



FY24 ANNUAL REPORT

DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

COMMISSION MEMBERS

Amy L. Bess, Esq., Chairperson

Hon. Diane M. Brenneman (Ret.), Vice Chairperson

Thomas Fitton

Dr. Patrick G. Jackson, MD, FACS

Hon. Colleen Kollar-Kotelly

William P. Lightfoot, Esq.

Nikki DeJesus Sertu

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

TABLE OF CONTENTS

Chairperson’s Statement	5
Executive Summary	8
I. COMMISSION MEMBERSHIP AND SUPPORT	13
A. Commission Membership	14
B. Commission Support.....	15
II. COMMISSION JURISDICTION.....	16
A. Statutory Authority	16
B. The DC Courts	16
III. COMMISSION OVERSIGHT ACTIVITIES	17
A. Complaints and Concerns	19
1. Submissions of Complaints.....	20
2. Complaint Review Process.....	20
3. Jurisdictional Limitations.....	21
4. Merit-Based Concerns.....	22
5. Dispositions and Actions.....	22
6. Ethical Standards, DC Code of Judicial Conduct, and Commission Rules	23
7. Summary	24
B. Fitness Reviews (Associate Judge Reappointment Evaluations).....	25
1. Legal Requirements.....	25
2. Fitness Review Process	26
3. Commission Rules	27
4. Commission Planning and Actions	27
C. Fitness Reviews (Senior Judge Recommendations)	28
1. Legal Requirements.....	28
2. Fitness Review Process	28
3. Commission Rules	29
4. Commission Planning and Actions	29

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

D. Fitness Reviews (Medical).....	30
E. Required Reporting.....	31
1. Annual Financial Reporting	31
2. Judicial Time Sheets.....	32
F. Public Engagement	32
1. DC Bar Evaluations.....	33
2. DC Bar / Judicial Conferences and Investitures.....	33
3. Other Interactions	34
G. Court / Judicial Engagement.....	34
IV. ACHIEVEMENTS AND UPDATES.....	34
A. FY24/FY25 Statistics.....	34
1. Commission Meetings.....	34
2. Judicial Fitness Reviews	35
3. Judicial Cases / Complaints	39
4. FY24 Public Action, Public Letter to DC Court Chief Judges, and Related Commission Rule Update	42
5. Required Reporting	44
6. Public Engagement.....	44
7. Court / Judicial Engagement	45
B. Special Projects.....	45
1. Modernization Project	46
a. Office Renovations	46
b. Technology Upgrades	46
c. Digitization of Files / Scan Project	47
d. Commission Rules Updates	47
e. Annual Financial Reports	48
C. Commission Annual Reporting and Other Initiatives.....	49
V. COMMISSION STAFFING AND SUPPORT	49
A. Commission FTEs, Other Contract/District Support and Related Matters.....	50

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

B.	Interim Coverage and Restaffing	52
1.	FY23 Staff Transition.....	52
2.	FY23-FY24 Restaffing.....	54
3.	Q3-Q4 FY24 Mission-Related Challenges	55
4.	FY25 Staff Transition.....	55
5.	District Government Support	56
6.	Additional Staff.....	59
7.	FY25-FY26 Goals	60
C.	Financial / Budget Updates.....	61
1.	Commission FTE Staff.....	61
2.	FY24-FY25 Interagency Funding	62
3.	FY24-FY25 Contracts / Procurement – Outside Contractors/Vendors.....	62
a.	Licensing (Judicial Case System).....	63
D.	Special Project Legal Services.....	68
1.	FY23 – Interim Executive Director Duties	68
2.	FY24 – Special Project Transition Duties.....	69
3.	FY25 – Special Project, Interim Director, and Transition Duties.....	70
VI.	CONCLUSION.....	71
	Appendix I	
	Appendix II	

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

Chairperson’s Statement



“As the Commission continues its evolution, ever striving to be increasingly accessible to our diverse stakeholders and the community we serve, we remain collectively committed to holding ourselves to the same high-performance standards that we require of our District judges, dedicated to fulfilling the Commission’s mission of maintaining the public’s confidence in our local courts.”

Amy L. Bess, Esq.
Chairperson

As the newly-elected Chairperson of the District of Columbia Commission on Judicial Disabilities and Tenure, I am incredibly proud to report on the many accomplishments achieved by the Commission in FY24. I also am keenly aware that the groundwork for these accomplishments was painstakingly laid over many years and that such achievements are the product of the strategic vision and hard work of my predecessor leaders and fellow Commissioners, past and present.

In the Fall of 2022, I was honored to be appointed as a Commission member to fill the position left vacant by Commissioner Jeannine Sanford who sadly had passed away several months earlier. While I was aware of Commissioner Sanford’s stellar professional reputation, strong commitment to community service, and her longstanding dedication as both a Commission member and leader, it was hard to imagine at the time the shoes I would be asked to fill and the legacy I would ultimately assume as Chairperson.

Together, Chairperson Sanford and her then-Deputy Chairperson, the Honorable Colleen Kollar-Kotelly, who became Chairperson in 2021, embarked on an ambitious effort with the full support of the Commission to modernize and evolve the Commission’s outdated operations, in order to more efficiently and effectively meet the Commission’s statutory obligations and mission. While much of the Commission’s work is confidential and privileged given its statutory mandates, Commissioners were concerned that the Commission’s role with regard to maintaining public confidence in an independent, impartial, fair, and qualified judiciary was not fully understood by the community, and that the volume and scope of the Commission’s work was underreported and largely unknown.

The Commission also was committed to ensuring that its history, prior decisions, and official actions were properly and carefully documented in order to preserve the past and, more importantly, to maintain an accessible body of precedent to aid future Commission decisions that would impact both the public and the judiciary. The Commission was further dedicated to ensuring succession and continuity planning, modernizing its operations by harnessing technology to improve the Commission’s accessibility by the public and the DC Courts, enhancing its ability to

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

identify trends, as well as to enable it to conduct targeted research, and evaluate information necessary for public reporting.

As this Annual Report illustrates, for a small independent agency with volunteer, appointed Commission members (all of whom are busy professionals), and historically only one or two employed staff members, such ambitious modernization goals posed no small feat. Indeed, these efforts, among other significant accomplishments during the prior fiscal year, have required committed, persistent efforts by every member of the Commission and those who support its work. While it has been a bumpy ride at times, I am pleased to report that much has been accomplished and the road ahead promises even greater achievements for the Commission.

I wish to acknowledge the strategic vision and dedication of former Chairperson Sanford, and the extraordinary and tireless efforts and vision of my immediate predecessor Chairperson Kollar-Kotelly and Vice Chairperson Diane Brenneman. Both Judge Kollar-Kotelly and Vice Chair Brenneman have dedicated substantial volunteer hours to guide the Commission's modernization projects (supported in large part by District funds), and to increase the Commission's visibility and contacts among key stakeholders – all while overseeing day-to-day business and legal matters to further the Commission's important work. The success of the Commission's transformation -- which, to be sure, remains a work in progress – is due in no small part to their thoughtful and strategic leadership.

I also want to acknowledge the Commission's long-serving and hard-working Special Counsel, Amy Conway-Hatcher. But for the generous and persistently talented work of our Special Counsel, who is more than dedicated to the core mission of the Commission and its role in the administration of justice in the District of Columbia, none of the Commission's important accomplishments of this year would have been possible. I also offer my gratitude to my esteemed colleagues who serve on the Commission for the many volunteer hours they have committed in the service of carrying out the Commission's mission, including their insightful contributions to the Commission's strategic vision for the future.

Further, I want to thank the general public, litigants, and the DC Bar for their collective willingness to trust the Commission with their confidential concerns, compliments, observations, and important feedback regarding the work of our District of Columbia Courts and judges. The information you share with us is critically important to the success of the Commission's work, including our ability proactively to learn of and resolve challenges before they can harm the public safety or trust. The Commission also thanks the Chief Judges of the District of Columbia Courts and all District judges, past and present, for their willingness to engage with the Commission on a range of matters, especially where the discussions are difficult. Finally, the Commission

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

acknowledges with gratitude the support it has received from District of Columbia Mayor Muriel Bowser, and the Commission’s DC agency partners who have provided critical support and assistance to the Commission, especially the Office of the Attorney General.

The Commission’s mission 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. The Commission works hard to ensure that it stays true to this mission and its statutory obligations in not just letter and spirit, but also words and actions. As this Annual Report will elaborate, the Commission’s deliberations, decisions, and actions must remain measured, take into account unique facts and important complexities, while remaining neutral and apolitical as an independent body at all times. My fellow Commissioners and I have committed ourselves to this important responsibility with the utmost seriousness.

I am both proud and humbled to assume the role of Chairperson. I thank my esteemed colleagues for entrusting this important position and legacy of leadership to me. I am committed to facing the challenges that lie ahead with the same dedication and commitment to “getting it right” that my predecessors exhibited through their inspiring leadership. As the Commission continues its evolution, ever striving to be increasingly accessible to our diverse stakeholders and the community we serve, we remain collectively committed to holding ourselves to the same high-performance standards that we require of our District judges, dedicated to fulfilling the Commission’s mission of maintaining the public’s confidence in our local courts.

With gratitude,



Chairperson Amy L. Bess, Esq.

FISCAL YEAR 2024 ANNUAL REPORT

Executive Summary

The District of Columbia Commission on Judicial Disabilities and Tenure (“the Commission”) is an independent agency, created by Congress, whose jurisdiction and activities are defined by statute. Its mission 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. The Commission has oversight authority over all District of Columbia (“DC Court”) associate judges and senior judges; it does not have authority over DC Court magistrate judges. The DC Courts include: (i) the District of Columbia Court of Appeals (“DC Court of Appeals” or “DCCA”); and (ii) the Superior Court of the District of Columbia (“DC Superior Court” or “DCSC”).

The Commission has statutory responsibility for the reappointment of DC Court associate judges, recommendation of senior judge initial appointments and reappointments, and removal authority of judges in certain circumstances. Although much of the Commission’s work is confidential by statute, the Commission can publicly or privately comment on an individual judge’s conduct and, where helpful for broader awareness by the judiciary, the legal Bar, or the community, the Commission will periodically issue public statements or letters.

In maintaining public confidence in the DC Courts, the Commission must strike a delicate balance to: (i) ensure accountability for judges to uphold high ethical standards; (ii) provide opportunities for highly qualified, hard-working, and dedicated judges to learn from mistakes and/or improve by bringing concerns to their attention; and (ii) acknowledge where stresses on the DC Courts as an institution or changes in the practice of law among litigants and community members may factor into, challenge, or unduly impede a judge’s ability to perform at the highest, most efficient levels.

To achieve its mission of maintaining public confidence in the DC Courts, the Commission interacts extensively with DC Court leadership, DC Court judges, institutional litigants, local Bar organizations and associations, and the community to ensure varied perspectives and contextual challenges are better understood by Commissioners in the execution of key statutory responsibilities and the evaluation of concerns brought to their attention. Whether formal or informal, these contacts are invaluable, encouraged, and intentionally pursued by the Commission, its staff, and legal counsel.

