

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

515 FIFTH STREET, N.W., BUILDING A, ROOM 246
WASHINGTON, D.C. 20001
(202) 727-1363

February 10, 2017

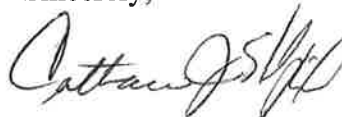
Hon. Charles Allen
Chair
Committee on the Judiciary & Public Safety
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Dear Mr. Chairman:

Enclosed please find the answers to the questions you submitted concerning the Commission's Performance Oversight Hearing scheduled for February 16, 2017.

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

Sincerely,



Cathae J. Hudgins
Executive Director

Enclosures

CJH/aj

TENURE COMMISSION RESPONSES TO COUNCIL QUESTIONS

1. The Commission’s most recent organizational chart is attached as requested.
 - a. The Commission does not have divisions or subdivisions.
 - b. There were no organizational changes affecting the Commission in FY16, and none thus far in FY17.

2. The Commission’s Schedule A is attached as requested.
 - a. The Commission has no vacant positions.
 - b. Employee tenure is as follows:
 Cathae Hudgins, Executive Director – 41 years
 April Jenkins, Administrative Support Specialist – 6 years

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

4.
 - a. The Commission has one iPhone 5c that was assigned to the Executive Director for FY16, and thus far in FY17. The iPhone has the basic features, without any costly downloads or apps, and has operating costs of approximately \$650 per year.
 - b. The Commission does not own, lease or use a vehicle.
 - c. The Commission granted a 3% bonus to its Executive Director in FY16. The Commission has not granted an employee bonus or special award thus far in FY17.
 - d. The Commission has not authorized any travel or related expenses thus far in FY17. The Commission authorized travel in FY16 for the following individuals:

Authorized Individual	Travel Dates	Conference	Cost
Hon. Joan L. Goldfrank Commission Member	Oct 28-30, 2015	24 th National College on Judicial Conduct and Ethics	\$1,419
Cathae Hudgins Executive Director	Oct 28-30, 2015	24 th National College on Judicial Conduct and Ethics	\$1,419

The Commission authorized travel for its Executive Director and one Commission Member to attend a conference sponsored by the National Center for State Courts’ Center for Judicial Ethics. The National College provides a forum for attendees to discuss current issues in judicial discipline, recent decisions in judicial discipline cases from around the country, and to discuss ethical standards and guidelines for judges and commissions.

- e. The Commission made no overtime or workers’ compensation payments to employees during FY16, and none have been authorized for FY17.

5.
 - a. The Commission only has one cell phone which is assigned to the Executive Director.
 - b. The Commission limits the cost associated with the cell phone by not permitting downloads or apps to be purchased /installed on the device.
 - c. The Commission does not have an equipment or service plan for the iPhone.
6. The Commission's intra-District transfers to date are as follows:

FY 16	Amount
OCTO IT ServUs	\$1,160
OCTO Web Maintenance	\$3,750
Telephone	\$8,518

FY 17	Amount
OCTO IT ServUs	\$1,821
OCTO Web Maintenance	\$4,061
OCTO Applications – ECIS and NOC Services	\$3,983
Telephone	\$8,518

7. The Commission does not have any special purpose revenue funds.
8. The Commission's Administrative Support Specialist, Ms. April Jenkins, is authorized to use the agency purchase card.

SMARTPAY CARD PURCHASES

Authorized Employee	Fiscal Year	Purchase Limit	Total Spent	General Purpose
April Jenkins Administrative Support Specialist	2016	\$20,000 per month \$ 5,000 single purchase	\$13,795.47	Office Supplies, Office Support, Travel
April Jenkins Administrative Support Specialist	2017	\$20,000 per month \$ 5,000 single purchase	\$3,962.54	Office Supplies, Office Support

9. The Commission did not enter into an MOU during FY16, and has not done so thus far in FY17.
10. The Commission does not collaborate with analogous agencies in other jurisdictions, but through its membership in the National Center for State Courts' Center for Judicial Ethics, it is able to share information with other member commissions concerning recent cases, challenges to the Code of Judicial Conduct, and difficult ethical issues. The Commission also works with the D.C. Courts on areas and topics of mutual concern, and the Commission maintains a good working relationship with the District of Columbia Judicial Nomination Commission and the D.C. Bar.

