



DC SUPERIOR COURT
515 5th STREET, NW
SUITE 235
WASHINGTON, DC 20001
(202) 879-0478 (Phone)
(202) 879-0755 (Fax)
Website: <http://jnc.dc.gov>
Email: dc.jnc@dc.gov

**DISTRICT OF COLUMBIA
JUDICIAL NOMINATION COMMISSION**

The Honorable Emmet G. Sullivan
Chairperson

February 27, 2015

The Honorable Kenyan McDuffie
Chairperson, Committee on Judiciary
Council of the District of Columbia
1350 Pennsylvania Avenue, NW, Suite 506
Washington, DC 20004

Dear Chairperson McDuffie:

On behalf of the District of Columbia Judicial Nomination Commission ("Commission"), I respectfully provide the following responses to the questions set forth in your letter dated February 10, 2015.

1. Please provide a complete, up-to-date organizational chart for each division within the agency. Please include an explanation of the roles and responsibilities for each division and subdivision.
 - a) Please include a list of employees (name and title) for each subdivision and the number of vacant positions.
 - b) Please provide a narrative explanation of any organizational changes made during FY14 and FY15 to date.

Response: a) Please see Attachment 1. b) Kim Whatley, the Executive Director, transferred to the Office of the Attorney General in December 2014. The Commission is in the process of selecting a new Executive Director.

2. Please provide a complete, up-to-date position listing for your agency. Please include the following information:
 - a) Title of position

- b) Name of employee or indicate that the position is vacant, unfunded, or proposed.
- c) Date employee began the position
- d) Salary, fringe benefits, specific grade, series, and step of position
- e) Job status (continuing/term/temporary/contract)

Please list this information by program and activity.

Response:

Agency Code	Fiscal Year	Program Code	Activity Code	Vacancy Status	Position Title	Employee Name	Hire Date	Grade/Step	Salary	Fringe	FTE	Series	Reg/Temp/Term	Funded Y/N
DV0	15	2000	2500	V	Executive Director			14/1	90,292.00	12,412.20	1.00	0301	Reg	Y
DV0	15	2000	2500	F	Admin Assistant	Ozier, Irvie	06/30/14	12/9	82,770.00	11,587.80	1.00	0301	Reg	Y

3. Does the agency conduct annual performance evaluations of all its employees? Who conducts such evaluations? What steps are taken to ensure that all agency employees are meeting individual job requirements?

Response: The Executive Director conducts bi-annual performance reviews and provides periodic feedback on employee performance.

4. Please list all employees detailed to or from your agency. Please provide the reason for the detail, the date of detail, and the projected date of return.

Response: None.

5. Please provide the following:
- a) A list of all employees who receive cellphones, personal digital assistants, or similar communications devices at the agency's expense.
 - 1. An explanation of how the agency manages and limits mobile communication and device costs;
 - 2. Total costs for communication devices and service plans for FY14 and FY15 to date;

Response: The Commission is a small agency with one full-time Executive Director and one full-time Executive Assistant. Each staff person is issued a Blackberry. The equipment has been assigned and signed out to each person.

Individuals Authorized	FY 2014 and FY 2015 (YTD) Expenditures
Kim M. Whatley Executive Director	\$818.49
Irvie Ozier Executive Assistant	\$818.49

- b) A list of all vehicles owned, leased, or otherwise used by the agency and to whom the vehicle is assigned;

Response: None.

- c) A list of employee bonuses or special award pay granted in FY14 and FY15, to date

Response: None.

- d) A list of travel expenses, arranged by employee;

Response: None.

- e) A list of the total overtime and worker's compensation payments paid in FY14 and FY15, to date.

Response: None.

6. Please provide a chart showing your agency's approved budget and actual spending, by division, for FY14 and FY15, to date. In addition, please describe any variance between the appropriation and actual expenditures.