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

In recent years, public contacts and/or complaints filed with the Commission have notably increased. Although the Commission is an apolitical body with no jurisdiction over the legal or procedural decisions of judges, the Commission recognizes that national and state debates on judicial ethics and appointments have increased public sensitivity to judicial performance and ethics issues in courts across the country, including the District's courts, as well as heightened the scrutiny of cases that raise public safety issues. With the increased use of technology and online communications, attorneys, litigants, witnesses, community members, jurors, and court personnel are more willing and able to file formal conduct and ethics complaints, proactively share information confidentially or anonymously, and participate in commentary and public feedback on judicial performance – whether positive, negative, or constructive. In the post-COVID-19 era, interested parties and citizens are also watching virtual court proceedings online, which has at times led to public outreach to the Commission on matters of concern.

These increased contacts have afforded the Commission the ability to look at a wide range of cases in the DC Courts. In doing so, the Commission has witnessed first-hand the significant impact and weight of responsibility on the DC Courts, their leadership, and the qualified, dedicated, hardworking judges who are professionally and personally impacted by everchanging and catalyzing events around them. DC Court judges are under increased stress due to huge caseloads and increased responsibilities. Longstanding judicial vacancies and new vacancies created by retiring judges add greatly to already heavy burdens, resulting in fewer judges handling increased caseloads across all divisions and levels of the Courts. Changes or proposed changes to the District's laws that increase the volume of litigation before the courts further exacerbate these challenges. Not surprisingly, the increased caseloads and fewer judges necessarily impacts an individual judge's ability to rule timely and contributes to stresses that can test a judge's demeanor and temperament.

Adding to the pressures on the DC Courts and its judges, the Commission has observed, and judges have reported, increasingly unprofessional and disrespectful courtroom conduct of litigants, lawyers, and the public. This decrease in professional civility, at times lack of respect for the courts and the judiciary, and in some instances highly uncivil, discourteous, or threatening behavior in the courtroom, both in person and virtually, has worsened in recent years. The

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

Commission has found itself reviewing matters where the judge’s conduct is in direct response to the uncivil or unprofessional behavior of litigants. In some instances, the Commission has received communications from the public that exhibit these behaviors or attitudes. Where such communications raise potential safety concerns for a judge, the Commission will alert the US Marshal’s Service and Court security¹

As the Commission balances these complexities, and as the judiciary continues to be stressed by present day pressures and challenges, the Commission has proactively increased its outreach to judges. The increased dialogue with judges not only allows for ongoing and transparent communication and feedback to remind judges of their ethical obligations, it enables the Commission to stay abreast of new developments and the realities of our extraordinarily busy courts. Where possible, the Commission aims to ensure judges are supported in executing difficult responsibilities, and monitors known medical issues that may require accommodation or managing against disability issues.

The Commission’s increased contacts with and outreach to both the public and the DC Courts has occurred in parallel to the Commission’s accelerated efforts to modernize and digitize its operations to improve its responsiveness, effectiveness, and efficiency, while considering important trends, historical precedent, and changes in our community. The modernization vision began under former Chairperson Jeannine Sanford, was further developed and initial phases executed under immediate past Chairperson Hon. Colleen Kollar-Kotelly, and will enter a new phase under the leadership of Chairperson Amy L. Bess, Esq.

As will be described further in this Fiscal Year 2024 (“FY24”) Report, the Commission’s ambitious modernization plans have already resulted in substantial improvements resulting in, for example:

¹ Such communications may be related to a formal complaint filed but also can be by separate emails sent to the Commission as a complaint or other correspondence that references a judge or a case or ruling with which the person disagrees.

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

- More comprehensive and detailed records of the investigation and disposition of complaints included public or private and formal or informal actions by the Commission.
- Documentation of informal judicial performance reviews over a judge's career and more formally at the time of associate judge reappointments or requests for recommendations to serve as senior judges.
- Confirmation and validation of all judicial terms and other data with the DC Courts to ensure accuracy of all term dates, mandatory retirement dates, and events that trigger statutorily required judicial or Commission action.
- Analysis of lessons learned from matters of significance to continuously improve the Commission's ability to detect, analyze, and address challenges earlier.
- Ongoing, increased notice to judges on associate judge reappointments or senior judge recommendations regarding statutory requirements and required filings to ensure the Commission receives quality submissions for its evaluation and decision-making.
- Increased outreach to formal and informal sources, stakeholders, and other interested parties for awareness of matters that may merit early intervention, training, coaching, feedback, or medical fitness reviews overseen by medical experts.
- Public statements on matters that merit increased awareness and provide important information to judges and the public.
- Automation of the gathering, processing, evaluation, and tracking of judges' statutorily required annual financial reports (AFRs) that with continued input from the DC Courts will see further improvements.
- Phased updates to the Commission's Rules to improve the quality of information the Commission receives and, where possible, to provide increased transparency to the public.
- Databases for analyzing and proactive planning of Commission activity, Commissioner workloads, and support required for mission-related activities.

In FY24, and Q1-Q2 FY25, substantial progress has been made on operational, legal, and strategic improvements, positively impacting the efficiencies, effectiveness, and breadth of the Commission's connections with the community and the DC Courts. The Commission plans to further expand modernization and outreach in Q3-Q4 FY25 and FY26.

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

The Commission wishes to emphasize and acknowledge that the DC Courts continue to have a well-earned reputation for having one of the best Court systems in the country. This is due in part to the highly skilled and hardworking judges who are committed to serving the public and the DC community.² The DC Courts are also known for having exceptional leadership and a commitment to high standards of excellence among judges and staff.

However, no institution is perfect. Since the 1970s, the Commission has played and continues to play an important role by: (i) listening to the concerns brought to its attention by the public or made known through other avenues, (ii) creating opportunities for judicial or court improvement and awareness, and (iii) where appropriate, having hard conversations with judges or taking disciplinary action ranging from private actions to public removal from office.

The Commission's work on the reappointment of well-qualified associate judges, and recommendations for the initial appointment and reappointment of senior judges also provide an important opportunity for public engagement and feedback.³ Further, when a judge faces certain health challenges, the Commission reviews and monitors the judge's continued medical fitness closely with the aid of medical experts, while also providing the judge with assistance, referrals, and options for accommodation to support the judge's continued service. If in the unfortunate event that the judge's condition prevents him or her from continuing to serve, the Commission plays an important role in a judge's ability to voluntarily retire due to a medical disability. In rare instances, the Commission can also involuntarily retire a judge for a medical disability.

These are not easy tasks or decisions. However, the Commission values greatly its relationship with willing, engaged, and thoughtful Court leadership, individual judges who are open to reflection and improvement, and an engaged public and DC Bar. These relationships have

² The District of Columbia Judicial Nominations Commission ("JNC") selects possible judicial candidates following a rigorous vetting process and presents candidates to the President of the United States. Once the President nominates the judge, he or she must be confirmed by the United States Senate.

³ In times of judicial vacancies, the DC Courts rely heavily on qualified and experienced senior judges to manage heavy caseloads and calendars. The Commission's work is essential to assuring senior judges remain available to serve.

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

contributed greatly to the goal of early intervention and the Commission’s ability to convene productive discussions critical to avoiding more serious issues or problems. While the Commission and judiciary have different roles and may not always agree on these matters, the Commission’s work would not be as effective without the engagement of both the DC Courts and the public.

The Commission is grateful to all who participate in this critically important process.

I. COMMISSION MEMBERSHIP AND SUPPORT

Over fifty individuals have served on the Commission since its inception, representing a diverse group of members from the legal community, the Federal judiciary, and the District of Columbia community at large, all of whom have been steadfast in their commitment to the Commission fulfilling its mission and ensuring the public’s confidence in the judicial system. The Commission makes its determinations only after a careful and thorough review of the issues presented. Although much of the Commission’s work and deliberations are confidential by statute, the Commission will release to the public information about its decisions or actions, or other matters of public interest, where legally permissible.

The Commission is comprised of seven volunteer, seasoned professionals who are appointed by the President of the United States, the Mayor of the District of Columbia, the City Council of the District of Columbia, the Chief Judge of the United States District Court for the District of Columbia, and the Board of Governors of the District of Columbia Bar. The term of office of the President’s appointee is five years, and all others serve six-year terms. Commission members do not receive a salary or stipend.

The Commission conducts regular in-person meetings once a month, although the Chairperson can hold special meetings as needed.⁴ Absent special circumstances, the Commission does not meet in August.

⁴ Given the nature of its work, the Commission in-person meetings and in-person discussions with judges is essential. During the COVID-19 pandemic, the Commission shifted to virtual meetings. Although in-person meetings have resumed, the Commission will meet virtually on occasion.

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

A. Commission Membership

In FY24, the Commission’s Membership was as follows:

- **Amy L. Bess, Esquire**, appointed by the D.C. Bar Board of Governors
- **Hon. Diane M. Brenneman (Ret.)**, appointed by the D.C. Bar Board of Governors
- **Thomas Fitton**, appointed by the President of the United States
- **Dr. Patrick G. Jackson, MD, FACS**, appointed by the D.C. Council
- **Hon. Colleen Kollar-Kotelly**, appointed by the Chief Judge of the United States District Court for the District of Columbia
- **William P. Lightfoot, Esq.**, appointed by the District of Columbia Mayor
- **Nikki DeJesus Sertsu**, appointed by the District of Columbia Mayor

The Commission’s newest member is Dr. Jackson, who succeeded Dr. David Milzman, MD, after his second six (6) year term expired in FY24.

Each year, Commission members elect a Chairperson who may designate a Vice Chairperson or other officer as she or he deems appropriate. In FY24, the Commission’s Chairperson Kollar-Kotelly announced that, after five years in leadership (three of which were served as Chairperson and two as Vice Chairperson and Acting Chairperson, alongside former Chairperson Jeannine Sanford), she would step back from her leadership role. Chairperson Kollar-Kotelly continues as a Commissioner.

The Commission elected Commissioner Amy L. Bess, Esq. as its next Chairperson, effective January 1, 2025. At the request of Chairperson-elect Bess and due to staff transitions, Vice Chairperson Brenneman, who served alongside Chairperson Kollar-Kotelly, agreed to remain in her role through FY25.⁵ Chairperson Bess’s leadership and vision will be invaluable to the Commission through the final phases of modernization over the next two fiscal years as it continues to strengthen relationships with the DC Courts and the community while entering a busy judicial fitness review period.

⁵ Vice Chairperson Brenneman’s six (6) year term expires on January 1, 2026.

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

Commission members are extraordinarily grateful to the Commission’s leadership team, past and future, for their tireless efforts and extraordinarily hard work to achieve important strategic goals, maintaining standards of excellence, and managing transition challenges. *See* Appendix I for Commissioner Biographies.

