Analysis of Jacket Flow and Work Flow in the Civil Motions Office of the District of Columbia Superior Court
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APPENDIX: Report of Problem Definition Visit
I. INTRODUCTION

After attending one of LEAA's Regional Metropolitan Court Delay Reduction Workshops in November 1980, the District of Columbia Superior Court began implementation of a delay reduction program for civil cases which paralleled an earlier delay reduction program undertaken for criminal cases. A major problem encountered in implementing the civil case delay reduction program, however, was the apparent weakness of the Court's current filing and records retrieval systems and, particularly, paper movement in the Civil Motions Office. To assist the Court in dealing with these problems, Larry Polansky, Executive Officer for the D.C. Court System, requested assistance from LEAA's Courts Technical Assistance Project (CCTAP) at The American University to provide an outside review of the Court's record and filing systems, with particular attention to the processing of civil motions. In April, 1981, CCTAP staff held a preliminary meeting with Mr. Polansky, Judge James A. Belson, then presiding judge of the Civil Division*, Thomas Duckenfield, Esq., Clerk of the Court, and Thomas A. Hammond, Esq. Chief Deputy Clerk for the Civil Division to discuss the requested assistance and to further plan the scope and focus of the requested study.

In view of the potential scope of the requested assistance and the considerable efforts already undertaken by the Court to deal with the motions processing problems, it was decided that a limited problem

*Judge Belson was subsequently appointed to the District of Columbia Court of Appeals and succeeded by Judge John F. Doyle.
definition visit should be initially conducted to define, more specifically, the issues which subsequent assistance should address. At this meeting, Mr. Duckenfield agreed to serve as local coordinator for the study and to work with CCTAP staff and consultants in defining the appropriate issues for study.

Two consultants were selected by the CCTAP to conduct the problem definition visit and, if appropriate, to provide the subsequent assistance: Einar Bohlin and Duane E. Hays. Mr. Bohlin, former Michigan state court administrator, had considerable background in systems analysis; Mr. Hays, then Criminal and Civil Assignment Commissioner at the Franklin County, (Columbus), Ohio Court of Common Pleas*, had previously worked with the Columbus Municipal Court and thus brought the perspective of civil caseflow processing in both a limited and general jurisdiction court.

On June 8 and 9, Mr. Bohlin and Mr. Hays conducted the preliminary visit to the Court at which time they observed various operations in the Civil Motions Office and met with Mr. Duckenfield, Mr. Hammond, Mr. Polansky as well as with Julian Schonter, Deputy Clerk of the Civil Actions Branch; Joseph West, Civil Assignment Commissioner; Jane Lamb, Motions Commissioner, and others involved in the civil motions process. In preparation for this visit, Mr. Hammond compiled various materials relating to civil motions practice in the District of Columbia as background for the consultants.

Following this visit, Mr. Bohlin prepared a summary of the consultants' findings regarding the problems which they identified

* On July 1, 1981, Mr. Hays became the administrator of the Franklin County, (Columbus), Ohio Court of Common Pleas.
and those which they felt could be amenable to the CCTAP's services.*

Twelve problem areas relating to the physical facilities of the Office, the microfilm program, personnel vacancies, office administration and motions processing procedures were noted. Although the consultants commented on each of these problems, it was felt that only two of them were amenable to CCTAP assistance: (1) an analysis of the flow of case jackets and (2) an analysis of workflow in the office. Mr. Duckenfield concurred with these recommendations and, on June 22-25, 1981, Mr. Hays and Mr. Bohlin returned to the Court to address these areas. Mr. Hays concentrated on jacket flow (Part II of this report); Mr. Bohlin focussed on workflow (Part III).

During this second visit, the consultants again met with Mr. Duckenfield, Mr. Hammond, Ms. Lamb, Mr. Polansky, Mr. Schonter and Mr. West as well as with the following other individuals: Joan Ball, secretary; Judge Belson; William Bradford, practicing attorney; Judge John F. Doyle, current Presiding Judge of the Civil Division; Jan Forsyth, attorney advisor in the Motions Office; Samuel Harahan, Director of the D.C. Court System Study Committee of the District of Columbia Bar; Joan Hunter, secretary; James Lynch, Deputy Executive Officer for the District of Columbia Court System; Judge Bruce S. Menscher; Judge Carl Moultrie, Chief Judge of the Superior Court; Michael Stanley, Deputy Assignment Commissioner; and Marilyn Williams, assistant motions clerk.

