

DV0 DC Judicial Nomination Commission

Attachment 11

FY 2016 PERFORMANCE PLAN
District of Columbia Judicial Nomination Commission

MISSION

The mission of the District of Columbia Judicial Nomination Commission (JNC) is to screen, select, and recommend candidates to the President of the United States for consideration in appointing judges to the District of Columbia Court of Appeals and Superior Court of the District of Columbia. The JNC also appoints the chief judges of both courts.

SUMMARY OF SERVICES

The JNC advertises judicial vacancies, solicits applications, conducts background investigations, carefully reviews investigative materials, reads briefs and other application materials, interviews applicants, solicits and considers input from the bench, bar, and public regarding applicants' fitness to serve, and carefully evaluates each candidate's application and background. The JNC also appoints the chief judges of the District of Columbia Court of Appeals and Superior Court of the District of Columbia.

AGENCY WORKLOAD MEASURES

Measure	FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual
Number of Superior Court Judicial Vacancies	3	2	2	2
Number of Court of Appeals Judicial Vacancies	0	0	1	0
Number of Superior Court Chief Judge Designations	1	0	0	0
Number of Court of Appeals Chief Judge Designations	0	1	0	0

OBJECTIVE 1: Increase the pool of highly qualified applicants to fill each judicial vacancy within the required 60- day period either prior to or following the occurrence of a vacancy in accordance with the agency's governing statute.

INITIATIVE 1.1: Enhance the content of the JNC website to enhance outreach efforts and simplify the solicitation and receipt of comments on applicants, and automate the application review process while keeping applicant data secure, by the end of FY 2016.

The expected outcomes include, but are not limited to, streamlining the application process, increasing the number of highly qualified applicants with diverse backgrounds, and improving the quality of information received by the JNC to enable the JNC members to review applications and related background investigation results in a more efficient manner. This projected completion date is May 2016.

PROPOSED KEY PERFORMANCE INDICATORS

Measure	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual¹	FY 2016 Projection	FY 2017 Projection	FY 2018 Projection
Percent of candidate panels for judicial vacancies presented within statutory time frames	100	100	100	100	100	100
Percent of required background investigations on judicial vacancy applicants conducted and completed within statutory time frames	100	100	100	100	100	100

¹ Actual as of September 30, 2015.

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Attachment 12

JUDICIAL NOMINATION COMMISSION
 FY 2015 LIST OF EMPLOYEE(S) SALARY OF \$100,000 OR MORE

Agency Code	Fiscal Year	Program Number	Activity Number	Employee Name	Position Number	Position Title	Salary	Fringe	Overtime Pay	Bonus Pay
DV0	15	2000	2500	Garrett, Katherine	00019793	Executive Director	\$116,320.00	\$10,410.66	\$0.00	\$0.00
AGENCY GRAND TOTAL							\$116,320.00	\$10,410.66	\$0.00	\$0.00

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Agency Code	Fiscal Year	Program Number	Activity Number	Employee Name	Position Number	Position Title	Salary	Fringe	Overtime Pay	Bonus Pay
DV0	16	2000	2500	Garrett, Katherine	00019793	Executive Director	\$119,810.00	\$28,350.14	\$0.00	\$0.00
AGENCY GRAND TOTAL							\$119,810.00	\$28,350.14	\$0.00	\$0.00

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Attachment 13

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Members of the DC Judicial Nomination Commission as of 2/12/16

Member	Appointing Body	Term Expiration Date
Hon. Emmet G. Sullivan	United States District Court for the District of Columbia	12/31/2016
Woody Peterson, Esq.	President of the United States	3/31/2015
William Lucy	Mayor of the District of Columbia	2/27/2020
Natalie Ludaway, Esq.	Mayor of the District of Columbia	2/27/2016
Rev. Morris Shearin	District of Columbia Council	4/27/2017
Ronald Flagg, Esq.	District of Columbia Bar	1/1/2020
Pending	District of Columbia Bar	1/1/2022

