

**Written Testimony of Christina Jackson, Executive Director
Washington Council of Lawyers
Before the D.C. Council Committee on Public Works & Operations
Budget Oversight Hearing: Office of Administrative Hearings
June 6, 2025**

Introduction

The Washington Council of Lawyers¹ appreciates the opportunity to submit written testimony on the FY 2026 budget for the D.C. Office of Administrative Hearings (“OAH”). We thank the Council for its past support of civil legal services in the District of Columbia, and at the same time, wish to emphasize the importance of sufficient funding of OAH to protect the legal rights of our most vulnerable residents. In particular, we wish to draw attention to the critical need for increased funding to hire additional OAH staff to ensure the efficient adjudication of cases and to continue technology upgrades that meet statutory requirements for access to information. At the same time, we applaud OAH for significant progress in the operation and staffing of the OAH Resource Center.

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 generally must first go to address and resolve disputes regarding basic human needs and the right to vital government services like food stamps, economic assistance, healthcare benefits, unemployment insurance, education, rental assistance, and shelter. It is designed to provide a fair and efficient means of resolving legal controversies in these fundamental areas of daily life. The volume of cases presented at OAH

¹ 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.

each year is staggering – over 33,000 in FY24. We expect that number to rise exponentially in the coming budget year due to the current federal government hiring policies. Access to justice at OAH requires adequate funding levels to promote the most efficient resolution of the cases before it.

We are grateful that the Mayor’s proposed FY26 budget recognizes the increased personnel costs for salaries and benefits. However, we are disappointed that the proposed budget fails to adequately address the need for increased resources for OAH to compensate current staff adequately, fill vacancies at a competitive market rate, or hire additional staff to address the increasingly growing caseload. As we explain below, both OAH leadership and an objective staffing study have stated that additional staff are needed to keep up with the growing OAH caseload. That was before the anticipated 40,000 federal employees who are projected to lose their jobs, creating a vast increase in the need for unemployment and other benefits. This will result in an increase in benefits cases, many of which will inevitably be appealed. Public benefits are but one example of increasing caseloads without a commensurate increase in resources. We therefore urge the Council to increase OAH funding levels to permit it to hire and retain the staff it requires to adequately serve the District’s residents.

OAH caseloads are at an all-time high.

In her written testimony submitted for this Committee’s FY26 Budget Oversight Hearing² OAH Chief Judge M. Colleen Currie again demonstrated that OAH is understaffed for its current caseload. In fact, she specifically stated OAH is “simply beyond capacity.”³ She notes that in FY24, OAH received the largest number of filings in its 20-year history. The numbers are staggering:

² *FY 2025 Budget Oversight Hearing, Office of Administrative Hearings Before Committee on Public Works & Operations*, June 6, 2025, Statement of Chief Administrative Law Judge M. Colleen Currie, Office of Administrative Hearings (“Currie Budget Oversight Testimony”)

³ Currie Budget Testimony, at 4.

- 33,745 cases were filed in FY 2024 (a 28% increase from FY 2023 and a 119% increase from FY 2021)

The Chief Judge testified in this Committee's FY 2024 Performance Oversight Hearing that if the rate of new filings were to continue through FY 2025, over 50,000 cases would be filed this year.⁴

A review of the case filings in specific categories shows an astonishing increase in new cases for the first three months of FY 2025 compared to case filings in these areas for all of FY 2024:

- 12,652 cases filed in the first quarter of FY 2025 (a 46% increase from the first quarter of FY 2024).
- 2,196 Department of Human Services cases (compared with 3,791 cases for all of FY 2024)
- 5,281 Department of Public Works cases (compared with 11,459 for all of FY 2024)

OAH estimates its current case backlog at 29,548 cases. This includes almost 20,000 Department of Public Works cases.⁵ Furthermore, the agency had set a target that, by the end of FY24, only 20% of its cases would remain open without approval for more than 120 days.⁶ However, at the end of FY24, almost 50% of OAH cases were open without approval for more than 120 days. The target for FY 2025 is again 20% of the cases.⁷ Without adequate funding to hire additional staff, this goal remains unattainable.

⁴ *FY 2024 Performance Oversight Hearing, Office of Administrative Hearings Before Committee on Public Works & Operations*, Feb. 6, 2025, Statement of Chief Administrative Law Judge M. Colleen Currie, Office of Administrative Hearings ("Currie Performance Oversight Testimony") at 2.

