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Calendar No. 436

112TH CONGRESS *2d Session*	SENATE	REPORT 112–178

D.C. COURTS AND PUBLIC DEFENDER SERVICE ACT OF 2011

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS UNITED STATES SENATE

TO ACCOMPANY

S. 1379

TO AMEND TITLE 11, DISTRICT OF COLUMBIA OFFICIAL CODE, TO REVISE CERTAIN ADMINISTRATIVE AUTHORITIES OF THE DISTRICT OF COLUMBIA COURTS, AND TO AUTHORIZE THE DISTRICT OF COLUMBIA PUBLIC DEFENDER SERVICE TO PROVIDE PROFESSIONAL LIABILITY INSURANCE FOR OFFICERS AND EMPLOYEES OF THE SERVICE FOR CLAIMS RELATING TO SERVICES FURNISHED WITHIN THE SCOPE OF EMPLOYMENT WITH THE SERVICE

JUNE 25, 2012.—Ordered to be printed

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D.C. COURTS AND PUBLIC DEFENDER SERVICE ACT OF 2011

JUNE 25, 2012.—Ordered to be printed

Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, submitted the following

R E P O R T

[To accompany S. 1379]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 1379) to amend title 11, District of Columbia Official Code, to revise certain administrative authorities of the District of Columbia courts, and to authorize the District of Columbia Public Defender Service to provide professional liability insurance for officers and employees of the Service for claims relating to services furnished within the scope of employment with the Service, having considered the same, reports favorably thereon with an amendment and recommends that the bill do pass.

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I. PURPOSE AND SUMMARY

The purpose of S. 1379 is to grant the District of Columbia (DC) Courts and Public Defender Service (PDS) greater administrative flexibility in several discrete areas. The bill authorizes the DC Superior Court and Court of Appeals to hold judicial conferences either annually or biennially, eliminating the current mandate that they always hold such conferences every year; requires magistrate judges to attend these judicial conferences; authorizes the DC

Courts to toll or delay judicial deadlines in certain emergency situations such as natural disasters; and allows the DC Courts to be reimbursed by the DC Government for certain office expenses. It also gives the DC PDS authority to purchase liability insurance for its attorneys and changes the term for Family Court judges from five years to three years.

II. Background and Need for the Legislation

JUDICIAL CONFERENCES

Current law requires the DC Courts to hold a judicial conference annually "for the purpose of advising as to the means of improving the administration of justice within the District of Columbia."[1] This requirement stands in contrast to that applying to the Federal courts, which must hold a conference only every two years.[2] The DC Courts have estimated that, in addition to the time spent by judicial personnel planning and attending the conference, they will spend approximately $50,000 on the 2012 judicial conference.[3]

The DC Courts are charged with evaluating expenditures to determine whether they are "necessary to execute efficiently the functions vested in the Courts."[4] In making this evaluation with respect to the annual judicial conference, the DC Courts have determined that the funds, resources, and time required to prepare for and conduct such conferences would be more effectively used if the judicial conference were conducted biennially rather than annually. With the significant improvement in the dissemination and exchange of information in the years since the annual conference requirement was enacted in 1975, the DC Courts' judicial conference is no longer the primary means of obtaining advice pertaining to the administration of justice within DC. Specifically, the Courts have determined that electronic and other forms of communication, including the Courts' websites, enable them to regularly communicate with the DC bench and bar with more frequency.[5] In addition, numerous organizations and committees with related objectives provide the DC Courts with input concerning improving the administration of justice in DC. Such organizations include the Courts' Strategic Planning Leadership Council, the Standing Committee on Fairness and Access to the DC Courts, the Criminal Justice Coordinating Committee, the Access to Justice Commission, and the Council on Court Excellence.[6]

After reviewing the DC Courts' comments on the annual conference requirement, the Committee has concluded that giving the DC Courts flexibility to hold their judicial conference biennially would enable the Courts to allocate funds towards strategic goals

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[1] A bill to establish the Judicial Conference of the District of Columbia, Public Law No. 94–193, 89 Stat. 1102, codified at D.C. Code § 11–744.

