent by the
2 clerk to the certifying court and to the parties.

3 “(f) The Supreme Court of the District of Columbia,
4 on its own motion, the motion of the District of Columbia
5 Court of Appeals, or the motion of any party to a case
6 pending in the Supreme Court of the District of Columbia
7 or the District of Columbia Court of Appeals, may order
8 certification of a question of law of another State to the
9 highest court of such State if, in the view of the Supreme
10 Court of the District of Columbia—

11 “(1) such question of law may be determinative
12 of the case pending in the Supreme Court of the
13 District of Columbia or the District of Columbia
14 Court of Appeals; and

15 “(2) there is no controlling precedent regarding
16 such question of law in the decisions of the appellate
17 courts of the State to which the order of certification
18 is directed.

19 “(g) The Supreme Court of the District of Columbia
20 may prescribe the rules of procedure concerning the an-
21 swering and certification of questions of law under this
22 section.

1 which shall be known as the Judicial Conference of the
2 District of Columbia. Each justice and judge summoned,
3 unless excused by the chief justice of the Supreme Court
4 of the District of Columbia, shall attend throughout the
5 conference. The Supreme Court of the District of Colum-
6 bia shall provide by its rules for representation of and ac-
7 tive participation by members of the unified District of
8 Columbia Bar and other persons active in the legal profes-
9 sion at such conference.”.

10 **SEC. 102. TRANSITION PROVISIONS.**

11 (a) ELEVATION OF JUDGES OF THE DISTRICT OF CO-
12 LUMBIA COURT OF APPEALS AS JUSTICES OF THE SU-
13 PREME COURT OF THE DISTRICT OF COLUMBIA.—

14 (1) Except as provided in paragraph (2), begin-
15 ning on the effective date of this title the chief judge
16 of the District of Columbia Court of Appeals shall
17 serve the remainder of the term to which he or she
18 was appointed as the chief justice of the Supreme
19 Court of the District of Columbia and the associate
20 judges of the District of Columbia Court of Appeals
21 shall serve the remainder of the respective terms to
22 which they were appointed as associate justices of
23 the Supreme Court of the District of Columbia. The
24 Supreme Court of the District of Columbia shall
25 conform to the numerical requirements of section

1 11-602 of the D.C. Code through attrition. Vacan-
2 cies in the offices of chief judge and associate judge
3 of the District of Columbia Court of Appeals shall
4 be filled in accordance with chapter 15 of title 11 of
5 the D.C. Code.

6 (2) Any judge of the District of Columbia Court
7 of Appeals may serve the remainder of the term to
8 which he or she was appointed as a judge of that
9 court by providing written notice to the chief judge
10 of the District of Columbia Court of Appeals not less
11 than 30 days after the date of the enactment of this
12 Act.

13 (b) TRANSITION PERIOD FOR THE SUPREME COURT
14 OF THE DISTRICT OF COLUMBIA.—

15 (1) A committee consisting of the chief judge of
16 the District of Columbia Court of Appeals together
17 with 2 other judges of such court and the chief
18 judge of the Superior Court of the District of Co-
19 lumbia together with 2 other judges of such court
20 shall be responsible for the administration of the pe-
21 riod of transition prior to the establishment of the
22 Supreme Court of the District of Columbia, includ-
23 ing the hiring of necessary staff, the preparation of
24 facilities, and the purchase of necessary equipment
25 and supplies.

1 (2) Not more than 120 days after the date of
2 the enactment of this Act, the committee referred to
3 in paragraph (1) shall submit to the Committee on
4 Governmental Affairs of the Senate and the Com-
5 mittee on the District of Columbia of the House of
6 Representatives a transition report, consistent with
7 this Act, regarding the establishment of the Su-
8 preme Court of the District of Columbia and the fill-
9 ing of vacancies on the District of Columbia Court
10 of Appeals resulting from the elevation of the judges
11 of such Court to positions on the Supreme Court of
12 the District of Columbia pursuant to subsection (a).

13 (3) This subsection shall take effect on the date
14 of the enactment of this Act.

15 **SEC. 103. CONFORMING AND OTHER AMENDMENTS.**

16 (a) AMENDMENTS TO THE HOME RULE ACT.—

17 (1) Section 431(a) of the District of Columbia
18 Self-Government and Governmental Reorganization
19 Act is amended—

20 (A) in the first sentence by inserting “Su-
21 preme Court of the District of Columbia,” after
22 “vested in the”; and

23 (B) by adding after the fourth sentence the
24 following: “The Supreme Court of the District
25 of Columbia has jurisdiction of appeals from

1 the District of Columbia Court of Appeals and
2 of cases certified to the Supreme Court under
3 section 11–621(a), District of Columbia Code.”.