⁵ Office of Administrative Hearings, Performance Oversight, FY 2024-2025 Pre-Hearing Questions at 41 ("Pre-hearing Questions"). According in its response to the Committee, OAH defines a backlog as "the number of cases and/or the rate at which cases are filed in a particular jurisdiction exceeds the capacity of staff to process or ALJs to adjudicate those cases within applicable statutory deadlines or, absent specific statutory deadlines, within timelines identified in the agency's KPIs [key performance indicators]." *Id.* at 42.

⁶ Office of Administrative Hearings, FY 2024 Performance Plan, December 1, 2023 at 7.

⁷ Office of Administrative Hearings, FY 2025 Performance Plan, November 12, 2024 at 7-8.

Moreover, in FY24, 20% of all filed cases involved public benefits. In FY26, we anticipate that the public benefits caseload will increase above projections due to the current financial climate and uncertainty regarding potential staff reductions at federal agencies. For example, as of February 28, 2025, more than 2,000 federal employees filed unemployment claims with the District's Department of Employment Services (compared to 978 in the entire year of 2024).⁸ Inevitably, some of these cases will be appealed to OAH. In addition, we anticipate that many unemployed federal workers will apply for Medicaid and SNAP benefits, which may also result in numerous appeals to OAH in cases where these benefit claims are denied.

OAH staffing must increase to manage the growing caseload efficiently.

OAH staffing levels are not adequate to ensure prompt adjudication of disputes. This is due to two factors: (1) insufficient appropriations needed to hire additional staff, and (2) numerous vacant positions.

When asked to identify barriers in reducing the OAH case backlog, OAH has stated that staffing levels present a significant hurdle and has noted that to prevent future backlogs, OAH must be able to ensure that staffing levels are increased consistent with increases in the types of cases OAH is assigned.⁹

A 2023 study concerning OAH operations, conducted at the direction of the D.C. Council and performed by B. McNamee Consulting, LLC ("BMC"), confirms the Agency's glaring staffing problems. The study¹⁰ concluded that the agency lacked sufficient staff to timely process its current caseload. The BMC Report 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. . . . Vacant positions have increased the workload on

⁸ *Washington Post*, March 6, 2025, "Fired federal workers can find jobs in District government, mayor says," at B3.

⁹ Prehearing Questions at 42-3.

¹⁰ See B. McNamee Consulting LLC, *DC Office of Administrative Hearing: Court Feasibility Study* (2023), <https://lms.dccouncil.gov/Hearings/hearings/278> (ATTACH~1.DOC).

employees, particularly those working directly on cases. Further exasperating workload is the increasing caseloads from the district agencies served by OAH.¹¹

The report emphasized that the vacant positions and increased caseloads have:

created 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.¹²

The agency currently has funding for 36 ALJs and 39 Clerk's Office staff members actively working on cases. Based on the BMC study's projection tool and using FY24 case numbers (which we know to be significantly lower than projected FY26 caseloads), OAH should have 50 ALJ's and 85 Clerk's Office staff actively working on cases. Of the current 36 ALJ positions, there are four current vacancies and 1 ALJ retiring in July. Of the 39 Clerk's Office staff, there are currently approximately 9-10 vacancies, with more anticipated in the next couple of months. There is currently a hiring freeze in the District. *Prior* to the hiring freeze, OAH was prevented from filling vacant positions related to the Congressional Continuing Resolution (CR). It was unclear at the Performance Oversight Hearing as to why these vacancies remain unfilled. It is still unclear why these vacancies remain unfilled.

The high number of vacant legal assistant positions is particularly acute.¹³ A major obstacle in recruiting and retaining legal assistants is, in large part, due to the low salaries at OAH. Administrative law judges, as well as current legal assistants, pointed to this problem. One judge told the BMC Report authors:

The compensation of our support staff certainly needs to be looked at in order to retain our employees. I looked at the staff supporting

¹¹ *Id.* at 4.

¹² *Id.*

¹³ *Id.*

me, and they make \$40,000 a year which is equivalent to making a DC McDonald's employee salary.¹⁴

We are acutely aware that the District's financial outlook is tenuous. However, we urge the Council to include increased funding in the OAH budget that will enable the agency to hire the additional staff it needs and adjust the current pay scales to recruit and retain staff. We also ask this Committee to investigate the vacancy issue further to determine the barriers to filling those positions.

Inadequate staffing directly affects District residents' ability to receive benefits and services to which they are entitled.

The Mayor's proposal has failed to provide OAH with the resources needed to reduce its backlog in line with its stated goals, and more critically, address the further increase in caseloads. While we recognize that the government's current financial outlook is precarious, the family denied food stamps, the federal employee denied unemployment compensation, the disabled individual in need of healthcare aid, and countless others should not be denied an effective avenue of appeal due to funding constraints. Every day a case is backlogged, individuals or families are going without a vital service or benefit. In some cases, this lack of service or benefit can lead to the most dire of consequences. District residents deserve better.

