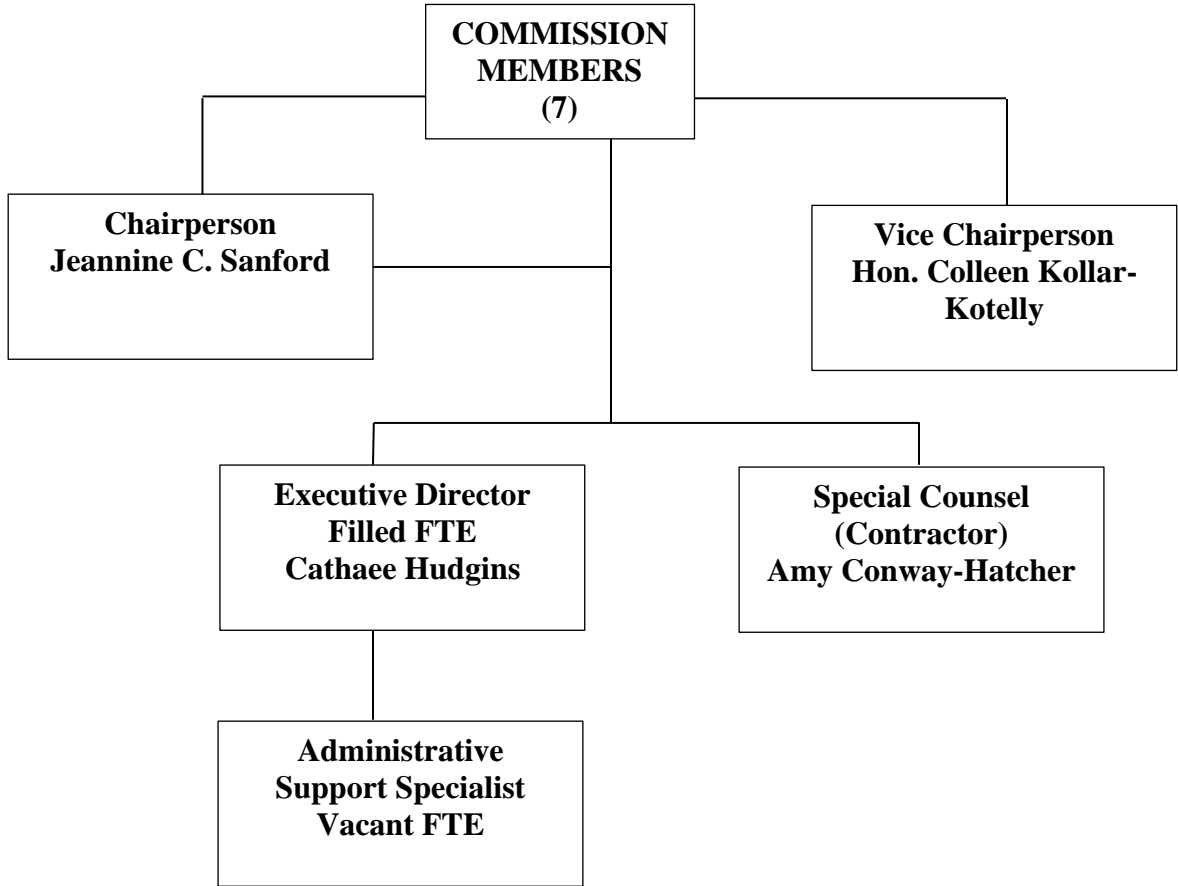


**TENURE COMMISSION RESPONSES TO COUNCIL QUESTIONS**

1. The Commission’s most recent organizational chart is provided below.

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



- a. The Commission does not have divisions or subdivisions.
  - b. There were no changes made to the organizational chart in FY19, and none made thus far in FY20.
2. The Commission’s Schedule A is attached as requested.
  3. The Commission has not detailed any employees to another agency, and has not requested any employees to be detailed to the Commission during FY19, and thus far in FY20.
  4. a. The Commission does not own, lease, or use a vehicle.

- b. The Commission did not authorize any travel or related expenses in FY19. The Commission authorized travel in FY20 for the following individuals:

| <b>Authorized Individual</b>          | <b>Travel Dates</b> | <b>Conference</b>                                       | <b>Cost</b> |
|---------------------------------------|---------------------|---|-------------|
| Cathae Hudgins<br>Executive Director  | October 23-25, 2019 | 26 <sup>th</sup> National College on<br>Judicial Ethics | \$1,544.00  |
| Amy Conway-Hatcher<br>Special Counsel | October 23-25, 2019 | 26 <sup>th</sup> National College on<br>Judicial Ethics | \$425.00    |

The Commission authorized travel for its Executive Director and Special Counsel to attend the 26<sup>th</sup> National College on Judicial Ethics that was sponsored by the National Center for State Courts' Center for Judicial Ethics. The College provides a forum for judicial conduct commission members and staff, judges, and judicial ethics advisory committee members to discuss current issues in judicial discipline, recent decisions in judicial discipline cases from around the country, and ethical standards and guidelines for judges, commission members, and commission staff.