A draft report documenting the results of this visit was submitted to Mr. Duckenfield in August. Subsequent comments on the report were

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*A copy of Mr. Bohlin's summary is included in the Appendix to this report.*
submitted to the CCTAP and have been incorporated, as appropriate, into
this final report.

The consultants would like to thank the judges, administrators and
staff of the Court for their courtesies during the course of this brief
study and for the help and assistance they provided on site.
II. JACKET FLOW

A. Analysis

A civil action is commenced in the D.C. Superior Court with the filing of a complaint or petition by the plaintiff in the office of the Clerk of Courts. With this filing, a case jacket is created. The jacket is then transferred from the clerk's office to the key punch index room, then to the fiche jacket and folder preparation area. After the fiche jacket is prepared, the jacket is then taken to the clerical office for microfilm preparation, and is then sent to be microfilm camera room where the entire file is filmed and returned to the file room.

The process itself can be efficient and can be concluded in one-three days. However, processing time can be considerably lengthened if staff are absent or staff positions are vacant. (see Recommendation I)

After the jacket is returned to the file room, the jacket may be subsequently removed for any one of five reasons:

(1) Reissuing of the summons

The initial life of a summons is very short. If service isn't executed, the attorney must initiate a reissuing of the summons which requires the jacket to be removed from the file room and sent back through the initial process of going from the clerk's office to microfilm preparation to microfilm camera, etc., all over again. (See Recommendation II.)
(2) **Review**

The jacket may also be removed for review by any person interested in the case. In addition, it may be removed by court staff simply to check on the contents of the jacket, to review a particular motion or document filed in it, or to take the whole jacket in order to make needed copies of individual documents. In each instance, an outcard is to be left in the file room until the jacket is returned.

In a number of instances when a case is reviewed in this manner, however, the jacket is completely removed from the court in violation of court rules and ends up in an attorney's office. (See Recommendation III).

(3) **Non-Trial Judicial Consideration**

A jacket may be pulled for the court to provide necessary information to a judge in handling a non-trial matter. For example, in a request for a temporary restraining order, a preliminary injunction or any other court action requiring judicial response, the jacket will normally be pulled and sent to the court. If request is made to schedule another event, the file is then forwarded to the assignment office, the date is scheduled and the jacket is returned to the file room. Otherwise, the jacket should be immediately returned to the file room when the judge is finished. However, frequently, this does not occur. (See Recommendation IV)

(4) **Processing the Answer**

When an answer is filed, the jacket is taken to the Assignment Office where the answer is processed. If the case is at issue, a case history card is created, a pre-trial date is determined, and the case
is scheduled. The trial date is generally one year in advance. The jacket is then returned to the file room.

At the time of the site visit, this calendaring process and the screening that took place caused jackets to be in the assignment office as long as three weeks before being returned to the file room. (See Recommendation V)

(5) **Filing of Motions**

When a motion is filed, the motions paper is held in the Motions Office until the jacket is called up when the opposition is due. When the motion commissioner receives a jacket, a motion history card is created which goes with the jacket to the assignment office. Quite often, the attorney will personally take the jacket, with the motion being filed, directly to the motions commissioner. A possible reason for the attorney getting involved in this way might relate to a prior experience he/she had had at one time when a motion did not get into the process and so special effort is now being made to assure that things go smoothly. By personally taking everything through the lawyer is sure that the motion arrives at the proper point in time.

Oppositions to motions are required to be filed within 10 to 13 days of the filing of the motion, depending on whether service was personal or by mail. The jacket, whether the motion is opposed or not, may stay with the motions commissioner for the entire 10 to 13 day period or it may be taken back to the file room. Jackets for opposed motions which have cleared the system are sent to the motions clerk at the assignment office who holds the jacket to calendar the motion. At
the time of the site visit, this process was completed within a week and a half to two weeks. * The jacket is then returned to the file room until time for hearing the motions.

Based on a random review of case jackets in the motion commissioner's office at the time of the site study, the consultants noted that some jackets on unopposed motions had been in the motion commissioner's office for as long as two months with no apparent movement and without being returned to the file room. (see Recommendation VI).