Response:

PRO-GRAM	LOCAL			FEDERAL PAYMENTS				GROSS FUNDS		
	FY 2015 Revised Budget	FY 2014 Actuals	FY 2014 Bal.	FY 2014 Approved Budget	FY 2014 Revised Budget	FY 2014 Actuals	FY 2014 Balance	FY 2015 Revised Budget	FY 2014 Actuals	FY 2014 Balance
11	0	0	0	159,934	165,478	139,925	25,553	165,478	139,925	25,553
13	0	0	0	0	0	1,263	(1,263)	0	1,263	(1,263)
14	0	0	0	15,009	15,009	14,829	180	15,009	14,829	180
15	0	0	0	0	0	0	0	0	0	0
PS Total	0	0	0	174,943	180,487	156,017	24,470	180,487	156,017	24,470
20	0	0	0	4,000	7,500	6,416	1,084	7,500	6,416	1,084
31	0	0	0	7,058	7,058	6,002	1,056	7,058	6,002	1,056
40	65,000	58,500	6,500	15,499	15,499	6,690	8,809	80,499	65,190	15,309
70	0	0	0	3,500	0	0	0	0	0	0
NPS Total	65,000	58,500	6,500	30,057	30,057	19,108	10,949	95,057	77,608	17,449
TOTAL	65,000	58,500	6,500	205,000	210,544	175,125	35,419	275,544	233,625	41,919

7. Please list any reprogramming, in or out, which occurred in FY14 or FY15, to date. For each reprogramming, please list the total amount of the reprogramming, the original purposes for which the funds were dedicated, and the reprogrammed use of funds.

Response:

LOCAL				Starting Budget		\$65,000
FISCAL YEAR	FUND	DATE	SOAR DOC #	DESCRIPTION	AMOUNT	
						\$0
Final Budget						\$65,000

FEDERAL PAYMENT				Starting Budget		\$205,000
FISCAL YEAR	FUND	DATE	SOAR DOC #	DESCRIPTION	AMOUNT	
2014	8110	2/5/2014		BUDGET ADJUSTMENT - CARRY-OVER AMOUNT		\$5,044
Final Budget						\$210,044

8. Please provide a complete accounting for all intra-District transfers received by or transferred from the agency during FY14 or FY15, to date.

Response:

FY 2014 Intra-District Summary - BUYER			
Agency Name (Code): Judicial Nomination Commission (DV0)			
SELLING AGENCY	DESCRIPTION OF SERVICES PROVIDED	FUNDING SENT	FUNDING DUE
Office of the Chief Technology Officer (OCTO)	Telephone Services	7,058	
Office of the Chief Technology Officer (OCTO)	ServeUs and Web Maintenance	4,655	
The Office of Contracting and Procurement	Purchase Cards	11,000	
TOTAL		22,713	0

FY 2014 Intra-District Summary - SELLER			
Agency Name (Code): Judicial Nomination Commission (DV0)			
BUYING AGENCY	DESCRIPTION OF SERVICES PROVIDED	FUNDING RECEIVED	FUNDING OWED
TOTAL		0	0

FY 2015 Intra-District Summary - BUYER			
Agency Name (Code): Judicial Nomination Commission (DV0)			
SELLING AGENCY	DESCRIPTION OF SERVICES PROVIDED	FUNDING SENT	FUNDING DUE
Office of the Chief Technology Officer (OCTO)	DC-Net Services	6,985	
Office of the Chief Technology Officer (OCTO)	ServeUs and Web Maintenance	5,007	
The Office of Contracting and Procurement	Purchase Cards	10,800	
TOTAL		22,792	0

FY 2015 Intra-District Summary - SELLER			
Agency Name (Code): Judicial Nomination Commission (DV0)			
BUYING AGENCY	DESCRIPTION OF SERVICES PROVIDED	FUNDING RECEIVED	FUNDING OWED
TOTAL		0	0

9. Please identify any special purpose revenue accounts maintained by, used by, or available for use by the agency during FY14 or FY15, to date. For each account, please list the following:
- The revenue source name and code;
 - The source of funding;
 - A description of the program that generates the funds;
 - The amount of funds generated by each source or program in FY14 and FY15, to date; and
 - Expenditures of funds, including the purpose of each expenditure, for FY14 and FY15, to date.

Response: None.

10. Please provide a list of all projects for which your agency currently has capital funds available. Please include the following:
- A description of each project;
 - The amount of capital funds available for each project;
 - A status report on each project, including a timeframe for completion; and
 - Planned remaining spending on the project.

Response: None.

11. Please provide a complete accounting of all federal grants received for FY14 and FY15, to date.

Response: None.

12. What steps were been taken during FY14 to reduce agency energy use?

Response: None.

13. Please identify any legislative requirements that the agency lacks sufficient resources to properly implement.

Response: None.

14. Please list all regulations for which the agency is responsible for oversight or implementation. Please list by chapter and subject heading, including the date of the most recent revision.

