

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

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WASHINGTON, D.C. 20001
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February 6, 2019

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 15, 2019.

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

Sincerely,



Cathae J. Hudgins
Executive Director

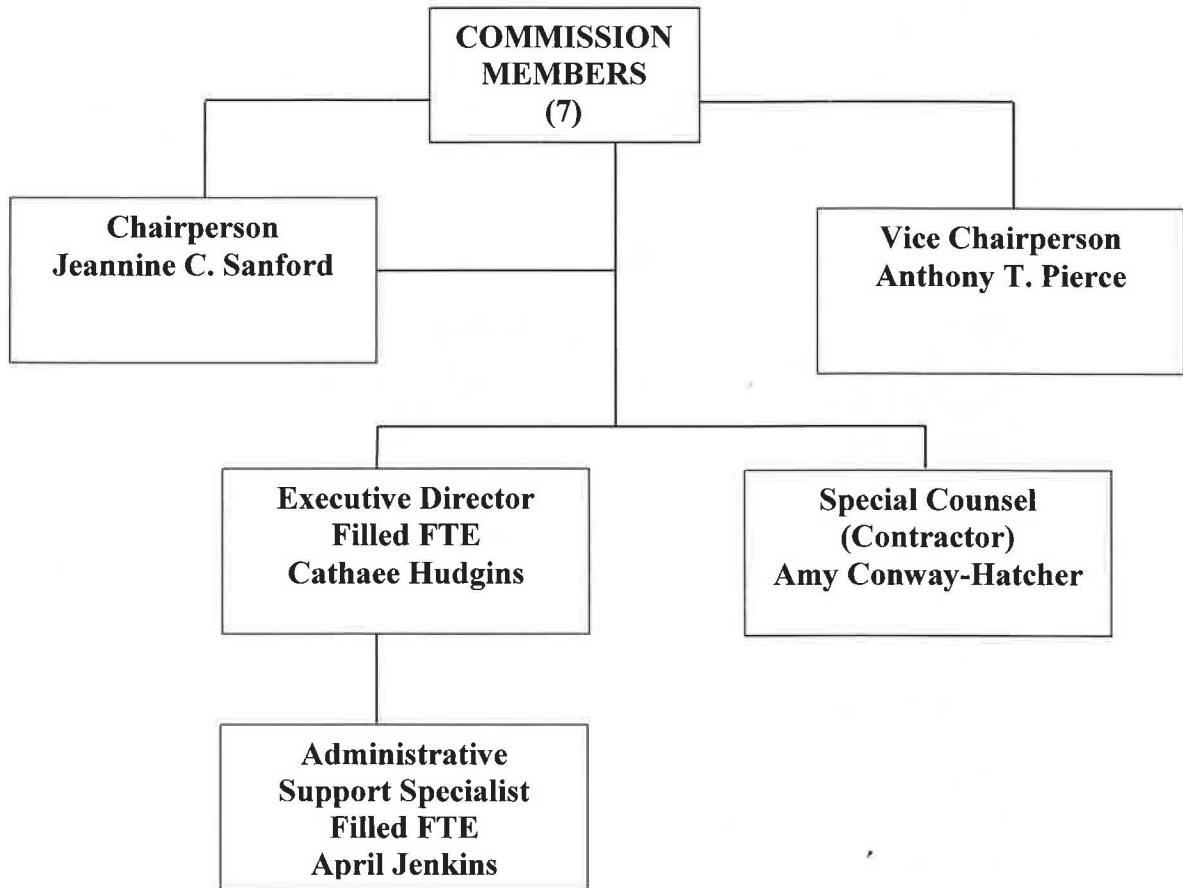
Enclosures

CJH/aj

TENURE COMMISSION RESPONSES TO COUNCIL QUESTIONS

1. The Commission's most recent organizational chart is 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 FY18, and none made thus far in FY19.
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.
4. a. The Commission does not own, lease, or use a vehicle.