[2] Judicial Improvements Act of 1990, Public Law No. 101–650, 104 Stat. 5089, section 320, codified at 28 U.S.C. § 333.

[3] Letter from Julio A. Castillo, Clerk of the D.C. Court of Appeals, to Senator Daniel K. Akaka, Chairman, Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia (Dec. 9, 2011) (on file with the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia ("Subcommittee")).

[4] *See* Public Law No. 105–33, 111 Stat. 753, section 11243, "Budgeting and Financing Requirements for Courts under Home Rule Act," codified at D.C. Code § 11–1743.

[5] "Additional Information to Support S. 1379 the D.C. Courts and Public Defender Service Act of 2011," D.C. Superior Court, (Dec. 1, 2011) (on file with the Subcommittee).

[6] *Id.*

like providing fair and timely case resolution and maintaining a sound infrastructure, without compromising the purposes for which the conference requirement exists.[7]

The bill also would require magistrate judges to attend the conferences. Despite their important role in the DC judicial system, magistrate judges currently are not required to attend the DC Courts' judicial conference. DC Court magistrate judges hear a myriad of cases, including misdemeanor and traffic cases, criminal arraignments, small claims, child support orders, and protection orders.[8] Additionally, they set the conditions of release for criminal defendants before trial, and conduct preliminary examinations in all probation revocation hearings.[9] Subject to certain limitations, magistrate judges may make findings and enter final orders or judgments in civil, criminal, and Family Court cases, excluding jury trials and felony criminal trials.[10] The DC Courts requested that magistrate judges be required to attend judicial conferences.[11] In light of magistrates' overlapping functions with DC Court judges and their central role in the DC Court system, and to accommodate the DC Courts' input, section 2(a) of S. 1379 would require magistrate judges to attend judicial conferences.

EMERGENCY AUTHORITY TO TOLL OR DELAY JUDICIAL PROCEEDINGS

The DC Courts have expressed concern with their inability to toll or delay judicial deadlines in the event of an emergency or terrorist attack.[12]

Recent events illustrate why such authority may be needed. In December 2009 and February 2010, the DC metropolitan area experienced record amounts of snowfall.[13] For the December 2009 snowstorm, Reagan National, Dulles International, and BWI Marshall Airports all recorded the largest single December snowfall in history.[14] In February 2010, DC recorded two separate double digit snowfalls in the same month for the first time since snowfall records were kept in 1884.[15] The record snowfall crippled the DC Metropolitan area, forcing the District and Federal Governments to close for several days in February 2010.[16] Throughout the past decade, state courts have been confronted with a series of natural and

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[7] District of Columbia Courts, *Delivering Justice: Strategic Plan of the District of Columbia Courts* 2008–2012, at 3–5 (2008), available at http://www.dccourts.gov/internet/documents/StrategicPlan2008-2012.pdf.

[8] District of Columbia Courts, *State of the Judiciary* 39 (2011), available at http://www.dccourts.gov/internet/documents/State-of-Judiciary-2011.pdf.; *see also* D.C. CODE § 11–1732.

[9] D.C. Code § 11–1732 (j).

[10] *Id.*

[11] "District of Columbia Courts Legislative Priorities," D.C. Superior Court, at 1 (2011) (on file with the Subcommittee).

[12] *Id.* at 2.

[13] Jared Klein, *Mid-Atlantic Winters,* National Weather Service, National Oceanic and Atmospheric Administration, available at http://www.erh.noaa.gov/lwx/winter/DC-Winters.htm.

[14] *Id.*

[15] *Id.*

[16] Office of Personnel Management, *Federal Government Operating Status February 8–11, 2010,* available at http://www.opm.gov/whatsnew/archive_2010_2.aspx. *See also* Carol Morello and Ashley Halsey III, *Historic snowstorm in D.C. leaves a mess to be reckoned with,* Wash. Post, February 7, 2010, at http://www.washingtonpost.com/wp-dyn/content/article/2010/02/06/AR2010020600683_2.html?sid=ST2010021903762.

manmade disasters that have hindered their ability to function and required them to plan for court closures.[17]

