

**DISTRICT OF COLUMBIA COMMISSION
ON JUDICIAL DISABILITIES AND TENURE**

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February 24, 2015

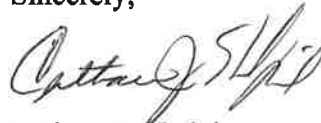
Hon. Kenyan McDuffie
Chair
Committee on the Judiciary
Council of the District of Columbia
The John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Dear Chairperson McDuffie:

Enclosed please find the Commission's responses to the questions submitted by the Committee in preparation for our Performance Oversight Hearing.

If you have any questions concerning the responses, or need additional information, please let me know.

Sincerely,



Cathae J. Hudgins
Executive Director

Enclosure

CJH/aj

TENURE COMMISSION RESPONSES TO COUNCIL QUESTIONS

1. The Commission's most recent organizational chart is attached as requested.
 - a) The Commission has two FTE positions both of which are filled. The Commission's employees are: Cathae Hudgins, Executive Director, and April Jenkins, Administrative Support Specialist.
 - b) There were no organizational changes affecting the Commission in FY14, and none thus far in FY15.

2. The Commission has two full-time employees.
 - a) Executive Director
 - b) Cathae Hudgins
 - c) 07-20-75 – Administrative Assistant
03-07-82 – Executive Secretary
10-23-93 – Executive Director
 - d) Salary: \$141,660 Fringe Benefits \$16,245
Grade: CS – 15/05 Series: 301
 - e) Job Status: Continuing
 - a) Administrative Support Specialist
 - b) April Jenkins
 - c) 08-05-2010
 - d) Salary: \$57,360 Fringe Benefits: \$4,284
Grade: CS – 09/04 Series: 301
 - e) Job Status: Continuing

3. The Commission does not conduct annual performance evaluations of its employees. The Commission only has two employees and has found it more beneficial to provide employees with periodic reviews during the year to discuss project completion and ways to increase efficiency and productivity.

4. The Commission has not detailed any employees to another agency, and has not requested any employees to be detailed to the Commission.

5. The Commission has one BlackBerry that was purchased in fiscal year 2010, and is assigned to the Executive Director. The BlackBerry has the basic features, without any costly downloads or apps, and has operating costs estimated to be \$650.00 per year. Thus far in FY15 the agency has been charged \$315.00 for use of the BlackBerry, and the total cost charged in FY14 was \$628.00.
 - a) Executive Director
 - b) The Commission does not own, lease, or use a vehicle.
 - c) The Commission granted a 3% employee bonus for its Executive Director in FY14. The Commission has not granted an employee bonus or special award thus far in FY15.
 - d) The Commission has authorized travel expenses for the following individuals:

Authorized Individual	Travel Dates	Conference	Cost
Jeannine Sanford, Esq. Vice Chairperson	Oct 23-25, 2013	23 rd National College on Judicial Conduct and Ethics	\$1,206.00
Cathae Hudgins Executive Director	Oct 23-25, 2013	23 rd National College on Judicial Conduct and Ethics	\$1,206.00
Cathae Hudgins Executive Director	Mar 26-29, 2014	Association of Judicial Disciplinary Counsel Annual Meeting and Ethics Conference	\$1,644.00

e) The Commission made no overtime or worker's compensation payments in FY14, and none have been made in FY15, to date.

6. The Commission's approved budgets and actual spending for FY14 and FY15, to date appear as follows:

**COMMISSION ON JUDICIAL DISABILITIES AND TENURE
FY 2014 BUDGET VERSUS ACTUAL**

PROGRAM	FEDERAL PAYMENT		
	FY 2014 Approved Budget	FY 2014 ACTUALS	FY 2014 BALANCE
11	199,233	198,801	432
13	0	4,250	750
14	26,626	22,697	3,929
15	0	0	0
PS Total	225,859	225,748	5,111
20	4,000	2,500	1,500
31	9,250	8,101	1,149
40	26,091	23,834	2,257
41	27,000	27,786	16,457
70	2,800	1,888	912
NPS Total	69,141	64,109	22,275
TOTAL	295,000	289,857	27,386

