

**Testimony of Christina Jackson,
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Before the D.C. Council Committee on Public Works & Operations
Performance Oversight Hearing: Office of Administrative Hearings
February 6, 2025**

Introduction

Thank you, Chairperson Nadeau and members of the Committee for the opportunity to submit this written testimony regarding the performance of the D.C. Office of Administrative Hearings (“OAH”) in FY24. Washington Council of Lawyers feels strongly that OAH must have sufficient resources and capacity to meet its obligations to properly administer justice for the District residents it serves.

Washington Council of Lawyers was founded in 1971 and today remains the only voluntary bar association in the District of Columbia solely dedicated to promoting pro bono service and public-interest law. We have over 500 dues-paying members and connect with nearly 5,000 other public-interest-minded legal professionals and law students through our communications, events, and trainings. Our members work at small and large law firms, corporate legal offices, local and federal government agencies, law schools, legal services providers, and policy organizations. Together we strive to ensure that our legal system treats everyone fairly, regardless of money, position, or power.

OAH is an essential resource for District of Columbia residents who receive vital support from D.C. government agencies. While the D.C. Courts are often the focus of access-to-justice discussions in our city, it is at OAH where District residents must first go to address and resolve disputes about whether they’ve received appropriate government support and treatment in areas such as access to food stamps, economic assistance, healthcare benefits, unemployment insurance, education, rental assistance, and shelter. OAH is designed to provide a fair and efficient means of resolving legal controversies in these critical areas of daily life. The volume

of cases presented at OAH year is staggering – over 33,000 in FY24. Filings appear to be outpacing OAH’s capacity to handle them, with regular OAH practitioners citing delays in case initiation and disposition. In our view and given the human stakes involved, access to justice at OAH requires increasing staff to sufficient levels to ensure the most efficient resolution of the cases before it. We hope that the Council and others will carefully examine OAH’s case processing procedures to identify areas that might be impeding efficient case adjudication. Finally, our testimony will also address the new OAH Final Order Database and the OAH Resource Center.

Significant Increase in OAH Caseload

In her testimony a year ago before this committee, Chief Administrative Law Judge M. Colleen Currie warned of the potential for a dramatic increase in caseload. She explained:

OAH saw a 70% increase in the number of cases filed between 2021 (15,400 cases filed) and 2023 (26,353 cases filed). In the first quarter of FY 2024, 8,678 new cases were filed. At this rate, OAH is projected to receive approximately 34,700 new cases in FY 2024 - *more than a 30% increase from FY 2023 and the highest number of cases filed with OAH in any year to date. . . .* Managing this increasing caseload requires two things: working more - that is, increasing the number of FTEs - and working smarter (emphasis added).¹

The 2024 OAH Annual report reflects the Chief Judge’s prescience, as it confirms that 33,744 new cases were filed at OAH this past fiscal year, a record-high number. This represents a 28% increase in total case filings compared to FY 2023² and a 57% increase from FY 2022. Of these new cases, 25,291 were decided (approximately 75%), leaving a backlog of over 7,000 undecided cases. As the Annual Report noted, the inability to obtain a 100% case disposition

¹ Testimony of M. Colleen Currie, Fiscal Year 2023 Performance Oversight Hearing, February 8, 2024, at 2-3.

² Office of Administrative Hearings, Annual Report, 2024 (“Annual Report”) at 12.

rate may cause “delays in processing and adjudicating cases, which could negatively impact access to critical public benefits for individuals.”³

This is particularly troubling given that OAH has experienced a steady increase in appeals filed that relate to critical benefit programs such as Medicaid, the Supplemental Nutrition Assistance Program and Temporary Assistance for Needy Families, as well as shelter cases.⁴

Need for Increased Staffing

The increased case filing figures cited above underscore the findings of the 2023 OAH staffing study, which concluded that the agency was understaffed for its then-current caseload. The study,⁵ which was conducted at the direction of the D.C. Council, was completed by B. McNamee Consulting, LLC (“BMC”).

The BMC study noted that:

Given the current and predicted future case volume coming to OAH from the agencies they serve, OAH believes they have neither the staffing capacity nor process efficiency to handle it. BMC’s study and subsequent findings capture the extent that these assumptions are true.

The authors concluded that:

Vacant positions have increased the workload on employees, particularly those working directly on cases. Further exasperating workload is the increasing caseloads from the district agencies served by OAH. . . . [T]his has increased the conditions where employees are unable to maintain standardized processes, provide necessary training and professional development, adopt and properly incorporate technology into operations, and an overall breakdown in working relationships. BMC believes that the longer these conditions persist, employee retention and court operational efficiency will worsen.

The BMC study found that OAH must increase the number of staff working directly on cases from 61 to 71 full-time equivalent employees and recommended that OAH increase staff who do

³ Annual Report at 13.

⁴ Annual Report at 14.