While authority exists to transfer judicial proceedings to remote locations in the event of emergencies, circumstances like natural disasters or terrorist attacks may make relocation impossible.[18] The judicial officials or courts of nine states have similar authority to toll or delay judicial proceedings after a state of emergency or disaster is declared.[19]

Section 2(b) of S. 1379 authorizes the Chief Judges of the DC Court of Appeals and the DC Superior Court to toll or delay judicial proceedings in the event of natural disasters or emergency situations. The provision specifically states that it does not allow for a suspension of the writ of habeas corpus. Examples of natural disasters are hurricanes, tornadoes, floods, earthquakes, severe snowstorms, and fires. Examples of emergency situations are explosions, acts of terrorism, enemy attacks, sabotage, disease, or another manmade cause that results in an imminent threat, severe damage, or injury to life or property. S. 1379 states that if the Chief Judge of the DC Court of Appeals or the DC Superior Court is unavailable, the associate judge designated in writing under section 11–907(a) of the DC Code to perform the Chief Judge's other duties has authority to issue emergency toll or delay orders.

The Committee intends this emergency authority to be used sparingly and only in extraordinary circumstances. Therefore, S. 1379 requires that if the emergency authority is used for 14 days or more, the Joint Judicial Committee must approve each extension and the courts must give Congress a written justification no later than 180 days after the expiration of the last extension granted.

REIMBURSEMENT FOR CERTAIN ADMINISTRATIVE EXPENSES

The DC Courts and DC government are involved in a number of collaborative efforts that sometimes involve the sharing of administrative resources such as office space and supplies. For example, there currently is a project to develop electronic interfaces between the Family Court and the DC Child and Family Services Agency (CFSA) to allow CSFA to initiate cases through direct electronic filing from CFSA's case management system.[20] This project will save time by eliminating the need for agency staff to go to the courthouse to file cases and also will improve the quality of court data by eliminating the need to manually input agency data into the court's database.[21]

However, there is currently no statutory authority that allows the DC Courts to enter into reimbursable agreements with the DC government. The DC Home Rule Act prevents the obligation of funds without approval by an Act of Congress.[22] This means that absent explicit authority from Congress, the DC Courts cannot

[17] William E. Raftery, *Tolling or Suspensions of Time Limits by State Courts Amid Emergencies or Disasters,* National Center for State Courts Technical Assistance Report, July 13, 2010, at 2.

[18] D.C. Code §§ 11–710, 11–911. Similar authority has been given to the Federal courts. See Federal Judiciary Emergency Special Sessions Act of 2005, Pub. Law No. 109–63, 119 Stat. 1993 (2005).

[19] *Supra* note 18, at 3, 15.

[20] D.C. Superior Court, *Family Court 2010 Annual Report to Congress* 32 (2010), available at http://www.dccourts.gov/internet/documents/Family_AnnualReport2010.pdf.

[21] *Id.*

[22] Pub. Law No. 93–198, §§ 446, 602(c); D.C. Code § 1–204.46.

enter into reimbursable agreements with anyone, including the DC Government. The DC Home Rule Act further prevents the DC Courts from entering into reimbursement agreements by requiring all money received by the Courts to be deposited into the U.S. Treasury or the Crime Victims Fund.[23] The inability to enter into reimbursable agreements may provide a disincentive for efficiency-enhancing collaborative efforts like the one discussed above.

In contrast, statutory authority is available for reimbursable agreements between Federal agencies for the inter- and intra-departmental transfer of materials or performance of work or services.[24] Under the Economy Act, a performing agency is authorized to credit reimbursements to the appropriation or fund charged in executing its performance rather than requiring its redeposit in the Treasury.[25] Authority is also provided for reimbursable agreements when the United States Government performs services for the District of Columbia government and vice versa.[26] The Committee has concluded that providing similar authority for reimbursable agreements between the DC Courts and the DC government would promote the administrative efficiency of both the DC Courts and the DC government.

Accordingly, section 2(c) of S. 1379 amends section 11–1742 of the DC Code to allow the DC Courts to enter into reimbursable agreements for certain office expenses.