5. The Commission did not enter into an MOU during FY19, and has not done so thus far in FY20.
6. The Commission did not collaborate with any analogous agencies in other jurisdictions, with federal agencies, or with non-governmental organizations in FY19, and has not thus far in FY20.
7. The Commission's intra-District transfers for FY19 and thus far in FY20 are as follows:

| <b>FY19</b>     | <b>Amount</b> |
|-----------------|---------------|
| OCTO IT ServUs  | \$610         |
| Web Maintenance | 4,602         |
| Applications    | 558           |
| ECIS            | 1,817         |
| NOC             | 677           |
| Telephone       | 6,619         |

| <b>FY20</b>     | <b>Amount</b> |
|-----------------|---------------|
| OCTO IT ServUs  | \$610         |
| Web Maintenance | 4,256         |
| Applications    | 1,696         |
| ECIS            | 1,861         |
| NOC             | 507           |
| Telephone       | 6,620         |

8. The Commission did not maintain, use, or have available for use, any special revenue bonds, during FY19 or FY20, to date.
9. The Commission’s Administrative Support Specialist, Ms. April Jenkins, was authorized to use the agency smart card in FY19 and use the agency smart card until January 31 of FY20, when she effectively resigned from the agency.

**SMARTPAY CARD PURCHASES**

| <b>Authorized Employee</b>                         | <b>Fiscal Year</b> | <b>Purchase Limit</b>                          | <b>Total Spent</b> | <b>General Purpose</b>   |
|--|--------------------|--|--------------------|--|
| April Jenkins<br>Administrative Support Specialist | 2019               | \$20,000 per month<br>\$ 5,000 single purchase | \$10,236           | Office Supplies, Postage Meter Rental, Office Support, Messenger Service |
| April Jenkins<br>Administrative Support Specialist | 2020               | \$20,000 per month<br>\$ 5,000 single purchase | \$4,459            | Office Supplies, Postage Meter Rental, Office Support, Messenger Service |

10. The Commission had no capital projects in FY19, and will not have any capital projects in FY20.
11. The Commission did not submit budget enhancement requests for FY19, and has not done so thus far in FY20.
12. Funds were reprogrammed from Non Personal Services to Personal Services in FY19 to fully fund staff salaries and related benefits. There have been no reprogrammings thus far in FY20.
13. The Commission did not receive a grant or sub-grant in FY19, or in FY20, to date.
14. The Commission did not grant or sub-grant any grants in FY19, and will not do so in FY20.
15. 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: Amy Conway-Hatcher, Esq. – 12/1/18 – 9/30/18 – FY19  
10/1/19 - 9/30/20 - FY20
  - b. The contractor provides legal and investigative services to the agency.
  - c. The amount of the contract is estimated at \$25,000 per year. In FY19 the Commission budgeted \$20,000 and expended \$11,800. In FY20 the Commission has budgeted \$35,000 for legal and investigative services and has expended \$8,217.29, thus far in the fiscal year.
  - d. Term of the contract: The term of the contract for Ms. Conway-Hatcher, runs from 10/1/19 - 9/30/20, and the amount of the contract is \$25,000.
  - e. In FY19 the Commission conducted several interviews of very qualified candidates who were interested in serving as Special Counsel to the Commission. Ms. Conway-Hatcher was appointed Special Counsel due among other things to her extensive experience and expertise in conducting sensitive investigations while in private practice, her former experience in the U.S. Attorney’s Office and with the District of Columbia courts, and her willingness to provide legal and investigative services at a substantially reduced rate.
  - f. The contract is monitored by the Commission’s Executive Director.
  - g. The contract is funded from the Commission’s annual budget.
16. There are no pending lawsuits that name the Commission as a party.
  17. The Commission did not enter into any settlements, and the District did not enter into any settlements on the Commission’s behalf in FY19, or FY20, to date.
  18. The Commission did not receive any administrative complaints or grievances in FY19, and none to date in FY20. The Commission did receive additional correspondence in FY19 and FY20 from complainants who disagreed with the Commission’s decision to dismiss their respective complaints.
  19. The Commission did not receive any complaints or allegations of sexual harassment or other forms of sexual misconduct committed by or against agency employees in FY19, and FY20, to date.
  20. The Commission did not make any workers’ compensation payments, and none were paid on behalf of the agency in FY19, and FY20, to date.
  21. The Commission has no ongoing investigations, audits, or reports on the agency, or any employee of the agency and no investigations, studies, audits or reports on the agency or any employee of the agency that were completed in FY19, and FY20, to date.
  22. The Commission faced spending pressures in FY19 as it did in FY18 due to the continuation of a \$15,000 reduction in its budget. The impact of the continued reduction required the reallocation of funds from Non Personnel Services to Personnel Services to insure that staff salaries and benefits were fully funded. As a result, the Commission budget for Non Personnel Services for FY19 was reduced to \$42,894, of which \$20,000 was budgeted for legal and investigative services, \$6,619 was budgeted for telephone, \$8,319 was reserved for the OCTO ServUS Assessment, leaving only \$8,045 in Non