**COMMISSION ON JUDICIAL DISABILITIES AND TENURE
FY 2015 BUDGET VERSUS ACTUAL THRU 1/31/15**

PROGRAM	FEDERAL PAYMENT		
	FY 2015 Approved Budget	FY 2015 Actuals	FY 2015 Balance
11	200,160	68,001	132,159
13	0	0	0
14	22,018	7,777	14,241
15	0	0	0
PS Total	222,178	75,778	146,400
20	4,000	2,500	1,500
31	9,045	9,045	0
40	27,712	13,038	14,674
41	28,000	25,000	3,000
70	4,065	2,800	1,265
NPS Total	72,822	52,383	20,439
TOTAL	295,000	128,161	166,839

7. The Commission had no reprogrammings in FY14 or FY15, to date.

8. The Commission's intra-District transfers for FY14 and FY15, to date are as follows:

FY 14	Amount
OCTO IT ServUs	\$2,195
OCTO Web Maintenance	\$2,500
Telephone	\$9,249

FY 15	Amount
OCTO IT Serv Us	\$ 861
OCTO Web Maintenance	\$2,500
Telephone	\$9,045

9. The Commission does not have any special purpose revenue accounts.
10. The Commission has no on-going projects financed by capital funds.
11. The Commission did not receive any federal grants during FY14 and FY15, to date.
12. The Commission in FY14 began scanning its monthly meeting packages for members and sending the information electronically. Members are now able to refer to meeting materials via their laptops that are brought to meetings instead of voluminous binders with paper copies of each document that were previously used. The Commission believes that electronic versus paper transmission of meeting packages will save energy and reduce printing costs.
13. The Commission does not have any legislative requirements that it lacks sufficient resources to properly implement.
14. The Commission is not responsible for the oversight or implementation of any regulations, other than its statutory mandate.
15. The Commission has not implemented any new programs during FY14 and FY15, to date.
16. The Commission did not request, prepare, or contract for any studies, research papers, or analyses during FY14 and FY15, to date.
17. There was no legislation passed at the Federal level during FY14 that affects the Commission's operations.
18. The Commission has one MOU in place thus far in FY15, with OCTO, in the amount of \$3,550.00, to provide back-up and data migration from the Commission's two desktop computers to the DC Server.

19. The Commission has one contract that is renewed annually for a Special Counsel who provides legal and investigative services to the agency.
 - a) Contracting Party: Henry F. Schuelke, III, Esq.
 - b) The contractor provides legal and investigative services to the Commission.
 - c) The amount of the contract is estimated at \$25,000.00 per year. In FY14 the Commission budgeted \$25,000.00 for legal and investigative services and expended \$27,019.15. In FY15 the Commission has budgeted \$25,000.00 for legal and investigative services and has expended \$4,107.48 thus far in the fiscal year.
 - d) Terms of the Contract: October 1, 2014 – September 30, 2015
 - e) The contract was not competitively bid. Mr. Schuelke has been the Special Counsel to the Commission for the past 29 years and has developed a specialized expertise in judicial ethics that is of great assistance to the Commission.
 - f) The contract is monitored by the Commission's Executive Director.
 - g) The amount of the contract is funded from the Commission's annual budget.
20. The Commission has not received any recommendations identified by the Office of the Inspector General, D.C. Auditor, or other federal or local oversight entities during the previous 3 years.
21. The Commission does not maintain any electronic databases.
22. The Commission posts its Annual Reports and public actions on its website to make the general public and the legal community aware of its activities. The Commission solicits comments from the public concerning the qualifications of judges being considered for reappointment and senior status. In addition, Commission members and staff accept invitations to discuss judicial ethics with other government agencies, legal organizations, and community groups. The confidentiality provision in the Commission's enabling statute provides that most of its activities and proceedings are privileged.
23. There are no statutory or regulatory impediments to the Commission's operations.
24. The Commission has not solicited feedback from the public other than providing a statement in its Annual Report advising readers that the Commission welcomes comments on its activities and actions as addressed in the Report.
25. The Commission has no ongoing investigations, audits, or reports concerning the agency or an employee of the agency during FY14 or FY15, to date.
26. There have been no recommendations identified by the Office of the Inspector General, D.C. Auditor, or other federal or local oversight entities concerning the Commission during FY14 or FY15, to date.
27. In FY2015, the Commission's Administrative Support Specialist, Ms. April Jenkins, is authorized to use the agency SmartPay card.