Response:

1. D.C. Code Title 1, Chapter 2, Subchapter IV, Part C. Nomination and appointment of judges. Last revised 1996.
2. D.C. Code Title 1, Chapter 2, Subchapter IV, Part C. District of Columbia Judicial Nomination Commission. Last revised 1996.

15. Please list each new program implemented by the agency during FY14 and FY15, to date. For each initiative, please provide:

- a) A description of the initiative;
- b) The funding required to implement to the initiative; and
- c) Any documented results of the initiative.

Response: In FY 2014, the Council, upon the recommendation of the Committee on the Judiciary and Public Safety, provided one-time funding to the Commission in the amount of \$65,000 to procure services to develop and implement an on-line application system that would meet the needs of the Commission. The Commission procured contract services to design and program the initial roll out of the Judicial Application System (JAS) in August 2014. The first release was completed in September 2014 and approximately 10 individuals tested the application to ensure it met the required functionality and was user friendly. The results from the testers were extremely positive. Now that user testing has been completed, the next step is to move forward with implementation.

16. Please provide a list of all studies, research papers, and analyses (“studies”) the agency requested, prepared, or contracted for during FY14 and FY15, to date. Please state the status and purpose of each study.

Response: In November 2014, the Commission published its third annual update of a report of its recommendations to the President of the United States, Presidential

appointments to the District of Columbia courts, and the Commission’s designations of the Chief Judges for those courts from 1975 to date. The purpose of this report is to provide an historical record of the work of the Commission.

17. Please explain the impact on your agency of any legislation passed at the federal level during FY14 to date that significantly affect agency operations. If the regulation is the shared responsibility of multiple agencies, please note.

Response: None.

18. Please provide a list of all MOUs in place during FY15.

FY 2015 MEMORANDA OF UNDERSTANDING (MOU) - BUYER SUMMARY				
Agency Name (Code):		Judicial Nomination Commission		
SELLING AGENCY	DESCRIPTION OF SERVICES PROVIDED	AMOUNT	Start Date	End Date
Office of the Chief Technology Officer (OCTO)	TELEPHONE SERVICES	6,985	10/1/2014	9/30/2015
Office of the Chief Technology Officer (OCTO)	NETWORK SERVICES	5,007	10/1/2014	9/30/2015
Office of Contracting and Procurement (OCP)	PURCHASE/TRAVEL CARD - FKO	10,800	10/1/2014	9/30/2015
TOTAL		22,792		

19. Please list each contract, procurement, lease, and grant (“contract”) awarded, entered into, extended and option years exercised, by the agency during FY14 and FY15, to date. For each contract, please provide the following information, where applicable:

- a) The name of the contracting party;
- b) The nature of the contract (product or service);
- c) The dollar amount of the contract, including budgeted amount and actually spent;
- d) The term of the contract;
- e) Whether the contract was competitively bid or not;
- f) The name of the agency’s contract monitor and the results of any monitoring activity;
- g) Funding source.

Response: a) 2nd Logic

- b) Information Technology Services
- c) \$65,000
- d) 3 months
- e) Yes
- f) Kim Whatley
- g) Local funds

20. Please identify all recommendations identified by the Office of the Inspector General, D.C. Auditor, or other federal or local oversight entities during the previous 3 years. Please provide an update on what actions have been taken to address these recommendations.

Response: None.

21. Please identify all electronic databases maintained by your agency, including the following:
- a) A detailed description of the information tracked within each system;
 - b) The age of the system and any discussion of substantial upgrades that have been made or are planned to the system; and
 - c) Whether the public has access to all or part of each system.

Response: None.

22. What has the agency done in FY14 and FY15 to date to make agency activities more publicly transparent? In addition, please identify ways in which the activities of the agency and information retained by the agency could be made more transparent.

Response: The Commission's website contains information about Commission activities, including public notice of judicial vacancies and invitations to the public to comment on the fitness of named applicants to fill judicial vacancies. The Commission's new Executive Director will be tasked with identifying additional outreach opportunities to help identify suitable candidates to fill judicial vacancies.

Due to the privileged and confidential nature of its work, Commission meetings are not subject to the open meeting requirement set forth at D.C. Code Sec. 1-207.42. D.C. Code Sec. 1-204.34(c)(1). D.C. Code Sec. 1-204.34(c)(3) provides that the "[i]nformation, records, and other materials furnished to or developed by the Commission in performance of its duties under this section shall be privileged and confidential." This section further provides that the federal Freedom of Information Act does not apply to these materials.