11. The Commission has no open capital projects.
12. The Commission did not submit budget enhancement requests for FY16, or FY17 to date.
13. The Commission did not reprogram any funds in FY16, and none in FY17, to date.
14. The Commission did not receive a grant or sub-grant in FY16, or FY17 to date.
15. The Commission has no FTEs that are dependent on grant funding.
16. The Commission has no pending lawsuits that name the agency as a party.
17. The Commission did not receive any administrative complaints or grievances in FY16, and none to date in FY17.
18. The Commission has no ongoing investigations, audits, or reports concerning the agency or an employee of the agency that were completed during FY16, and none to date in FY17.
19. The Commission does not anticipate spending pressures for the remainder of FY17, but a spending pressure may occur in FY18 due to the implementation of the D.C. Judicial Transparency Act.
20. A copy of the Commission's FY16 performance plan is attached as requested. All of the Commission's objectives were completed on time and within budget.
21. A copy of the Commission's FY17 performance plan as submitted to the Office of the City Administrator is attached.
22. The Commission did not receive any FOIA requests for FY16, and none to date in FY17.
23. The Commission has not prepared or contracted for any studies, research papers, reports, and analyses during FY16, and none to date in FY17.
24. The Commission's Executive Director, Cathae J. Hudgins, salary was \$149,432; Position No. 00007569, Program No. 21116, activity No. 2100L, and fringe benefits were \$16,467, for FY16. The salary and benefits remain the same in FY17, to date. The Executive Director did not receive overtime pay in FY16, and thus far in FY17. The Executive Director did receive a 3% incentive award in FY16, in the amount of \$4,482. No bonuses have been awarded in FY17.
25. The Commission did not authorize overtime for any employees in FY16, and none will be authorized in FY17.
26. The Commission's Executive Director, Cathae J. Hudgins, received a 3% incentive award in the amount of \$4,482. The award was based on the quality of work and

excellent performance of the Executive Director during FY16. No incentive awards have been granted in FY17, to date.

27. The Commission has no collective bargaining agreements in effect for agency employees.
28. The Commission is not associated with any other boards or commissions. The current membership of the Commission is as follows:

Jeannine C. Sanford, Esq., Chairperson
Appointed by the D.C. Bar
Term Expires: January 1, 2018

Anthony T. Pierce, Esq., Vice Chairperson
Appointed by the President
Term Expires: July 28, 2018

Hon. Joan L. Goldfrank
Appointed by the D.C. Bar
Term Expires: January 1, 2020

Hon. Colleen Kollar-Kotelly
Appointed by the Chief Judge of the U.S. District Court
Term Expires: December 31, 2022

William P. Lightfoot, Esq.
Appointed by the Mayor
Term Expires: February 24, 2020

David P. Milzman, M.D.
Appointed by the Council of the District of Columbia
Term Expires: May 5, 2017

Nikki Sertsu
Appointed by the Mayor
Term Expires: February 24, 2022

29. The Commission is not required to submit reports by the District of Columbia Code or Municipal Regulations.
30. 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 FY16 the Commission budgeted \$25,000 for legal and investigative services and expended \$20,378. In FY17 the Commission has budgeted \$25,000 and expended \$5,182.00 thus far in the fiscal year.

- d. Terms of the contract: Annual – 10/1/2016 – 9/30/2017
 - e. The contract was not competitively bid. Mr. Schuelke has been the Special Counsel to the Commission for the past 30 years and has developed a specialized expertise in the field of judicial conduct and ethics, that is of great assistance to the Commission.
 - f. The contract is monitored by the Commission’s Executive Director.
 - g. The contract is funded from the Commission’s annual budget.
31. The Commission does not have lists of additional training or continuing education opportunities that are made available to employees. Commission staff have taken classes offered through the Workforce Development Program sponsored by the Department of Human Resources, and participated in other training programs offered locally.
32. The Commission does not conduct annual performance evaluations of its employees. The Commission 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 administrative efficiency and productivity.