B. Findings

In the course of this brief site visit to the Court, it was clear that there is a serious problem with lost or misplaced jackets within the Civil Division. The result is delays and, in some cases, inability to allow a matter to come before a judge for disposition. The misplacement or loss of the jacket also makes it nearly impossible for anyone within the system to determine the exact status of the case.

A substantial portion of the problem stems from the fact that virtually anybody can obtain the jacket from the file room by using an outcard designed to show who removed the jacket and where it was taken. There is nothing to prevent another person from then taking the jacket to several other locations without the outcard being updated.

The consultants also noted that the Civil Division staff tend to assist attorneys in preparing their motions more than in any other court

* Upon review of the draft of this report, Thomas Duckenfield, Clerk of the Court, indicated that, generally, once jackets are taken to the motions office, they are usually there for no more than three or four days. A few jackets are there longer when a special problem arises.
with which they are familiar. In each step of the civil motion process, court staff assist attorneys not only by checking over their work but actually proofing the motions submitted and advising them on necessary changes that might have to be made in a motion to assure its submission in proper form. The time which court staff spend in this regard takes away from time which could otherwise be devoted to the actual processing of the motions themselves.

The Court has attempted to deal with some of these problems by instituting short-term remedies which, for example, have resulted in some form revisions and improvements in the physical layout of the motions office. However, attention must also be given to the need for developing a system-wide approach for dealing with these problems in order to achieve long-term improvement.

Three essential changes must occur before the problems with case jacket flow can be eliminated:

(1) Access by attorneys to case jackets must be eliminated;
(2) Microfilming must be brought up to date and must be kept up to date; and
(3) Jacket removal from the central file room, by other than court personnel, for other than a judicial hearing, must be substantially reduced.

The recommendations submitted in Section IV of this report would require no drastic changes in the present system and could be implemented with relative ease. The largest impact of the recommendations would be upon the attorneys who practice before the Civil Division. Substantial adjustments might have to be made, however, in their behavior and the degree of assistance they expect from Court staff.
III. OFFICE WORK FLOW

Problems with the processing of Civil II motions* were not as apparent as were those of jacket flow. However, the consultants were advised by staff early and often of "complaints" from the attorneys that motions were being processed too slowly. (See Recommendation VII).

In order to test the timing of motions processing, it is necessary to gather empirical data. The consultants visits were brief and the data collectible in such a short time will not withstand challenges of statistical inelegance. The "conclusions" reached using the data which follows should be classified "tentative" at best. (See Recommendation VIII).

A. Description of the Office

The Civil Motions Office functions as a law clerk for the judges assigned to handle Civil II cases.

The office is staffed by:

<table>
<thead>
<tr>
<th>Title</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motions Commissioner</td>
<td>1</td>
</tr>
<tr>
<td>Attorney Advisor</td>
<td>1</td>
</tr>
<tr>
<td>Motions Clerk</td>
<td>1</td>
</tr>
<tr>
<td>Assistant Motions Clerk</td>
<td>1</td>
</tr>
<tr>
<td>Secretary</td>
<td>1</td>
</tr>
<tr>
<td>Law Student Intern(s)</td>
<td>(varies)</td>
</tr>
</tbody>
</table>

Copies of informal job descriptions were provided during the second site visit. While these were helpful, it is suggested that further

*Civil I cases, which are more serious and complex cases, are assigned directly to individual judges who handle all related motions in the case.
analysis of this function would require a more structured approach, including, especially, accurate estimates of time allocated to each task.

The motions Office is separated from the Clerk's Office by a long hallway, and from the Assignment Office by a hallway twice as long and a whole floor. (See Recommendation VI).

Figure 1 provides an overview of the volume and nature of the work of the Motions Office. The Figure was taken from the Whittier College of Law working papers, updated with 1980 data.

**CIVIL MOTIONS OFFICE: Volume, 1980**

![Diagram of motions and oppositions]

**PREPARATION**

1a. Attorney prepares motion, points and authorities and order.

1b. Attorney files motion with Commissioner.