B. Commission Support

Since the 1970s, the Commission has historically relied on an Executive Director,⁶ one additional staff member (off and on), independent outside contractors selected by the Commission on legal, medical, and technical matters,⁷ and certain DC agencies who are required to provide contracted, specialized services by statute.⁸ Among its key advisors are the Executive Director and an independent Special Counsel (legal counsel) who is highly trained, familiar and experienced with the DC Courts, but is not a DC Court or DC government employee nor a regular practitioner in the DC Courts. The independent legal counsel arrangement is important and by design due to the stature, experience, and unique skillsets required for this role, and to avoid conflicts of interest or the appearance of conflicts in conduct and fitness reviews or investigation of judges. As

⁶ For most of its history, the Commission has had one FTE, an Executive Director who was the Commission’s only permanent employee for forty-seven (47) years, along with episodic FTEs or contract staff assistance. Among three of its esteemed independent Special Counsel, one remained under contract with the Commission for over thirty-five (35) years until 2018. The centralization of knowledge in these two positions understandably led to challenges and knowledge gaps that has required a dedicated effort to close.

⁷ Outside contractors are not government employees and are contracted directly with the Commission.

⁸ The Commission can contract and obtain services of District agencies [DC Code § 11–1525. Operations; personnel; administrative services](#) and 28 DCMR §§ 2000-2001 of the Commission’s Rules. DC Code § 11–1525(b) states:

The Commission is authorized, without regard to the provisions governing appointment and classification of District of Columbia employees, to appoint and fix the compensation of, or to contract for, such officers, assistants, reporters, counsel, and other persons as may be necessary for the performance of its duties. It is authorized to obtain the services of medical and other experts in accordance with the provisions of section 3109 of title 5, United States Code, but at rates not to exceed the daily equivalent of the rate provided for GS-18 of the General Schedule.

DC Code § 11–152(d) requires the District to provide “[f]inancial and administrative services (including those related to budgeting and accounting, financial reporting, personnel, and procurement)” pursuant to the agreement by the Chairperson of the Commission and the District of Columbia government.

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

discussed further in Section III. Commission Staffing and Support, the Commission is in the process of filling both staff positions and, at present, is being supported by its current independent Special Counsel, Amy Conway-Hatcher, Esq., who is temporarily serving as its Interim Executive Director. *See* Appendix I for Special Counsel’s Biography.

II. COMMISSION JURISDICTION

A. Statutory Authority

The Commission was established through the District of Columbia Court Reorganization Act of July 29, 1970, to review complaints of misconduct against judges of the District of Columbia Courts. The Commission was reorganized, and its jurisdiction significantly enlarged, by the District of Columbia Self-Government and Governmental Reorganization Act of December 24, 1973 and the Retired Judge Service Act of October 30, 1984 to include performance and fitness reviews for the reappointment of Associate Judges and the initial appointment and reappointment of Senior Judges after their retirement. *See* [Governing Provisions and Regulations | cjdt](#).

B. The DC Courts

The Commission has oversight authority over all DC Court associate judges and senior judges.⁹ The DC Courts include the DC Court of Appeals (“DCCA”) and the DC Superior Court” or (“DCSC”).

- (i) DC Court of Appeals¹⁰– The DCCA is made up of a Chief Judge and eight (8) associate judges and five (5) senior judges. As of the end of February 2025, the DCCA has two (2) judicial vacancies, including one vacancy that has not been filled for over a decade.

⁹ The Commission does not have jurisdiction over Magistrate Judges or Administrative Law Judges.

¹⁰ The DC Court of Appeals is the highest court for the District of Columbia. Its judges review all final orders, judgments and specified interlocutory orders of the DC Superior Court, contested case decisions of administrative agencies, boards, and commissions of the District of Columbia government, and answers questions of law certified by federal and state appellate courts. In addition, it reviews proposed rules of the Superior Court, promulgates its own rules, and oversees attorneys who are members of its Bar. *See* [Court of Appeals | District of Columbia Courts](#).

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

(ii) DC Superior Court¹¹—The DCSC is made up of a Chief Judge and sixty-one (61) associate judges. As of the end of February 2025, the DCSC has thirteen (13) judicial vacancies. As of Q1 FY25, the DCSC had thirty-four (34) senior judges.

Not including the fifteen (15) DC Court associate judge vacancies, the Commission’s current oversight responsibility covers a total of: (i) nine-seventy (97) active judges (fifty-eight (58) associate judges and thirty-nine (39) senior judges); and (ii) an additional four (4) fully retired judges who still must file annual financial reports with the Commission.¹²

III. COMMISSION OVERSIGHT ACTIVITIES

The Commission has the legal authority to remove a judge for: (i) willful misconduct in office, (ii) willful and persistent failure to perform judicial duties, and (iii) conduct prejudicial to the administration of justice or which brings the judicial office into disrepute. The Commission also has the authority to involuntarily retire a judge if the Commission determines that the judge suffers from 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. Under certain circumstances, the Commission may also censure or reprimand a judge publicly or privately, with the consent of the judge.

The Commission’s jurisdiction embraces several areas:

- A. Public Complaints and Concerns: Evaluating and responding to judicial complaints and addressing judicial conduct concerns privately and publicly, formally and informally, including, where necessary taking disciplinary action
- B. Fitness Reviews (Associate Judge): Evaluation of a judge’s performance and fitness for associate judges who seek reappointment upon the expiration of his or her term
- C. Fitness Reviews (Senior Judge): Evaluation of the performance and fitness of a retiring or retired judge who wishes to continue judicial service as a Senior Judge, either as an

¹¹ The DC Superior Court is an extraordinarily busy trial court that handles all local trial matters in the District of Columbia, including civil, criminal, family court, probate, tax, landlord-tenant, small claims, and traffic cases. *See [About the Superior Court | District of Columbia Courts](#).*

¹² Senior judges can only sit for a specified number of paid hours per year. Given the needs of the courts, many senior judges work beyond those hours on a volunteer basis.

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

initial appointment or reappointment

- D. Fitness Reviews (Medical): Assessing the medical fitness of judges and, in rare cases, the involuntary retirement of a judge for reasons of health
- E. Required Reporting: Overseeing annual financial disclosures and statutorily required timesheets
- F. Public Engagement: Maintaining public awareness of the Commission, its jurisdiction, and statutory requirements and confidentiality restrictions
- G. Court / Judicial Engagement: Maintaining relationships and awareness of the Commission, its jurisdiction, and statutory requirements and confidentiality restrictions with the DC Courts, DC Court leadership, and individual judges

A Commission goal is to keep well qualified judges on the bench. Therefore, and given the Commission's core responsibilities in overseeing judicial performance and conduct concerns, the Commission regularly engages with the DC Courts and their leadership on matters that may positively or negatively impact or challenge judges, their judicial performance or conduct, the efficient administration of justice, or other ethical considerations.

Examples include the impact of: (i) judicial vacancies; (ii) substantially increased caseloads; (iii) technology challenges; (iv) case management systems and use of technology; (v) changes in behavioral norms in the courtroom, including lack of civility and unprofessional behavior by lawyers, litigants, and members of the community; (vi) security concerns; (vii) judicial training and mentoring resources; (viii) legislative changes; (ix) committee work focused on improvement to existing rules, procedures, calendars, or initiatives that may address specific challenges; (x) changes in the practice of law, such as the use of artificial intelligence; (xi) budget or staffing challenges; and (xii) community and national discourse on matters that impact the courts.

In FY24 alone, the Commission held forty-six (46) meetings with judges, individually or as a group, during its eleven (11) regularly scheduled monthly Commission meetings. The topics ranged from judicial fitness reviews for reappointments and initial senior judge appointments,

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

review of periodic DC Bar Evaluations,¹³ public complaints or concerns, state of the Court updates, and Q&A sessions with Division leadership across the Superior Court to learn about each Division’s unique challenges and accomplishments, and the actual or potential impact on judges and their performance.

The Chairperson, Vice Chairperson, Executive Director, Special Counsel, and individual Commissioners also have regular informal contact with the Chief Judges of the DC Courts, their staff, and individual judges on matters relating to judicial reappointments and term dates, annual financial reporting, meeting planning, and other matters.

At the same time, the Commission has worked diligently to maintain public awareness of the Commission and assist the public in understanding the Commission’s jurisdiction and statutory confidentiality restrictions. In FY24, Chairperson Kollar-Kotelly, Special Counsel Conway-Hatcher, and individual Commission members met with leadership of the DC Bar, the DC Bar Board of Governors, and the DC Bar Judicial Evaluation Committee, as well as senior leaders of institutional litigants who regularly appear in the DC Courts. Chairperson Bess has additional plans for similar meetings in FY25. These contacts and consistent outreach have materially increased the information the Commission receives formally and informally, positive and constructive, regarding judicial fitness reviews and, in some cases, confidential concerns that the Commission reviews on a regular basis.

A. Complaints and Concerns

The Commission reviews all concerns and complaints whether written or oral, formal or informal, concerning the conduct of judges.

The Commission values all inputs from the public, positive and negative. However, the Commission is not a court of appeals and does not have jurisdiction to review or change judicial decisions on law, procedures, or fact, nor does it have the power to correct or sanction a judge’s

¹³ See *infra* at Section III.F.1., Public Engagement, DC Bar Evaluations.

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

legal errors.

Examples of on the bench or off the bench judicial conduct or concerns that the Commission may act on, however, include: intemperate, rude, abusive, or improper treatment of lawyers, witnesses, jurors, Court staff or others; showing bias toward anyone in the courtroom based on gender, race, ethnicity, religion, etc.; improper *ex parte* communications unless permitted by law; lapses in the fair and proper administration of justice; judicial delay or response timeliness concerns; improper use or misuse of a judge's authority, stature or position; publicly commenting on a pending or expected case or lawsuit; failure to cooperate with a Commission inquiry; and criminal behavior.

1. Submissions of Complaints

Complaints or concerns may be submitted formally in writing through the Commission's online website, by email, or written letter; or formally or informally through a Commissioner, Commission staff, or the Commission's independent Special Counsel. Complainants can decide whether to identify themselves or submit the complaint anonymously. Where detailed information is provided, anonymous complaints are treated like all other complaints. However, if information is limited and follow-up is not possible, the Commission may be limited in its ability to investigate the matter.

All complaints or concerns are tracked and addressed individually or as a group if related to a particular complainant, judge, or concern. When submitted online, the Commission's new judicial case management system has improved the quality of information provided to the public, acknowledgement response time, and follow-up. Complaints submitted by email, by letter, or orally take administrative time to process and review. Online complaints can be submitted here: [Filing a Complaint | cjdt](#). Emailed complaints can be sent here: complaints.cjdt@dc.gov. The Commission encourages the public to provide feedback or ask questions about the complaint system at publiccomments.cjdt@dc.gov.

2. Complaint Review Process

All complaints are reviewed initially by the Commission's legal counsel and, where possible, aided by staff. If time permits and preliminary investigation will assist the Commission's

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

evaluation of the concern, such investigation will occur shortly after the complaint is received and include, as necessary, Commission leadership input or direction.