Agency Operations

- 1. The Commission did not implement any new initiatives in FY16 or FY17, to date.
- 2. The Commission’s top five priorities are:
 - a. Implementation of the District of Columbia Judicial Transparency Act that was enacted in December 2016. The Commission is in the process of drafting a new annual financial report form that judges will have to complete. In addition the Commission is drafting a new set of filing regulations and instructions, drafting regulations for judges who request redaction of certain information, and drafting instructions for the public to request inspection or copying of a judge’s financial report.
 - b. Review and dispose of complaints in a timely manner.
 - c. Conduct thorough and comprehensive investigations as expeditiously as possible.
 - d. Conduct thorough and comprehensive reappointment and senior judge performance evaluations.
 - e. Ensure that the vacancy on the Commission that may occur on May 5, 2017, will be filled promptly by the Council’s reappointment of David P. Milzman, M.D.
- 3. The Commission did not implement any new programs during FY16, or in FY17, to date.
- 4. The Commission measures programmatic success by efficiently and expeditiously fulfilling its statutory duties and responsibilities.
- 5. The Commission is a member of the Center for Judicial Ethics, which is part of the National Center for State Courts.
- 6. In December 2016 Congress passed the District of Columbia Judicial Transparency Act, which now requires that judges of the District of Columbia courts must complete a new annual financial report form that will in its entirety be available for public inspection and

copying. Heretofore, judges completed an annual financial report that was filed with the Commission, and only two sections of the report were available to the public. The Commission is in the process of developing a new report form, because the information, and the method by which the information is to be reported has statutorily changed. In addition the Commission must draft a set of filing regulations and instructions for judges completing the form, must draft regulations for judges who request redaction of certain information, and draft instructions for the public to request inspection or copying of a judge's financial report.

The Commission does not know the full impact the legislation will have on its administrative operations, and whether a new part-time staff member may be needed. The Commission has no way of knowing if it will be inundated with requests from the press and the public, to see some or all of the reports each year. By statute the Commission will have to review and make a decision concerning each request to inspect or copy a judge's financial report, and the Commission will have to review and make a decision on requests from judges who wish to redact certain information that will not be open to the public. Currently there are 112 Associate and Senior Judges of the District of Columbia courts.

7. The Commission has instituted on-line surveys through its website, concerning judges being considered for reappointment and senior status, with the hope that the surveys will increase the responses from the legal community and the public concerning a judge's qualifications for continued judicial service.
8. The Commission does not maintain any electronic databases.
9. The Commission did not acquire any new technology in FY16, and has not acquired any in FY17, to date.
10. The Commission met 11 times during FY16, and has met 5 times in FY17, to date.
11. The Commission complaint summary is as follows:

FY16

Complaints Received – 55

Complaints Dismissed at First Review for Lack of Jurisdiction – 23

Complaints Dismissed at First Review for Lack of Merit – 3

Complaints Investigated – 27

Complaints Dismissed After Investigation For Lack of Jurisdiction – 13

Complaints Dismissed After Investigation For Lack of Merit – 14

There were two complaints pending at the end of FY16, that were dismissed for lack of jurisdiction shortly after the beginning of FY17.