- b. The Commission has not authorized any travel or related expenses thus far in FY19. The Commission authorized travel in FY18 for the following individual:

Authorized Individual	Travel Dates	Conference	Cost
Cathae Hudgins Executive Director	October 4-6, 2017	25 th National College on Judicial Ethics	\$1,801

The Commission authorized travel for its Executive Director to attend the 25th 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's intra-District transfers for FY18 and thus far in FY19 are as follows:

FY18	Amount
OCTO IT ServUs	\$336
Web Maintenance	5,164
Applications	558
ECIS	1,932
NOC	518
Telephone	6,756

FY19	Amount
OCTO IT ServUs	\$610
Web Maintenance	4,602
Applications	558
ECIS	1,817
NOC	677
Telephone	6,619

6. The Commission did not maintain, use, or have available for use, any special revenue bonds, during FY18 or FY19, to date.

7. The Commission's Administrative Support Specialist, Ms. April Jenkins, is authorized to use the agency smart card.

SMARTPAY CARD PURCHASES

Authorized Employee	Fiscal Year	Purchase Limit	Total Spent	General Purpose
April Jenkins Administrative Support Specialist	2018	\$20,000 per month \$ 5,000 single purchase	\$12,613	Office Supplies, Postage Meter Rental, Printing, Office Support, Medical Expert, Subscriptions, Conference Registration Fees, Hotel Expense and Airline Fare, Messenger Service
April Jenkins Administrative Support Specialist	2019	\$20,000 per month \$ 5,000 single purchase	\$3,033	Office Supplies, Postage Meter Rental, Office Support, Messenger Service, Subscriptions

8. The Commission did not enter into an MOU during FY18, and has not thus far for FY19.
9. The Commission has no existing capital projects.
10. The Commission did not submit budget enhancement requests for FY18, and has not done so for FY19, to date.
11. There was one reprogramming that impacted the agency in FY18, which occurred in the last quarter of the fiscal year. The reprogramming was needed because the Commission's budget which is entirely funded through the Federal Payment, was reduced by \$15,000 for FY18, which resulted in the Commission exceeding its budget for legal and investigative services. The Commission conducted two extensive investigations in FY 2018, both of which required the use of substantial legal and investigative services. In addition, reprogrammed funds were also allocated to Personnel Services to fully fund the FY18 cost of living increases and associated benefits for its two employees. The reprogramming was designated as follows: \$7,000 for Personnel Services; \$9,000 for object code 409 – Contractual Services; and \$4,000 for object code 410 – Office Support.

There have been no reprogrammings in FY19, to date.

12. The Commission did not receive or distribute a grant or sub-grant in FY18, or in FY19, to date.
13. 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. – 10/1/18-12/31/18
Amy Conway-Hatcher, Esq. – 12/1/18 – 9/30/18
 - 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 FY18 the Commission budgeted \$26,070, and expended \$35,288. In FY19 the Commission has budgeted \$20,000 for legal and investigative services and has expended \$9,222, thus far in the fiscal year.
 - d. Term of the contract: The term of the contract for Mr. Schuelke was 10/1/18-12/31/18. Mr. Schuelke retired as Special Counsel on December 31, 2018, after serving in that capacity for the past 36 years. The Commission has appointed a new Special Counsel, Amy Conway-Hatcher, Esq. and her contract runs from 12/1/18-9/30/19, and the amount of the contract is \$10,000, because the Commission only has \$10,777 remaining in its Non Personnel Services budget for legal and investigative services.
 - e. The contracts were not competitively bid. Mr. Schuelke served as Special Counsel to the Commission for the past 36 years and developed a specialized expertise in the field of judicial conduct and ethics that was of great assistance to the Commission. Ms. Conway-Hatcher was appointed Special Counsel due among other things to her extensive experience conducting sensitive investigations, her former experience 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.
- 14. There are no pending lawsuits that name the Commission as a party.
 - 15. The Commission did not enter into any settlements, and the District did not enter into any settlements on the Commission's behalf in FY18, or FY19, to date.
 - 16. The Commission did not receive any administrative complaints or grievances in FY18, and none to date in FY19. The Commission did receive additional correspondence from two complainants who disagreed with the Commission's decision to dismiss their respective complaints.
 - 17. The Commission did not receive any complaints or allegations of sexual harassment or other forms of sexual misconduct in FY18, and FY19, to date.
 - 18. The Commission has no ongoing investigations, audits, or reports on or of the agency, and no investigations, studies, audits or reports on the agency that were completed in FY18, and FY19, to date.
 - 19. The Commission faced spending pressures in FY18 that were resolved by the reprogramming of \$20,000 into the agency's budget. The spending pressures were caused by the \$15,000 reduction in the Commission's appropriation for FY18 that is funded through the Federal Payment. Though a reduction of \$15,000 seems minimal, to an agency with a budget of only \$310,000, the reduction to \$295,000 crippled the Commission's ability to continue its use of legal and investigative services. The

Commission conducted 35 misconduct investigations in FY18, two of which required extensive use of legal and investigative services. The Commission budgeted \$26,231 for legal and investigative services for FY18, and spent \$35,288 for those services during the fiscal year. In addition, the Commission faced a spending pressure in Personnel Services and needed additional funding to cover the FY18 cost of living increase and related benefits.

