

DIVISION 4: COURTS, LAWYERS AND THE
ADMINISTRATION OF JUSTICE



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The District of Columbia Bar

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February 19, 1985

The Honorable Wilhelmina Rollark
Chair, Judiciary Committee
Council of the District of Columbia
District Building
Washington, D.C. 20004

Dear Councilmember Rollark:

Please find enclosed a statement of Division IV of the District of Columbia Bar (Courts, Lawyers and the Administration of Justice) supporting the inclusion in the FY 1986 budget of funding for the Superior Court's Multi-Door Project. We ask that the statement be included in the D.C. Council's record of its hearings on the issue.

Thank you for your consideration, and please do not hesitate to call upon us if we can be of service on this issue.

Sincerely yours,

Claudia Ribet

Chair, Division IV
Arbitration Committee

Division IV Steering Committee:

Ellen Bass, Co-Chair
David J. Hayes, Co-Chair
John P. Hume
Larry P. Polansky
Claudia Ribet
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STANDING COMMITTEES

Arbitration • Court Rules • Legal Representation for Needy Civil Litigants • Legislation

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SUMMARY

Division IV's Statement Concerning Funding by the District of Columbia Council of the Superior Court's Multi-Door Project takes the position that the Council should include in the fiscal year 1986 budget for the Superior Court funding for the Multi-Door Project.

The project offers a creative means of addressing the Court's problems of delay and backlogs in a manner that will be cost-effective in the long-run. While the amount of money at issue, \$260,000, may not be insignificant in the short-run, it represents a good investment in court efficiency for the future which will be much less costly than solutions such as creating additional judgeships. If successful, the project will also make available much less costly means of dispute resolution than litigation, which is very much in the best interest of District of Columbia citizens.

Finally, the Multi-Door Project will undertake a 200-case experiment in mandatory arbitration for civil cases which will yield valuable information about this important potential solution to court backlogs. Division IV is in the final stages of preparing a study on whether mandatory arbitration should be adopted in the Superior Court, and our research indicates that there is significant evidence from courts around the country that mandatory arbitration saves time, money and court resources.

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STATEMENT OF DIVISION IV OF THE DISTRICT
OF COLUMBIA BAR

CONCERNING

FUNDING BY THE DISTRICT OF COLUMBIA COUNCIL
OF THE SUPERIOR COURT'S MULTI-DOOR PROJECT*

Division IV of the D.C. Bar (Courts, Lawyers and the Administration of Justice) urges that the D.C. Council include in the Superior Court's fiscal year 1986 budget funding for the Multi-Door Project. Deletion of these relatively modest funds would be "penny wise but pound foolish," because the Multi-Door Project is a pilot plan that will, if successful, allow the Superior Court in the future to provide speedier and less expensive justice for the citizens of the District of Columbia at substantially less cost than might otherwise be necessary.

We understand that other divisions and members of the Bar have written to the Council and will testify in favor of funding for the Multi-Door Project, and we hope that Division IV's views will be helpful to the City Council.

The Multi-Door Project

The Multi-Door Project is here in the District of Columbia because the American Bar Association ("ABA") chose this and two other cities (Houston and Tulsa) to receive limited funding for a special project to channel litigants from the courtroom to other forms of dispute resolution outside the courthouse. For example, the Multi-Door Project opened two intake centers this year to advise potential litigants on what alternatives are available to them outside the Superior Court. In just one and one-half weeks of operation, the project's two intake centers were able to send over 70 people to other dispute-settlement forums outside the Superior Court. This means that as many as 70 court hearings -- including some jury trials -- were not placed on the Court's already-overcrowded docket.

*STANDARD DISCLAIMER

The views expressed herein represent only those of Division IV: Courts, Lawyers and the Administration of Justice of the D.C. Bar and not those the D.C. Bar or of its Board of Governors.

On April 3, 1985, the project will begin mediation in the Small Claims Court. Mediators will be present during court hours for immediate dispute settlement as an alternative to the relatively long wait for a Superior Court judge. With the recent increase in the jurisdiction of the Small Claims Court from disputes involving \$750 to those involving \$2,000, the pool of persons who can use this mediation has more than doubled. Next fall, the project hopes to add mediation of domestic relations cases as well.

All of these projects were conceived during "Phase I" of the Multi-Door Project. Phase I was primarily funded by the ABA, which contributed \$278,000 out of the budgeted \$300,000 for the project. The balance was raised locally. The ABA cannot, however, fund all of Phase II of the project, as the ABA is committed to funding only new phases of that project. Thus, while the ABA will provide some funds to the District of Columbia Superior Court, this funding cannot and will not cover the running of existing Phase I aspects of the project. Thus, without receipt of the \$260,000 the Superior Court has requested from the City, the Multi-Door Project will be unable both to continue running the excellent, existing projects, and to begin new ones.

Information gathered during Phase I will allow those running the project to implement in Phase II mechanisms for resolution of disputes (e.g., housing) which are not yet addressed by existing alternative dispute resolution mechanisms. In addition, Phase II will include: (1) an experiment with resolution of more complex cases; and (2) a short-term experiment in mandatory arbitration.

Division IV's Views

Division IV supports continued funding of the Multi-Door Project, because we believe that it represents a cost-effective approach to the problem of Superior Court backlog for the long term. Even though the short-term cost may seem high, it is a good investment in court efficiency for the future. If successful, the project will also make available much less costly means of dispute resolution than litigation, which is very much in the best interest of citizens.

Division IV has consistently and strongly supported legislative and judicial initiatives to decrease delays in Superior Court case resolution in a cost-effective manner. In connection with our oral and written testimony before congressional committees both in support of the proposed increase in the number of judges for the Court and in support of the increase in the jurisdictional limit in the Small Claims Court, we urged that Congress should additionally look for less costly means of addressing the backlog problem than, for example, creating new judgeships. The implementation of dispute resolution devices like the Multi-Door Project as alternatives to litigation is just such a cost-effective solution. The amount of money needed to continue the project, \$260,000, is clearly much smaller, for example, than the cost of just one additional judgeship.