SMARTPAY CARD PURCHASES

Authorized Employee	Fiscal Year	Purchase Limit	Total Spent
April Jenkins Administrative Support Specialist	2015	\$20,000 per month \$ 5,000 single purchase	\$2,768.79

28. A current list of Commission members, with appointing authorities and term expiration dates is provided below. The Commission currently has one vacancy.

COMMISSION MEMBERSHIP

<u>Members</u>	<u>Appointing Authority</u>	<u>Expiration of Term</u>	<u>Vacancy</u>
Michael K. Fauntroy, Ph.D.	Mayor of the District of Columbia	February 24, 2016	No
Hon. Joan L. Goldfrank	D.C. Bar	January 1, 2020	No
Hon. Gladys Kessler	Chief Judge, U.S. District Court	December 31, 2016	No
William P. Lightfoot, Esq.	Mayor of the District of Columbia	February 24, 2014	Yes
David P. Milzman, M.D.	Council of the District of Columbia	May 5, 2017	No
Anthony T. Pierce, Esq.	President of the United States	July 29, 2018	No
Jeannine C. Sanford, Esq.	D.C. Bar	January 1, 2018	No

29. A progress report of the Commission's FY14 priorities and initiatives is as follows:
- a) The Commission's complaint form, complaint acknowledgment and disposition letters, public information brochure, complaint filing instructions, and pages from its website have been translated into Spanish. The Commission is in the process of having all of the aforementioned documents translated into Amharic, French, Korean, Chinese, and Vietnamese as well. The Commission's webmaster has advised that it would be more efficient to post all of the documents in the six languages simultaneously on the website, which the agency hopes to accomplish in the next couple of months.

- b) The Commission continues to work with OCTO in the development of a program that will enable judges to complete and submit their Annual Financial Reports to the Commission electronically. The prototype has been developed, and is in the process of being modified. The Commission hopes that the final draft will be ready by April 1.
 - c) The Commission continues to review judicial misconduct complaints and conduct misconduct investigations of matters within its jurisdiction.
 - d) The Commission continues to conduct performance and fitness reviews of retiring and senior judges eligible for initial appointment and reappointment to senior status.
 - e) The Commission continues to conduct reappointment evaluations of eligible associate judges.
 - f) The Commission will conduct involuntary retirement proceedings when needed. No such proceedings were conducted in FY14 or FY15, to date.
30. A copy of the Commission's FY15 performance plan as submitted to the Office of the City Administrator is attached.
31. There are no anticipated spending pressures facing the Commission at this point in FY15.
32. The Vice Chairperson of the Commission attended the 23rd National College on Judicial Conduct and Ethics in FY14. Commission members have not attended any training events in FY15, to date.
33. A list of the Commission's workload for FY14 and thus far in FY15 is as follows:

	FY 14	FY 15 (YTD)
a. Judicial Misconduct Complaints Reviewed	64	31
b. Judicial Misconduct Complaints Investigated	24	6
c. Senior Judge Fitness Reviews Completed	13	7
d. Associate Judge Reappointment Evaluations	3	2*
e. Involuntary Retirement Proceedings	0	0