The Commission is facing the same spending pressures in FY19 that it experienced in FY18. Funds were moved 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 has been reduced to \$42,894, of which \$20,000 is budgeted for legal and investigative services, \$6,619 is budgeted for telephone, \$8,319 is 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. Without an increase in the Commission's budget for FY19, the Commission will be forced to reduce its costs in Personnel Services, either through a reduction in force, salary/grade reductions or furloughs for staff. It should be noted that during the first quarter of FY19, the Commission spent \$9,222 for legal and investigative services, and it now has only \$10,777 remaining to use on those services for the remainder of the fiscal year.

The Commission estimates that it will need an additional \$30,000 for FY19, to fully fund its needs in Non Personnel Services, including legal and investigative services, and its needs in Personnel Services, in particular, if a cost of living increase is approved for employees for the fiscal year.

20. A copy of the Commission's FY18 performance plan is attached as requested. The Commission's primary performance plan objectives for FY18 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.
21. A copy of the Commission's FY19 performance plan as submitted to the Office of the City Administrator is attached.
22. The Commission did not promulgate any regulations in FY18 or FY19, to date.
23. The Commission did not prepare or contract for any studies, research papers, reports, or analyses during FY18, and has not done so thus far in FY19.
24. One employee of the Commission had a salary that exceeded \$100,000 in FY18, and FY19, to date. The employee is Cathae Hudgins, Executive Director, Position No. 00007569, Program No. 21116, Activity No. 2100L, salary was \$161,746, and fringe benefits were \$17,792. The Executive Director did not receive any overtime or bonus pay during FY18, or FY19, to date.

25. The Commission did not authorize overtime pay for any employees during FY18, or FY19, to date.
26. The Commission did not authorize bonuses or special pay for any employees during FY18, or FY19, to date.
27. The Commission has no collective bargaining agreement in effect for agency employees.
28. The Commission is not associated with any other boards or commissions.
29. 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.
30. The Commission did not implement any new initiatives in FY18, or FY19, to date, concerning the internal operations of the agency or the interaction of the agency with outside parties.
31. 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 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 electronic solicitation of comments from the legal community and general public concerning judges being evaluated for reappointment and senior status.
32. The Commission did not implement any new programs during FY18, or in FY19, to date.
33. The Commission doesn't use metrics to evaluate its operations. 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.
34. The Commission is a member of the Center for Judicial Ethics, which is a division of the National Center for State Courts.
35. There was no legislation passed at the federal level during FY18, and FY19, to date, which affected the Commission's operations.

36. The Commission does not maintain any electronic databases.
37. The Commission did not acquire any new technology in FY18, or FY19, to date.
38. The Commission met 12 times during FY18, and has met four times in FY19, to date.

39. **Commission on Judicial Disabilities & Tenure Activities,
FY 2018 and 2019, to Date**

<i>Case Type</i>	<i>FY 2018</i>	<i>FY 2019, To Date</i>
Judicial Misconduct Complaints Reviewed	70	13
Judicial Misconduct Complaints Investigated	35	6
Senior Judge Fitness Reviews Completed	16	4
Associate Judge Reappointment Evaluations	4	0
Involuntary Retirement Proceedings	0	0

Commission Disposition Summary, FY 2017, 2018 and 2019, to Date

<i>Complaint Summary</i>	<i>FY 2017</i>	<i>FY 2018</i>	<i>FY 2019, To Date</i>
Complaints Received	70	70	13
Complaints Investigated	30	35	6
Dismissed for Lack of Jurisdiction	30	33	3
Dismissed for Lack of Merit	28	33	7
No Further Action Warranted/Matter Moot	4	3	1
Length of Time Under Review			
a. 30 Days	42	50	10
b. 60 Days	19	9	1
c. 90 Days	5	8	0
d. 120 Days	1	3	0
e. > 120 Days	3	0	0
Resulted in Disciplinary Action	0	0	0
Disposed of Informally (Conference or Letter to Judge)	5	1	0
Pending	3	0	2

40. There are no judges eligible for reappointment in FY19.
41. In FY18 the Commission received five complaints from lawyers, and did not receive any complaints from judges. In FY19, to date, the Commission has received two complaints from one lawyer, and has not received any complaints from judges.
42. 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

is 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.