⁵ D.C. Office Administrative Hearing, Court Feasibility Study, 2023 (“BMC Study”).

not work directly on cases by 3.25 FTE. Unfortunately, these staffing increases don't appear to have been possible with available funding. Further, OAH's inability to fill vacant positions exacerbates this problem. We note that there were eight vacancies in the OAH clerk's office alone as of December 2024. We ask the Committee to inquire how OAH intends to fill vacancies quickly or discover any impediments in doing so.

Taken together, the ever-increasing caseload and the persuasive recommendations of the staffing study make a compelling case for increased staffing at OAH. We urge this Committee and the Council to further examine the FY26 budget for OAH once proposed to ensure it addresses the concerns raised in the BMC study to ensure greater access to justice for litigants appearing before this critical tribunal.

OAH Hearing Scheduling Process

We recognize that certain factors leading to increased caseloads and case disposition time (for example, budgetary constraints on hiring and the overall care and accuracy with which District agencies issue the underlying decisions that are appealed) are ultimately dependent on circumstances outside of OAH's control. Nonetheless, we urge OAH to consider procedural changes that are within its control to expedite case processing. One example is how OAH schedules hearings, with some of the most egregious delays found in cases stemming from DHS. We implore the Council to review OAH's case disposition procedures to determine the pain points and inquire as to steps to resolve the bottlenecks.

The need for prompt adjudication of OAH cases is uncontroverted. Many OAH appeals involve basic necessities such as medical care, housing, and food supplies. Delays in resolving cases place additional burdens on clients and their families. Advocates have noted increased delays in scheduling hearings and some troubling examples of denials of emergency hearings. In

public benefits cases, in particular, a new OAH policy delays the scheduling of initial hearings until after an administrative conference is held – which itself often takes months to occur. We urge the Council to use its oversight authority to explore and resolve this issue.

OAH Final Order Database

A searchable database of OAH final orders, published on the agency’s website, is necessary for litigants and their advocates to properly prepare their cases. Although we are pleased that final orders issued on or after October 1, 2024, are now available on the OAH website, this is only a first step to improving access to OAH legal doctrine.

Currently, the search function for researching final orders is extremely limited. While it is possible to find decisions issued in specific clusters (such as public benefits or unemployment compensation) and one can type in the name of an administrative law judge and find that judge’s decisions, legal research needs go far beyond these basic functions. The effective way to utilize case precedent during litigation is finding it via a search engine that can pull up cases relevant to the matter at hand when a legal principle or a case precedent (that is, a “keyword,”) is the basis of the search. OAH needs to add this capacity to its final order database. The committee should inquire as to why OAH is lagging behind other government agencies in the use of this type of technology to improve access to essential case information.

OAH Resource Center

We would like to applaud OAH for the attention it has given to making concrete and important improvements to the OAH Resource Center. As we have noted in previous testimony before the Council, upwards of 90% of litigants at OAH have no lawyer and navigate the complex legal procedures by themselves. As the D.C. Access to Justice Commission found in its *Delivering Justice* report, the majority of individuals in cases at OAH involving public benefits, housing,

unemployment, and school discipline lack counsel.⁶ These litigants need information and support to understand both the procedural and substantive issues in their cases. They need guidance in understanding legal terminology and reviewing legal documents issued by OAH or filed by opposing parties.

This is where the OAH Resource Center plays a critical role. The Resource Center helps these litigants maneuver through the complicated legal territory they face in OAH matters. It is a lifeline for these individuals, knowing that success at OAH is often required to ensure they receive the adequate level of food, financial assistance, healthcare, housing, and educational benefits they seek.

We applaud Chief Judge Currie and her colleagues for their efforts to improve the Resource Center. In FY24, a Legal Resource Center Manager and a Resource Center Coordinator were hired to enhance Resource Center services. This was a critical development. In August 2024, the Resource Center instituted a new call system, which means that litigants can more easily access information. These recent changes are significant steps in ensuring that the Resource Center and OAH as a whole have the capacity to help litigants who must handle their cases without the assistance of counsel – and practitioners report seeing the results of these positive improvements in practice.

Looking ahead, we are hopeful that the Resource Center will institute new programs engaging law students and volunteer attorneys who can assist clients. This is an area that the Washington Council of Lawyers, the District's voluntary bar association for pro bono and public interest lawyers, is anxious to help support.

⁶ Delivering Justice: Addressing the Civil Legal Needs in the District of Columbia at 210, D.C. Access to Justice Commission. https://dcaccesstojustice.org/assets/pdf/Delivering_Justice_2019.pdf.

Conclusion

The Office of Administrative Hearings affects the day-to-day lives of thousands of D.C. residents. In the last year, OAH has made progress in assisting litigants needing information and guidance about OAH procedures and precedent. Nonetheless, significant staffing increases and case processing reforms are needed to make sure that the agency can adjudicate disputes in an efficient manner.

Thank you for the opportunity to submit this testimony before this Committee on this vital access to justice issue affecting so many thousands of District residents.