23. Please identify any statutory or regulatory impediments to your agency's operations.

Response: None.

24. How does the agency solicit feedback from customers? Please describe.

- a) What has the agency learned from this feedback?
- b) How has the agency changed its practices as a result of feedback?

Response: The Commission frequently inquires of and learns from members of the bar, bench, and public about ways to improve the manner in which the Commission does its business. a) The Commission constantly improves its practice as a result of feedback obtained. b) The Commission, on an ongoing basis, improves its questionnaire, application materials, and its website as a result of feedback provided.

25. Please list and describe any ongoing investigations, audits, or reports on your agency or any employee of your agency, or any investigations, studies, audits, or reports on your agency or any employee of your agency that were completed during FY14 or FY15, to date.

Response: None.

26. Please identify all recommendations identified by the Office of the Inspector General, D.C. Auditor, or other federal or local oversight entities during the previous year. Please provide an update on what actions have been taken to address these recommendations.

Response: None.

27. Please list the following information in table format regarding the agency's use of SmartPay (credit) cards for agency purchases: individuals (by name) authorized to use the cards in FY15 to date; purchase limits (per person, per day, etc.); total spent in FY15 to date (by person and for the agency).

Response:

Agency Code	Fiscal Year	Cardholder Name	Purchase Limits		Total Spent
			Daily	Monthly	
DV0	15	Kim Whatley	5,000.00	20,000.00	462.00
AGENCY GRAND TOTAL					\$462.00

28. Please provide a current list of Commission members, including the appointing authorities and term expiration dates.

Response:

Commission Member	Appointment Authority	Expiration of Term
Judge Emmet G. Sullivan Chairperson	U.S. District Court Chief Judge	December 31, 2016
Ronald S. Flagg, Esq.	District of Columbia Bar	January 1, 2020
Mr. William Lucy	Mayor, District of Columbia	February 27, 2014
Natalie O. Ludaway, Esq.	Mayor, District of Columbia	February 27, 2016
Woody N. Peterson, Esq.	President of the United States	March 30, 2015
Rev. Morris Shearin, Sr.	City Council, District of Columbia	April 7, 2017
Grace E. Speights, Esq.	District of Columbia Bar	January 1, 2016

29. Please discuss the progress of the agency's FY14 priorities:

- a) Exploring Ways to Improve the Process by Which Applicants Apply for Judicial Vacancies;
- b) Evaluate Electronic Data Storage Capabilities to Design and Implement an Automated Recordkeeping and Archiving System;
- c) Designing and Deploying an On-Line Application System;
- d) Expanding Outreach Efforts.

Response: Please see the response to Question 15. The JAS is the culmination of the first and third FY 2014 priorities.

Once the JAS is fully implemented, the Commission can focus on the second priority -- evaluating electronic data storage capabilities to design and implement an automated record-keeping and archiving system.

The Commission will continue its outreach efforts in FY 2015 through bi-annual public forums designed to encourage lawyers in government, small and large law firms, non-profit organizations, and academia to apply for judgeships. The Commission will

continue to explore opportunities to increase the number and diversity of outstanding applicants for judicial vacancies through outreach efforts with bar associations, at professional conferences, with organizations and leaders in the community, and at local law schools.

30. Please provide, as an attachment, a copy of your agency's FY15 performance plan as submitted to the Office of the City Administrator and indicate whether you are on track to meet those measures.

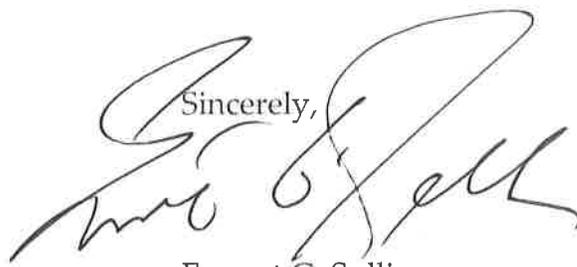
Response: Please see Attachment 2. Please see the responses to Questions 15 and 29.

31. Please explain the agency's use of Intuit. Please also indicate whether a temporary IT resource was hired to work on site to design, develop, and implement this custom system.

