

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 11.**  
**ORGANIZATION AND JURISDICTION OF**  
**THE COURTS.**

**CHAPTER 7.**  
**DISTRICT OF COLUMBIA COURT OF APPEALS.**

**2001 Edition**

**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 7. DISTRICT OF COLUMBIA COURT OF**  
**APPEALS.**

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# **CHAPTER 7. DISTRICT OF COLUMBIA COURT OF APPEALS.**

## **SUBCHAPTER I. CONTINUATION AND ORGANIZATION.**

### **§ 11-701. CONTINUATION OF COURT; COURT OF RECORD; SEAL.**

(a) The District of Columbia Court of Appeals (hereafter in this subchapter referred to as the "court") shall continue as a court of record in the District of Columbia.

(b) The court shall have a seal.

(July 29, 1970, 84 Stat. 478, Pub. L. 91-358, title I, § 111.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 11-701.

1973 Ed., § 11-701.

### **§ 11-702. COMPOSITION.**

The court shall consist of a chief judge and eight associate judges.

(July 29, 1970, 84 Stat. 478, Pub. L. 91-358, title I, § 111.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 11-702.

1973 Ed., § 11-702.

### **§ 11-703. JUDGES; SERVICE; COMPENSATION.**

(a) The chief judge and the judges of the court shall serve in accordance with Chapter 15 of this title.

(b) Judges of the court shall be compensated at the rate prescribed by law for judges of the United States courts of appeals. The chief judge, while serving in that position, shall receive an additional \$500 per annum.

(July 29, 1970, 84 Stat. 479, Pub. L. 91-358, title I, § 111; Oct. 28, 1986, 100 Stat. 3228, Pub. L. 99-573, § 16(a); June 13, 1994, Pub. L. 103-266, § 1(b)(1), 108 Stat. 713.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 11-703.

1973 Ed., § 11-703.

### **§ 11-704. OATH OF JUDGES.**

Each judge, when appointed, shall take the oath prescribed for judges of courts of the United States.

(July 29, 1970, 84 Stat. 479, Pub. L. 91-358, title I, § 111.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 11-704.

1973 Ed., § 11-704.

**§ 11-705. ASSIGNMENT OF JUDGES; DIVISIONS; HEARINGS.**

(a) Judges of the court shall sit on the court and its divisions in such order and at such times as the court directs.

(b) Cases and controversies shall be heard and determined by divisions of the court unless a hearing or a rehearing before the court in banc is ordered. Each division of the court shall consist of three judges.

(c) A hearing before the court in banc may be ordered by a majority of the judges of the court in regular active service. The court in banc for a hearing shall consist of the judges of the court in regular active service.

(d) A rehearing before the court in banc may be ordered by a majority of the judges of the court in regular active service. The court in banc for a rehearing shall consist of the judges of the court in regular active service, except that a retired judge may sit as a judge of the court in banc in the rehearing of a case or controversy if the judge sat on the court or a division of the court at the original hearing thereof.

(July 29, 1970, 84 Stat. 479, Pub. L. 91-358, title I, § 111; June 13, 1994, Pub. L. 103-266, § 1(b)(2), 108 Stat. 713.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 11-705.

1973 Ed., § 11-705.

**§ 11-706. ABSENCE, DISABILITY, OR DISQUALIFICATION OF JUDGES; VACANCIES; QUORUM.**

(a) When the chief judge of the court is absent or disabled, the chief judge's duties shall devolve upon and be performed by such associate judge as the chief judge may designate in writing. In the event that the chief judge is (1) disqualified or suspended, or (2) unable or fails to make such a designation, the chief judge's duties shall devolve upon and be performed by the associate judges of the court according to the seniority of their original commissions.

(b) A chief judge whose term as chief judge has expired shall continue to serve until redesignated or until the chief judge's successor has been designated. When there is a vacancy in the position of chief judge, the position shall be filled temporarily as provided in subsection (a).

(c) Two judges shall constitute a quorum of a division of the court, and six judges shall constitute a quorum of the court sitting in banc.

(July 29, 1970, 84 Stat. 479, Pub. L. 91-358, title I, § 111; June 13, 1994, Pub. L. 103-266, §§ 1(b)(3), (4), 108 Stat. 713.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 11-706.