4 (2) Section 431 of such Act is further amend-
5 ed—

6 (A) in subsection (b)—

7 (i) by inserting “chief justice or” be-
8 fore “chief judge” each place it appears,

9 (ii) by striking “term as a judge” and
10 inserting “term as a justice or judge”, and

11 (iii) by inserting “chief justice’s or”
12 before “chief judge’s” each place it ap-
13 pears;

14 (B) in subsections (b) and (g), by inserting
15 “justices or” before “judges” each place it ap-
16 pears; and

17 (C) in subsections (c) and (g), by inserting
18 “justice or” before “judge” each place it ap-
19 pears.

20 (3) Section 432 of such Act is amended—

21 (A) by inserting “justice or” before
22 “judge” each place it appears;

23 (B) by striking “District of Columbia
24 Court of Appeals” each place it appears and in-

1 serting “Supreme Court of the District of Co-
2 lumbia”; and

3 (C) in subsection (a)(1) by striking “law or
4 which would be a felony in the District” and in-
5 serting “law or the laws of the District of Co-
6 lumbia”.

7 (4) Section 433 of such Act is amended—

8 (A) in the heading by inserting “JUSTICES
9 AND” before “JUDGES”;

10 (B) by inserting “justices and” before
11 “judges” each place it appears; and

12 (C) by inserting “justice or” before
13 “judge” each place it appears.

14 (5) Section 434 of such Act is amended in sub-
15 sections (b)(3) and (d)—

16 (A) by inserting “justice or” before
17 “judge” each place it appears;

18 (B) by inserting “justices or” before
19 “judges” each place it appears; and

20 (C) by inserting “justice’s or” before
21 “judge’s” each place it appears.

22 (b) AMENDMENTS TO CHAPTER 1 OF TITLE 11, D.C.
23 CODE.—

24 (1) Section 11-101(2), D.C. Code, is amended
25 by redesignating subparagraphs (A) and (B) as sub-

1 paragraphs (B) and (C), respectively, and by adding
2 before subparagraph (B) (as so redesignated) the
3 following:

4 “(A) The Supreme Court of the District of
5 Columbia.”.

6 (2) Section 11–102, D.C. Code, is amended to
7 read as follows:

8 **“§ 11–102. Status of Supreme Court of the District of**
9 **Columbia**

10 “The highest court of the District of Columbia is the
11 Supreme Court of the District of Columbia. Final judg-
12 ments, orders, and decrees of the Supreme Court of the
13 District of Columbia and of the District of Columbia
14 Court of Appeals where review is denied by the Supreme
15 Court of the District of Columbia are reviewable by the
16 Supreme Court of the United States in accordance with
17 section 1257 of title 28, United States Code.”.

18 (3) The item relating to section 11–102 of the
19 table of contents of chapter 1 of title 11, D.C. Code,
20 is amended to read as follows:

“11–102. Status of Supreme Court of the District of Columbia.”.

21 (c) AMENDMENTS TO CHAPTER 7 OF TITLE 11, D.C.
22 CODE.—

23 (1) Chapter 7 of title 11, D.C. Code, is amend-
24 ed by striking sections 11–707, 11–723, and 11–744

1 and by striking the items relating to such sections
2 in the table of contents of such chapter.

3 (2) Section 11-703(b), D.C. Code, is amended
4 by striking “the rate prescribed by law for judges of
5 the United States courts of appeals.” and inserting
6 the following: “a rate equal to the average of the
7 compensation provided for judges of the Supreme
8 Court of the District of Columbia under section 11-
9 603 and the compensation provided for judges of the
10 Superior Court of the District of Columbia under
11 section 11-904(b).”.

12 (3) Section 11-708, D.C. Code, is amended by
13 striking “not more than three law clerks for the
14 court.” and inserting “law clerks for the court and
15 law clerks and secretaries for the senior judges.”.

16 (4) Section 11-722, D.C. Code, is amended by
17 striking “Commissioner” and inserting “Mayor”.

18 (5) Section 11-743, D.C. Code, is amended by
19 striking “according to” and all that follows and in-
20 sserting “in accordance with such rules and proce-
21 dures as it may adopt.”.