FY17

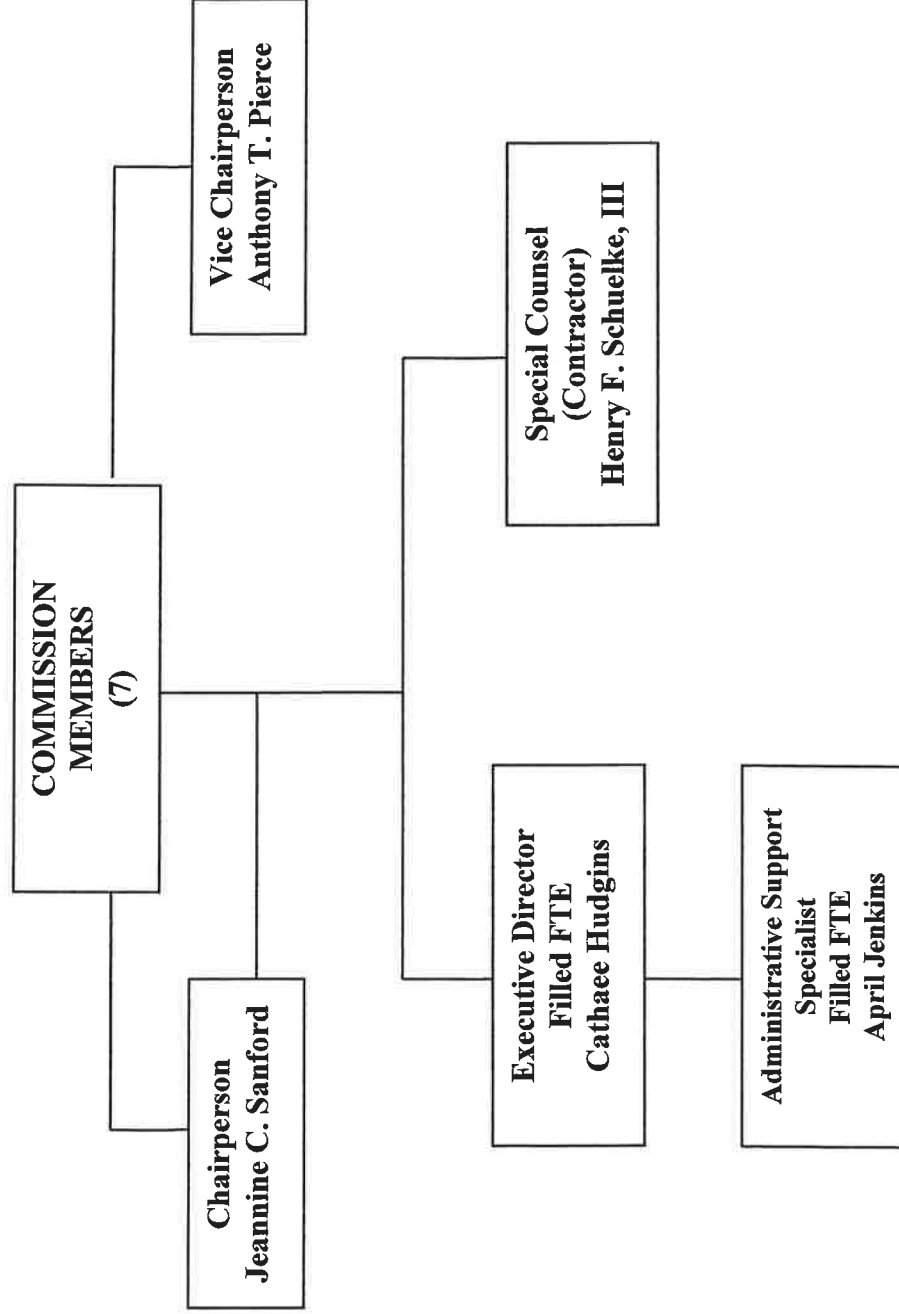
Complaints Received Thus Far in FY17 – 20

Complaints Dismissed at First Review for Lack of Jurisdiction – 6

Complaints Dismissed at First Review for Lack of Merit – 1
Complaints Investigated – 13
Complaints Dismissed After Investigation for Lack of Jurisdiction – 2
Complaints Dismissed After Investigation for Lack of Merit – 5
Complaints Pending – 6

12. There is one Superior Court judge currently being considered for reappointment.

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



COMMISSION ON JUDICIAL DISABILITIES AND TENURE
FY 2017 SCHEDULE A

Agency Code	Fiscal Year	Program Code	Activity Code	Filled, Vacant or Frozen	Position Title	Employee Name	Hire Date	Grade	Step	Salary	Fringe	FTE	Reg/Temp/Term	Filled by Law Y/N	
DQO	17	2000	2100	F	Executive Director	Hudgins, Cathaee	07/01/74	15	7	149,432.00	16,467.41	1.00	Reg	Y	
DQO	17	2000	2100	F	Administrative Support Specialist	Jenkins, April	08/09/10	9	5	62,338.00	8,147.62	1.00	Reg	Y	
AGENCY GRAND TOTAL											\$ 211,770.00	\$ 24,615.03	2.00		