1973 Ed., § 11-706.

**§ 11-707. ASSIGNMENT OF JUDGES TO AND FROM SUPERIOR COURT.**

(a) The chief judge of the District of Columbia Court of Appeals may designate and assign temporarily one or more judges of the Superior Court of the District of Columbia to serve on the District of Columbia Court of Appeals or a division thereof whenever the business of the District of Columbia Court of Appeals so requires. Such designations or assignments shall be in conformity with the rules or orders of the District of Columbia Court of Appeals.

(b) Upon presentation of a certificate of necessity by the chief judge of the Superior Court of the District of

Columbia, the chief judge of the District of Columbia Court of Appeals may designate and assign temporarily one or more judges of the District of Columbia Court of Appeals to serve as a judge of the Superior Court of the District of Columbia.

(July 29, 1970, 84 Stat. 479, Pub. L. 91-358, title I, § 111.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 11-707.

1973 Ed., § 11-707.

## **§ 11-708. CLERKS AND SECRETARIES FOR JUDGES.**

Each judge may appoint and remove a personal secretary. The chief judge may appoint and remove three personal law clerks, and each associate judge may appoint and remove two personal law clerks. In addition, the chief judge may appoint and remove not more than three law clerks for the court. The law clerks appointed for the court shall serve as directed by the chief judge.

(July 29, 1970, 84 Stat. 480, Pub. L. 91-358, title I, § 111; Dec. 31, 1975, 89 Stat. 1098, Pub. L. 94-191, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 11-708.

1973 Ed., § 11-708.

## **§ 11-709. REPORTS.**

Each judge shall submit to the chief judge such reports and data as the chief judge may request. Each judge shall submit a monthly written report to the chief judge and the Commission on Judicial Disabilities and Tenure which shall be in a form prescribed by the chief judge after consultation with the Commission and which shall set forth the following:

- (1) The number of days' attendance in court of the judge during the month covered.
- (2) The division of the court which the judge attended.
- (3) The number of hours per day of the judge's attendance.
- (4) The number and type of matters disposed of by the judge during the month covered.
- (5) Such other data as the chief judge may require.

(July 29, 1970, 84 Stat. 480, Pub. L. 91-358, title I, § 111; June 13, 1994, Pub. L. 103-266, §§ 1(b)(5), (6), 108 Stat. 713.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 11-709.

1973 Ed., § 11-709.

## **§ 11-710. EMERGENCY AUTHORITY TO CONDUCT PROCEEDINGS OUTSIDE DISTRICT OF COLUMBIA.**

(a) *In general.* -- The court may hold special sessions at any place within the United States outside the District of Columbia as the nature of the business may require and upon such notice as the court orders, upon a finding by either the chief judge of the court (or, if the chief judge is absent or disabled, the judge designated under section 11-706(a)) or the Joint Committee on Judicial Administration in the District of Columbia that, because of emergency conditions, no location within the District of Columbia is reasonably available where such special sessions could be held. The court may transact any business at a special session authorized pursuant to this section which it has the authority to transact at a regular session.

(b) *Notice requirements.* -- If the Court of Appeals issues an order exercising its authority under subsection (a), the court --

- (1) through the Joint Committee on Judicial Administration in the District of Columbia, shall send notice of such order, including the reasons for the issuance of such order, to the Committee on Homeland

Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives; and

(2) shall provide reasonable notice to the United States Marshals Service before the commencement of any special session held pursuant to such order.

(Oct. 16, 2006, 120 Stat. 2024, Pub. L. 109-356, § 114(a)(1).)

## **SUBCHAPTER II. JURISDICTION.**

### **§ 11-721. ORDERS AND JUDGMENTS OF THE SUPERIOR COURT.**

(a) The District of Columbia Court of Appeals has jurisdiction of appeals from --

(1) all final orders and judgments of the Superior Court of the District of Columbia;

(2) interlocutory orders of the Superior Court of the District of Columbia --

(A) granting, continuing, modifying, refusing, or dissolving or refusing to dissolve or modify injunctions;

(B) appointing receivers, guardians, or conservators or refusing to wind up receiverships, guardianships, or the administration of conservators or to take steps to accomplish the purpose thereof; or

(C) changing or affecting the possession of property; and

(3) orders or rulings of the Superior Court of the District of Columbia appealed by the United States or the District of Columbia pursuant to section 23-104 or 23-111(d)(2).