**COMMISSION ON JUDICIAL DISABILITIES AND TENURE
FY 2018 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, Cathae	07/01/74	15	7	161,746.00	17,525.00	1.00	Reg	Y
DQO	17	2000	2100	F	Administrative Support Specialist	Jenkins, April	08/09/10	9	7	67,481.00	8,788.00	1.00	Reg	Y
AGENCY GRAND TOTAL										\$ 229,227.00	\$ 26,313.00	2.00		

Commission on Judicial Disabilities and Tenure FY2018

▼ FY2018 Performance Accountability Report

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, 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; 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.

▼ FY18 Top 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?
<p>The Commission continued to review judicial misconduct complaints and conduct thorough investigations as expeditiously as possible.</p> <p>The Commission completed all of the judicial reappointment and Senior Judge performance reviews within the statutorily mandated time frames.</p> <p>The Commission refined the Annual Financial Report Filing Instructions for Judges of the District of Columbia Courts required to file such Reports.</p>		

▼ 2018 Strategic Objectives

Objective Number	Strategic Objective
1	Review and Investigate Judicial Misconduct Complaints
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	Create and maintain a highly efficient, transparent and responsive District government. **

• 2018 Key Performance Indicators

Measure	Freq	Target	Q1	Q2	Q3	Q4	FY 2018 N/A %	KPI Status	Explanation
1 - Review and Investigate Judicial Misconduct Complaints (4 Measures)									
Number of complaints received	Annually	50	Annual Measure	Annual Measure	Annual Measure	Annual Measure	70		CJDT has no direct control over how many complaints it receives.
Percent of complaints resolved within 30 days	Annually	50%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	66%	Met	
Percent of Complaints resolved within 60 days	Annually	40%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	9%	Met	
Percent of complaints leading to misconduct investigations	Annually	38%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	37%	Neutral Measure	
2 - Conduct Reappointment Evaluations of Eligible Associate Judges of the D.C. Courts (2 Measures)									
Number of reappointment evaluations	Annually	4	Annual Measure	Annual Measure	Annual Measure	Annual Measure	4	Met	
Percent of reappointment evaluation reports submitted before 60 days of term expiration	Annually	100%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	100%	Met	
3 - Conduct Performance and Fitness Reviews of Retiring and Senior Judges (2 Measures)									
Number of fitness and performance reviews	Annually	9	Annual Measure	Annual Measure	Annual Measure	Annual Measure	16	Met	
Percent of fitness and performance reviews submitted within 180 days of judge's request	Annually	100%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	100%	Met	
4 - Conduct Involuntary Retirement Proceedings (1 Measure)									
Number of involuntary retirements handled	Annually	0	Annual Measure	Annual Measure	Annual Measure	Annual Measure	0	Met	

We've revisited a project to standardize District wide measures for the Objective "Create and maintain a highly efficient, transparent and responsive District government." New measures will be tracked in FY18 and FY19 and published starting in the FY19 Performance Plan.

2018 Workload Measures

Measure	New Measure/ Benchmark Year	FY 2014 Actual	FY 2015 Actual	FY2016 Actual	FY 2017 Actual
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No measures found

▼ 2018 Strategic Initiatives

Title	Description	Complete to Date	Status Update	Explanation
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No strategic initiatives found

Commission on Judicial Disabilities and Tenure FY2019

Agency Commission on Judicial Disabilities and Tenure

Agency Code DQ0

Fiscal Year 2019

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.