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Attachment 14

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Judicial Vacancy Information (10/1/15 – 2/12/16)					
Vacancy (Court/Year)	Open?	JNC Recommendation Date	Nominee & Date of Nomination and/or Renomination	Senate Action	Senate Status
Oberly (DCCA/2013)	YES	12/18/13	Todd S. Kim (nom 2/14/14 and renom 4/30/15)	PN1470-113 returned to POTUS PN425-114 referred to Committee 4/30/15	In Committee, no hearing scheduled
Christian (DCSC/2010)	NO	11/28/10	Donna Murphy (nom 2/3/11) <i>withdrew after return</i>	Returned to POTUS 1/3/13	n/a
			Steven M. Wellner (nom 11/13 and renom 4/30/15)	PN1166-113 returned to POTUS PN422-114 confirmed after hearing 11/19/15	Confirmed
Burgess (DCSC/2013)	NO	5/15/13	William W. Nooter (nom 11/13 and renom 4/30/15)	PN1168-113 on Sen Exec Calendar; returned to POTUS 12/17/14 PN423-114 confirmed 11/19/15	Confirmed
Greene (DCSC/2013)	NO	10/31/13	Sherry M. Trafford (nom 11/13) <i>withdrew after return</i>	PN1167-113 – Hearing held 3/27/14; returned to POTUS 12/17/14	n/a
			Darlene Soltys (nom 7/9/15)	PN645-114 – confirmed after hearing 12/17/15	Confirmed
Richter (DCSC/2014)	NO	7/31/14	Robert A Salerno (nom 9/30/14 and renom 4/30/15)	PN2101-113 returned to POTUS 12/17/14 PN424-114 – confirmed after hearing 12/17/15	Confirmed
Dixon (DCSC/2015)	YES	3/2/15	Julie H. Becker (nom 4/30/15)	PN421-114 referred to Committee	In Committee, no hearing scheduled
Keary (DCSC/2015)	YES	9/30/15	Elizabeth C. Wingo (nom 11/30/15)	PN1001-114 referred to Committee	In Committee, no hearing scheduled
Cushenberry (DCSC/2015)	YES	9/30/15	Steven N. Berk (nom 11/30/15)	PN-1000-114 referred to Committee	In Committee, no hearing scheduled
Macaluso (DCSC/2015)	YES	DUE no later than 6/29/16			
Wright (DCSC/2016)	YES	DUE no later than 10/5/16			

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Attachment 15



District of Columbia Courts
500 Indiana Avenue, N.W., Room 6680
Washington, D.C. 20001
202-879-1700 Office
202-879-4829 Fax



November 9, 2015

The Honorable Mitch McConnell
Majority Leader
United States Senate
S-230 Capitol Building
Washington, DC 20510-7010

Dear Majority Leader:

As the Chief Judge of the District of Columbia Court of Appeals and Chief Judge of the Superior Court of the District of Columbia, we want to share with you the adverse impact that judicial vacancies are having on the Court and residents of the District of Columbia.

The Superior Court is a busy court that handles all local criminal and civil matters with a caseload of over 100,000 cases per year. A full complement of judges is 62. Currently, the Superior Court is understaffed by six judges and with the retirement of Judge Harold L. Cushenberry Jr., in December of this year that number will increase to seven. The Court of Appeals is presently short one judge as well.

The current vacancies are most pressing in Family Court which has jurisdiction over cases involving abuse and neglect, juvenile delinquency, domestic relations, paternity and child support and mental health, and the Civil Division. Currently we have four judges handling five Domestic Relations/Neglect calendars. Specifically, from January 1, 2015 to September 30, 2015, 2549 **new** cases were filed. Due to the vacancies, the Court had to assign some of these cases to our Juvenile judges. Had we not done this, our Domestic Relations/Neglect judges would have been each handling an average of 638 new cases. It is important to note that these numbers represent only new cases and do not include motions filed, cases pending, or magistrate judge appeals.