In addition to lacking the funds to hire adequate staff or the inability to fill vacancies, the proposed FY26 budget cuts \$187,000 in contracted services. Contractual services enables OAH to hire staff to address the significant backlog in enforcement cases, where the only task remaining is processing. Contractual services allow OAH to employ temporary staff when current staff are out on leave. Finally, if the temporary staff are not subject to the freeze, they could help address the gaps presented by unfilled positions. The Council appropriated these one-time funds in FY25. However, the needs are not "one-time" in nature. We urge Committee Chair Nadueau

¹⁴ B. McNamee Consulting LLC, *DC Office of Administrative Hearing: Court Feasibility Study* 36 (2023), <https://lims.dccouncil.gov/Hearings/hearings/278> (ATTACH~1.DOC).

and this Committee to inquire as to whether these funds were utilized in FY25. If the funds were not used, we propose it would be helpful to understand why. Furthermore, we encourage the Council to appropriate the funds for FY26 with some assurance that these funds will be available for utilization by OAH.

It could not be more important for the health and welfare of city residents to have a well-functioning and efficient OAH. We believe that adequate funding of OAH to ensure that litigants' claims are heard in a timely manner must remain a priority.

The Council should ensure adequate funding for improvements to the 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 preliminary step to improving access to OAH legal doctrine. Despite thousands of orders issued, there are currently only about 400 on the portal.

In FY25, the Council appropriated \$250,000 for IT/technology investments. Again, these were one-time appropriations for issues that are not one-time needs. This investment was also removed in the FY26 budget. OAH's Enabling Statute requires all non-confidential information to be available to the public. OAH lacks both the staff and the IT infrastructure to ensure this mandate is met. Additionally, it is unclear if these funds were used in FY25. We encourage this Committee to ask if these funds were utilized in FY25. If the funds were not used, we propose it would be helpful to understand why. Furthermore, we encourage the Council to appropriate the funds for FY26 with some assurance that these funds will be available for utilization by OAH.

Besides OAH's inability to upload Orders in a timely manner due to staffing shortages, further technological work is required to ensure the public can easily find what they need on the portal. Currently, the search function for researching final orders is minimal. 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 see that judge's decisions, legal research needs go far beyond these basic functions. The effective way to utilize case precedent during litigation is to find 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 has recognized that "full text, natural language, or Boolean search capabilities are not available" for this database.¹⁵ OAH needs to add this capacity to its case search engine. OAH lags behind other government agencies in the use of this type of technology to improve access to essential case information. The Council should provide funding to address this problem.

Significant Improvements have been instituted at the OAH Resource Center.

We commend 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, approximately 90% of litigants at OAH have no lawyer and must navigate the complex legal procedures independently. 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.¹⁶ These litigants require information and support to comprehend both the procedural and substantive aspects of their cases. They need guidance in understanding legal terminology and reviewing legal documents issued by OAH or filed by opposing parties.

¹⁵ Prehearing Questions at 31.

¹⁶ 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.

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

We applaud Chief Judge Currie and her colleagues for their efforts to improve the Resource Center. During the last fiscal year, additional staff members have been hired to enhance Resource Center services. This was a critical development. In August 2024, the Resource Center introduced a new call system, allowing litigants to access information more easily. These recent changes are significant steps in ensuring that the Resource Center and OAH, collectively, can assist litigants who must handle their cases without the assistance of counsel. Practitioners report seeing the results of these positive improvements in practice.

Looking ahead, we are hopeful that the Resource Center will institute new programs that engage law students and volunteer attorneys to 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.

Conclusion

The Office of Administrative Hearings affects the day-to-day lives of thousands of D.C. residents. Funding for increased staffing is vital to ensure that the Agency can adjudicate disputes thoughtfully and efficiently. Current vacancies must be filled promptly. Additional staffing is required to meet the demands on OAH. Orders and other non-confidential materials must be uploaded to the agency's Final Order Database, and a user-friendly function should be added. Finally, the agency's Resource Center plays a crucial role in assisting the numerous pro

se litigants with cases before the OAH, and we look forward to seeing continued progress in the revitalization of that office.

The Washington Council of Lawyers is grateful for the D.C. Council's work in providing vital support for the legal services community and D.C. residents. The commitment to providing funding and ensuring meaningful access to justice for D.C. residents is a noble and worthwhile endeavor.

Thank you for the opportunity to present this testimony today.