1c. Motion office sends to file

1d. File dockets by microfilm

1e. File returns

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Motions Commissioner examines motion papers.</td>
</tr>
<tr>
<td>2</td>
<td>Motions Commissioner decides whether motion needs to be heard.</td>
</tr>
<tr>
<td>3</td>
<td>Motions Commissioner approves or causes to be prepared an appropriate order.</td>
</tr>
<tr>
<td>4</td>
<td>If to be heard, sends papers to assignment office</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Step</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1,490</td>
</tr>
<tr>
<td>2</td>
<td>4,498</td>
</tr>
<tr>
<td>3</td>
<td>2,354</td>
</tr>
</tbody>
</table>

**TOTAL MOTIONS:**

- Rejected: 2,354
- Decided: 4,498
- To be heard: 1,490
- Total: 8,332

Based on 16,545 papers.
B. General Work Flow Description

The following is a brief description of the principal actions, locations and outcomes of the processing of Civil II Motions:

<table>
<thead>
<tr>
<th>Action(s)</th>
<th>Locations(s)/Outcome(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Motion filed</td>
<td>1. Clerk's Office</td>
</tr>
<tr>
<td></td>
<td>a. White card attached to motion</td>
</tr>
<tr>
<td>2. Preliminary Screening</td>
<td>2. Motions Office</td>
</tr>
<tr>
<td></td>
<td>a. Screens for technical compliance</td>
</tr>
<tr>
<td></td>
<td>b. Prepares white card if not attached to motion</td>
</tr>
<tr>
<td></td>
<td>c. Files white card by date</td>
</tr>
<tr>
<td></td>
<td>opposition due, by case number.</td>
</tr>
<tr>
<td>3. Microfilming</td>
<td>d. Prepares beige card - Motions Office tracking</td>
</tr>
<tr>
<td>4. Filing</td>
<td>card - filed by case number by year. Card</td>
</tr>
<tr>
<td>5A No opposition to motion</td>
<td>contains entries for all motions filed on the case.</td>
</tr>
<tr>
<td></td>
<td>3. Civil Dockets</td>
</tr>
<tr>
<td></td>
<td>4. Motions Office</td>
</tr>
<tr>
<td></td>
<td>5A Motions Office:</td>
</tr>
<tr>
<td></td>
<td>a. Calls up case jacket</td>
</tr>
<tr>
<td></td>
<td>b. Makes technical changes to order, if necessary.</td>
</tr>
<tr>
<td></td>
<td>c. Reads papers for signing by Judge.</td>
</tr>
</tbody>
</table>
5B. Opposition filed.

d. Sends signed orders to attorneys.

e. Notes disposition on beige card. (If case jacket or relevant papers not available case placed on research list)

f. Routes completed case jacket.

5B. Motions Office:

a. Calls up case jacket.

b. Determines whether hearing necessary.

c. If hearing necessary, routes case jackets and white card to Assignment Office for calendaring.

5B. Assignment Office:

a. Uses white card for calendaring.
b. 3-4 days before scheduled hearing
case jacket to Law Clerk,
Calendar Control Judge.

5C. Judge's Office:

a. When motion decided, routes case
jacket to Assignment Office.

(Note: papers are routed to microfilming at several points: (1) from
Motions Office, after filing and creation of white and beige cards; (2)
from Motion's Office after signing of orders on unopposed or opposed
motions; and (3) from Assignment Office after disposition of contested
motions for which hearings were held.)

The above sequence describes the general flow. Inside the office,
work flows to the attorneys through the clerical staff when matters are
ready for legal analysis. The mechanics of internal flow are handled by
a system of work lists. A description of the various lists is provided
below.

C. Civil Motions Office: Work Lists

The Motions Office maintains several work lists on yellow foolscap
sheets placed in manila folders in the general office area. The work
lists are lists of cases which must be processed and are located on the
file shelves of the Motions Office. They do not comprise all of the
cases in the office which must be processed at any given time. Other
cases are on the employees' desks or tables with a charge out card on
the motions file shelves identifying the desk where the jacket is
located. The titles and purposes of these work lists are:
<table>
<thead>
<tr>
<th>Title</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Research</td>
<td>1. Cases for which case jackets and relevant papers have not been forwarded to the Motions Office. Staff leave the Motions Office approximately 3-4 times per month search for the jackets and papers. Cases are placed on the list by the Motions Commissioner or the Attorney Advisor &quot;when something relevant is not available&quot;. On June 24, 1981, there were 43 cases on this list; 25 motions and 18 jackets.¹</td>
</tr>
<tr>
<td>2. Opposition</td>
<td>2. Cases for which opposition to a motion has been filed.</td>
</tr>
<tr>
<td>3. Call-Up</td>
<td>3. Cases ready for work by the Attorney Advisor. Cases reach this list when: (1) the case jacket and papers arrive at the Motions Office and (2) no opposition has been filed. On June 24, there were 7 cases on this list.¹</td>
</tr>
<tr>
<td>4. Opposition Review</td>
<td>Cases ready for work by the Motions Commissioner. Cases reach this list when: (1) the</td>
</tr>
</tbody>
</table>
case jacket and papers arrive at the Motion's Office and (2) an opposition has been filed. On June 24th, there were 6 cases on this list.¹