Personnel Services for office supplies, printing, postage and postage meter rental, court reporting services, equipment maintenance, and copying. As a result the Commission drastically reduced its Non Personal Services expenditures. For example, the Commission did not print an annual report for FY18, eliminated all out-of-city travel, did not renew its membership in the Center for Judicial Ethics or renew its subscriptions to legal periodicals, and reduced its use of local messenger and delivery services, to name a few of the costing saving measures employed. In addition, Amy Conway-Hatcher, Esq., the Commission's Special Counsel, provided 53.40 pro bono hours of legal and investigative services in FY19, saving the Commission \$10,680 these services. It should also be noted that in response to the budget crisis in FY19 the Commission amended its Rules, to provide henceforth that judges must pay for any special medical examinations or tests the Commission may require when evaluating a candidate for reappointment or senior status, or when considering disability issues. The Commission Rules had provided previously that any such testing would be done at the Commission's expense, but the FY19 budget crisis required the change.

The Commission's budget for FY20 has provided adequate funding for the agency to operate and carry out its statutory duties and responsibilities. The Commission does not anticipate any spending pressures in FY20.

23. A copy of the Commission's FY19 performance plan is attached as requested. The Commission's primary performance plan objectives for FY19 were completed on time and within budget. The objectives are as follows: 1. Review and Investigate Misconduct Complaints; 2. Conduct Reappointment Evaluations of Eligible Associate Judges of the D.C. courts; and 3. Conduct Performance and Fitness Reviews of Retiring and Senior Judges.
24. A copy of the Commission's FY20 performance plan as submitted to the Office of the City Administrator is attached.
25. The Commission did amend its Rules in FY19 to provide that judges must pay for any special medical examinations or tests the Commission may require when evaluating a candidate for reappointment or senior status or when considering issues involving disability. There have been no changes to the Commission's Rules thus far in FY20.
26. The Commission did not receive any FOIA requests for FY19, and has not received any FOIA requests thus far in FY20.
27. The Commission did not prepare or contract for any studies, research papers, reports, or analyses during FY19, and has not done so thus far in FY20.
28. The Commission did not authorize overtime pay for any employees during FY19, or FY20, to date.
29. The Commission did not authorize bonuses or special pay for any employees during FY19, or FY20, to date.

30. There were no employees separated from the Commission with separation pay in FY19, or FY20, to date.
31. There were no Commission employees on administrative leave in FY19, and none thus far in FY20.
32. The Commission does not have a collective bargaining agreement currently in effect for agency employees.
33. The Commission is not associated with any other boards, commissions, or task forces.
34. The District of Columbia Code requires the Commission to submit a reappointment evaluation report to the President of the United States, when a judge of the District of Columbia courts has been evaluated by the Commission for reappointment. In addition, the Code also requires the Commission to submit a written report of its recommendations and findings to the appropriate Chief Judge, when it completes a performance and fitness evaluation of a judge requesting a recommendation for appointment as a Senior Judge.
35. There were no additional training or continuing education opportunities made available to Commission employees in FY19, and none have been made available thus far in FY20.
36. The Commission did not implement any new initiatives in FY19, or FY20, to date, concerning the internal operations of the agency or the interaction of the agency with outside parties.
37. The Commission's top five priorities are:
  - a. Review and settle judicial misconduct complaints in a timely manner.
  - b. Conduct thorough and comprehensive misconduct investigations as expeditiously as possible.
  - c. Conduct thorough and comprehensive reappointment evaluations of Associate Judges and thorough and comprehensive Senior Judge performance evaluations.
  - d. Catalog and scan file documents for judges who retired in FY18 and FY19 and will no longer sit as Senior Judges. The paper documents will then be boxed and transported to the Records Retention Center.
  - e. Continue efforts to expand the Commission's outreach to the legal community and general public to encourage more input concerning the qualifications and fitness of judges being evaluated for reappointment and senior status.
38. The Commission did not implement any new programs during FY19, or in FY20, to date.
39. The Commission efficiently and expeditiously fulfills its statutory duties and responsibilities and adheres to the statutory deadlines for completing judicial reappointment and senior status evaluations.