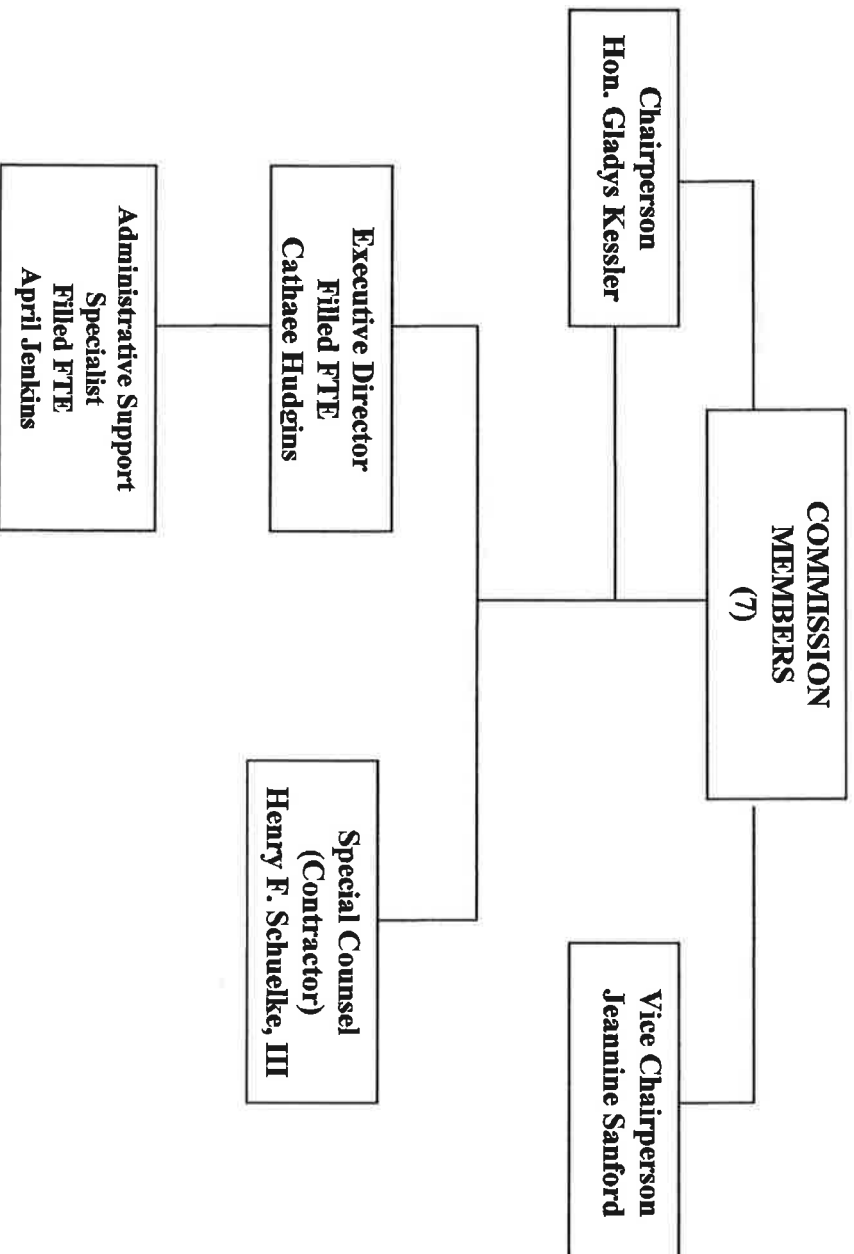
* Currently Ongoing

34. A summary of the misconduct complaints the Commission received in FY13, FY14 and FY15, to date is provided in the following table:

COMPLAINT DISPOSITION SUMMARY

COMPLAINT SUMMARY	FY 13	FY 14	FY 15
No. of Complaints Received	60	64	31
No. of Complaints Investigated	25	24	6
Dismissed for Lack of Jurisdiction	42	40	23
Dismissed for Lack of Merit	14	19	2
No Further Action Warranted/Matter Moot	1	2	0
Length of Time Under Review			
a. 30 days	45	40	22
b. 60 days	10	10	3
c. 90 days	3	11	0
d. 120 days	0	2	0
e. Over 120 days	2	1	0
Resulted in Disciplinary Actions	0	1	0
Disposed of Informally (Conference or Letter to Judge)	2	2	0
Pending	0	0	6

**COMMISSION ON JUDICIAL DISABILITIES AND TENURE
ORGANIZATIONAL CHART**





FY2015 PERFORMANCE PLAN
Commission on Judicial Disabilities and Tenure

MISSION

The mission of the Commission on Judicial Disabilities and Tenure (CJDT) is to maintain public confidence in an independent, impartial, fair, and qualified judiciary, and to enforce the high standards of conduct judges must adhere to both on and off the bench.