(b) Except as provided in subsection (c) of this section, a party aggrieved by an order or judgment specified in subsection (a) of this section, may appeal therefrom as of right to the District of Columbia Court of Appeals.

(c) Review of judgments of the Small Claims and Conciliation Branch of the Superior Court of the District of Columbia and of judgments in the Criminal Division of that court where the penalty imposed is a fine of less than \$50 for an offense punishable by imprisonment of one year or less, or by fine of not more than \$1,000, or both, shall be by application for the allowance of an appeal, filed in the District of Columbia Court of Appeals.

(d) When a judge of the Superior Court of the District of Columbia in making in a civil case (other than a case in which a child, as defined in section 16-2301, is alleged to be delinquent, neglected, or in need of supervision) a ruling or order not otherwise appealable under this section, shall be of the opinion that the ruling or order involves a controlling question of law as to which there is substantial ground for a difference of opinion and that an immediate appeal from the ruling or order may materially advance the ultimate termination of the litigation or case, the judge shall so state in writing in the ruling or order. The District of Columbia Court of Appeals may thereupon, in its discretion, permit an appeal to be taken from that ruling or order, if application is made to it within ten days after the issuance or entry of the ruling or order. An application for an appeal under this subsection shall not stay proceedings in the Superior Court of the District of Columbia unless the judge of that court who made such ruling or order or the District of Columbia Court of Appeals or a judge thereof shall so order.

(e) On the hearing of any appeal in any case, the District of Columbia Court of Appeals shall give judgment after an examination of the record without regard to errors or defects which do not affect the substantial rights of the parties.

(f) The District of Columbia Court of Appeals shall hear an appeal from an order of the Superior Court of the District of Columbia holding an individual in contempt and imposing the sanction of imprisonment on such individual in the course of a case for custody of a minor child not later than 60 days after such individual requests that an appeal be taken from that order.

(g) Any appeal from an order of the Family Court of the District of Columbia terminating parental rights or granting or denying a petition to adopt shall receive expedited review by the District of Columbia Court of Appeals.

(July 29, 1970, 84 Stat. 480, Pub. L. 91-358, Title I, § 111; Sept. 23, 1989, 103 Stat. 634, Pub. L. 101-97, § 3; June 13, 1994, Pub. L. 103-266, § 1(b)(7), 108 Stat. 713; Jan. 8, 2002, 115 Stat. 2112, Pub. L. 107-114, § 4(b).)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 11-721.

1973 Ed., § 11-721.

Pub. L. 107-114 added subsec. (g).

*Effective Dates*

Section 5 of Pub. L. 101-97 provided that the amendments made by §§ 2 and 3 shall apply with respect to any individual imprisoned before the expiration of the 18-month period that begins on the Dates of the enactment of this Act for disobedience of an order or for contempt committed in the presence of the Superior Court of the District of Columbia or the District of Columbia Court of Appeals.

## **§ 11-722. ADMINISTRATIVE ORDERS AND DECISIONS.**

The District of Columbia Court of Appeals has jurisdiction (1) except as provided in clause (2), to review orders and decisions of the Commissioner [Mayor] of the District of Columbia, the District of Columbia Council, any agency of the District of Columbia (including the Board of Zoning Adjustment of the District of Columbia and the Zoning Commission of the District of Columbia), and the District of Columbia Redevelopment Land Agency, in accordance with the District of Columbia Administrative Procedure Act (D.C. Official Code, secs. 2-501–2-510); and (2) to review orders and decisions of the Public Service Commission of the District of Columbia in accordance with section 8 of the Act of March 4, 1913 (D.C. Official Chapters 1 through 11, Title 34).

(July 29, 1970, 84 Stat. 481, Pub. L. 91-358, title I, § 111.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 11-722.

1973 Ed., § 11-722.

*Change in Government*

This section originated at a time when local government powers were delegated to the District of Columbia Council and to a Commissioner of the District of Columbia. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made, in brackets, in this section.