Response: On December 11, 2011, the Commission entered into a memorandum of understanding (MOU) with the Office of the Chief Technology Officer (OCTO) for technical assistance from OCTO to provide services in the development of the initial prototype and final delivery of an online application system for accepting and processing applications for judicial vacancies. In 2012, OCTO staff designed the prototype using Intuit. However, the Commission determined that Intuit cannot meet one of the major requirements of the system: it cannot store complete application questionnaires. Without this capability, applicants cannot update their questionnaires when applying for successive vacancies; instead, they must submit a new questionnaire with each application. Unfortunately, the solutions offered by the OCTO team were not viable. As such, the MOU was terminated at the end of the fiscal year on September 30, 2012. Please also see the responses to Questions 15 and 19.

32. Please list any anticipated spending pressures for FY15. Please include a description of the spending pressure, the estimated amount, and any proposed solutions.

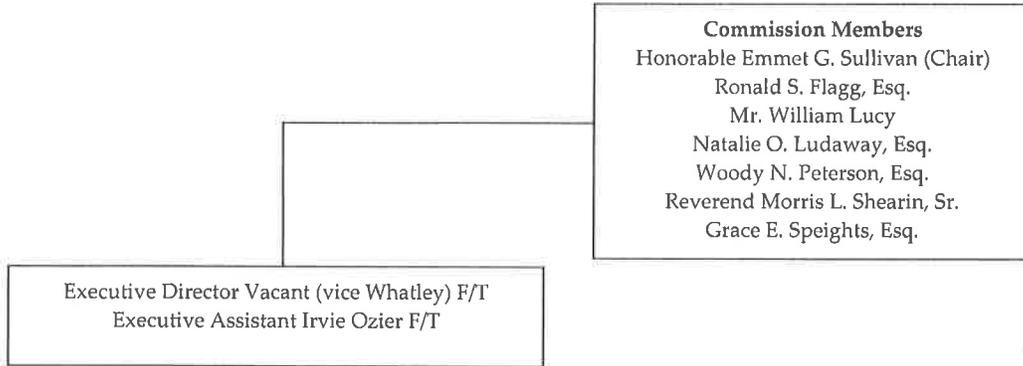
Response: None.

Sincerely,

Emmet G. Sullivan
Chairperson

Attachments (2)

District of Columbia Judicial Nomination Commission

Organizational Chart



As of January 1, 2015



Judicial Nomination Committee JNC (RLO)

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 nomination for judicial vacancies on the District of Columbia Court of Appeals and Superior Court of the District of Columbia, and to appoint the chief judges for both courts.

SUMMARY OF SERVICES

The Judicial Nomination Commission notifies the bench, bar and public of upcoming judicial vacancies and solicits comments from the bench, bar, and public on applicants. The JNC also screens, selects, and recommends candidates to the President of the United States for nomination for judicial vacancies on the District of Columbia Court of Appeals and Superior Court of the District of Columbia. It also appoints the chief judges for District of Columbia Court of Appeals and Superior Court of the District of Columbia.

