

almost exclusive reliance on bargaining instead of trials to dispose of criminal cases, or (3) a further increase in the civil and domestic relations backlogs. For reasons which I will not explain, each of these alternatives would be very damaging to the cause of the administration of justice.

I believe that the certainty of swift and realistic punishment is an effective deterrent to crime. But a criminal caseload which is too large for the number of judges available makes it impossible for punishment to be either swift or certain. As case backlogs grow, long delays occur between arrest and ultimate disposition; prosecution witnesses become increasingly reluctant to testify; and ultimately many cases must be dismissed for want of prosecution.

These delays and dismissals can often be avoided only by a prosecution dismissal of some charges in return for a defense plea of guilty to others. While this method does have the effect of clearing the backlog, it does not always serve the best interests of the community. A plea of guilty which is the product of a bargain for the dismissal of other charges does not protect the public because it may well result in an inadequate sentence.

Because of these considerations, among others, the Court of General Sessions has made every effort to accomplish three goals. First, to increase the number of criminal dispositions, second, to decrease the proportion of cases disposed of by bargain instead of by trial; and third, to reduce the criminal backlog itself. With regard to the first point, the court, in 1967, disposed of cases involving 1,984 more defendants than it did in 1965, and it held 1,485 preliminary hearings in felony cases as against only 567 two years earlier. The plan to reduce bargaining has also shown solid results. In 1967, the court conducted 1,864 trials in serious misdemeanor cases (out of a total of 7,638 dispositions). Finally, as a result of strenuous efforts, the criminal jury case backlog was reduced from 2,065 on January 1, 1967, to 1,597 on April 1, 1968. This was accomplished in spite of the fact that the proportion of trials to bargains increased very considerably.

Unfortunately, the cases arising out of the recent civil disturbance have wiped out the gains made during the past year, and the backlog is now greater than ever (2,347 cases as of April 23). It must also be recognized that the past gains in the criminal area were achieved partly at the expense of the civil jury calendar; 5,492 civil jury cases are now pending; and it takes an estimated 27 months from the joinder of issue to the date of trial in a civil jury case. This period of delay has steadily lengthened over the past several years, and it will continue to increase unless more judges are authorized for the court.

I do not come here simply asking for more judges, but I have conducted some careful calculations of numbers of cases and the time it takes to dispose of each category of case. It is on the basis of these calculations that I have concluded and that I submit to this committee that if the court had 26 judges instead of the 21 now allocated, it would be able to cope successfully with all of its work and reduce both its criminal and civil backlogs.

I estimate that the time of  $4\frac{1}{2}$  judges is needed to dispose of the well over 500 criminal cases per month in which jury trial is demanded and the time of  $1\frac{1}{2}$  judges to handle the 160 serious misdemeanor cases in which no jury demand is made and the 140 preliminary hearings in felony cases per month. Thus, the general criminal calendar requires 6 judges.

Five judges are needed to handle the 135 civil jury demand cases per month and to begin a reduction of the tremendous civil jury backlog. At the same time, it takes 3 judges to conduct 240 civil non-jury cases and 180 pretrials per month. This makes a total of 8 judges for the general civil calendar. There are 7 categories of cases which individually do not take as much time to dispose of, but which are very large in volume. These are the cases prosecuted by the District of Columbia; traffic cases, criminal assignments; civil motions; criminal motions; landlord and tenant matters; and small claims cases. I believe that the time of  $6\frac{1}{2}$  judges is required to handle all of these matters. In addition, 3 judges are by statute assigned to the Domestic Relations Branch; and, computed on an annual basis,  $2\frac{1}{2}$  judges are unavailable on account of vacations, illness, or attendance at necessary professional meetings. In other words, to perform its functions properly, the court requires 26 judges instead of the present 21.

I think the committee should know that if there are any further increases in the criminal or civil backlogs, the administration of justice generally, and the effort to control crime in particular will inevitably suffer. The Report of the Senate Committee on the District of Columbia on the Omnibus Crime Bill pointed out last year (Sen. Rep. No. 912, 90th Cong., 1st Sess., p. 8): "No matter what may be done by legislation designed to control crime, unless the court system in