

**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 12, 2016

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

**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 Ms. Cathae Hudgins, Executive Director, and Ms. April Jenkins, Administrative Support Specialist.
  - b) There were no organizational changes affecting the Commission in FY15, and none thus far in FY16.
  
2. The Commission’s most recent Schedule A is attached as requested.
  - a) The Commission has no vacant positions.
  - b) Employee tenure is as follows:  
 Cathae Hudgins, Executive Director – 40 years  
 April Jenkins, Administrative Support Specialist – 5 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 is assigned to the Executive Director. The iPhone has the basic features, without any costly downloads or apps, and has operating costs estimated to be \$650.00 per year. Thus far in FY16 the agency has been charged \$233.75 for use of the iPhone, and the total cost charged in FY15 was \$628.00.
  - b) The Commission does not own, lease, or use a vehicle.
  - c) The Commission granted a 3% bonus for its Executive Director in FY15. The Commission has not granted an employee bonus or special award thus far in FY16.
  - d) The Commission has authorized travel expenses for the following individuals:

<b>Authorized Individual</b>	<b>Travel Dates</b>	<b>Conference</b>	<b>Cost</b>
Hon. Joan L. Goldfrank Commission Member	Oct 28-30, 2015	24 <sup>th</sup> National College on Judicial Conduct and Ethics	\$1,419.00
Cathae Hudgins Executive Director	Oct 28-30, 2015	24 <sup>th</sup> National College on Judicial Conduct and Ethics	\$1,419.00
Cathae Hudgins Executive Director	July 22-25, 2015	Association of Judicial Disciplinary Counsel Annual Meeting and Ethics Conference	\$1,869.00

The Commission authorized travel for its Executive Director and one Commission Member to attend conferences sponsored by the National Center for State Courts' Center for Judicial Ethics, and the Association of Judicial Disciplinary Counsel. Both conferences provide 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 worker's compensation payments in FY15, and none have been made in FY16, to date.
5.
    - a) The Commission only has one cell phone which is assigned to the Executive Director.
    - b) The Commission limits the cost associated with a mobile device 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 approved budgets and actual spending for FY15 and FY16, to date appear as follows:

**FY 2015 BUDGET VERSUS ACTUAL SPENDING BY PROGRAM AND FUND  
COMMISSION ON JUDICIAL DISABILITIES AND TENURE**

PROGRAM TITLE	LOCAL			FEDERAL PAYMENTS			GROSS FUNDS		
	FY2015 Budget	FY2015 Actuals	FY2015 Balance	FY2015 Budget	FY2015 Actuals	FY2015 Balance	FY2015 Budget	FY2015 Actuals	FY2015 Balance
Judicial Disabilities and Tenure	0	0	0	322,386	303,192	19,194	322,386	303,192	19,194
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>322,386</b>	<b>303,192</b>	<b>19,194</b>	<b>322,386</b>	<b>303,192</b>	<b>19,194</b>

**FY 2016 BUDGET VERSUS ACTUAL SPENDING BY PROGRAM AND FUND  
COMMISSION ON JUDICIAL DISABILITIES AND TENURE**

PROGRAM TITLE	LOCAL			FEDERAL PAYMENTS			GROSS FUNDS		
	FY2016 Budget	FY2016 Actuals	FY2016 Balance	FY2016 Budget	FY2016 Actuals	FY2016 Balance	FY2016 Budget	FY2016 Actuals	FY2016 Balance
Judicial Disabilities and Tenure	0	0	0	294,378	113,719	180,659	294,378	113,719	180,659
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>294,378</b>	<b>113,719</b>	<b>180,659</b>	<b>294,378</b>	<b>113,719</b>	<b>180,659</b>

7. The Commission's intra-District transfers for FY15 and FY16, to date are as follows:

<b>FY 15</b>	<b>Amount</b>
OCTO IT ServUs	\$2,861
OCTO Web Maintenance	\$2,500
Telephone	\$9,045

<b>FY 16</b>	<b>Amount</b>
OCTO IT Serv Us	\$1,160
OCTO Web Maintenance	\$3,750
Telephone	\$8,518