SUMMARY OF SERVICES

The services provided by the Tenure Commission are as follows: reviewing complaints concerning the misconduct of judges and conducting misconduct investigations when warranted; conducting fitness and qualification reviews of retiring and senior judges; conducting performance evaluations of associate judges eligible for reappointment; and processing the involuntary retirement of judges for health reasons.

AGENCY WORKLOAD MEASURES

Measure	FY 2012 Actual	FY 2013 Actual	FY 2014 Actual
Complaints Number of judicial misconduct complaints reviewed.	79	60	63
Misconduct Investigations Number of misconduct investigations conducted.	37	25	24
Senior Judge Evaluations Number of performance and fitness reviews of retiring and senior judges eligible for reappointment to senior status.	17	13	13
Reappointment Evaluations Number of reappointment evaluations of eligible associate judges.	2	3	3
Involuntary Retirement Number of judges involuntarily retired due to health reasons.	0	0	0



OBJECTIVE: Maintain public confidence in an independent, impartial, fair, and qualified judiciary, and to enforce the high standards of conduct judges must adhere to both on and off the bench.

INITIATIVE 1: Review all judicial misconduct complaints concerning judges of the District of Columbia courts, and conduct misconduct investigations concerning matters within the Commission's jurisdiction.

Description: The Commission reviews all new complaints or matters that have come to its attention at monthly meetings and determines whether the matters are within its jurisdiction. If the Commission determines a matter falls within its jurisdiction an investigation will be conducted. Once the investigation has been completed the Commission will either dismiss the complaint as unfounded, dispose of the matter informally through a conference with the judge, issue a public reprimand or censure, or the Commission may institute formal removal proceedings. **The review and disposition of complaints is on-going throughout the fiscal year and has no completion date.**

INITIATIVE 2: Conduct performance and fitness reviews of retiring and senior judges eligible for initial appointment and reappointment to senior status.

Description: The Commission solicits comments from the legal community and general public concerning a judge's fitness and qualifications to continue serving as a senior judge. The Commission interviews attorneys and Court personnel who have appeared before or worked with the judge, and the judge must submit a package of materials concerning their judicial and extra-judicial activities and overall health. **The Commission has 180 days in which to complete a senior judge performance and fitness review.**

INITIATIVE 3: Conduct reappointment evaluations of eligible associate judges.

Description: The Commission solicits comments from the legal community and general public concerning a judge's fitness and qualifications for reappointment to an additional 15-year term. The Commission interviews attorneys and Court personnel who have appeared before or worked with the judge, and the judge must submit a comprehensive package of materials concerning his or her judicial and extra-judicial activities and overall health. **The Commission must complete each reappointment evaluation 60 days prior to the date a judge's term is due to expire.**

INITIATIVE 4: Conduct involuntary retirement proceedings if a judge has a mental or physical disability which is, or is likely to become permanent and which prevents, or seriously interferes with the proper performance of judicial duties.

Description: Subsequent to the completion of an investigation, if the Commission determines a proceeding is warranted, the Commission will initiate formal involuntary retirement proceedings. There is no statutory completion date for involuntary retirement proceedings. **The proceedings would be on-going until the Commission files an order of involuntary retirement in the D.C. Court of Appeals.**



KEY PERFORMANCE INDICATORS

Measure	FY 2013 Actual	FY 2014 Target	FY 2014 Actual	FY 2015 Projection	FY 2016 Projection	FY 2017 Projection
Number of Judicial Misconduct Complaints Reviewed	60	54	63	60	60	60
Number of Judicial Misconduct Investigations Completed ¹	25	15	24	20	20	20
Number of Senior Judge Reviews Completed	13	12	13	13	18	9
Number of Judicial Reappointment Evaluations Completed ²	3	4	3	6	4	2

¹ The Commission's enabling statutes mandate that Commission investigations are limited to matters concerning the conduct or health of a judge. The Commission complies with the statutory requirements, and the projections reflected for complaints and investigations represent the average number the Commission anticipates receiving and conducting annually.

² The Commission's enabling statutes mandate the completion of judicial reappointment evaluations and senior judge reviews within strict time frames. The target numbers projected reflect the actual number of associate and senior judges of both Courts whose terms will expire during FY15 through FY17.