2017 Workload Measures

Measure	New Measure/ Benchmark Year	Add Historical and Target Data (FY17)	Numerator Title	Units	Frequency of Reporting	FY 2014	FY 2015	FY 2016 Actual
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No measures found

2017 Strategic Initiatives

Strategic Initiative Title	Strategic Initiative Description	Proposed Completion Date
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No strategic initiative-operation links found

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Commission on Judicial Disabilities and Tenure FY2016

Agency Commission on Judicial Disabilities and Tenure Agency Acronym CJDT Agency Code DQ0 Fiscal Year 2016

2016 Objectives

FY16 Objectives

Objective Number	Objective Description
(empty) (5 Objectives)	
1	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.
2	Conduct Reappointment Evaluations of Eligible Associate Judges of the D.C. Courts
3	Conduct Performance and Fitness Reviews of Retiring and Senior Judges
4	Conduct Involuntary Retirement Proceedings
5	Review and Investigate Judicial Misconduct Complaints

2016 Key Performance Indicators

Measure	Division	Frequency of Reporting	Current Fiscal Year Target	Q1FY2016	Q2FY2016	Q3FY2016	Q4FY2016	FY 2016	Was KPI Met?	Please explain any barriers to meeting your KPI Target?
2 - Conduct Reappointment Evaluations of Eligible Associate Judges of the D.C. Courts (2 Measures)										
Number of reappointment evaluations		Annually	4					4	Met	
Percent of reappointment evaluation reports submitted before 60 days of term expiration		Annually	100					100%	Met	
3 - Conduct Performance and Fitness Reviews of Retiring and Senior Judges (2 Measures)										
Number of fitness and performance reviews		Annually	18					19	Met	
Percent of fitness and performance reviews submitted within 180 days of judge's request		Annually	100					100%	Met	
4 - Conduct Involuntary Retirement Proceedings (1 Measure)										
Number of involuntary retirements handled		Annually						0		
5 - Review and Investigate Judicial Misconduct Complaints (4 Measures)										
Percent of complaints resolved within 30 days		Annually	73					58%	Met	
Percent of Complaints resolved within 60 days		Annually	21					24%	Unmet	
Percent of complaints leading to misconduct investigations		Annually	38					49.1%	Neutral Measure	
Number of complaints received		Annually	65					55	Met	

2016 Workload Measures

Measure	Frequency of Reporting	Q1FY2016	Q2FY2016	Q3FY2016	Q4FY2016	FY 2016
No measures found						

2016 Initiatives

Objective - Agency	Objective Number	Objective Title	Initiative Number	Initiative Title	Initiative Description	Update from:	Initiative Status Update	Status of Impact	Explanation of Impact	% Complete	If not 100%, please explain why this initiative wasn't completed in FY16:
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(empty) - 1 (4 Initiatives)

Commission on Judicial Disabilities and Tenure	1		1.0	Complaint Review and Investigation	Review all judicial misconduct complaints concerning judges of the District of Columbia courts, and conduct misconduct investigations concerning matters within the Commission's jurisdiction.						
Commission on Judicial Disabilities and Tenure	1		2.0	Performance and Fitness Reviews of Senior Judges	Conduct performance and fitness reviews of retiring and senior judges eligible for initial appointment and reappointment to senior status.						
Commission on Judicial Disabilities and Tenure	1		3.0	Reappointment Evaluations	Conduct reappointment evaluations of eligible Associate Judges.						
Commission on Judicial Disabilities and Tenure	1		4.0	Involuntary Retirement Proceedings	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.						

2016 Accomplishments

Accomplishments

What is the accomplishment that your agency wants to highlight?

How did this accomplishment impact residents of DC?

How did this accomplishment impact your agency?

No accomplishments found