22 (d) AMENDMENTS TO CHAPTER 9 OF TITLE 11, D.C.
23 CODE.—

24 (1) Section 11-908(b), D.C. Code, is amended
25 to read as follows:

1 “(b) When the business of the Superior Court re-
2 quires, the chief judge may certify to the chief justice of
3 the Supreme Court of the District of Columbia the need
4 for an additional judge or judges as provided in section
5 11-607 and 11-707.”.

6 (2) Section 11-910, D.C. Code, is amended by
7 adding at the end the following new sentence: “In
8 addition, the chief judge may appoint and remove
9 law clerks for the court, who shall serve as directed
10 by the chief judge.”.

11 (3) Section 11-946, D.C. Code, is amended by
12 striking “District of Columbia Court of Appeals”
13 each place it appears in the second and third sen-
14 tences and inserting “Supreme Court of the District
15 of Columbia”.

16 (e) AMENDMENTS TO CHAPTER 15 OF TITLE 11,
17 D.C. CODE.—

18 (1) Section 11-1501, D.C. Code, is amended to
19 read as follows:

20 **“§ 11-1501. Appointment and qualifications of judges**

21 “(a) Except as provided in section 434(d)(1) of the
22 District of Columbia Self-Government and Governmental
23 Reorganization Act, the President shall nominate, from
24 the list of persons recommended by the District of Colum-
25 bia Judicial Nomination Commission established under

1 section 434 of such Act, and, by and with the advice and
2 consent of the Senate, appoint all justices and judges of
3 the District of Columbia courts.

4 “(b) No person may be nominated or appointed a jus-
5 tice or judge of a District of Columbia court unless that
6 person—

7 “(1) is a citizen of the United States;

8 “(2) is an active member of the unified District
9 of Columbia Bar and has been engaged in the active
10 practice of law in the District for the five years im-
11 mediately preceding nomination or for such five
12 years has served as a judge of the United States or
13 the District of Columbia, has been on the faculty of
14 a law school in the District, or has been employed
15 as a lawyer by the United States or the District of
16 Columbia government;

17 “(3) is a bona fide resident of the District of
18 Columbia and has maintained an actual place of
19 abode in the District for at least 90 days imme-
20 diately prior to nomination, and shall retain such
21 residency as long as he or she serves as such judge,
22 except judges appointed prior to December 23,
23 1973, who retain residency in Montgomery or Prince
24 Georges Counties in Maryland, Arlington or Fairfax
25 Counties (or any cities within the outer boundaries

1 thereof) or the city of Alexandria in Virginia shall
2 not be required to be residents of the District to be
3 eligible for reappointment or to serve any term to
4 which reappointed;

5 “(4) is recommended to the President, for such
6 nomination and appointment, by the District of Co-
7 lumbia Judicial Nomination Commission; and

8 “(5) has not served, within a period of 2 years
9 prior to nomination, as a member of the District of
10 Columbia Commission on Judicial Disabilities and
11 Tenure or of the District of Columbia Judicial Nom-
12 ination Commission.”.

13 (2) Section 11-1504(a)(1), D.C. Code, is
14 amended by striking the period at the end of the
15 first sentence and inserting the following: “, except
16 that a retired judge may not serve or perform judi-
17 cial duties on the Supreme Court of the District of
18 Columbia.”.

19 (3) Section 11-1505(a), D.C. Code, is amended
20 in the second sentence by striking “District” and all
21 that follows and inserting “court of the District of
22 Columbia on which the judge serves.”.

23 (4) Subchapter I of chapter 15 of title 11, D.C.
24 Code, is amended by adding at the end the following
25 new section:

1 **“§ 11–1506. Definitions**

2 “For purposes of this chapter—

3 “(1) the term ‘judge’ means any justice of the
4 Supreme Court of the District of Columbia, or any
5 judge of the District of Columbia Court of Appeals
6 or the Superior Court; and

7 “(2) the term ‘chief judge’ means the chief jus-
8 tice of the Supreme Court of the District of Colum-
9 bia, or the chief judges of the District of Columbia
10 Court of Appeals or the Superior Court, as appro-
11 priate.”.

12 (5) Section 11–1526, D.C. Code, is amended by
13 striking “District of Columbia Court of Appeals”
14 each place it appears and inserting “Supreme Court
15 of the District of Columbia”.