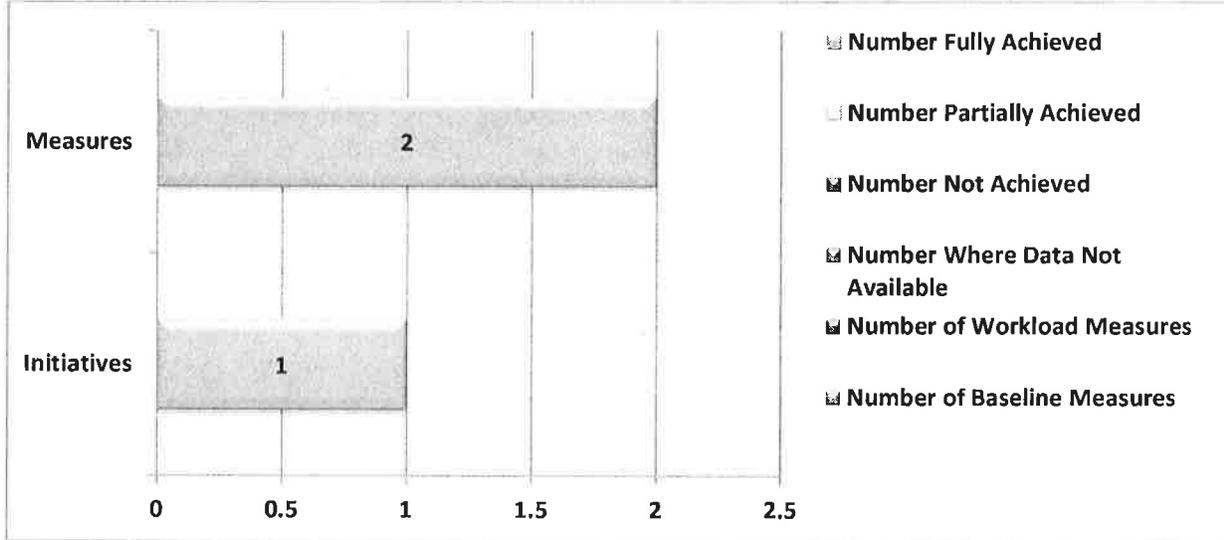
ACCOMPLISHMENT

- ✓ The JNC has hired a contractor to design and develop an online judicial application system to increase the efficiency of the application process.
- ✓ The JNC continues to hold out-reach sessions to encourage lawyers to apply.

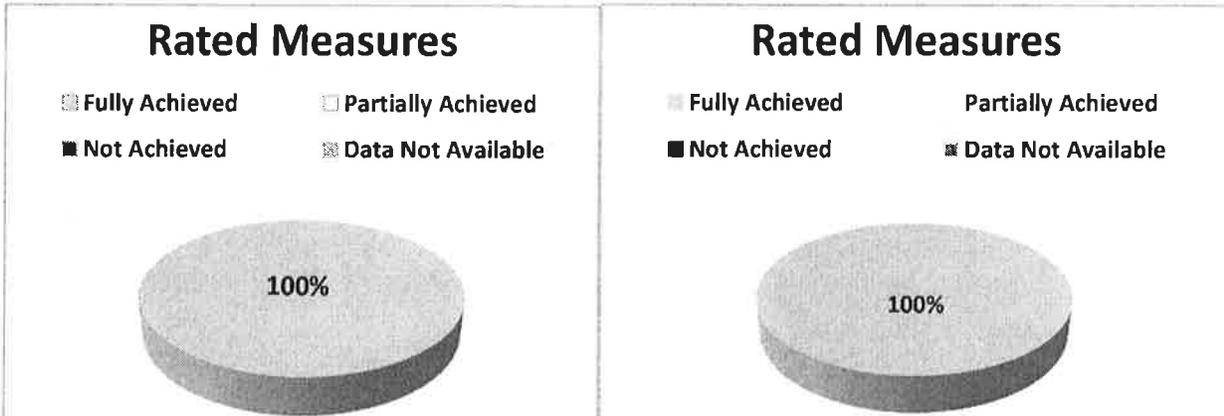


OVERALL OF AGENCY PERFORMANCE

TOTAL MEASURES AND INITIATIVES



RATED MEASURES AND INITIATIVES



Note: Workload and Baseline Measurements are not included

Default KPI Rating:	
$\geq 100\%$	Fully Achieved
75 - 99.99%	Partially Achieved
$\leq 75\%$	Not Achieved



Performance Initiatives – Assessment Details

Performance Assessment Key:

Fully achieved
 Partially achieved
 Not achieved
 Data not reported

Agency Management

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: Redesign and enhance the content of the JNC website to fully automate the application process, simplify the solicitation and receipt of comments on applicants, and enhance outreach efforts to increase the number of applicants for each judicial vacancy by the end of fiscal year 2014.

Fully achieved: In FY 14 an automated vacancy application system was developed by an outside contractor. The system allows the applicant to enter required information into the system. This system allows the applicant to save their work and return to it at a later date. The system also allows the applicant to recall the last application and use that information as the basis for starting a new application. This is a significant time saver for the applicants.

The system automates the processes that allow the Commissioners to review the applications and significantly reduce the use of paper. The system maintains an audit trail is of all actions taken in the system.



Key Performance Indicators – Details

Performance Assessment Key:

Fully achieved
 Partially achieved
 Not achieved
 Data not reported

	KPI	Measure Name	FY 2013 YE Actual	FY 2014 YE Target	FY 2014 YE Revised Target	FY 2014 YE Actual	FY 2014 YE Rating	Budget Program
	1.1	Percent of candidate panels for judicial vacancies presented within statutory time frames	100%	100%		100%	100%	JUDICIAL NOMINATION
	1.2	Percent of required background investigations on judicial vacancy applicants conducted and completed within statutory time frames	100%	100%		100%	100%	JUDICIAL NOMINATION