Such initial reviews often include: (i) reviewing information and documentation submitted, along with any supplements provided by the submitter; (ii) independent review of court records such as court docket information, court filings, review of audio files or transcripts, and (iii) in some cases informal or formal interviews of witnesses or potential witnesses or in person or virtual observation of court proceedings.

All pending and new complaints or concerns are presented to the full Commission each month at regularly scheduled monthly meetings, along with a privileged and confidential legal counsel report describing any preliminary observations, investigative steps, and/or legal recommendations. Each Commissioner is given an opportunity to review any information analyzed and may ask for additional investigation or review, as deemed appropriate.

The full Commission votes on the disposition of every complaint. The full Commission or any individual Commissioner also may receive or request the preparation of additional preliminary investigation materials, attend listening sessions to review first-hand audio files of hearings, or to receive underlying information collected from court records or other sources. In the event of a serious, time sensitive issue, Commission staff or Special Counsel can and will escalate complaints or concerns to Commission leadership and/or the full Commission for awareness and further direction. More serious concerns often are escalated and receive closer attention and oversight, including ongoing reporting in between meetings, as appropriate.

Each complaint is presented individually and, if multiple complaints are filed by the same person related to the same matter and judge(s), the complaints may be considered as a group.

3. Jurisdictional Limitations

The Commission often receives complaints or concerns that are beyond its statutory authority, either because the judge (or the court) named is not a DC Court judge or the concern involves a challenge to the judge's legal, procedural, or factual decisions. Complaints that involve non-DC Court judges or courts are summarily dismissed and, if possible, the complainant will be directed to the appropriate state or federal commission or court. If the Commission determines that

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

the complaint or concern related to a DC Court judge or judges is focused on the judge's legal, procedural, or factual decisions, the complaint will be dismissed for lack of jurisdiction, and the complainant will receive a letter explaining that the Commission is not an appellate court and has no legal authority to review such decisions.

4. Merit-Based Concerns

The Commission also receives conduct claims that suggest a merit-based concern (*e.g.*, bias or lack of fairness) but that focus on a disagreement with the judge's decision and fail to provide evidence to support a claim of misconduct or an ethics violation. A mere disagreement with a judge's decision alone is not evidence of misconduct or ethical violation. Without more, the Commission will dismiss such complaints for lack of jurisdiction and/or lack of merit.

By contrast, complaints that raise specific conduct concerns that raise questions about a judge's ethical obligations or that related to potential judicial disability receive close review and scrutiny by the Commission, its staff, and legal counsel.

5. Dispositions and Actions

If the Commission's preliminary investigation substantiates the complaint or concern, the Commission will engage with the judge to ensure the judge has an opportunity to respond or provide important context. Based on information from the judge, the Commission may dispose of the matter, continue its investigation, or resolve the matter through informal or formal communications with the judge, or the Commission may initiate a formal disciplinary action against the judge that could result in a public determination, involuntary retirement, or removal.

By statute, all Commission investigations and disciplinary proceedings are confidential. *See* [DC Code §11-1528. Privilege; confidentiality](#). Under certain limited circumstances, however, a decision or action by the Commission may be made public. Examples of public dispositions are on the Commission's website at [Determinations | cjdt](#).

If complainants identify themselves, the Commission will send a written response to the complainant regarding the concern(s) filed. If the complaint has been dismissed, the Commission's letter will explain what the Commission reviewed and why the complaint was dismissed. If the Commission takes action, the letter will indicate that the Commission has taken

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

action, but statutory confidentiality requirements can limit what the Commission can lawfully disclose.

- If the disposition is determined to be non-public, the Commission will not provide details about the Commission’s actions.
- If the disposition is determined to be public, the Commission can provide links to public determinations or public statements, but the Commission may have limits in what it can lawfully disclose without the judge’s consent.

Non-public dispositions can range from private discussions with the judge, requiring coaching, mentoring or training, or private letters, warnings, or reprimands. Public sanctions are limited to removal, involuntary retirement, or disciplinary action in the form of determinations and undertakings.

The Commission’s goal is to ensure all parties are treated fairly and, to the extent possible, receive appropriate information on the disposition of any concerns or formal complaints, within the bounds of the Commission’s legal confidentiality limitations. In discussions with judges, the Commission takes great care to ensure, to the extent possible, the anonymity of complainants, confidential sources, and witnesses. In discussions with the public, the Commission makes every effort to protect personal information of the judge. While this is sometimes frustrating for judges and the public alike, wherever possible, it is important to protect the integrity of the process, its participants, and the anonymity and confidentiality of sources, manage against the risk of intentional, unintentional, or perceived retaliation by the judge, or misuse of the complaint process by the public to recuse or harass a judge.

In certain cases, where concerns are not founded or temperament-related concerns were impacted by other factors in the courtroom, including the conduct or professionalism of litigants, the Commission also has provided confidential feedback through these discussions to both parties.

6. Ethical Standards, DC Code of Judicial Conduct, and Commission Rules

In considering claims of judicial misconduct or ethics concerns, the Commission looks to the District of Columbia Code of Judicial Conduct (rev. 2018, supplemented 2022), as adopted by the District of Columbia Joint Committee on Judicial Administration. See [Code of Judicial](#)

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

[Conduct | cjdt](#) and [Code of Judicial Conduct | District of Columbia Courts](#), The DC Court’s website also provides links to public Opinions of the Advisory Committee on Judicial Conduct of the DC Courts.

In addition, the Commission consults the advisory opinions of the Committee on Codes of Conduct of the Judicial Conference of the United States regarding the Code of Conduct for U.S. Judges, the advisory opinions of the District of Columbia Courts’ Advisory Committee on Judicial Conduct and matters before other state Commissions across the United States published through the National Center for State Courts, Center for Judicial Ethics.¹⁴

The Commission conducts its investigations and proceedings pursuant to its Rules which appear in District of Columbia Municipal Regulations Chapter 20, as amended August 2, 2024, 28 DCMR §§ 2004-2023. See [Commission Rules | cjdt](#) and [-DCRegs](#). The Commission updated Rule 2005 (Precedents) on March 22, 2024 to, among other things, reconfirm that DC Court Judges are deemed to be on notice of the Commission’s published actions. The Commission posted the updates on its [website](#) and circulated updates to all DC Court judges through the Chief Judges. DC Court Judges are deemed to be on notice of the Commissions’ Rules. The Commission plans to further review and update its Rules pertaining to complaints and investigations in FY26. See Appendix II, redline version of FY24 Commission Rule changes.

7. Summary

While every concern is carefully reviewed, not all concerns are formally acted upon, nor should they be. The Commission takes great care to weigh the seriousness of and context for concerns or monitor situations if needed or maintain information to note trends.

If the conduct is egregious, or there is a pattern of such conduct, or creates a risk of harm to the public, or the judge is non-cooperative, the Commission will act as deliberately and expeditiously as possible. However, if those factors are not present, the Commission’s goal is to

¹⁴ Every state across the United States has established a judicial commission to address public ethical conduct concerns.

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

create opportunities to ensure awareness and learn from mistakes or misperceptions. In such cases, the Commission typically will take informal remedial steps so that a judge's performance improves, and the fair administration of justice is not interrupted.

Regardless of the outcome and with every contact or concern, the Commission carefully balances the equities and takes very seriously its statutory responsibilities to maintain the public's confidence in the DC Courts. Where concerns warrant the Commission's inquiry, monitoring, and action, the Commission takes the appropriate steps and does not shy from its responsibilities. Where concerns are not founded or there are important contributing factors that must be acknowledged, however, the Commission will respond accordingly to close the matter with appropriate explanation.

B. Fitness Reviews (Associate Judge Reappointment Evaluations)

The Commission has the statutory responsibility to determine whether a sitting judge, whose term is expiring and who seeks a new term, will be reappointed. The Commission's statute requires that the Commission file a written evaluation report to the President of the United States regarding the judicial candidate's performance during his or her current fifteen (15) year term of office and findings regarding his or her fitness for reappointment to another term.

1. Legal Requirements

Under the Judicial Efficiency and Improvement Act, the Commission is required to rate a judge in one of three categories. If the Commission evaluates a sitting judge as "well qualified", the judge is automatically reappointed to a new term of 15 years. If the Commission evaluates the judge as "qualified", the President may, if he chooses, renominate the judge subject to Senate confirmation; if the Commission evaluates the judge as "unqualified", the judge is ineligible for reappointment. The Commission defines the evaluation categories as follows:

- Well Qualified - The candidate's work product, legal scholarship, dedication, efficiency, and demeanor are exceptional, and the candidate's performance consistently reflects credit on the judicial system.
- Qualified - The candidate satisfactorily performs the judicial function or, if there are negative traits, they are overcome by strong positive attributes.

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

- Unqualified - The candidate is unfit for further judicial service.

2. Fitness Review Process

At least six months prior to the expiration of the judge's term, a judge who seeks reappointment must file a declaration of candidacy with the Commission. If the judge fails to file his or her declaration on time, the judge's term will expire. The judge also must submit a written statement, including illustrative materials, reviewing the significant aspects of the judge's judicial activities during the term of office, as well as a judicial medical form completed by the judge's physician attesting to the judge's mental and physical health.

Once the Commission receives a judge's initial declaration of candidacy, it proactively solicits comments from the Bar, Court personnel, other judges, institutional litigants, and the public regarding the candidate's qualifications and contributions to the Court and the community. All comments are welcome and considered important, whether positive, constructive, or negative. The Commission also conducts interviews with references, sources, public commenters, attorneys who have regularly appeared before the judge, Court personnel who have worked closely with the judge, including law clerks, the Chief Judge of the judge's Court, and the judicial applicant to gain additional insights on the judge's performance and fitness.

In addition, the assigned Commissioner reviews the judge's appellate record, complaint files, DC Bar Evaluations, annual financial reporting requirements, public records searches, and medical fitness reports from the judge's physician. In some cases, where negative or concerning commentary is provided, the Commissioner assigned to the initial review will instruct staff or Special Counsel to summarize case files or other materials. Once the review is completed, the assigned Commissioners will prepare a summary report for the full Commission in advance of the judge's final interview with the Commission.

If the Commission receives information that raises a substantial doubt that the judge is at least qualified, the Commission will provide in summary form the basis for doubt and provide the judge an opportunity to confer with the Commission.

After the Commission's final determination and vote on the judge's candidacy, the final step in the reappointment evaluation process is the Commission's preparation of a written

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

evaluation describing the judge’s performance during the present term of office and his or her fitness for reappointment to another term. The report is presented for approval to the full Commission before it is submitted to the President of the United States. The report is due at least 60 days prior to the expiration of the judge’s term of office and is furnished simultaneously to the White House, the judge, and Chief Judge of the judge’s court. This report is released to the public on the Commission’s website immediately thereafter.

If constructive feedback was provided during the judge’s evaluation but was not disqualifying, the Commission communicates with the judge so that the judge understands the feedback and any areas of improvement in his or her next term.