5. a. Jan's (Attorney Advisor) Attention

b. Jan's (Motions Commissioner) Attention

5. a. and b. Essentially, these lists contain matters equivalent to those contained on the call-up and opposition review lists (#3 and #4), except that cases reach this list via the research list. In other words, as a result of work performed from the call-up and opposition review lists it is often necessary to locate additional papers. If so, cases are placed on the research list. When the papers are located, cases are placed on the attention lists. On June 24th, these lists contained 14 and 0 cases, respectively.¹
6. Attorney Response

6. Cases for which the Motions Office is waiting for a response from an attorney. On June 24th there were 55 cases on this list.¹

¹The number of cases contained on these lists fluctuates during each day. A longitudinal analysis, with sampling carried out at various times on various days, would be needed for these numbers to take on meaning.
D. Age of Motions from Filing to Disposition by the Motions Office

In a random sample of 34 motions (1980), 19 (56%) took in excess of 20 calendar days to disposition, 7 (21%) took over 30 days: 4
% Disposed 44% 23% 21% 12%

TABLE I
Similarly, for 1981 motions (sample of 17):

Motions on 1981 Cases

<table>
<thead>
<tr>
<th>Days</th>
<th>0-20 days</th>
<th>21-30</th>
<th>31-60</th>
<th>over 60</th>
</tr>
</thead>
<tbody>
<tr>
<td>% Disposed</td>
<td>76%</td>
<td>0</td>
<td>12%</td>
<td>12%</td>
</tr>
</tbody>
</table>

TABLE II

If the data held for larger, statistically sound samples, one might conclude:

1. 88% of Civil II motions are disposed of by the Motions Office under 60 days.

2. A "hard core" of 12% of the motions filed will be in process over 60 days.

3. An improvement may be noted in contrasting the 1980 and 1981 figures. Staff attributes the improvement to the recent move to more adequate quarters.

Data were obtained from the beige cards in the Motions Office.
Examination of the cards and questions of staff suggest that the delayed
dispositions are caused, at least in great part, by the absence of case jackets and/or loose papers for use by the Motions Office at critical times. In only one of the cases pulled (2998-81) was the apparent reason for delay not attributable to unavailability of the case jacket. In 2998-81, the Attorney Advisor had held the matter for further research.

In addition to examining the historical file (beige cards), the pending motions file (white cards) was also researched. As of June 24th, of 428 pending motions, 37 (9%) were older than 180 days from date of filing. In one of those cases (10943-74), 2 motions were noted as pending since July 11, 1979 and December 3, 1979. By Motions Office and other court procedures this case has been "researched" (jacket searched for) approximately 34 times since December 1979 with no apparent success. (See IX)

The 9% over 180 days would appear to track with the 12% over 60 days in the 1980 and 1981 samples.
IV. RECOMMENDATIONS

A. Recommendation I: Microfilm System

1. To allow control, to provide the opportunity for improved management of the case jackets, and to fulfill one of the Court's basic purposes as keeper of records of legal status, the microfilm system must be modernized and kept current. We strongly recommend implementation of the recommendations contained in the National Center for State Courts report/evaluation of the Court's microfilming program prepared by Don Skupsky in April, 1979. Mr. Skupsky's recommendations may need some technological updating, but the fundamental issues his report addressed are still fresh.

2. A system should be implemented whereby the jackets are not removed from the file room, except by a judge or other courtroom personnel. When a document is filed, it should go through the necessary steps for processing, be microfilmed, and then be forwarded to the central file room. The document will then catch up to the file, not visa versa.

B. Recommendation II: Reissuing of Summons

The jacket need not be removed from the file room for the reissuance of summons. Attorneys must file the appropriate papers to have the summons reissued. We question the necessity of taking the jacket out of the file room for this procedure. The new summons can be filed in the jacket when the file room receives it from the microfilm department.
Keeping the jacket in the central location will reduce the possibility of misplacing important court records, and will insure the availability and locatability of information when it is needed by the Court.