LIABILITY INSURANCE FOR THE DISTRICT OF COLUMBIA PUBLIC DEFENDER SERVICE

Individuals who provide professional advice and services, such as attorneys, typically carry liability insurance to offset the risks of costs associated with lawsuits initiated by clients for damages arising as a result of the advice or services rendered. Client lawsuits can cover a range of issues and sometimes result in costly legal fees and judgments.

Unlike Federal public defender service organizations,[27] DC PDS does not have explicit authority to purchase liability insurance for its attorneys, leaving its attorneys without a means to protect themselves from potential lawsuits arising during the course of their official duties.[28] Moreover, DC PDS cannot rely on other statutory means of protection afforded to other types of public servants. For example, unlike most executive branch attorneys, DC PDS attorneys do not enjoy qualified immunity because DC PDS represents individual clients and not governmental entities. In addition, because DC PDS and its employees are not part of the DC government,[29] DC PDS employees cannot use the DC Government Liability Reform Act to secure coverage.

Section 3 of S. 1379 provides DC PDS explicit statutory authority to purchase professional liability insurance, providing a means for DC PDS to shield its staff from the risk of potential lawsuits by

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[23] Pub. Law No. 93–198, § 450; D.C. Code § 1–204.50.

[24] 31 U.S.C. §§ 1533–36.

[25] Government Accountability Office, *Principles of Federal Appropriations Law, Third Ed.* (Jan. 2004), at 6–202, available at http://www.gao.gov/special.pubs/d06382sp.pdf.

[26] 31 U.S.C. § 1537.

[27] 18 U.S.C. § 3006A(g)(3).

[28] Letter from Avis E. Buchanan, Director, D.C. Public Defender Service, to Senators Richard Durbin and Susan Collins at 4 (Mar. 29, 2010) (on file with the Subcommittee).

[29] *Chase v. Public Defender Serv.,* 956 A.2d 67, 72–75 (D.C. 2008).

clients, employees, and others for conduct DC PDS employees perform in the course of their official duties.

FAMILY COURT JUDICIAL TERMS

The District of Columbia Family Court Act of 2001 established a five-year term for judges on the Family Court, which was newly created by that Act.[30] According to the Committee report accompanying that legislation, some witnesses submitted testimony expressing concern that the five-year term was too long for the emotionally taxing work of Family Court. Those witnesses worried that the lengthy term could lead judges to "burnout" and could deter strong candidates from seeking judgeships there.[31] The Committee report specifically referenced the five-year term as an unresolved issue that it would continue to monitor.[32]

Unfortunately, the concerns about the five-year term appear to have been justified. In 2010, Chief Judge Lee Satterfield wrote the House of Representatives, outlining the recruitment and retention challenges posed by a five-year term.[33] In his letter, Chief Judge Satterfield noted that the Family Court handles emotionally challenging issues and cases that can place stress on judges assigned there. Chief Judge Satterfield felt that the difference in length of terms contributed to judges' reluctance to volunteer for a Family Court rotation, especially new judges who may want diverse judicial experiences during their early years.[34] No other assignment at DC Superior Court requires a set commitment, and judges often spend only two years on a particular calendar assignment before rotating to a new one. According to Chief Judge Satterfield, a change in the term requirement would not have any impact on how the Family Court handles cases, in part because of the integral and extensive role that magistrate judges, who serve on average four-year terms in Family Court, play in the Family Court's "one-family/one-judge" case management approach. Chief Judge Satterfield recommended adopting a three-year term for Family Court Judges.[35]

The Committee concludes that a three-year term is sufficiently long to promote the development of expertise among Family Court judges and to provide stability for children and families involved in Family Court proceedings, while mitigating the recruitment and retention concerns Chief Judge Satterfield identified. Accordingly, section 4 of S. 1379 changes the term of Family Court judges from five years to three years.

III. Legislative History

On July 18, 2011, S. 1379 was introduced by Senator Daniel K. Akaka. The bill was referred to the Committee on Homeland Security and Governmental Affairs and was considered by the Committee on October 19, 2011. Senator Akaka offered an amendment that struck Section 2(c) of the bill, which authorized voluntary sep-

[30] Public Law No. 107–114, 115 Stat. 2100, section 3(a), codified at D.C. Code §11-908A(c)(1).