3. Commission Rules

The above process is further described in the Commission’s Rules, which were updated this year to provide more clarity on the process and requirements. *See* District of Columbia Municipal Regulations Chapter 20, as amended March 24, 2024, 28 DCMR §§ 2030-2036 (Evaluation of Associate Judge Candidates for Reappointment). The Commission posted the updates on its [website](#) and circulated updates to all DC Court judges through the Chief Judges. DC Court Judges are deemed to be on notice of the Commissions’ Rules.

See Appendix II, redline version of FY24 Commission Rule changes.

4. Commission Planning and Actions

These fitness reviews are labor intensive and require the dedicated time of Commissioners, staff, and in recent years, independent Special Counsel. Therefore, in FY23, Commission leadership, with input from legal counsel, updated the Commission’s internal processes to ensure that judges receive reminders early to allow time for quality submissions and the timely scheduling of medical appointments. The goal is to make judges aware of declaration deadlines a year in advance. Further, the amended Rules reminds judges of statutory deadlines and encourages them to submit declarations and written materials well in advance of deadlines to allow for sufficient public comment periods, Commissioner reviews, and follow-up actions if any concerns need to be discussed and resolved.

In FY25, four associate judges are being reviewed for reappointment. In FY26, six

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

associate judges will be reviewed for reappointment, four of which, due to overlapping deadlines, will occur simultaneously.

C. Fitness Reviews (Senior Judge Recommendations)

The Commission performs a virtually identical fitness review process for retiring judges who wish to continue their judicial service as senior judges and for senior judges seeking reappointment.

1. Legal Requirements

The Retired Judge Service Act requires that a judge seeking senior status or a reappointment as a senior judge must request a recommendation for such status from the Commission. Once a request is received, the Commission conducts a thorough review of the judge's physical and mental fitness and evaluates the judge's ability to satisfactorily perform judicial duties. The Commission must submit a written report of its findings to the appropriate Chief Judge, and the report must include the Commission's recommendation concerning a judge's fitness and qualifications to continue judicial service.

- If the Commission makes a favorable recommendation, the Chief Judge determines if the judge is to be appointed a Senior Judge.
- If the Commission makes an unfavorable recommendation, the requesting judge is ineligible for appointment. The recommendation of the Commission and the decision of the Chief Judge regarding appointments are final.

A senior judge must be recommended for reappointment every four years, unless the judge has reached age 74, in which case a recommendation and reappointment are required every two years.

2. Fitness Review Process

Retiring judges who wish to continue their judicial service as senior judges have one year from the date of retirement to request a recommendation from the Commission for an appointment to senior status. Senior judges who seek reappointment must file written requests for a recommendation from the Commission between 90 days and 180 days prior to the expiration of

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

his or her term.

Contemporaneous with the filing of the request the judge must submit a written statement reviewing the significant aspects of his or her judicial activities, and the judge must submit a judicial medical form completed by his or her physician attesting to the judge's physical and mental health. The overall process for collecting public comments and methods for reviewing the judge's fitness and performance is the same as associate judge fitness reviews. If the Commission receives information that raises a substantial doubt that the judge is fit for further judicial service, the Commission will share with the judge the basis for doubt and provide the judge an opportunity to confer with the Commission.

The Commission has 180 days from receipt of the judge's request to submit its report and make a favorable or unfavorable recommendation to the appropriate Chief Judge. The recommendation standards are as follows:

- Favorable - The judge is physically and mentally fit and able satisfactorily to perform judicial duties.
- Unfavorable - The judge is unfit for further judicial service.

The Chief Judge must notify the Commission and the judge of the decision regarding appointment within 30 days of receipt of the Commission's report.

3. Commission Rules

The above process is further described in the Commission's Rules, which were updated this year to provide more clarity on the process and requirements. *See* District of Columbia Municipal Regulations Chapter 20, as amended March 24, 2024, 28 DCMR §§ 2037-2043 (Evaluation of Judges Requesting Recommendation for Initial Appointment or Reappointment as a Senior Judge) and again on August 2, 2024. The Commission posted the updates on its [website](#) and circulated updates to all DC Court judges through the Chief Judges. DC Court Judges are deemed to be on notice of the Commissions' Rules.

See Appendix II, redline version of FY24 Commission Rule changes.

4. Commission Planning and Actions

As with associate judge fitness reviews, senior judge fitness reviews can be labor intensive,

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

depending on the public comments, the timing of the review, the judge's age, and thus requiring dedicated time of Commissioners, staff, as well as in recent years, legal counsel. To allow sufficient time for the Commission and the judge, the Commission changed its internal processes so that judges receive reminders, prepare quality submissions, and submit materials early. The Commission aims to remind senior judges of declaration deadlines at least a month before the 180-day window to submit declarations and written materials. The amended Rules also remind judges of statutory deadlines but encourage them to submit materials early to allow sufficient time for public comment periods, Commissioner reviews, and follow-up actions if concerns need to be discussed and resolved. The additional time can be particularly important for updated medical appointments.

In addition, the Commission now prepares more fulsome reports so that a judge's record and contributions are clear and if there is any concern or challenge noted, the Chief Judge can consider the information when making decisions on appointments and assignments.

In FY24, the Commission conducted ten (10) senior fitness reviews. The number of senior fitness reviews will rise to thirteen (13) in FY25 and fifteen (15) in FY26. These numbers could increase or decrease slightly as judges retire and request recommendations for senior judge appointments or as senior judges fully retire. Based on their age, a little less than half of the senior judges are reviewed every two years.

D. Fitness Reviews (Medical)

Given lessons learned from past situations in which medical issues were undisclosed or only revealed because of complaints or confidential source information, the Commission encourages judges to be candid with the Commission about health issues that may arise from time to time. This ensures that, if the judge must transition to a reduced work schedule or take a period of leave, the Commission: (i) has context for public complaints about delays or other concerns; and (ii) can ensure the judge's medical fitness when the judge returns to work and/or receives appropriate accommodation from the Court and its leadership. These discussions require that Commissioners maintain trusting relationships with the Court so that the Court's leadership and judges feel supported and comfortable revealing confidential and sensitive personal information and working

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

with the Commission and its medical experts to ensure medical matters are addressed and a judge receives appropriate care without undue negative impact to the Court or the public.

Where the judge cannot return to work, the Commission also has supported judges through voluntary retirements, including voluntary retirements with disability. These matters are confidential by statute. In one instance in FY21, however, given the unique and special circumstances of the Commission’s review and investigation, the Commission took the unusual step of a public uncontested involuntary retirement due to a medical disability. *See* Hon. Steven N. Berk matter and related Public Statement, [Determinations | cjdt](#).

E. Required Reporting

1. Annual Financial Reporting

Each year, in accordance with the Judicial Transparency Act and the Commission’s Rules, DC Court judges are required to file annual financial reports (“AFR”) with the Commission. *See* D.C. Code § 11-1530; DCMR § 28-5003. As of 2016, the entire AFR is available for public inspection following a request that complies with the Commission’s Rules. *See* The statute now provides, that starting with calendar year 2016, the entire Report will be available for public copying and inspection. *See* [Judicial Financial Disclosure | cjdt](#) for instructions on public requests for copies and inspection.

Prior to the 2022 calendar year filings in FY23, all AFRs were filed by judges in paper. In FY23 and again in FY24, the Commission invested in significant upgrades that now require all judges to file electronically. As of FY24, all AFRs are submitted directly into the Commission’s judicial case system for tracking, review, and availability for Commissioner or public review.

Further, the Commission substantially updated its written Guidance and Rules in FY23 and again in FY24 to conform with its new electronic process. The links to the statute, updated Rules, filing requirements, and other information regarding Annual Financial Reports are found on the Commission’s website at [Judicial Financial Disclosure | cjdt](#).

The Commission staff reviews all AFRs and reports on any issues, concerns, or missing information with the Commission, and the timely compliance of all active and retired judges who continue to have filing requirements. The Commission opens filing ability for judges in early

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

April and, absent a written request and the Chairperson’s authorization of an extension, all AFRs must be filed by the first Monday of June. The Commission aims to close any reporting or review from judges by the end of July so that AFRs are publicly available if requested.

2. Judicial Time Sheets

DC Code § 11–709 requires all DC Court judges to submit monthly timesheets to the Chief Judge of the judge’s court, who is then required to share them with the Commission.¹⁵ In the past, the Commission’s Executive Director required that the timesheets be delivered in paper form to the Commission monthly.

Given the already heavy administrative and other burdens on the Court and the Commission, Commission leadership and its legal counsel are coordinating with DC Court leadership to re-evaluate the timesheet process with the goals of reducing the burden on judges, modifying reporting requirements to reflect present day activities, digitize the process and provide the Commission with specific relevant information. This project is ongoing.

F. Public Engagement

The Commission is dedicated to maintaining public awareness of the Commission’s mission, its jurisdiction and statutory confidentiality restrictions. The Commission engages with the public in a variety of ways including, through its complaint process, its website, press releases, public announcements, regular meetings and updates with the Chief Judges of both DC Courts, and in connection with fitness review public comment. The Commission proactively seeks and receives other direct and indirect feedback from the public and judges.

As described further below, the Commission also interacts with the public in other ways.

¹⁵ Specifically, the statute requires: “Each judge shall submit a monthly written report to the chief judge and the Commission on Judicial Disabilities and Tenure which shall be in a form prescribed by the chief judge after consultation with the Commission and which shall set forth...: (1) The number of days’ attendance in court of the judge during the month covered; (2) The division of the court which the judge attended; (3) The number of hours per day of the judge’s attendance; (4) The number and type of matters disposed of by the judge during the month covered; (5) Such other data as the chief judge may require.”

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

1. DC Bar Evaluations

Each year, the Commission works with the DC Bar Judicial Evaluation Committee (“JEC”) on annual DC Bar Evaluations that are prepared by the JEC with opportunities for input from the Commission. The JEC invites DC Bar members who have appeared before certain selected judges who serve on the DC Courts to provide their feedback in an anonymous survey. Judges are reviewed based on years of service, which the Commission can add to for any reason. The list of judges and questions are finalized in September, and the survey period is typically open from November to January. Results are provided to the Commission, the relevant judge, and the Chief Judge of the judge’s court in the late May/early June time period.

The Commission reviews each DC Bar Evaluation carefully. Historically, if potential concerns are noted, the Commission requests a meeting with the judge to discuss public feedback and perceptions. The Commission also reviews these evaluations when conducting judicial fitness reviews. In recent years, under Chairperson Kollar-Kotelly’s and Vice Chairperson Brenneman’s leadership, the Commission has engaged more regularly with the JEC as part of its process. The Commission also has begun contacting all judges either informally or if appropriate, formally, to discuss both positive and negative feedback, and to understand the judge’s perspectives and takeaways. The Commission has found these discussions to be extremely helpful in understanding challenges that individual judges, Divisions of the Court, and the DC Courts face as institutions, which provides important context for the Commission in conducting judicial fitness reviews and analyzing complaints or concerns.