16 (6) Section 11–1528, D.C. Code, is amended in
17 subsection (a)(2)(C) by inserting “the Supreme
18 Court of the District of Columbia or” after “ele-
19 vation to”.

20 (7) Section 11–1529, D.C. Code, is amended by
21 striking “District of Columbia Court of Appeals”
22 and inserting “Supreme Court of the District of Co-
23 lumbia”.

24 (8) Section 11–1561, D.C. Code, is amended—

1 (A) in paragraph (1), by inserting “any
2 justice of the Supreme Court of the District of
3 Columbia,” before “any judge”; and

4 (B) in paragraph (2), by inserting “a jus-
5 tice in the Supreme Court of the District of Co-
6 lumbia,” before “a judge”.

7 (9) The table of sections for subchapter I of
8 chapter 15 of title 11, D.C. Code, is amended by
9 adding at the end the following:

“11–1506. Definitions.”.

10 (f) AMENDMENTS TO CHAPTER 17 OF TITLE 11,
11 D.C. CODE.—

12 (1) Section 11–1701, D.C. Code, is amended—

13 (A) by amending subsection (a) to read as
14 follows:

15 “(a) There shall be a Joint Committee on Judicial
16 Administration in the District of Columbia (hereafter in
17 this chapter referred to as the ‘Joint Committee’) consist-
18 ing (during the first 3 fiscal years that begin after the
19 date of the enactment of the District of Columbia Judicial
20 Reorganization Act of 1993) of the chief justice of the Su-
21 preme Court of the District of Columbia (who shall serve
22 as chairperson) and two other justices of such court, the
23 chief judge of the District of Columbia Court of Appeals,
24 and the chief judge of the Superior Court of the District
25 of Columbia and two additional judges of such court.”;

1 (B) in subsection (b)—

2 (i) by amending paragraph (4) to read
3 as follows:

4 “(4) Preparation and publication of an annual
5 report of the District of Columbia court system re-
6 garding the work of the courts, the performance of
7 the duties enumerated in this chapter, and any rec-
8 ommendations relating to the courts.”, and

9 (ii) by striking paragraphs (6) and (9)
10 and redesignating paragraphs (7) and (8)
11 as paragraphs (6) and (7); and

12 (C) in subsection (c)—

13 (i) by amending paragraph (2) to read
14 as follows:

15 “(2) formulate and enforce standards for out-
16 side activities of and receipt of compensation by the
17 judges of the District of Columbia court system;”,

18 (ii) in paragraph (3), by striking “,
19 and institute such changes” and all that
20 follows through “justice”,

21 (iii) by striking “and” at the end of
22 paragraph (3),

23 (iv) by striking the period at the end
24 of paragraph (4) and inserting a semi-
25 colon, and

1 (v) by adding at the end the following
2 new paragraphs:

3 “(5) submit the annual budget requests of the
4 Supreme Court of the District of Columbia, the Dis-
5 trict of Columbia Court of Appeals, and the Superior
6 Court to the Mayor of the District of Columbia as
7 part of the integrated budget of the District of Co-
8 lumbia court system, except that any such request
9 may be modified upon the concurrence of 5 of the
10 7 members of the Joint Committee; and

11 “(6) with the concurrence of the chief justice of
12 the Supreme Court of the District of Columbia and
13 the respective chief judges of the other District of
14 Columbia courts, prepare and implement other poli-
15 cies and practices for the District of Columbia court
16 system and resolve other matters which may be of
17 joint and mutual concern of the Supreme Court of
18 the District of Columbia, the District of Columbia
19 Court of Appeals, and the Superior Court.”.

20 (2) Section 11-1702, D.C. Code, is amended—

21 (A) in the heading, by inserting “**the**
22 **chief justice and the**” after “**of**”;

23 (B) by redesignating subsections (a) and
24 (b) as subsections (b) and (c); and

1 (C) by inserting before subsection (b) the
2 following new subsection:

3 “(a) The chief justice of the Supreme Court of the
4 District of Columbia, in addition to the authority con-
5 ferred by chapter 6 of this title, shall supervise the inter-
6 nal administration of that court—

7 “(1) including all administrative matters other
8 than those within the responsibility enumerated in
9 section 11–1701(b), and

10 “(2) including the implementation in that court
11 of the matters enumerated in section 11–1701(b),
12 consistent with the general policies and directives of the
13 Joint Committee.”.

