

The Evolution of the Courts of the D.C. Circuit

(For almost 200 years, the judicial system of the District of Columbia dealt with a commixture of federal and local concerns born of its unique character as the capital of all the states, yet not a state. Faced with the needs of a growing population and an increasingly complex federal government, Congress repeatedly reorganized the District of Columbia courts, reallocating jurisdiction for federal and local matters between the various courts, sometimes unifying the courts, sometimes dividing them. The federal courts that constitute today's District of Columbia Circuit emerged in their current role in 1971.)

The Early Years

Congress established the District of Columbia in 1791. However, the District's judiciary was not created until ten years later, three months after Congress and the President, John Adams, set up shop in Washington. During the intervening decade the courts of Maryland and Virginia continued to be used in the portion carved out of each state.

After establishing a framework for the federal judiciary for the rest of the nation, Congress enacted the Judiciary Act of February 27, 1801, creating a Circuit Court to meet the needs of the District of Columbia. The Court's jurisdiction was broad, encompassing not only most of the authority of a federal circuit court, including its appellate jurisdiction, but also that of a state trial court. The act divided the District into two counties, Alexandria and Washington. The three judges were required to hold four sessions a year in each county. When it acted as a state court, it applied the law and procedures of Virginia and Maryland, depending on which side of the river it sat.

Congress also had made provision for a U.S. District Court, with its own clerk and marshal. An act of 1802 directed that the Chief Judge of the Circuit Court was to hold two sessions a year as a U.S. District Court with the same jurisdiction as the other U.S. District Courts. When sitting as a U.S. District Court, the Court had jurisdiction primarily over admiralty cases, petty federal offenses and suits brought by the United States for at least \$100. As a Circuit Court, it heard the prosecution of more serious federal crimes and civil cases involving the federal government, or when citizens of different states were involved, in which at least \$400 was at stake. An Orphans' Court was also established for each of the two counties to deal with trusts and probate matters, and the President was empowered to appoint justices of the peace in each of the two counties to handle small claims, breaches of the peace and other matters under the authority granted such officers under the laws of Maryland and Virginia.

Thus, the judges of the Circuit Court of the District of Columbia wore several hats. They presided over all actions in law and equity in which the United States was a party, most federal crimes, and all penalties and forfeitures made or arising under federal law. Their role as state court judges gave them jurisdiction over local crimes committed within the District, as well as civil cases in law and equity in which at least one party was living or found within the District of Columbia. In addition, the Court had appellate jurisdiction over the justices of the peace and decisions of the District Court. A civil litigant who lost in the Circuit Court was entitled to appeal to the U.S. Supreme Court if the matter in dispute exceeded

\$100 (raised in 1816 to \$1,000). The Circuit Court also appointed the coroner and constables, issued licenses for ferries and established the selling prices of liquors for taverns.

Congress enacted a criminal code for the District in 1831 at the urging of President Andrew Jackson. Among other things, it provided for imprisonment for most crimes, replacing the death penalty for many of Washington County's 14 capital crimes and Alexandria County's 30. However, as to most other matters, it still looked to the English common law for its substantive law and procedures, and to the 18th century civil codes of Maryland and Virginia. In 1838, Congress established a criminal court in the District of Columbia to relieve the Circuit Court of criminal proceedings.

A New Court

During the Civil War, the three-member Circuit Court was abolished, in part out of concern about the loyalty to the Union of one of its judges. It was replaced in 1863 with a four-member, newly minted Supreme Court for the District of Columbia. The court retained the same powers and jurisdiction as the Circuit Court that preceded it and any one of the justices (as they were called until 1948) could convene a "special term."

That meant a judge of the Supreme Court of the District of Columbia could sit as a circuit court or district court justice, with jurisdiction over both federal and local matters. The Supreme Court also served as a court of equity and bankruptcy court. In 1865 it was given the task of appointing voting commissioners. In 1867 it was given concurrent jurisdiction with the justices of the peace over petty civil suits and authority to review decisions of the justices of the peace. In 1870 the Orphan's Court was abolished and probate jurisdiction given to the Supreme Court. That same year Congress for the first time gave the Supreme Court exclusive authority to review the decisions of a federal agency, the U.S. Patent Office. Within a few years, much of the Court's docket was patent appeals, a burden which was not lifted until the creation of a specialized Court of Customs and Patent Appeals in 1929. The Supreme Court of the District of Columbia had become six-or-seven courts-in-one! Decisions of each of the judges individually in "special term" were reviewable by the full court in "general term."

Some relief also came in 1870. Congress created additional judgeships, and established a Police Court to relieve the Supreme Court of minor criminal offenses such as simple assault and battery. Between 1871 and 1874, when the District was briefly recast as the Territory of the District of Columbia, a legislative assembly enacted a number of municipal laws and ordinances. So did commissioners who took over in another reorganization of the District in 1878.

The Big Divide

The early 1890's saw a major restructuring of the federal courts, separating the courts into distinct trial and appellate institutions staffed by different sets of judges. The split up came to Washington in 1893 when Congress created a U.S. Court of Appeals for the District of Columbia to hear appeals from the Supreme Court of the District of Columbia. However, the courts retained their unique jurisdiction over local matters, as well as federal.

The growth of the city created increasing pressure for the adoption of a comprehensive judicial code for the District of Columbia. Congress had failed repeatedly over several decades to adopt one, except for the 1831 law criminal code. An overhaul of all of the D.C. laws was completed in 1858 and put to a popular vote, but it was rejected. At last, the District of Columbia got its own code in 1901, replacing a century-old admixture of British common law, Maryland and Virginia law, and a hodge-podge of local governmental enactments.

Going Their Own Way

Congress also chipped away at the D.C. Supreme Court's state law function by recognizing the District's justices of the peace structure as a lower court. In 1909 the justices of the peace were reorganized as the Municipal Court of the District of Columbia with jurisdiction in civil cases where the amount involved did not exceed \$500 and with a right of appeal to the D.C. Supreme Court in any dispute exceeding five dollars. The Municipal Court had no power to try criminal cases until 1942 when it was merged with the Police Court. In 1962 it was renamed the District of Columbia Court of General Sessions.

Still, the unique mix of local and federal jurisdiction exercised by the major District of Columbia courts raised questions about their status within the federal system. In decisions in 1927 and 1933, the U.S. Supreme Court declared that the Court of Appeals and the Supreme Court of the District of Columbia were fully equal to their counterpart U.S. circuit courts of appeals and the U.S. district courts elsewhere in the nation.

In the following years, there were more changes, as Congress sought to bring the federal jurisdiction of the District's courts in line with the other U.S. District and Circuit Courts. Congress in 1934 designated the Court of Appeals as the U.S. Court of Appeals for the District of Columbia. In 1936, the Supreme Court of the District of Columbia became the District Court of the United States for the District of Columbia. Further tweaking occurred in 1948 when the Court of Appeals became the U.S. Court of Appeals for the District of Columbia Circuit, and the lower court became the U.S. District Court for the District of Columbia.

An historic milestone was reached in 1971 when the federal courts in the District of Columbia finally shed their local jurisdiction as part of the movement toward giving the District home rule. Congress established two courts, the Superior Court, which is a court of general jurisdiction, and an appellate court, the District of Columbia Court of Appeals, to assume responsibility for local matters, similar to that of state courts.

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