2019 Strategic Objectives

Objective Number	Strategic Objective
1	Review and Investigate Judicial Misconduct Complaints
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

2019 Key Performance Indicators

Measure	Directionality	FY 2014 Actual	FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Target
1 - Review and Investigate Judicial Misconduct Complaints (4 Measures)							
Number of complaints received	Down is Better	64	79	55	70	70	50
Percent of complaints resolved within 30 days	Down is Better	62%	73%	58%	60%	66%	50%
Percent of Complaints resolved within 60 days	Down is Better	16%	21%	24%	33%	9%	40%
Percent of complaints leading to misconduct investigations	Neutral	38%	38%	49.1%	48%	37%	38%
2 - Conduct Reappointment Evaluations of Eligible Associate Judges of the D.C. Courts (2 Measures)							
Number of reappointment evaluations	Up is Better	3	5	4	1	4	4
Percent of reappointment evaluation reports submitted before 60 days of term expiration	Up is Better	3%	5%	100%	100%	100%	100%
3 - Conduct Performance and Fitness Reviews of Retiring and Senior Judges (2 Measures)							
Number of fitness and performance reviews	Up is Better	13	14	19	10	16	9
Percent of fitness and performance reviews submitted within 180 days of judge's request	Up is Better	13%	14%	100%	100%	100%	100%

Measure	Directionality	FY 2014 Actual	FY 2015 Actual	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Target
4 - Conduct Involuntary Retirement Proceedings (1 Measure)							
Number of involuntary retirements handled	Down Is Better	Not available	0	0	0	0	0

2019 Operations

Operations Header	Operations Title	Operations Description	Type of Operations
1 - Review and Investigate Judicial Misconduct Complaints (2 Activities)			
COMMISSION ADMINISTRATION AND SUPPORT	Commission Administration And Support	Review complaints arising during monthly meetings.	Daily Service
COMMISSION ADMINISTRATION AND SUPPORT	Commission Administration And Support	Misconduct investigations.	Daily Service
2 - Conduct Reappointment Evaluations of Eligible Associate Judges of the D.C. Courts (4 Activities)			
COMMISSION ADMINISTRATION AND SUPPORT	Commission Administration And Support	Interview attorneys in the public and private sectors who have appeared before the judge.	Daily Service
COMMISSION ADMINISTRATION AND SUPPORT	Commission Administration And Support	Interview Court personnel who have worked with the judge.	Daily Service
COMMISSION ADMINISTRATION AND SUPPORT	Commission Administration And Support	Interview the Chief Judge of the judge's Court.	Daily Service
COMMISSION ADMINISTRATION AND SUPPORT	Commission Administration And Support	Solicit comments concerning a judge's qualifications from the legal community and the general public.	Daily Service
3 - Conduct Performance and Fitness Reviews of Retiring and Senior Judges (4 Activities)			
COMMISSION ADMINISTRATION AND SUPPORT	Commission Administration And Support	Interview attorneys in the public and private sectors who have appeared before the senior judge.	Daily Service
COMMISSION ADMINISTRATION AND SUPPORT	Commission Administration And Support	Interview Court personnel who have worked with the senior judge.	Daily Service
COMMISSION ADMINISTRATION AND SUPPORT	Commission Administration And Support	Interview the Chief Judge of the judge's Court.	Daily Service
COMMISSION ADMINISTRATION AND SUPPORT	Commission Administration And Support	Solicit comments concerning a senior judge's qualifications to continue judicial service from the legal community and the general public.	Daily Service
4 - Conduct Involuntary Retirement Proceedings (4 Activities)			

Operations Header	Operations Title	Operations Description	Type of Operations
COMMISSION ADMINISTRATION AND SUPPORT	Commission Administration And Support	Receive information concerning a judge's health/disability and commences an investigation.	Daily Service
COMMISSION ADMINISTRATION AND SUPPORT	Commission Administration And Support	Determine if an involuntary retirement hearing is warranted.	Daily Service
COMMISSION ADMINISTRATION AND SUPPORT	Commission Administration And Support	Make findings of fact and a determination regarding the judge's health.	Daily Service
COMMISSION ADMINISTRATION AND SUPPORT	Commission Administration And Support	File Orders of Involuntary Retirement.	Daily Service

▼ 2019 Workload Measures

Measure	New Measure/ Benchmark Year	Numerator Title	Units	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
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No measures found

▼ 2019 Strategic Initiatives

Strategic Initiatives	Strategic Initiative Title	Strategic Initiative Description	Proposed Completion Date
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No strategic initiatives found