14 (3) Section 11–1703(a), D.C. Code, is amend-
15 ed—

16 (A) by striking “He” each place it appears
17 and inserting “The Executive Officer”; and

18 (B) in the fourth sentence, by striking
19 “judges” and inserting “judge of the District of
20 Columbia Court of Appeals and the chief judge
21 of the Superior Court of the District of Colum-
22 bia”.

23 (4) Section 11–1721, D.C. Code, is amended by
24 amending the matter following the heading to read
25 as follows:

1 “(a) The Supreme Court of the District of Columbia
2 shall have a clerk appointed by the chief justice of that
3 court who shall, under the direction of the chief justice,
4 be responsible for the daily operations of that court and
5 serve as the clerk of the District of Columbia Court of
6 Appeals.

7 “(b) The Superior Court of the District of Columbia
8 shall have a clerk appointed by the chief judge of that
9 court who shall, under the direction of the chief judge,
10 be responsible for the daily operations of that court.

11 “(c) Each such clerk appointed under this section
12 shall receive a level of compensation, including retirement
13 benefits, determined by the Joint Committee on Judicial
14 Administration, except that such level may not exceed the
15 level of compensation provided for the Executive Officer.”.

16 (5) Section 11–1726, D.C. Code, is amended—

17 (A) in the first sentence, by striking “Ex-
18 ecutive Officer” and all that follows and insert-
19 ing “Joint Committee (upon the recommenda-
20 tion of the Executive Officer) shall fix the rates
21 of compensation of such employees.”; and

22 (B) in the second sentence, by striking
23 “Executive Officer” and inserting “Joint Com-
24 mittee”.

1 (6) Section 11-1730(a), D.C. Code, is amend-
2 ed—

3 (A) by striking “Judges” and inserting
4 “Justices and judges”;

5 (B) by inserting “11-609,” after “sec-
6 tions”; and

7 (C) by inserting “chief justice or” after
8 “respective”.

9 (7) Section 11-1731, D.C. Code, is amended—

10 (A) by striking “or the chief judge” and
11 inserting “, the chief justice, or the chief
12 judges”;

13 (B) in paragraph (7), by striking “the Dis-
14 trict of Columbia Bail Agency” and inserting
15 “the District of Columbia Pre-trial Services
16 Agency”;

17 (C) by inserting “and” at the end of para-
18 graph (9); and

19 (D) by striking paragraphs (10) and (11)
20 and inserting the following:

21 “(10) the Department of Human Services.”.

22 (8) Section 11-1741, D.C. Code, is amended—

23 (A) by amending the matter preceding
24 paragraph (1) to read as follows: “Within the
25 District of Columbia courts, and subject to the

1 supervision of the chief justice of the Supreme
2 Court of the District of Columbia (acting in
3 consultation with the chief judge of the District
4 of Columbia Court of Appeals and the chief
5 judge of the Superior Court of the District of
6 Columbia), the Executive Officer shall—”;

7 (B) by inserting “chief justice or” before
8 “chief” each place it appears in paragraphs (5),
9 (7), and (9);

10 (C) by striking “and” at the end of para-
11 graph (8);

12 (D) by striking the period at the end of
13 paragraph (9) and inserting “; and”; and

14 (E) by adding at the end the following:

15 “(10) be responsible for the allocation, negotia-
16 tion for, and provision of space in the courts.”.

17 (9) Section 11-1745(b)(2), D.C. Code, is
18 amended by striking “Commissioner” and inserting
19 “Mayor”.

20 (10) Section 11-1747, D.C. Code, is amended
21 by striking “him” and inserting “the Executive
22 Officer”.

23 (11) The table of sections for subchapter I of
24 chapter 17 of title 11, D.C. Code, is amended by

1 amending the item relating to section 11-1702 to
2 read as follows:

 “11-1702. Responsibilities of the chief justice and the chief judges in the re-
 spective courts.”.

3 (g) AMENDMENT TO CHAPTER 21 OF TITLE 11, D.C.
4 CODE.—Section 11-2102(c), D.C. Code, is amended by
5 striking “Superior Court” and all that follows and insert-
6 ing “Joint Committee on Judicial Administration in the
7 District of Columbia in accordance with section 11-
8 1726.”.