[31] S. Rep. No. 107–108, at 8 (2001), available at http://www.gpo.gov/fdsys/pkg/CRPT-107srpt108/pdf/CRPT-107srpt108.pdf.

[32] Id. at 10.

[33] Letter from Lee F. Satterfield, Chief Judge, D.C. Superior Court, to Delegate Eleanor Holmes Norton (Mar. 30, 2010) (on file with the Subcommittee).

[34] *Id.*

[35] *Id.*; see also District of Columbia Courts Legislative Priorities, *supra* note 12, at 8 (also recommending a three-year term for Family Court judges).

aration incentive payments. The Committee adopted the amendment by voice vote and then ordered the bill, as amended, reported favorably, also by voice vote. Senators Lieberman, Akaka, Carper, Pryor, McCaskill, Begich, Collins, Brown, Johnson, and Moran were present for both votes.

IV. SECTION-BY-SECTION ANALYSIS

Section 1—Short title

This section titles the bill the "DC Courts and Public Defender Service Act of 2011."

Section 2—Authorities of District of Columbia Courts

Subsection (a)—Permitting Judicial Conferences on Biennial Basis; Attendance of Magistrate Judges. This subsection authorizes the DC Courts to hold judicial conferences biennially or annually, and requires magistrate judges and active judges to attend.

Subsection (b)—Emergency Authority to Toll or Delay Judicial Proceedings. This subsection gives the Chief Judge of the DC Superior Court and the Chief Judge of the DC Court of Appeals emergency authority to toll or delay judicial proceedings in the event of a natural disaster or emergency situations. It also requires that if the emergency authority is used for 14 days or more, the Joint Judicial Committee must approve each extension and the courts must give Congress a written justification no later than 180 days after the expiration of the last extension granted.

Subsection (c)—Permitting Agreements to Provide Services on a Reimbursable Basis to Other District Government Offices. This subsection authorizes the DC Courts to be reimbursed by the DC government for equipment, supplies, and services.

Section 3—Liability Insurance for Public Defender Service

This section gives the DC Public Defender Service authority to purchase liability insurance for its attorneys.

Section 4—Reduction in term of service of Judges on Family Court of the Superior Court

This section changes the term for Family Court judges from five years to three years.

V. ESTIMATED COST OF LEGISLATION

NOVEMBER 2, 2011.

Hon. JOSEPH I. LIEBERMAN,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1379, the D.C. Courts and Public Defender Service Act of 2011.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Martin von Gnechten.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

S. 1379—D.C. Courts and Public Defender Service Act of 2011

S. 1379 would change the District of Columbia Official Code that governs the D.C. Courts system and the office of the public defender. Based on information provided by the court system, CBO estimates that the proposed changes would not have a significant effect on the federal budget. Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

Under current law, the budget of the D.C. Courts system, including the Public Defender Service, is funded by federal appropriations, and its expenditures are recorded on the federal budget. Among other changes, the bill would authorize the D.C. Courts to accept reimbursement from the District of Columbia government for certain equipment, services, and supplies. Such reimbursements would be credited to the appropriation for the D.C. Courts system, and CBO estimates that any net effect on the federal budget would be negligible.

S. 1379 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Martin von Gnechten. This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

VI. Evaluation of Regulatory Impact

Pursuant to the requirement of paragraph 11(b)(1) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill. The Committee agrees with the Congressional Budget Office (CBO), which states that there are no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and no costs on State, local, or tribal governments. The legislation contains no other regulatory impact.