40. The Commission doesn't use metrics and KPIs to evaluate its operations. The Commission reviews and disposes of complaints as expeditiously as possible, conducts thorough and comprehensive misconduct investigations and disciplines judges when appropriate, and conducts reappointment evaluations and senior judge performance and fitness reviews within the time frames mandated by the statute.
41. The Commission did not engage The Lab @ DC in FY19 or thus far in FY20.
42. The Commission is not a member of a task force, but was a member through FY17 of the Center for Judicial Ethics, which is a division of the National Center for State Courts. The Commission hopes to renew its membership in the Center in FY20.
43. There was no legislation passed at the federal level during FY19, and FY20, to date, which has affected the Commission's operations.
44. The Commission did not take any steps in FY19 or thus far in FY20 to improve the transparency of agency operations. There were no website upgrades or major revisions in either fiscal year.
45. The Commission does not maintain any electronic databases.
46. The Commission did not acquire any new technology in FY19, or FY20, to date.

#### Agency Operations

47. The Commission met 12 times during FY19, and has met five times in FY20, to date.

48.

**Commission on Judicial Disabilities & Tenure Activities,  
FY 2019 and 2020, to Date**

| <i>Case Type</i>                            | <i>FY 2019</i> | <i>FY 2020, To Date</i> |
|---|----------------|-------------------------|
| Judicial Misconduct Complaints Reviewed     | 68             | 38                      |
| Judicial Misconduct Complaints Investigated | 35             | 8                       |
| Senior Judge Fitness Reviews Completed      | 10             | 6                       |
| Associate Judge Reappointment Evaluations   | 0              | 2                       |
| Involuntary Retirement Proceedings          | 0              | 0                       |

**Commission Disposition Summary, FY 2018, 2019 and 2020, to Date**

| <i>Complaint Summary</i>                               | <i>FY 2018</i> | <i>FY 2019</i> | <i>FY 2020, To Date</i> |
|--|----------------|----------------|-------------------------|
| Complaints Received                                    | 70             | 68             | 38                      |
| Complaints Investigated                                | 35             | 35             | 8                       |
| Dismissed for Lack of Jurisdiction                     | 33             | 40             | 16                      |
| Dismissed for Lack of Merit                            | 33             | 20             | 3                       |
| No Further Action Warranted/Matter Moot                | 3              | 5              | 0                       |
| Length of Time Under Review                            |                |                |                         |
| a. 30 Days   | 50             | 49             | 13                      |
| b. 60 Days   | 9              | 13             | 6                       |
| c. 90 Days   | 8              | 4              | 0                       |
| d. 120 Days  | 3              | 1              | 0                       |
| e. > 120 Days  | 0              | 1              | 0                       |
| Resulted in Disciplinary Action                        | 0              | 0              | 0                       |
| Disposed of Informally (Conference or Letter to Judge) | 1              | 2              | 0                       |
| Pending  | 0              | 1              | 19                      |

49. There are two Superior Court judges currently being evaluated for reappointment in FY20, and there is a third Superior Court judge who is eligible for reappointment later this year.
50. In FY19 the Commission received three complaints from attorneys, and did not receive any complaints from judges. In FY20, to date, the Commission has received two complaints from attorneys, and has not received any complaints from judges.
51. The Commission has never undertaken a formal or informal review of the structure or operations of other judicial conduct commissions around the country. The Commission was a member of the Center for Judicial Ethics which archives information on all of the judicial conduct organizations around the country and provides an invaluable resource for all commissions. The Center provides the following services for members:
- Quarterly magazine, The Judicial Conduct Reporter, which has articles concerning recent developments in judicial discipline and analyzes current issues facing commissions.



- Weekly e-mails that summarize decisions concerning judicial conduct and discipline around the country.
- Annual report providing statistics on the number of complaints received and the disposition of the complaints, number of informal actions and sanctions imposed, membership, and jurisdictional changes concerning judicial conduct organizations around the country.
- The Biennial National College on Judicial Ethics which provides educational seminars on various issues concerning judicial discipline and conduct.
- Information Service – Commissions can email a question to the Executive Director of the Center concerning a judicial ethics or commission procedure issue, to which all commissions can respond. Also, members can access a database with summaries and indices of judicial discipline decisions, and ethics and advisory opinions archived for the past 25 years.

The Commission hopes to renew its membership in the Center in FY20 because of the valuable information and services it provides to members.

52. The Commission did not receive any requests under the Judicial Financial Transparency Act in FY19, and has received no such requests thus far in FY20.