9 (h) AMENDMENTS TO CHAPTER 25 OF TITLE 11,
10 D.C. CODE.—

11 (1) Section 11-2501, D.C. Code, is amended—

12 (A) by striking “District of Columbia
13 Court of Appeals” each place it appears and in-
14 serting “Supreme Court of the District of
15 Columbia”; and

16 (B) by amending subsection (c) to read as
17 follows:

18 “(c) Members of the bar of the District of Columbia
19 Court of Appeals in good standing on the effective date
20 of title I of the District of Columbia Judicial Reorganiza-
21 tion Act of 1993 shall be automatically enrolled as mem-
22 bers of the bar of the Supreme Court of the District of
23 Columbia, and shall be subject to its disciplinary jurisdic-
24 tion.”.

1 (2) Section 11–2502, D.C. Code, is amended by
2 striking “District of Columbia Court of Appeals”
3 and inserting “Supreme Court of the District of
4 Columbia”.

5 (3) Section 11–2503, D.C. Code, is amended by
6 striking “District of Columbia Court of Appeals”
7 and inserting “Supreme Court of the District of
8 Columbia”.

9 (4) Section 11–2504, D.C. Code, is amended by
10 striking “District of Columbia Court of Appeals”
11 and inserting “other courts of the District of Colum-
12 bia”.

13 (i) AMENDMENT TO CHAPTER 26 OF TITLE 11, D.C.
14 CODE.—Section 11–2607, D.C. Code, is amended by
15 striking “Commissioner” and inserting “Mayor”.

16 (j) AMENDMENT TO CHAPTER 3 OF TITLE 13, D.C.
17 CODE.—Section 13–302, D.C. Code, is amended by insert-
18 ing “the Supreme Court of the District of Columbia,”
19 after “process of”.

20 (k) AMENDMENTS TO CHAPTER 3 OF TITLE 17, D.C.
21 CODE.—

22 (1) The chapter heading for chapter 3 of title
23 17, D.C. Code, is amended by inserting “SUPREME
24 COURT OF THE DISTRICT OF COLUMBIA AND” be-
25 fore “DISTRICT”.

1 (2) Section 17–302, D.C. Code, is amended by
2 striking “District of Columbia Court of Appeals”
3 each place it appears and inserting “Supreme Court
4 of the District of Columbia”.

5 (3) Section 17–305, D.C. Code, is amended by
6 adding at the end the following new subsection:

7 “(c) The Supreme Court of the District of Columbia
8 shall apply the same standards regarding the scope of re-
9 view and the reversal of judgment as the District of Co-
10 lumbia Court of Appeals applies under subsections (a) and
11 (b).”.

12 (4) Section 17–306, D.C. Code, is amended by
13 inserting “Supreme Court of the District of Colum-
14 bia or the” before “District”.

15 (l) AMENDMENT TO CHAPTER 5 OF TITLE 21, D.C.
16 CODE.—The first sentence of section 21–502(e), D.C.
17 Code, is amended by striking “in accordance with” and
18 all that follows and inserting “by the Joint Committee on
19 Judicial Administration in the District of Columbia in ac-
20 cordance with section 11–1726.”.

21 (m) AMENDMENT TO TITLE 5, UNITED STATES
22 CODE.—Section 5102(c)(4) of title 5, United States Code,
23 is amended by striking “the chief judges” and inserting
24 “the chief justice and the associate justices of the Su-

1 preme Court of the District of Columbia and the chief
2 judges”.

3 (n) AMENDMENTS TO TITLE 18, UNITED STATES
4 CODE.—(1) Section 3006A(k) of title 18, United States
5 Code, is amended in the second sentence by striking “the
6 Superior Court” and all that follows and inserting “the
7 Supreme Court of the District of Columbia, the District
8 of Columbia Court of Appeals, or the Superior Court of
9 the District of Columbia.”.

10 (2) Section 6001(4) of title 18, United States Code,
11 is amended by inserting “the Supreme Court of the Dis-
12 trict of Columbia,” before “the District of Columbia Court
13 of Appeals,”.

14 (o) AMENDMENTS TO TITLE 28, UNITED STATES
15 CODE.—(1) Section 1257(b) of title 28, United States
16 Code, is amended by striking “District of Columbia Court
17 of Appeals” and inserting “Supreme Court of the District
18 of Columbia”.

19 (2) Section 2113 of title 28, United States Code, is
20 amended by striking “District of Columbia Court of Ap-
21 peals” and inserting “Supreme Court of the District of
22 Columbia”.