VII. Changes in Existing Law Made by the Bill, as Reported

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the following changes in existing law made by the bill, as reported, are shown as follows: (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

DISTRICT OF COLUMBIA OFFICIAL CODE

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DIVISION I—GOVERNMENT OF DISTRICT

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TITLE 2—GOVERNMENT ADMINISTRATION

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CHAPTER 16—PUBLIC DEFENDER SERVICE

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§ 2–1607. Appropriation; public grants and private contributions

(e) The Service shall, to the extent the Director considers appropriate, provide representation for and hold harmless, or provide liability insurance for, any person who is an employee, member of the Board of Trustees, or officer of the Service for money damages arising out of any claim, proceeding, or case at law relating to the furnishing of representational services or management services or related services under this Act while acting within the scope of that person's office or employment, including but not limited to such claims, proceedings, or cases at law involving employment actions, injury, loss of liberty, property damage, loss of property, or personal injury, or death arising from malpractice or negligence of any such officer or employee.

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DIVISION II—JUDICIARY AND JUDICIAL PROCEDURE

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TITLE 11—ORGANIZATION AND JURISDICTION OF THE COURT

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CHAPTER 7—DISTRICT OF COLUMBIA COURT OF APPEALS

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Subchapter III—Miscellaneous Provisions

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§ 11–744. Judicial conference

The chief judge of the District of Columbia Court of Appeals shall summon [annually] *biennially or annually* the active associate judges of the District of Columbia Court of Appeals and the [active judges] *active judges and magistrate judges* of the Superior Court of the District of Columbia to a conference at a time and place that the chief judge designates, for the purpose of advising as to means of improving the administration of justice within the District of Columbia. The chief judge shall preside at such conference which shall be known as the Judicial Conference of the District of Columbia. [Every judge] *Every judge and magistrate judge* summoned shall attend, and, unless excused by the chief judge of the District of Columbia [Courts of Appeals] *Court of Appeals,* shall remain throughout the conference. The District of Columbia Court of Appeals shall provide by its rules for representation of and active par-

ticipation by members of the District of Columbia Bar and other persons active in the legal profession at such conference.

§ 11–745. Emergency authority to toll or delay proceedings

(a) TOLLING OR DELAYING PROCEEDINGS.—

(1) IN GENERAL.—In the event of a natural disaster or other emergency situation requiring the closure of the Court of Appeals or rendering it impracticable for the United States or District of Columbia Government or a class of litigants to comply with deadlines imposed by any Federal or District of Columbia law or rule that applies in the Court of Appeals, the chief judge of the Court of Appeals may exercise emergency authority in accordance with this section.

(2) SCOPE OF AUTHORITY.—The chief judge may enter such order or orders as may be appropriate to delay, toll, or otherwise grant relief from the time deadlines imposed by otherwise applicable laws or rules for such period as may be appropriate for any class of cases pending or thereafter filed in the Court of Appeals.

(3) UNAVAILABILITY OF CHIEF JUDGE.—If the chief judge of the Court of Appeals is absent or disabled, the authority conferred by this section may be exercised by the judge designated under section 11-706(a) or by the Joint Committee on Judicial Administration.

(4) HABEAS CORPUS UNAFFECTED.—Nothing in this section shall be construed to authorize suspension of the writ of habeas corpus.

(b) ISSUANCE OF ORDERS.—The United States Attorney for the District of Columbia or the Attorney General for the District of Columbia or the designee of either may request issuance of an order under this section, or the chief judge may act on his or her own motion.

(c) DURATION OF ORDERS.—An order entered under this section may not toll or extend a time deadline for a period of more than 14 days, except that if the chief judge determines that an emergency situation requires additional extensions of the period during which deadlines are tolled or extended, the chief judge may, with the consent of the Joint Committee on Judicial Administration, enter additional orders under this section in order to further toll or extend such time deadline.

(d) NOTICE.—Upon issuing an order under this section, the chief judge—

(1) shall make all reasonable efforts to publicize the order, including, when possible, announcing the order on the District of Columbia Courts Web site; and

(2) shall send notice of the order, including the reasons for the issuance of the order, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

(e) REQUIRED REPORTS.—Not later than 180 days after the expiration of the last extension or tolling of a time period made by the order or orders relating to an emergency situation, the chief judge shall submit a brief report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Over-

sight and Government Reform of the House of Representatives, and the Joint Committee on Judicial Administration describing the orders, including—

(1) the reasons for issuing the orders;

(2) the duration of the orders;

(3) the effects of the orders on litigants; and

(4) the costs to the court resulting from the orders.