8. The Commission does not have any special purpose revenue funds.
9. The Commission has one contract that is renewed annually for a Special Counsel who provides legal and investigative services to the agency.
- Contracting Party: Henry F. Schuelke, III, Esq.
  - The contractor provides legal and investigative services to the Commission.
  - The amount of the contract is estimated at \$25,000.00 per year. In FY15 the Commission budgeted \$25,000.00 for legal and investigative services and expended \$28,312.67. In FY16 the Commission has budgeted \$25,000.00 for legal and investigative services and has expended \$8,912.00 thus far in the fiscal year.
  - Terms of the contract: October 1, 2015 – September 30, 2016
  - 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.
  - The contract is monitored by the Commission's Executive Director.
  - The contract is funded from the Commission's annual budget.
10. The Commission's Administrative Support Specialist, Ms. April Jenkins, is authorized to use the agency purchase card.

**SMARTPAY CARD PURCHASES**

<b>Authorized Employee</b>	<b>Fiscal Year</b>	<b>Purchase Limit</b>	<b>Total Spent</b>
April Jenkins Administrative Support Specialist	2015	\$20,000 per month \$ 5,000 single purchase	\$11,506.25
April Jenkins Administrative Support Specialist	2016	\$20,000 per month \$ 5,000 single purchase	\$5,958.62

11. The Commission had one MOU in place during FY15, with OCTO to provide back-up and data migration from the Commission's two desktop computers, to the D.C. Server. The Commission has not entered into an MOU thus far in FY16.
12. 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.
13. The Commission is not anticipating any spending pressures for FY16.
14. The Commission has no open capital projects.
15. The Commission did not submit budget enhancement requests for FY15 or FY16, to date.
16. The Commission did not reprogram any funds in FY15 and FY16, to date.
17. The Commission did not receive a grant or sub-grant in FY15 and FY16, to date.
18. The Commission has no FTEs that are dependent on grant funding.
19. The Commission has no pending lawsuits that name the agency as a party.
20. The Commission did not receive any administrative complaints or grievances in FY15 and FY16, to date.
21. The Commission has no ongoing investigations, audits or reports concerning the agency or an employee of the agency that were completed during FY15 and FY16, to date.
22. A copy of the Commission's FY15 performance plan is attached as requested. All of the Commission's performance plan objectives were completed in FY15 in a timely manner and within budget.
23. A copy of the Commission's FY16 performance plan is attached as requested.
24. The Commission did not receive any FOIA requests for FY15 and FY16, to date.
25. The Commission has not prepared or contracted for any studies, research papers, reports, and analyses during FY15 or FY16, to date.

26. The Commission routinely solicits comments from the general public and the legal community concerning the qualifications of judges seeking reappointment or senior status. The Commission, in its Annual Report, advises readers that the Commission welcomes comments on its activities and actions as addressed in the Report.

#### Personnel

1. The Commission's one employee whose salary is \$100,000.00 or more for FY15 and FY16, to date is as follows: Ms. Cathae J. Hudgins, Position No. 00007569, Executive Director, Position Program Code 2000, Position Activity Code 2100, Salary - \$148,761.00, and Fringe Benefits - \$16,090.36. The Executive Director did not receive overtime pay, but did receive a 3% bonus during FY15.
2. The Commission's employees do not receive overtime pay.
3. The Commission does not have any employees covered under a collective bargaining agreement.
4. 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 programs during FY15 and FY16, to date.
2. There was no legislation passed at the federal level during FY15 and FY16, to date, that has had an impact on the Commission's operations.
3. There are no regulations for which the Commission provides oversight or implementation.
4. There are currently no statutory or regulatory impediments to the Commission's operations.
5. The Commission does not maintain any electronic databases.

6. The Commission's top four priorities are:
  - a) Review and dispose of complaints in a timely manner.
  - b) Conduct thorough and comprehensive investigations as expeditiously as possible.
  - c) Conduct careful and detailed reappointment and senior judge performance evaluations.
  - d) Ensuring that the vacancy on the Commission that will occur on February 24, 2016, will be filled promptly so as not to hinder the Commission's work.
  