1 **SEC. 104. EFFECTIVE DATE.**

2 Except as provided in section 102, this title and the
3 amendments made by this title shall take effect 6 months
4 after the date of enactment of this Act.

5 **TITLE II—JUDGES OF THE DIS-**
6 **TRICT OF COLUMBIA COURTS**

7 **SEC. 201. DESIGNATION OF CHIEF JUDGE.**

8 (a) **IN GENERAL.**—Section 11–1503(a), D.C. Code,
9 is amended to read as follows:

10 “(a)(1) Except as provided in paragraph (2), the
11 chief justice or chief judge of a District of Columbia court
12 shall be designated by the District of Columbia Judicial
13 Nomination Commission from among the judges of the
14 court in regular active service. A chief judge shall serve
15 for a term of 4 years or until a successor is designated,
16 and shall be eligible for redesignation. A judge may relin-
17 quish the position of chief judge, after giving notice to the
18 District of Columbia Judicial Nomination Commission.

19 “(2) Notwithstanding the first sentence of paragraph
20 (1), the first chief justice of the Supreme Court of the
21 District of Columbia shall be appointed in accordance with
22 section 102(a) of the District of Columbia Judicial Reor-
23 ganization Act of 1993.”.

24 (b) **EFFECTIVE DATE.**—The amendment made by
25 subsection (a) shall take effect on the date of the enact-
26 ment of this Act.

1 **SEC. 202. COMPOSITION OF SUPERIOR COURT OF THE DIS-**
2 **TRICT OF COLUMBIA.**

3 Section 11-903, D.C. Code, is amended—

4 (1) effective October 1, 1993, by striking “fifty-
5 eight” and inserting “sixty”; and

6 (2) effective October 1, 1994, by striking
7 “sixty” and inserting “sixty-two”.

8 **SEC. 203. TREATMENT OF HEARING COMMISSIONERS AS**
9 **JUDICIAL MAGISTRATES.**

10 (a) IN GENERAL.—

11 (1) REDESIGNATION OF TITLE.—Section 11-
12 1732, D.C. Code, is amended—

13 (A) by striking “hearing commissioners”
14 each place it appears in subsection (a), sub-
15 section (b), subsection (d), subsection (i), sub-
16 section (l), and subsection (n) and inserting
17 “judicial magistrates”;

18 (B) by striking “hearing commissioner”
19 each place it appears in subsection (b), sub-
20 section (c), subsection (e), subsection (f), sub-
21 section (g), subsection (h), and subsection (j)
22 and inserting “judicial magistrate”;

23 (C) by striking “hearing commissioner’s”
24 each place it appears in subsection (e) and sub-
25 section (k) and inserting “judicial mag-
26 istrate’s”;

1 (D) by striking “Hearing commissioners”
2 each place it appears in subsections (b), (d),
3 and (i) and inserting “Judicial magistrates”;
4 and

5 (E) in the heading, by striking “**Hearing**
6 **commissioners**” and inserting “**Judicial**
7 **magistrates**”.

8 (2) CONFORMING AMENDMENTS.—(A) Section
9 11–1732(c)(3), D.C. Code, is amended by striking “,
10 except that” and all that follows and inserting a
11 period.

12 (B) Section 16–924, D.C. Code, is amended—

13 (i) by striking “hearing commissioner”
14 each place it appears and inserting “judicial
15 magistrate”; and

16 (ii) in subsection (f), by striking “hearing
17 commissioner’s” and inserting “judicial mag-
18 istrate’s”.

19 (C) Section 16–2308, D.C. Code, is amended by
20 striking “judge” each place it appears and inserting
21 “judicial officer”.

22 (D) Section 16–2312, D.C. Code, is amended—

23 (i) by striking “judge” each place it ap-
24 pears in subsections (c), (d), (e), (f), and (j)
25 and inserting “judicial officer”;

1 (ii) in subsection (c), by striking “He”
2 each place it appears and inserting “The judi-
3 cial officer”;

4 (iii) in subsection (d)(1), by striking “his
5 reasons” and inserting “the reasons” and by
6 striking “he finds” each place it appears and
7 inserting “the judicial officer finds”;

8 (iv) in subsection (d)(2)(A), by striking
9 “supervise him” and inserting “supervise the
10 child”;

11 (v) in subsection (d)(2)(C), by striking
12 “his protection” and inserting “the child’s pro-
13 tection”;

14 (vi) in subsection (e), by striking “he
15 shall” and inserting “the judicial officer shall”;

16 (vii) in subsection (f), by striking “his rea-
17 sons” and inserting “the reasons”, and by
18 striking “he shall” each place it appears and in-
19 serting “the judicial officer shall”;

20 (viii) by striking “his detention” each place
21 it appears in subsections (h) and (i) and insert-
22 ing “the child’s detention”; and

23 (ix) in subsection (j), by striking “his par-
24 ent” and inserting “the child’s parent”.