(f) EXCEPTIONS.—The notice under subsection (d)(2) and the report under subsection (e) are not required in the case of an order that tolls or extends a time deadline for a period of less than 14 days.

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CHAPTER 9—SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

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Subchapter I—Continuation and Organization

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§ 11–908A. Special rules regarding assignment and service of judges of Family Court

(c) TERM OF SERVICE.—

(1) IN GENERAL.—Except as provided in paragraph (2), an individual assigned to serve as a judge of the Family Court of the Superior Court shall serve for a term of [5 years] *3 years.*

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Subchapter III—Miscellaneous Provisions

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§ 11–947. Emergency authority to toll or delay proceedings

(a) TOLLING OR DELAYING PROCEEDINGS.—

(1) IN GENERAL.—In the event of a natural disaster or other emergency situation requiring the closure of Superior Court or rendering it impracticable for the United States or District of Columbia Government or a class of litigants to comply with deadlines imposed by any Federal or District of Columbia law or rule that applies in the Superior Court, the chief judge of the Superior Court may exercise emergency authority in accordance with this section.

(2) SCOPE OF AUTHORITY.—

(A) The chief judge may enter such order or orders as may be appropriate to delay, toll, or otherwise grant relief from the time deadlines imposed by otherwise applicable laws or rules for such period as may be appropriate for any class of cases pending or thereafter filed in the Superior Court.

(B) The authority conferred by this section extends to all laws and rules affecting criminal and juvenile proceedings (including, pre-arrest, post-arrest, pretrial, trial, and post-trial procedures) and civil, family, domestic violence, probate and tax proceedings.

(3) UNAVAILABILITY OF CHIEF JUDGE.—If the chief judge of the Superior Court is absent or disabled, the authority conferred by this section may be exercised by the judge designated under section 11–907(a) or by the Joint Committee on Judicial Administration.

(4) HABEAS CORPUS UNAFFECTED.—Nothing in this section shall be construed to authorize suspension of the writ of habeas corpus.

(b) CRIMINAL CASES.—In exercising the authority under this section for criminal cases, the chief judge shall consider the ability of the United States or District of Columbia Government to investigate, litigate, and process defendants during and after the emergency situation, as well as the ability of criminal defendants as a class to prepare their defenses.

(c) ISSUANCE OF ORDERS.—The United States Attorney for the District of Columbia or the Attorney General for the District of Columbia or the designee of either may request issuance of an order under this section, or the chief judge may act on his or her own motion.

(d) DURATION OF ORDERS.—An order entered under this section may not toll or extend a time deadline for a period of more than 14 days, except that if the chief judge determines that an emergency situation requires additional extensions of the period during which deadlines are tolled or extended, the chief judge may, with the consent of the Joint Committee on Judicial Administration, enter additional orders under this section in order to further toll or extend such time deadline.

(e) NOTICE.—Upon issuing an order under this section, the chief judge—

(1) shall make all reasonable efforts to publicize the order, including, when possible, announcing the order on the District of Columbia Courts Web site; and

(2) shall send notice of the order, including the reasons for the issuance of the order, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

(f) REQUIRED REPORTS.—Not later than 180 days after the expiration of the last extension or tolling of a time period made by the order or orders relating to an emergency situation, the chief judge shall submit a brief report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Joint Committee on Judicial Administration describing the orders, including—

(1) the reasons for issuing the orders;

(2) the duration of the orders;

(3) the effects of the orders on litigants; and

(4) the costs to the court resulting from the orders.

(g) EXCEPTIONS.—The notice under subsection (e)(2) and the report under subsection (f) are not required in the case of an order that tolls or extends a time deadline for a period of less than 14 days.

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CHAPTER 17—ADMINISTRATION OF THE DISTRICT OF COLUMBIA COURTS

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Subchapter III—Duties And Responsibilities

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(d) To prevent duplication and to promote efficiency and economy, the Executive Officer may enter into agreements to provide the Mayor of the District of Columbia with equipment, supplies, and services and credit reimbursements received from the Mayor for such equipment, supplies, and services to the appropriation of the District of Columbia Courts against which they were charged.

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