7.
  - a) The Commission's complaint form, public information brochure, complaint acknowledgment and disposition letters have been translated into Spanish, French, Korean, Amharic, and simple Chinese. In addition the Commission has had a general information page translated into each of the five languages that will be posted on the Commission's website along with the complaint forms.
  - b) Judges by statute must complete an Annual Financial Report that must be filed with the Commission. The Report contains 10 questions that request information concerning a judge's investments, liabilities, expense reimbursements, business and charitable affiliations, honorariums, and extra-judicial income. In FY15, judges for the first time were able to complete the Annual Financial Report electronically, and save the document in their respective computers. Heretofore, judges had to manually complete the Report. With the help of OCTO the Commission was able to implement this long standing project.

The Commission had tabled further development of the electronic submission for the judges' monthly timesheets until the Annual Report Form project was completed. The Commission may renew its discussion with OCTO concerning the monthly reports, later in the fiscal year.

8. A chart of FY15 and FY16 Commission activities is as follows:

	<b>FY 15</b>	<b>FY 16 (YTD)</b>
a. Judicial Misconduct Complaints Reviewed	79	16
b. Judicial Misconduct Complaints Investigated	30	11
c. Senior Judge Fitness Reviews Completed	14	8+6*
d. Associate Judge Reappointment Evaluations	5	1+3*
e. Involuntary Retirement Proceedings	0	0

\* Currently Ongoing

9. One Commission Member attended the 24<sup>th</sup> National College on Judicial Conduct and Ethics, October 28-30, 2015. Commissioners have not attended any other training events in FY16, to date. Commissioners did not attend any training events in FY15.

10. A summary of the misconduct complaints the Commission received in FY14, FY15 and FY16, to date is provided in the following table:

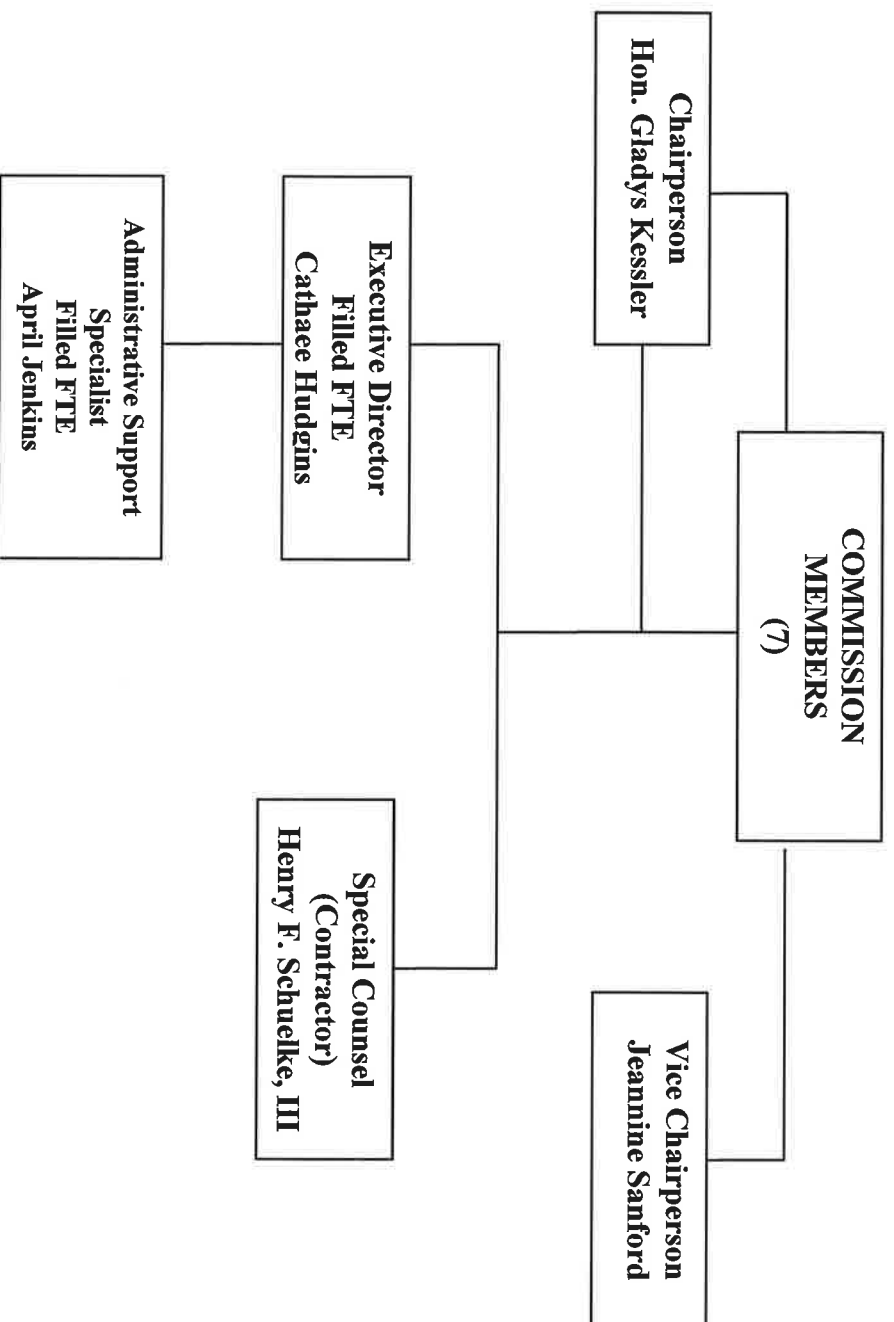
**COMPLAINT DISPOSITION SUMMARY**

<b>COMPLAINT SUMMARY</b>	<b>FY 14</b>	<b>FY 15</b>	<b>FY 16</b>
No. of Complaints Received	64	79	16
No. of Complaints Investigated	24	30	11
Dismissed for Lack of Jurisdiction	40	47	12
Dismissed for Lack of Merit	19	27	1
No Further Action Warranted/Matter Moot	2	2	1
Length of Time Under Review			
a. 30 days	40	58	11
b. 60 days	10	17	2
c. 90 days	11	1	1
d. 120 days	2	0	0
e. Over 120 days	1	1	0
Resulted in Disciplinary Actions	1	0	1*
Disposed of Informally (Conference or Letter to Judge)	2	1	
Pending	0	2	2

\* One complaint pending from FY15 resulted in the public reprimand of a Superior Court Associate Judge in FY16.



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



Response to Question #2

COMMISSION ON JUDICIAL DISABILITIES AND TENURE  
 FY 2016 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	
D00	16	2000	2100	F	Executive Director	Hudgins, Cathaee	07/01/74	15	6	148,761.00	16,090.36	1.00	Reg	Y	
D00	16	2000	2100	F	Administrative Support Specialist	Jenkins, April	08/09/10	9	5	60,476.00	7,811.18	1.00	Reg	Y	
<b>AGENCY GRAND TOTAL</b>										<b>\$209,237.00</b>	<b>\$23,901.54</b>	<b>2.0</b>			



## FY 2015 Performance Accountability Report Commission on Judicial Disabilities and Tenure

### INTRODUCTION

The Performance Accountability Report (PAR) measures each agency's performance for the fiscal year against the agency's performance plan and includes major accomplishments, updates on initiatives' progress and key performance indicators (KPIs).

### 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.

### OVERVIEW – AGENCY PERFORMANCE

The following section provides a summary of CJDT performance in FY 2015 by listing CJDT's top three accomplishments, and a summary of its progress achieving its initiatives and progress on key performance indicators.

### TOP THREE ACCOMPLISHMENTS

The top three accomplishments of CJDT in FY 2015 are as follows:

Phase II of the Commission's electronic scanning and storage project was completed and 25 boxes of paper judicial files were sent to the Federal Records Retention Center.

The Commission's complaint form and complaint acknowledgement and disposition letters were translated into five languages.

Judges of the District of Columbia Courts were able for the first time to complete and save their Annual Financial Report forms electronically due to completion of a Commission project with the assistance of OCTO.

### SUMMARY OF PROGRESS TOWARD COMPLETING FY 2015 INITIATIVES AND PROGRESS ON KEY PERFORMANCE INDICATORS



The Commission accomplished its FY 2015 initiatives by reviewing and acting on 79 judicial misconduct complaints, of which 30 required investigations which were conducted efficiently and expeditiously. In addition the Commission completed reappointment evaluations of 5 Superior Court Associate Judges, and completed performance and fitness reviews of 14 Senior Judges from both Courts. The reappointment evaluations and performance and fitness reviews were completed within the statutorily mandated time and review periods.