2. DC Bar / Judicial Conferences and Investitures

Commissioners make efforts to attend DC Bar Judicial Conferences and judicial investitures to engage with the public and judges. In FY25, Commissioner William Lightfoot proposed and is coordinating a panel at the 2025 DC Bar and Judicial Conference on the topic of artificial intelligence titled: *“Civility, Ethics, and Tradition in the Age of Artificial Intelligence.”* The panel will include both Chief Judges of the DC Courts, Hon. Anna Blackburne Rigsby, Chief Judge of the DC Court of Appeals and Hon. Milton C. Lee, Jr., Chief Judge of the DC Superior Court, Chairperson Bess and Commissioner Lightfoot from the Commission, and Mr. Ed Walters,

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

Adjunct Professor, Georgetown Law. The program’s description is:

“With the rapid advancement of artificial intelligence and the transformative impact of the COVID-19 pandemic, the legal profession finds itself at a crossroads between innovation and tradition. This insightful session explores the costs and benefits of AI integration into the legal system and reflects on the lessons learned from going virtual during the pandemic. Our distinguished panel delves into how legal professionals can harness technological advances while upholding the civility, humanity, and traditions that define the judicial system. The panel also examines the ethical challenges AI presents for judges and attorneys, addresses the preservation of essential traditions, and promotes a balanced approach to innovation that respects behavioral norms and professional responsibilities.”

See [Agenda: 2025 District of Columbia Judicial & Bar Conference](#).

3. Other Interactions

Other ways the Commission engages with the public include ongoing informal or formal meetings by Commissions with institutional litigants who appear regularly before the courts, trial lawyer associations in the District, as well as DC Bar leadership and the DC Bar Board of Governors. The Commission also works with Court administration to ensure court employees are aware of the Commission as a resource if problems or concerns arise, or if court employees wish to participate in public comments during a judge’s reappointment fitness review.

G. Court / Judicial Engagement

The Commission works hard to maintain relationships and awareness with the DC Courts, DC Court leadership, and individual judges about the Commission, its jurisdiction, and statutory requirements and confidentiality restrictions. As described in this Report, the Commission does this through regular meetings and other formal and informal contacts on a wide range of issues.

IV. ACHIEVEMENTS AND UPDATES

This section covers the Commission’s FY24-FY25 achievements and milestones, which are substantial.

A. FY24/FY25 Statistics

1. Commission Meetings

In FY24, the Commission convened a total of 14 meetings, each with more than the

**FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE**

requisite quorum. The Commission held 11 regularly scheduled monthly meetings, which typically lasted between 4-6 hours each. The Chairperson convened 3 Special Meetings, one of which was held in Executive Session and each of which lasted between 1-2 hours. To date in FY25, the Commission convened for 6 regular monthly meetings, and 4 Special Meeting in Executive Session.

In FY25, 2 regular monthly meetings were held while there was a vacancy, which was filled in November 2024 by the DC Council. Based on filled Commissioner seats, in FY24 for regularly scheduled meetings, 6 meetings were attended by 100% of Commission members, 7 meetings were attended by 86% of Commission members, and 1 meeting was attended by 71% of Commission members. In FY25 to date, 5 meetings were attended by 100% of Commission members either in person or virtually and 1 meeting was attended by 71% of Commission members.

Certain changes in operations or exceptions to the Commission’s Rules can only be granted by full Commission action. On occasion, the Commission will act by Resolution. In FY24, the Commission acted by Resolution on 3 occasions, and in FY25 to date, on 2 occasions.

In FY24 and FY25, all Commission meetings had a quorum. No meeting was cancelled due to a lack of a quorum. No Commissioner terms will expire in FY25. Vice Chairperson Brenneman’s six (6) year term will expire on January 1, 2026.

2. Judicial Fitness Reviews

In FY24, the Commission conducted a total of twelve (12) judicial fitness reviews resulting in twenty-four (24) Commissioner reports (one internal and one external to the Chief Judge of the judge’s court), all of which related to the Commission’s review of prospective and current senior judges. No DC Court Associate Judge terms expired in FY24.

FY24 Fitness Reviews	Type	Term Length
Hon. Jennifer M. Anderson (DCSC)	Initial Senior Judge Appointment	4 years
Hon. Peter A. Krauthamer (DCSC)	Initial Senior Judge Appointment	4 years
Hon. Joan Zeldon (DCSC)	Senior Judge Reappointment	2 years
Hon. Gregory Mize (DCSC)	Senior Judge Reappointment	2 years
Hon. Robert S. Tignor (DCSC)	Senior Judge Reappointment	2 years
Hon. Patricia A. Wynn (DCSC)	Senior Judge Reappointment	2 years
Hon. Harold L. Cushenberry, Jr. (DCSC)	Senior Judge Reappointment	4 years

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

Hon. Zinora M. Mitchell-Rankin (DCSC)	Senior Judge Reappointment	4 years
Hon. Henry F. Greene (DCSC)	Senior Judge Reappointment	2 years
Hon. Vanessa Ruiz (DCCA)	Senior Judge Reappointment	2 years
Hon. Patricia A. Broderick (DCSC)	Senior Judge Reappointment	2 years
Hon. Robert E. Morin (DCSC)	Senior Judge Reappointment	4 years

Source: CJDT Records

In FY24, four (4) judges fully retired from the DC Courts, Hon. Rupa Ranga Puttagunta, Hon. Curtis E. von Kann, Hon. John R. Fisher, and Hon. Melvin R. Wright.

In FY25, the Commission’s fitness review docket is much larger than in years past. The Commission expects to handle four (4) associate judge fitness reviews and eleven (11) senior fitness reviews.¹⁶

FY25 Fitness Reviews	Type	Term Length
Hon. Marisa J. Demeo (DCSC)	Associate Judge Reappointment	15 years
Hon. Todd E. Edelman (DCSC)*	Associate Judge Reappointment	15 years
Chief Judge Milton C. Lee, Jr. (DCSC)*	Associate Judge Reappointment	15 years
Hon. Maribeth Raffinan (DCSC)*	Associate Judge Reappointment	15 years
Hon. John Steadman (DCCA)	Senior Judge Reappointment	2 years
Hon. Rhonda Reid Winston (DCSC)	Senior Judge Reappointment	4 years
Hon. Robert I. Richter (DCSC)	Senior Judge Reappointment	2 years
Hon. Stephen H. Glickman (DCCA)	Senior Judge Reappointment	2 years
Hon. Ronna L. Beck (DCSC)	Senior Judge Reappointment	2 years
Hon. Lee F. Satterfield (DCSC)	Senior Judge Reappointment	4 years
Hon. Eric T. Washington (DCCA)	Senior Judge Reappointment	4 years
Hon. Michael L. Rankin (DCSC)	Senior Judge Reappointment	2 years
Hon. Judith Bartnoff (DCSC)	Senior Judge Reappointment	2 years
Hon. Alfred S. Irving, Jr. (DCSC)	Initial Senior Judge Appointment	4 year
Hon. Anthony C. Epstein (DCSC)	Initial Senior Judge Appointment	4 year

- Green shading indicates the review is complete

* Indicates the review is ongoing

Source: CJDT Records

When an associate judge announces his or her retirement and seeks a recommendation for a senior judge appointment, the Commission’s workload must adjust to accommodate the increased work. Initial appointments to senior status are typically more in depth and similar to

¹⁶ This does not include memoranda requested of staff, or internal reporting on medical issues.

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

associate judge reappointment reviews.

In FY25 to date, two (2) DCSC associate judges who announced their retirement in Q1 FY25, completed favorable fitness reviews and received the Commission’s recommendation for initial senior judge appointments, Hon. Alfred S. Irving, Jr. and Hon. Anthony C. Epstein.

In FY25 Q1, two (2) DCSC senior judges announced their permanent retirement, Hon. Jeannette Clark and Hon. Gregory Jackson, which decreased the number of senior fitness reappointment reviews accordingly.¹⁷

The Commission notes that its busiest fitness review period in years will occur in FY26 with six (6) associate judge reappointments. Although four (4) of the judges’ terms expire in FY27 on the same day, November 28, 2026, their fitness reviews and, if appointed, reports to the President of the United States will need to be prepared and submitted in FY26. As such, they appear on the FY26 calendar.

FY26 Fitness Reviews	Type	Current Term Length
Hon. Yvonne M. Williams (DCSC)	Associate Judge Reappointment	15 years
Hon. Jennifer A. Di Toro (DCSC)	Associate Judge Reappointment	15 years
Hon. Dayna A. Dayson (DCSC)	Associate Judge Reappointment	15 years
Hon. John F. McCabe (DCSC)	Associate Judge Reappointment	15 years
Hon. Corinne A. Beckwith (DCCA)	Associate Judge Reappointment	15 years
Hon. Catherine F. Easterly (DCCA)	Associate Judge Reappointment	15 years
Hon. Herbert B. Dixon, Jr. (DCSC)	Senior Judge Reappointment	2 years
Hon Cheryl M. Long (DCSC)**	Senior Judge Reappointment	4 years*
Hon. Joan Zeldon (DCSC)	Senior Judge Reappointment	2 years
Hon. Gregory Mize (DCSC)	Senior Judge Reappointment	2 years
Hon. Robert S. Tignor (DCSC)	Senior Judge Reappointment	2 years
Hon. Patricia A. Wynn (DCSC)	Senior Judge Reappointment	2 years
Hon. Zoe Bush (DCSC)	Senior Judge Reappointment	4 years
Hon. Russell F. Canan (DCSC)	Senior Judge Reappointment	4 years*
Hon. Patricia Thompson (DCSC)	Senior Judge Reappointment	4 years
Hon. Thomas Motley (DCSC)	Senior Judge Reappointment	4 years
Hon. Henry F. Greene (DCSC)	Senior Judge Reappointment	2 years

¹⁷ Judge Clark will retire at the expiration of her term in March 2025. Judge Jackson fully retired at the end of calendar year 2024.

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

Hon. Frederick H. Weisberg (DCSC)	Senior Judge Reappointment	2 years
Hon. Vanessa Ruiz (DCCA)	Senior Judge Reappointment	2 years
Hon. Judith Smith (DCSC)	Senior Judge Reappointment	4 years
Hon. Patricia Broderick (DCSC)	Senior Judge Reappointment	2 years
Hon. Natalia Combs-Greene (DCSC)	Senior Judge Reappointment	4 years
Hon. Gerald I. Fisher (DCSC)	Senior Judge Reappointment	4 years*

* Indicates, given the judge's age, the judge's term will convert from 4 years to 2 years in the next review (in other words, the judge will be reviewed by the Commission every two years until he or she fully retires).

Source: CJDT Records

Total Judicial Fitness reviews from FY24-FY26, based on current term schedules:

Fitness Reviews / Retirements	FY24	FY25 (current schedule)	FY26 (current est.)
Associate Judge - DCSC	0	4	4
Associate Judge – DCCA	0	0	2
Senior Judge / Reappointments -DCSC	9	6	16
Senior Judge / Reappointments -DCCA	1	3	1
Senior Judge / Initial Appointments – DCSC	2	2	Unk.
Senior Judge / Initial Appointments – DCCA	0	0	Unk.
Retirements Associate Judge – DCSC	1	2	Unk.
Retirements Associate Judge – DCCA	0	0	Unk.
Retirements Senior Judge – DCSC	3	2	Unk.
Retirements Senior Judge - DCCA	1	0	Unk.
Total Judicial Vacancies – DCSC (to date)	13	Unk.	Unk.
Total Judicial Vacancies – DCCA (to date)	2	Unk.	Unk.