1 (3) CLERICAL AMENDMENT.—The item relating
2 to section 11–1732 of the table of sections of chap-
3 ter 17 of title 11, D.C. Code, is amended to read as
4 follows:

“11–1732. Judicial magistrates.”.

5 (4) TRANSITION PROVISION REGARDING HEAR-
6 ING COMMISSIONERS.—Any individual serving as a
7 hearing commissioner under section 11–1732 of the
8 District of Columbia Code as of the date of the en-
9 actment of this Act shall serve the remainder of
10 such individual’s term as a judicial magistrate, and
11 may be reappointed as a judicial magistrate in ac-
12 cordance with section 11–1732(d), D.C. Code, except
13 that any individual serving as a hearing commis-
14 sioner as of the date of the enactment of this Act
15 who was appointed as a hearing commissioner prior
16 to the effective date of section 11–1732 of the Dis-
17 trict of Columbia Code shall not be required to be
18 a resident of the District of Columbia to be eligible
19 to be reappointed.

20 (b) EXPANSION OF DUTIES.—Section 11–1732(j),
21 D.C. Code, is amended—

22 (1) in paragraph (4)(A)—

23 (A) by inserting after “involving” the fol-
24 lowing: “the establishment of paternity or”, and

1 (B) by striking “guidelines established by
2 rule of the Superior Court” and inserting “child
3 support guidelines established by the Council of
4 the District of Columbia”;

5 (2) in paragraph (5), by striking “and Family”
6 and inserting “Family, Probate, and Tax”;

7 (3) by redesignating paragraph (5) as para-
8 graph (7); and

9 (4) by inserting after paragraph (4) the follow-
10 ing new paragraphs:

11 “(5) Conduct detention, neglect, and shelter
12 care proceedings in which a child is alleged to be de-
13 linquent, neglected, or in need of supervision.

14 “(6) Conduct proceedings and issue orders in
15 uncontested probate and fiduciary matters brought
16 under title 20 of the District of Columbia Code.”.

17 (c) ADDITIONAL CONFORMING AMENDMENTS.—(1)
18 Section 11–1732(d), D.C. Code, as amended by subsection
19 (a)(1), is further amended—

20 (A) by striking the period at the end of the first
21 sentence and inserting “, in accordance with stand-
22 ards and procedures established by the Superior
23 Court.”; and

24 (B) by striking the second sentence.

1 (2) Section 11–1732(m), D.C. Code, is amended to
2 read as follows:

3 “(m) The Chief Judge of the Superior Court shall,
4 from time to time, conduct such studies on the utilization
5 of judicial magistrates as the Board of Judges shall deem
6 expedient, taking into account the suggestions of the Dis-
7 trict of Columbia Bar and other interested parties.”.

8 (3) Section 11–1732, D.C. Code, is amended by add-
9 ing at the end the following new subsection:

10 “(p) The Joint Committee on Judicial Administration
11 in the District of Columbia shall determine the rate of
12 compensation for judicial magistrates in accordance with
13 section 11–1726.”.

14 (d) EFFECTIVE DATE.—The amendments made by
15 this section shall take effect on the date of the enactment
16 of this Act.

17 **SEC. 204. STUDY OF FEASIBILITY OF ESTABLISHING DIS-**
18 **TRICT OF COLUMBIA NIGHT COURT.**

19 (a) STUDY.—The Executive Officer of the District of
20 Columbia courts shall conduct a study of the feasibility
21 and desirability of establishing a District of Columbia
22 Night Court as a division of the Superior Court of the
23 District of Columbia.

24 (b) REPORT.—Not later than 120 days after the date
25 of the enactment of this Act, the Executive Officer shall

1 submit a report on the study conducted under subsection
2 (a) to the Joint Committee on Judicial Administration in
3 the District of Columbia, which shall forward the study
4 together with any comments and recommendations to Con-
5 gress not later than 180 days after the date of the enact-
6 ment of this Act.

○

S 1718 IS—2

S 1718 IS—3