Table 1 (see below) shows the overall progress the CJDT made on completing its initiatives, and how overall progress is being made on achieving the agency's objectives, as measured by their key performance indicators.

### **TOTAL RATED MEASURES AND INITIATIVES (TABLE 1)**

Once OCA receives your final PAR we will create the necessary charts based on the information you submit.

## **PERFORMANCE INITIATIVES – ASSESSMENT DETAILS**

### **Office of the Director**

**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.**

### **Performance Assessment Key:**

**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.**

**Performance Assessment Key:**

**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.**

**Performance Assessment Key:**

**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.**

**Performance Assessment Key:**

**KEY PERFORMANCE INDICATORS**

	KPI	Measure	FY 2014 YE Actual	FY 2015 YE Target	FY 2015 YE Revised Target	FY 2015 YE Actual (KPI Tracker)	FY 2015 YE Rating (KPI Tracker)	Budget Program (KPI Tracker)
		Number of Judicial Misconduct Complaints Reviewed	63	60		79		



		Number of Judicial Misconduct Investigations Completed	24	20		30		
		Number of Senior Judge Reviews Completed	13	13		14		
		Number of Judicial Reappointment Evaluations Completed	3	6		5		

## WORKLOAD MEASURES – APPENDIX

### WORKLOAD MEASURES

Measure Name	FY 2013 YE Actual	FY 2014 YE Actual	FY 2015 YE Actual	Budget Program
<b>Complaints</b> Number of judicial misconduct complaints reviewed.	60	63	79	OFFICE OF THE DIRECTOR
<b>Misconduct Investigations</b> Number of misconduct investigations conducted.	25	24	30	
<b>Senior Judge Evaluations</b> Number of performance and fitness reviews of retiring and senior judges eligible for reappointment to senior status.	13	13	14	
<b>Reappointment Evaluations</b> Number of reappointment evaluations of eligible associate judges.	3	3	5	
<b>Involuntary Retirement</b> Number of judges	0	0	0	



involuntarily retired due to health reasons.				
--	--	--	--	--



**FY2016 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; conducting performance evaluations of associate judges eligible for reappointment; conducting fitness and qualification reviews of retiring and senior judges; and processing the involuntary retirement of judges for health reasons.

**AGENCY WORKLOAD MEASURES**

Measure	FY2012 Actual	FY2013 Actual	FY2014 Actual	FY2015 Actual	FY2016 Projection	FY2017 Projection	FY2018 Projection
<b>Complaints</b> Number of judicial misconduct complaints reviewed.	79	60	64	79	65	65	65
<b>Misconduct Investigations</b> Number of misconduct investigations conducted.	37	25	24	30	25	25	25
<b>Senior Judge Evaluations</b> Number of performance and fitness reviews of retiring and senior judges eligible for reappointment to senior status.	17	13	13	14	18	8	8
<b>Reappointment Evaluations</b> Number of reappointment evaluations of eligible associate judges.	2	3	3	5	4	2	5
<b>Involuntary Retirement</b> Number of judges involuntarily retired due to health reasons.	0	0	0	0	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.**





## Initiatives

**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 a judge, issue a public reprimand or censure, or the Commission may institute formal removal proceedings.

**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.

**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 their judicial and extra-judicial activities and overall health.

**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.



## PROPOSED KEY PERFORMANCE INDICATORS

Measure	FY2012 Actual	FY2013 Actual	FY2014 Actual	FY2015 Actual	FY2016 Projection	FY2017 Projection
Number of Complaints Reviewed	79	60	64	79	65	65
Number of Judicial Misconduct Investigations Completed <sup>1</sup>	37	25	24	30	25	25
Number of Judicial Reappointment Evaluations Completed <sup>2</sup>	2	3	3	5	4	2
Number of Senior Judge Reviews Completed	17	13	13	14	16	8
Number of Involuntary Retirements	0	0	0	0	0	0

<sup>1</sup> 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.

<sup>2</sup> The 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 projection numbers reflected for complaints and investigations represents the average the Commission receives and conducts annually.