C. Recommendation III: Review and Removal of Jacket

1. Review of a jacket by anyone other than a court employee should be permitted only at the counter area of the clerk of courts' office, and only in the presence of a deputy clerk.

2. A copy machine should be provided and maintained inside the counter area of the Civil Division. Any copies required by non-court personnel should be made by a deputy clerk at a nominal charge, to be determined by the court, and to be received by the clerk.

3. The Court should consider implementing and closely enforcing much more stringent penalties in instances where the jacket is removed from the building.

D. Recommendation IV: Removal of Jackets by Non-Judicial or Non-Court Personnel

Removal of jackets by anyone other than a judge or other courtroom personnel, even for miscellaneous matters, should be reduced, if not eliminated. Again, this point cannot be too strongly stressed. The impact, as in the previous recommendations dealing with this topic, is that the jacket can remain in the control of the central file room. When it is truly needed, it is readily available to the judge.

E. Recommendation V: Case History Cards

The assignment office should immediately prepare a case history card for each jacket and return the jacket to the file room. This procedure would eliminate the need for a jacket to be out of the central
file area for an extended period of time, would save space for filing in the assignment office, and would provide a workable, manageable system for recording information concerning the case.

The history card contains all information pertinent to the case such as parties, attorneys, type of case, amount of prayer, etc. The card acts in place of the jacket. It is much easier to deal with a group of cards than to wrestle with an equal number of unwieldy jackets.

A further recommendation is that the Court give consideration to combining the motions cards and the case history card, so that one card is used for each case. In the event that a number of motions are filed in a particular case, there would be a complete record on the case history card. Questions concerning the status of the case, or the status of a motion, or any information needed concerning the case, could be obtained quickly and easily by referring to the case history card. There would be no need to spend time searching for a jacket.

The most important thing to be gained from this system, however, would be one card would be prepared for each case and the case jacket could remain in the file room until needed in the courtroom.

F. Recommendation VI: Possible Consolidation of Motion Commissioner and Assignment Commissioner Offices

The Court should consider the consolidation of the motion commissioner and the assignment commissioner's offices. There are a number of reasons for this move. Because motions that must be heard are calendared by the assignment office separate cards are prepared for both motions and case calendaring. By consolidating these offices, one card could be prepared to reflect motions and motion hearings, as well as the
usual case information. A savings in time would also result because only one card would be prepared, and it would remain in one central location.

The question of adequate staffing for such a system would very likely answer itself. Each office presently has sufficient personnel; combining the two offices should not create any additional staffing requirements, and has the added potential benefit of better utilization of existing staff.

The control of caseflow management would also be enhanced by the procedural and physical consolidation of these two offices. Cards would record every event in the life of a case, and all scheduling would be available to both motions and assignment personnel.

G. **Recommendation VII: Handling Complaints**

An informal system should be considered for handling gripes from attorneys regarding workflow in the Civil Motions Office. At the time of the consultants' visit, it did not appear that such a system existed. Such a system could be no more than an agreement among court managers that gripes will be aired and follow-up action taken and reported as and if necessary. Many of the gripes will probably never reach the complaint level, and many of the gripes can probably be handled in routine fashion, preferably by telephone. Gripes that mature into complaints should be thoroughly handled at staff meetings where the entire management team may contribute.

H. **Recommendation VIII: Monitoring Civil Motions Processing**

The kinds of data collection performed in Part III of this report would be very useful if performed with larger samples, on a regular basis. We acknowledge that the judgment of the Court's judicial and
administrative leadership must be applied to the question of whether it is acceptable that 12% of the Civil II motions take longer than 60 days to process in the Civil Motions Office. Court leadership may wish to set a lower percentage figure as a goal against which more complete information on current process can be measured. Without an articulation by the Court of what constitutes acceptable timing, a larger proportion of gripes may mature to complaint status than would otherwise be the case.

Surely the computer could be of assistance here. If earlier recommendations are implemented, especially Recommendation VI regarding the consolidation of the Assignment and Motions Offices, the Court should consider providing the merged operation with its own micro-computer.