## **§ 11-723. CERTIFICATION OF QUESTIONS OF LAW.**

(a) The District of Columbia Court of Appeals may answer questions of law certified to it by the Supreme Court of the United States, a Court of Appeals of the United States, or the highest appellate court of any State, if there are involved in any proceeding before any such certifying court questions of law of the District of Columbia which may be determinative of the cause pending in such certifying court and as to which it appears to the certifying court there is no controlling precedent in the decisions of the District of Columbia Court of Appeals.

(b) This section may be invoked by an order of any of the courts referred to in subsection (a) upon the court's motion or upon motion of any party to the cause.

(c) A certification order shall set forth (1) the question of law to be answered; and (2) a statement of all facts relevant to the questions certified and the nature of the controversy in which the questions arose.

(d) A certification order shall be prepared by the certifying court and forwarded to the District of Columbia Court of Appeals. The District of Columbia Court of Appeals may require the original or copies of all or such portion of the record before the certifying court as are considered necessary to a determination of the questions certified to it.

(e) Fees and costs shall be the same as in appeals docketed before the District of Columbia Court of Appeals and shall be equally divided between the parties unless precluded by statute or by order of the certifying court.

(f) The District of Columbia Court of Appeals may prescribe the rules of procedure concerning the answering and certification of questions of law, under this section.

(g) The written opinion of the District of Columbia Court of Appeals stating the law governing any questions certified under subsection (a) shall be sent by the clerk to the certifying court and to the parties.

(h)(1) The District of Columbia Court of Appeals, on its own motion or the motion of any party, may order certification of questions of law to the highest court of any State under the conditions described in

subsection (a).

(2) The procedures for certification from the District of Columbia to a State shall be those provided in the laws of that State.

(Oct. 28, 1986, 100 Stat. 3228, Pub. L. 99-573, § 7.)

Jurisdiction	Laws	Effective Date	Statutory Citation
Alabama			Ala.Rules of App.Proc., Rule 18.
Alaska			Alaska Rules of Appellate Procedure, Rule 407.
Arizona	1984, c. 111	8-3-1984	A.R.S. §§ 12-1861 to 12-1867.
Colorado		4-1-1970	Colo.App.Rules, Rule 21.1.
District of Columbia	P.L. 99-573	10-28-1986	D.C. Official Code, 2001 Ed. § 11-723.
Florida		3-1-1961	Rules of App.Proc., Rule 9.150.
Georgia			O.C.G.A. § 15-2-9.
Iowa	1979, S.F. 294	1-1-1980	I.C.A. §§ 684A.1 to 684A.11.
Kansas	1979, c. 181	7-1-1979	K.S.A. §§ 60-3201 to 60-3212.
Kentucky		9-1-1978	Rules of Civil Procedure, Rule 76.37.
Louisiana	1972, No. 84		LSA-R.S. 13:72.1; Sup.Ct.Rule 12.
Maine		1-1-2001	Rules of Appellate Proc., Rule 25.
Massachusetts		11-1-1971	Rules of Supreme Judicial Court, General Rule 1:03.
Mississippi		8-1-1980	Rules of Appellate Procedure, Rule 20.
New Hampshire		4-2-1968	RSA 490: Supreme Ct.Rules, Rule 34.
New Mexico	Sup.Ct. Order 9-16-1986		NMRA, Rules of Appellate Procedure, Rule 12-607.
North Dakota		2-15-1977	Rules of App.Proc., Rule 47.
Ohio		7-15-1988	Supreme Court Rules of Practice, Rule XVIII.
Oregon	1983, c. 103		ORS 28.200 to 28.255.
Rhode Island			Supreme Court Rules, Article I, Rule 6.
South Dakota	1984, c. 154		SDCL 15-24A-1 to 15-24A-11.
Washington		4-24-1974	West's RCWA 2.60.010 to 2.60.900.
Wisconsin	Sup. Ct. Order 6-16-1982	1-1-1983	W.S.A. 821.01 to 821.12.
Wyoming	1976, c. 36		Rules of Appellate Procedure, Rules 11.01 to 11.07.

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 11-723.

##### *Uniform Law*

This section is based upon §§ 1 to 9 of the Uniform Certification of Questions of Law Act (1967). See 12 Uniform Laws Annotated, Master Edition, or ULA Database on WESTLAW.

