

D.C.'s Courts and Judicial Nominations Commission (JNC)

What do D.C. Courts do? What is the JNC and its role in D.C. Courts? Is the JNC working? How does the JNC fit into D.C.'s blended legal system?

1. What do D.C. Courts do?

D.C. has a Superior Court and a Court of Appeals, which, while a part of the federal judiciary, serve as the local courts of general jurisdiction for the District. The Superior Court is the District's sole trial court and the Court of Appeals handles appeals. Over 700,000 people call D.C. home—more than some states—as well over 45,000 private employers. These individuals and businesses rely on the D.C. courts to address disputes when they arise. As the table below shows, the D.C. courts handle a wide array of civil cases, such as commercial, consumer, landlord-tenant, probate, child abuse and neglect, adoption and custody. They also adjudicate juvenile justice matters brought by the D.C. Attorney General and adult prosecutions for violations of the D.C. Criminal Code brought by the U.S. Attorney for D.C. The Superior Court disposes of about 50,000 and Court of Appeals disposes of over 1,000 cases per year.

D.C. Superior Court Case Dispositions, Calendar Year 2023

Civil Division

Civil Actions	7,498
Landlord & Tenant	11,980
Small Claims	2,049

Criminal Division

Felony	2,019
Misdemeanors	3,168
Traffic	1,907

Domestic Violence Division	7,853
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Family Court Operations

Divorce/custody, misc.	4,516
Juvenile Justice	991
Mental Health	3,061
Child support/parentage	1,535
Adoption	179
Abuse & Neglect	165

Probate Division	2,133
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Tax Division	775
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2. What is the JNC and what is its role in D.C. Courts?

The JNC was established as part of the Home Rule Act of 1973. The members are appointed by the President; the Mayor of D.C.; the D.C. Council; the Chief Judge of the U.S. District Court for D.C.; and the D.C. Bar. When a judicial vacancy occurs, the JNC publicly announces the opening and invites qualified individuals to apply. Within 60 days, the JNC evaluates and submits three candidates to the President. The President then has 60 days to nominate one of these three candidates or a candidate formerly recommended by the JNC, at which point the nomination goes first to the Senate Committee on Homeland Security & Government Affairs. Once passed out of committee, the full Senate must vote to confirm the nominee. If the Senate does not confirm the nomination before the end of a 2-year congressional term, the seat remains vacant and the process restarts.

3. How is the JNC working?

For more than 50 years, the JNC has consistently recommended highly-qualified candidates from prosecutorial, defense, civil litigation, administrative law, and varied other backgrounds. This has proven to be a notably successful show of nonpartisanship in D.C. affairs. Presidents of both parties have reliably nominated candidates from the applicant panels forwarded by the JNC. **Currently, there are four Presidential nominees pending before the U.S. Senate, all selected by the current White House using the existing JNC process.**

There are 15 judicial vacancies across both D.C. courts: the Superior Court is down 13 of 62 judges and the Court of Appeals is down 2 of 9 judges. The average length of the current vacancies is roughly 2.5 years. While some have claimed that the JNC is to blame, **in reality it is the lack of Senate confirmation that has resulted in both courts having 20+% vacancy rates.** Of the 15 current judicial vacancies, nearly two-thirds have had nominees recommended by the JNC and nominated by the President, without Senate confirmation. Speedy confirmation of the four candidates nominated by President Trump this year would help alleviate the delays in trials and hearings. "Justice delayed is justice denied," and with criminal proceedings being scheduled two years' out, Senatorial inaction serves no one's interest and is especially concerning.

4. How does the JNC fit into D.C.'s blended legal system?

Most decisions made by the D.C. Superior Court are local, everyday issues; there are more divorce and small claims cases than felony cases disposed there. Under the current system, judges must live in D.C., and so have a vested interest in ensuring their decisions are sound and help make the District a good place to live and work. They are carefully vetted to insure they understand the legal needs of businesses and individuals in the District. Additionally:

- At a time when federal agencies are reducing budgets and staff, **the JNC is a cost-effective and efficient way to create a highly qualified pool of applicants.** This experienced panel of commissioners and a process honed over decades serve to expedite the selection process by relieving the White House of much of the candidate-screening burden.
- Most jurisdictions across the country afford residents a voice in the selection of their judges. Eliminating the JNC would **remove any local voice in the judicial selection process.**
- The Senate still would still need to confirm judges if the JNC were eliminated; it is unclear how a process of direct presidential appointment would address the D.C. Courts' primary problem of judicial vacancies absent Senate leadership ensuring timely confirmation votes.

Our Mission

Council for Court Excellence's (CCE's) mission is to bring people together to conduct research, educate, and advocate to make D.C.'s unique legal systems more just, equitable, and accountable to the community.



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