Source: CJDT Records

In FY23, Chairperson Kollar-Kotelly reported on improvements in the Commission's fitness review processes that continue and are standard practice today.

- Early notification to judges of relevant deadlines and more detailed guidance on submission requirements to improve predictability and consistency of submissions, while affording judges more time to prepare their submissions
- Implementation of digital processes to streamline submission and review of materials
- Increased public outreach to ensure that a wide range of confidential inputs can be considered including, but not limited to, the general public, local Bar associations, institutional litigants, court leadership, court administration, as well as court and chambers staff
- Increased information regarding the Commission's analysis for associate judge reappointments in its Reports to the President of the United States, which are publicly

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

available on the Commission’s website

- Increased feedback to judges for their awareness on strengths and opportunities for improvement based on comments received during the fitness review process, as well as other commentary received through periodic DC Bar Evaluations
- Updates to Judicial Medical Forms and Authorization for Medical Release Forms, including: (i) information required for physician certifications of medical fitness for judicial service (both physical and cognitive); (ii) additional required basic neurological and cognitive screening; and (iii) waivers to allow communications between physicians and the Commission and its designated medical consultant
- Engagement of a dedicated physician consultant to assist with all regular fitness reviews, as well as any periodic medical fitness reviews initiated by the Commission based on a judge’s disclosure or information received from another source

The Commission continues to review and improve upon these processes and will ensure its staff in the future adhere to early notification processes and provide support for judges so that the assigned Commissioner and the full Commission receive all necessary information to complete thorough reviews.

3. Judicial Cases / Complaints

In FY24, the Commission received 229 new judicial cases, more than double the judicial cases reported in FY23.¹⁸ As of March 2, 2025, during in less than two quarters of FY25, the Commission has already received 159 complaints (not including emailed or mailed complaints over the last month). If the FY25 pace continues, the Commission could receive over four hundred

¹⁸ The phrase “judicial case” refers not only to formal and informal complaints or concerns brought to the Commission’s attention by any means (i.e. complaint filing, emails, phone call, other communication) that require some form of Commission action, whether related to a DC Court judge or non-DC Court judge resulting in referrals to other jurisdictions. Some of the increase in judicial cases is due to improved reporting capabilities with the Commission’s new complaint system, which tracks all judicial cases that require Commission action, including summary dismissals that are referred to other state or federal commissions or courts. Now included in the reporting statistics are summary dismissals that require referrals to other federal and state courts and commissions. The Commission estimates non-summary dismissal judicial cases related to the DC Courts increased by 23% in FY24.

**FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE**

(400) complaints during the current fiscal year.

COMPLAINTS FILED AND TYPE OF ACTION	FY24	FY25 to date¹⁹
TOTAL COMPLAINTS	229	162²⁰
Summarily dismissals due to lack of jurisdiction over the judge or the court	69	81
Dismissed at first review ²¹	115	30
Preliminary investigation	37	28
Action by the Commission, including one public resolution	8	0
Removal	0	0
Involuntary Retirement	0	0

Source: CJDT Records

Extent of Investigation	FY24	FY25 to date
Tier 1 (minimal investigation and follow-up required)	165	114
Tier 2 (Includes, for example, reviews of audio files, court records, limited witness discussions and/or medical consultations)	53	25
Tier 3 (Tier 2 plus additional investigation, greater Commission oversight and Special Counsel reporting)	8	0
Tier 4 (Highest level of investigation, often extending over a period of months)	3	0

*Pending from FY24

Source: CJDT Records

Disposition of Judicial Case	FY24	FY25 to date
Dismissed for lack of jurisdiction	143	111
Dismissed for lack of merit	5	0
Dismissed for lack of merit and lack of jurisdiction	54	20
Dismissed with no action	19	8
Commission action, ²² including one public action, public letter to the Chief Judges of the DC Courts, and a related Rule change	8	0

Source: CJDT Records

¹⁹ “To date” is as of February 28, 2025.

²⁰ Currently, ninety-seven (97) cases are either under review or pending disposition. Given the Commission’s lack of current staffing, final disposition notices are taking longer than normal.

²¹ First review dismissals are dismissals upon initial presentment to the Commission based on the information and supplemental information provided by the complaint, if any, as well as limited additional information independently obtain through the Commission’s Special Counsel or staff.

²² Non-public actions can involve formal or informal conversations for awareness or reflection, private counseling or coaching, cooperative monitoring medical issues, or, in some cases, a more formal private letter or reprimand.

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

Of the 229 judicial cases filed in FY24, 77 judicial cases involved repeat complainants; and 26 judicial cases involving summary dismissal because they relate to ongoing litigation in the United States District Court or the Supreme Court of the United States resulted in a Commissioner's recusal or abstention. In addition, seventeen (17) cases filed in FY23 extended into and were resolved in FY24. Nineteen (19) judicial cases filed in FY24 extended into FY25, only one of which remains pending.

The Commission's goal is to review and respond to judicial cases as soon as possible.²³ Most judicial cases are presented to the Commission at the next Commission meeting, however, some may get held over to the following month if they come in too close to the scheduled meeting date and cannot be reviewed because the agenda is set or if they are received during the summer break and do not reflect a serious judicial case that requires immediate escalation. For more complex judicial cases or concerns, the Commission's review or monitoring may take longer.

If the filer sends a judicial case through the Commission's new online system, the filer will receive an automated response explaining the complaint process. In FY24, if a filer sent a judicial case via email or mail, the filer would receive a response at the time of disposition; in FY25, if the filer sends the complaint to the Commission's complaint email, the filer will get an acknowledgement at the time of submission (like the filing online with the judicial case management system). If a filer both sends emails and files online through the judicial case management system, where possible, the cases are merged and treated as one case.

²³ Given the continued development of the Commission's new judicial case management system in FY24, there were some delays loading judicial cases in certain months or during certain developmental phases. Response times currently are delayed due to the Commission having no staff. The Commission's response time will improve as soon as new staff are onboard.

**FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE**

Disposition Timing	FY24	FY25 to date²⁴
0-30 days	71	Not available
31-60 days	105	Not available
61-90 days	31	Not available
>90 days	22	Not available

Source: CJDT Records

4. FY24 Public Action, Public Letter to DC Court Chief Judges, and Related Commission Rule Update

On July 17, 2024, the Commission issued a “Determination and Undertaking” that included detailed findings of an investigation regarding Hon. Melvin R. Wright, who was then a senior judge of the Superior Court with a distinguished career as an Associate Judge. The investigation was initiated when the Commission received a formal complaint by a member of the public. The complaint provided detailed information regarding Judge Wright’s use of his court email in support of his private work as a mediator over a period of at least two years, including listing his court email on invoices seeking payment for services.

After contacting Judge Wright and ordering him to cease and desist using his Court email, Judge Wright conceded the conduct at issue, complied with the Commission’s cease and desist requirement and remediated the conduct, and fully cooperated with the Commission’s inquiry. As the Commission’s formal findings indicate, Judge Wright’s commingling of his court email with his limited personal business occurred after he retired as an Associate Judge and increased during the Covid-19 pandemic, in part, because he was more familiar and comfortable with his use of the Court’s email system than the gmail account he had initially set up for his business.

Given the specific facts of the case, after careful deliberation and as indicated in the Commission’s public filing:

²⁴ Due to the lack of current staffing and current technical issues, these numbers are not yet available. The Commission disposes of cases as quickly as possible, often within 30-60 days of receiving the complaints. Thereafter, , Special Counsel and/or Commission staff with the assistance of Special Counsel will prepare disposition letters explaining to the filer the Commission’s decision and staff will then close the Commission’s case file. If a case is summarily dismissed because it is filed in the wrong jurisdiction, the letter will refer the complainant to the correct jurisdiction.

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

[t]he Commission determined that a formal resolution [was] appropriate in this case, and that no further action [was] required, based on: (i) the totality of the circumstances, (ii) the harm to both the public, the Bar, and the judiciary when a judge misuses the prestige of the judicial office and/or improperly uses court resources for personal gain, even if unintentional; (iii) the importance of recognizing how even a negligent or careless crossing of the line can evolve into potentially more serious ethical mishaps; (iv) the fact that certain remediation concerns can only be accomplished with public notice, (v) the importance of awareness for the DC Courts, the Bar, and the public; (vi) deterrence of similar conduct in the future; and (vii) restoring and maintaining the public's trust in our courts.

[Determination and Undertaking](#) at 1-2. The Commission found that Judge Wright's conduct violated Canon 1, Rule 1.1 (Compliance with Law), Rule 1.2 (Promoting Confidence in the Judiciary), Rule 1.3 (Avoiding Abuse of the Prestige of Judicial Office), Canon 3 (Personal and Extrajudicial Activity), Rule 3.1 (Extrajudicial Activities in General). The Commission also stated:

The Commission did not make its decision to enter this Determination and Undertaking lightly. However, the Commission determined that the misconduct here is matched by affirmative judicial qualities, which makes a more draconian resolution inappropriate. For example, the Commission considered Judge Wright's impending permanent retirement after many years of distinguished service, his extensive service to the community, and his extraordinary contributions to the Melvin R. Wright Youth Law Fair, as well as his immediate acceptance of responsibility, cooperation, and steps to remediate the harm in this matter. The Commission recognizes Judge Wright for full and immediate cooperation, as well as his willingness to remediate his actions including: (i) his commitment to cease and desist use of his court email for anything unrelated to court business; (ii) removal of his court "dcsc.gov" email from all business-related documents going forward;³ (iii) confirmation that his private mediation email is on file with state registration authorities and Bar Associations; and (iv) consultation with Court leadership and the Advisory Committee on Judicial Ethics related to any data stored on the DC Court system. The Commission further notes Judge Wright's acknowledgement of the obligation of judges to know and comply with the Code of Judicial Conduct. See Canon 1, Rule 1.1 (Compliance with Law) and 28 DCMR § 2005.4 (Precedents).

[Determination and Undertaking](#) at 12.

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

The Commission issued a press release for public awareness.²⁵ In addition, based on the information and lessons learned in this matter, including Judge Wright’s lapse in judgment and the fact that he had not been an active sitting judge during his most recent term,²⁶ the Commission issued a Public Letter to the DC Court Chief Judges for dissemination to all judges for awareness and training purposes, and it announced an update to Commission Rule 2037.2 which now requires senior judges seeking the Commission’s recommendation for reappointment to proactively include in their written statement:

[t]he hours the judge is eligible to serve as a senior judge, the number of hours the judge intends to serve, and the number of hours the judge has served in the judge’s most recent prior senior judge term, if relevant. Further, the written statement shall disclose any current service or intention to serve in a private capacity as a mediator, arbitrator, or legal professional.