I. Recommendation IX: Jacket Search Staff

Aside from earlier recommendations regarding jacket flow, there is the matter of how jackets are tracked down. It is the consultants' understanding that a part of the Clerk's Office known as the Court Support Unit has the primary responsibility for this function. It is also our understanding that the Court Support Unit is understaffed and that members of that unit are routinely pulled away from jacket search duty to perform other functions. By the very existence of a separate unit of staff, the purported sole function of which is to search out case jackets, the Court appears to recognize that the jacket flow problem exists and is acute. However, a situation exists in which various units will predictably "delegate" the jacket problem to someone else. Even if, and perhaps especially if, earlier recommendations cannot
be implemented, it is recommended that the jacket search group's numbers be examined closely and augmented if possible, and that every effort be made to eliminate the assignment of jacket search staff to other court functions.
APPENDIX

Report of Problem Definition Visit
MEMORANDUM

TO: Caroline S. Cooper, Deputy Director, CCTAP

FROM: Einar Bohlin

SUBJECT: T.A. Assignment #104A: Study of Civil Motions Process in D.C. Superior Court: Problem Definition Visit Findings

DATE: June 15, 1981

You requested a brief letter report to identify problems, indicate which problems may be amenable to the project's services, and indicate how the assistance could be provided. Here is our preliminary report:

<table>
<thead>
<tr>
<th>Problem Identified</th>
<th>Amenable to Project Services?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Non-contiguous locations of offices which conduct business with each other routinely (Interview and Judgement, Assignment, and Motions).</td>
<td>1. Possibly. Our support of court management's conclusion that contiguous office space would improve workflow may be useful to court management.</td>
</tr>
<tr>
<td>2. Lack of shelf space for case jackets.</td>
<td>2. Possibly. Again, our support may be useful in court management's efforts to obtain needed equipment.</td>
</tr>
<tr>
<td>3. Microfilm program:</td>
<td>3. Possibly. An NCSC study (1979) by Don Skupsky lays out a program that is attractive to us in most aspects. In the time allotted, we doubt that we could amplify that report successfully. We do make the following observations:</td>
</tr>
<tr>
<td>a. Backlog</td>
<td>a. Backlog - staffing and equipment are inadequate to keep the microfilming program current.</td>
</tr>
<tr>
<td>b. Relationship to case jacket problems</td>
<td>b. Unless the microfilming system can be kept current, substitution of microfilm for the case jacket will not take place. The current choice is between two backlogged systems, and clearly the current users prefer the jackets.</td>
</tr>
</tbody>
</table>


6. Motions Office: need for a workflow analysis, including information on the time from filing to disposition of motions.

7. Case jackets: need for improved security.

8. Case jackets: need for flow analysis.

9. Motions Office: need for reclassification study, Assistant Motions Clerk. High rate of turnover reported.

10. Motions Office: verbal complaints re backlog; length of time from filing to disposition.

c. The microfilming program should be enhanced to the point where the case jacket is used only by the judges. All others should use microfilm.

4. No, but we support staff's efforts to explore the need for formats in addition to those already available.

5. No, but we support staff development of an attractive pamphlet, probably including the suggested order formats as mentioned in #4, above. We suggest further that the tentative draft be reviewed by a person skilled in public relations/communications.

6. Yes, suggest Einar Bohlin handle this on a follow-up visit.

7. No. This area requires a series of changes, decisions by court management. We support a severe cutback in jacket availability to other than judges and staff. (see #3c, above).

8. In great part to support #7, we suggest Duane Hays handle this on a follow-up visit.

9. We suggest this be handled pursuant to regular Superior Court procedures.

10. See #6.

11. We suggest a staff study of feasibility and cost/space savings potential if interrogatories/depositions not routinely made part of the file unless and until necessary.

12. Personnel: question time required to fill vacancies.

12. Without detailed information and knowledge of court budgeting and personnel system problems, we can only observe the ill effects of prolonged vacancies: piled-up work and a sense of staff frustration about both the work and the lack of help to accomplish the work. It is unlikely that this problem would be amenable to A.U. Technical Assistance services.

We're ready to return for a follow-up visit to carry out the Motions Office and Case Jacket analyses, as described above. Regardless of whether we proceed, we extend our thanks to Tom Duckenfield, Larry Polansky, Tom Hammond, Julian Schoner, Jane Lamb, Joseph West and all of the others who were so gracious in giving their time and expertise.