## **SUBCHAPTER III. MISCELLANEOUS PROVISIONS.**

### **§ 11-741. CONTEMPT POWERS.**

(a) Subject to the limitation described in subsection (b), and in addition to the powers conferred by section 402 of title 18, United States Code, the District of Columbia Court of Appeals, or a judge thereof, may punish for disobedience of an order or for contempt committed in the presence of the court.

(b)(1) In the hearing of an appeal from an order of the Superior Court of the District of Columbia regarding the custody of a minor child conducted in the Family Division of the Superior Court under paragraph (1) or (4) of section 11-1101, no individual may be imprisoned for civil contempt for more than 12 months (except as provided in paragraph (2)), pursuant to the contempt power described in subsection (a), for disobedience of an order or for contempt committed in the presence of the court. This limitation does not apply to imprisonment for criminal contempt or for any other criminal violation.

(2) Notwithstanding the provisions of paragraph (1), an individual who is charged with criminal contempt pursuant to paragraph (3) may continue to be imprisoned for civil contempt until the completion of such individual's trial for criminal contempt, except that in no case may such an individual be imprisoned for more than 18 consecutive months for civil contempt pursuant to the contempt power described in subsection (a).



(3)(A) An individual imprisoned for 6 consecutive months for civil contempt for disobedience of an order in a proceeding described in paragraph (1) who continues to disobey such order may be prosecuted for criminal contempt for disobedience of such order at any time before the expiration of the 12-month period that begins on the first day of such individual's imprisonment, except that an individual so imprisoned as of the date of the enactment of this subsection may be prosecuted under this subsection at any time during the 90- day period that begins on the date of the enactment of this subsection.

(B) The trial of an individual prosecuted for criminal contempt pursuant to this paragraph --

(i) shall begin not later than 90 days after the date on which such individual is charged with criminal contempt;

(ii) shall, upon the request of the individual, be a trial by jury; and

(iii) may not be conducted before the judge who imprisoned the individual for disobedience of an order pursuant to subsection (a).

(July 29, 1970, 84 Stat. 481, Pub. L. 91-358, title I, § 111; Sept. 23, 1989, 103 Stat. 634, Pub. L. 101-97, § 2(b).)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 11-741.

1973 Ed., § 11-741.

##### *Miscellaneous Notes*

Application of §§ 2 and 3 of Pub. L. 101-97: Section 5 of Pub. L. 101-97 provided that the amendments made by §§ 2 and 3 shall apply with respect to any individual imprisoned before the expiration of the 18-month period that begins on the date of the enactment of this Act for disobedience of an order or for contempt committed in the presence of the Superior Court of the District of Columbia or the District of Columbia Court of Appeals.

## **§ 11-742. OATHS, AFFIRMATIONS, AND ACKNOWLEDGMENTS.**

Each judge of the District of Columbia Court of Appeals and each employee of the court authorized by the chief judge may administer oaths and affirmations and take acknowledgments.

(July 29, 1970, 84 Stat. 481, Pub. L. 91-358, title I, § 111.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 11-742.

1973 Ed., § 11-742.

## **§ 11-743. RULES OF COURT.**

The District of Columbia Court of Appeals shall conduct its business according to the Federal Rules of Appellate Procedure unless the court prescribes or adopts modifications of those Rules.

(July 29, 1970, 84 Stat. 481, Pub. L. 91-358, title I, § 111.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 11-743.

1973 Ed., § 11-743.

## **§ 11-744. JUDICIAL CONFERENCE.**

The chief judge of the District of Columbia Court of Appeals shall summon annually the active associate judges of the District of Columbia Court of Appeals and the active 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 summoned shall attend, and, unless excused by the chief judge of the District of Columbia Courts [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 participation by members of the

District of Columbia Bar and other persons active in the legal profession at such conference.  
(Dec. 31, 1975, 89 Stat. 1102, Pub. L. 94-193, § 1(a); June 13, 1994, Pub. L. 103-266, § 1(b)(8), 108 Stat. 713.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 11-744.

1973 Ed., § 11-744.

*Editor's Notes*

In the third sentence of this section, "Court" was inserted, in brackets, to correct an error in terminology.