In addition, with the imminent retirement of Judge Cushenberry, the Criminal and Civil Divisions will also experience significant challenges. The Civil Division was left with an unassigned calendar in January 2015 and with the retirement of Judge Herbert Dixon in April 2015, lost a second Civil II calendar, decreasing the number of active civil II judges from 12 to 10. Between January 1, 2015 and September 30, 2015, there were 5711 **new** civil II cases filed. The retirement and current vacancies have impacted the division as a whole. As the 2016 assignments are issued in the coming weeks, the Criminal Division will have an unassigned misdemeanor calendar.

Magistrate Judge William Nooter and Mr. Steven Wellner received swift and favorable consideration from the Committee on Homeland Security and Governmental Affairs and were passed out of the Committee on June 24, 2015 for the second time. Both are now awaiting a vote by the full Senate. The nominations of Robert Salerno, Darlene Soltys and Julie Becker are still pending in the Committee.

Open to All ♦ Trusted by All ♦ Justice for All

As a direct consequence of its continuing judicial vacancy, the Court of Appeals is experiencing an increase in the time cases are pending appeal. Todd Kim was originally nominated to serve as a judge of the Court of Appeals in February of 2014, filling a vacancy that was created at the end of 2013. We estimate that the two year old vacancy has resulted in approximately 90-120 cases per year being delayed for calendaring because of a decrease in the number of panels that can be constituted. This delay results in an aging case load and, consequently, an increase in the average and median time on appeal for cases pending before the Court. In 2013, the average time on appeal for cases pending before the court was 413 days and the median time on appeal was 357 days. However, during 2014, the average time on appeal increased to 476 days and the median time on appeal to 423 days primarily because the court disposed of 113 fewer appeals in 2014 than in 2013 and this was despite achieving a clearance rate of almost 120 percent.

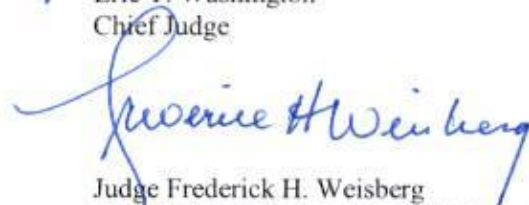
Our mission is to serve the community by handling the important decisions we are entrusted with fairly, justly and efficiently. It is our hope that before Congress adjourns that the Senate will vote on the pending nominations so that we can better serve the people of the District of Columbia.

Thank you for your consideration. Please do not hesitate to contact us should you have any questions or require additional information.

Sincerely,



Eric T. Washington
Chief Judge



Judge Frederick H. Weisberg
On behalf of Chief Judge Lee F. Satterfield

cc:

*The Honorable Ron Johnson
Chairman
Senate Homeland Security and Governmental Affairs Committee
SD-340 Dirksen Senate Office Building
WDC 20510*

*The Honorable Tom Carper
Ranking Member
Senate Homeland Security and Governmental Affairs Committee
SH-513 Hart Senate Office Building
WDC 20510-0803*



District of Columbia Courts
500 Indiana Avenue, N.W., Room 6680
Washington, D.C. 20001
202-879-1700 Office
202-879-4829 Fax



November 9, 2015

The Honorable Harry Reid
Senate Minority Leader
United States Senate
S-221 Capitol Building
WDC 20510-7020

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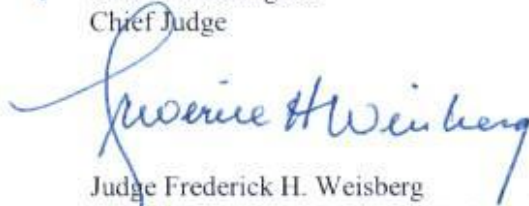
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Sincerely,



Eric T. Washington
Chief Judge



Judge Frederick H. Weisberg
On behalf of Chief Judge Lee F. Satterfield

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Chairman
Senate Homeland Security and Governmental Affairs Committee
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