28 DCMR § 2037.2. Thereafter, the matter was closed.

5. Required Reporting

The Commission received, processed and reviewed over 110 Annual Financial Reports and supplements from judges in FY24. The Commission also received twelve (12) months of monthly timesheets for all judges in the DC Courts (over 1000 timesheets).

6. Public Engagement

In addition to the contacts above, in FY24, the Commission reviewed DC Bar Evaluations for twenty-six (26) judges. The Commission has or will discuss DC Bar Evaluations with many of these judges through meeting invitations or scheduled judicial fitness reviews for reappointments. In FY25, the Commission will receive DC Bar Evaluations for thirty-four (34) judges.

²⁵ [Commission on Judicial Disabilities and Tenure Resolves Disciplinary Matter with Senior Judge Melvin R. Wright, Issues Public Letter to DC Court Chief Judges on Extrajudicial Activities, and Adopts Rule Amendment for Senior Judge Fitness Reviews | cjdt.](#)

²⁶ Judge Wright intended to serve and was appointed during the summer of 2020, the year of the global pandemic. Due to limitations on the service of senior judges at that time and changes in his personal residence and family matters, Judge Wright’s service did not resume as the courts reopened and enlisted the help of senior judges. By 2024, it was his intent not to seek a recommendation for reappointment and to fully retire upon the expiration of his term.

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

7. Court / Judicial Engagement

In FY24, over the course of its regularly scheduled meetings, the Commission held meetings with judges on forty-five (45) occasions related to Court updates and Q&A sessions, fitness reviews, judicial cases, or DC Bar Evaluations. Commissioners and Special Counsel have many more informal interactions with the Chief Judges, Court leadership, and individual judges on various issues.²⁷

In addition, Commissioners and its Special Counsel regularly meet with new judges to explain, among other things, the Commission’s role, resources on ethical questions, annual financial requirements (AFRs). For example, in FY24, several Commissioners and Special Counsel Conway-Hatcher conducted three (3) sessions with six (6) newly appointed judges. Given the extensive information judges receive early on in their careers, the Commission now provides a letter with detailed background information and various resources for new judges. By standardizing its initial meeting and background information, the Commission’s goal is to ensure judges receive consistent information from the Commission to (i) create more predictability and awareness of the Commission’s role, mission, and statutory obligations, (ii) provide resources on judicial ethics; and (iii) make judges aware of statutory deadlines related to their judicial terms. The Commission will make continued updates and improvements to this letter as circumstances warrant. Newly commissioned, sworn Superior Court judges in FY24 include: Hon. Adrienne Noti, Hon. Katherine Oler, Hon. Danny Lam Nguyen, Hon. Charles Willoughby, Hon. Tanya Jones Bosier, and Hon. Judith Pipe.

B. Special Projects

Since FY22, the Commission has undertaken several special projects, each of which is intended to improve the effectiveness and efficiency of the Commission in achieving its statutory mission, as well as its service of the community and the DC Courts.

²⁷ This number is based on judges who appeared at FY24 Commission meetings for any reason.

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

1. Modernization Project

Since the immediate past-Chairperson Kollar-Kotelly’s last report to the DC Council, the Commission has made significant progress on its ambitious and critically important Modernization Project, which was funded with local DC budgetary support.

At its core, the Modernization Project is intended to move Commission operations from a largely paper-based process to a digitized system to meet present-day needs and to better serve the Commission’s stakeholders. Elements of the project have included: (i) essential technology upgrades; (ii) critical upgrades to our in-office network infrastructure; and (iii) implementation of a secure case management system to support the Commission’s core mission and operations.

In FY24, the Commission launched its new judicial case management system. In FY24-FY25, the Commission is digitizing fifty-five (55) years of paper records to securely maintain the records, track precedent, aid in the Commission’s evaluation of a judge’s performance over his or her years of judicial service, and assess trends on issues impacting the DC Courts (*e.g.*, impact of judicial shortages and increased caseloads, identifying potential areas for training, etc.).

a. Office Renovations

In FY24, the Commission completed office renovations, including substantial rewiring to accommodate technology upgrades. Minor renovation “punch list” items remain and will be addressed by permanent staff in the future.

b. Technology Upgrades

Technology improvements and upgrades are ongoing to improve the Commission’s functionality. On a regular basis, Commission staff and legal counsel evaluate progress and improvements with the technical development staff of its case management system, as well as to discuss integration options to enhance reporting capabilities, trend analyses, and improve response time to public concerns.

In November 2024, the Commission’s legal counsel implemented new interim complaint processes for its judicial case management system that will be further refined in FY25 to maintain continuity when permanent staff is hired.

Further, additional functionalities are under development to track judicial terms and ensure

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

early notification of deadlines to judges so that Commissioners have adequate time to conduct fitness reviews and prepare reports for full Commission review.

In Q2 FY25, with the assistance of its technical consultant, validated data was incorporated into the Commission’s case management system, enabling Commission legal counsel and staff not only to provide notifications to judges but to understand future work flows and to prepare advance planning by fiscal year for all fitness reviews.²⁸ With this new capability, the Commission has committed to proactively sharing important term information with the Judicial Nominations Commission (JNC), the DC Courts, and individual judges to ensure ongoing awareness of term expiration dates and to manage the work required for anticipated or actual judicial vacancies. The Commission also is considering an amendment to its rules to require retiring judges to notify both the Commission and the JNC of decisions to retire and their confirmed retirement dates in order to facilitate the JNC’s process for filling judicial vacancies.

c. Digitization of Files / Scan Project

The Commission’s project to digitize files is substantially underway. Although there has been a brief pause pending the hiring of new staff, the Commission expects to complete this project by the end of the calendar year 2025.

d. Commission Rules Updates

With the input and recommendations of its Special Counsel, the Commission updated its Rules on March 22, 2024 and August 2, 2024. The following Rules were updated and are available on the Commission’s website at [Commission Rules | cjdt](#) or [- DCRegs](#).

- Rule 2003 (Annual Financial Reports)
- Rule 2005 (Precedents)
- Rules 2030-2036 (Evaluation of Associate Judge Candidates for Reappointment)
- Rules 2037-2043 (Evaluation of Judges Requesting Recommendation for Initial

²⁸ In collaboration with the Commission and its staff, in September 2023, the DC Courts completed a term validation project in January 2024 and delivered the results to the Commission for confirmation with its records. Special Counsel Conway-Hatcher was called upon by the Commission to complete this work in September 2024. Results were shared with the DC Courts in early October 2024.

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

Appointment or Reappointment as Senior Judges)

These amendments are part of the Commission’s efforts to increase transparency for the public as well as for judges regarding certain obligations, to improve the quality of information received by the Commission, to improve the Commission’s efficiencies, and to provide clarity or address gaps that may be observed through investigation, public or judicial feedback, or the Commission’s own observations.

The Commission intends to review, analyze, and update other Rules regarding operational matters and complaints and investigations in FY26. This project was paused briefly due to other unexpected priorities.

See Appendix II, redline version of FY24 Commission Rule changes.

e. Annual Financial Reports

In FY24, the Commission updated its digitized process to allow judicial Annual Financial Reports (“AFRs”) to be submitted directly to its judicial case management system, as well as related written guidance for judges. This process took dedicated staff and developer time. Based on judges’ feedback to the former Executive Director in FY24, the Commission has directed technical improvements and will continue to monitor accessibility and functionality with required calendar year 2024 filings. Further, the Commission’s new judicial case management system has enabled the Commission to track and ensure that retiring judges who still have AFR filing requirements meet their statutory obligations. While additional technical improvements may be required in FY25, the tracking, review, and maintenance of these forms is already vastly improved and streamlined.

In Q2 FY 2024, the Commission published updated Rules to reflect more permanent changes that: (i) fully align the Commission’s processes with the statute and present-day standards, and (ii) formally implement updated procedures for public access requests while maintaining continued sensitivity for the safety and security of judges and their families. As further technical changes are made, the Commission will assess whether any further updates to Rule 2003 are required.

**FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE**

C. Commission Annual Reporting and Other Initiatives

Last year, then-Chairperson Kollar-Kotelly confirmed plans to re-introduce independent annual reporting by the Commission to share developments, annual statistics, budgetary information, and, where possible, increased transparency on the work of the Commission. The leadership team concluded that prior performance review plans and reports the Commission filed with the City Administrator’s Office vastly under-reported the volume and complexity of the Commission’s work. Chairperson Bess and the full Commission are committed to continuing annual reporting and making improvements to this reporting, as appropriate. The Commission’s plans to update the quality and content of its website will await new staff and be prioritized in FY26.

V. COMMISSION STAFFING AND SUPPORT

As discussed in Section I.B., the Commission traditionally has relied on an Executive Director, episodic FTE or contract assistance, independent outside contractors, and certain DC agencies who are required to provide specialized services by contract and/or statute.

As the FY24 AND FY25 (Ytd) BUD vs ACT report below shows, the Commission’s greatest budgetary expenses are the FTEs, contractors, and District agencies who support the Commission’s work.

FY24

Appropriated Fund	Appropriated Fund Description	Fund	Fund Description	Account Category Description (Parent Level 3)	Account Group	Account Group (Parent Level 1) Description	Program	Program Description	Sum of Revised Budget	Sum of Commitment	Sum of Obligation	Sum of Expenditure	Sum of Available Budget							
1010	LOCAL FUND	1010001	LOCAL FUNDS	PERSONNEL SERVICES	701100C	CONTINUING FULL TIME	100151	EXECUTIVE ADMINISTRATION	\$148,484.00	\$0.00	\$0.00	\$148,484.00	\$0.00							
					701400C	FRINGE BENEFITS - CURR PERSONNEL	100151	EXECUTIVE ADMINISTRATION	\$18,049.02	\$0.00	\$0.00	\$18,049.02	\$0.00							
				PERSONNEL SERVICES Total								\$166,533.02	\$0.00	\$0.00	\$166,533.02	\$0.00				
				NON-PERSONNEL SERVICES	713100C	OTHER SERVICES & CHARGES	100151	EXECUTIVE ADMINISTRATION	\$477,529.98	\$0.00	\$0.00	\$477,529.98	\$0.00							
				NON-PERSONNEL SERVICES Total								\$477,529.98	\$0.00	\$0.00	\$477,529.98	\$0.00				
				LOCAL FUNDS Total								\$644,063.00	\$0.00	\$0.00	\$644,063.00	\$0.00				
				4015	FEDERAL PAYMENTS	4015110	FEDERAL PAYMENTS - INTERNAL	PERSONNEL SERVICES	701100C	CONTINUING FULL TIME	100151	EXECUTIVE ADMINISTRATION	\$117,371.44	\$0.00	\$0.00	\$117,371.44	\$0.00			
									701400C	FRINGE BENEFITS - CURR PERSONNEL	100151	EXECUTIVE ADMINISTRATION	\$17,702.38	\$0.00	\$0.00	\$20,968.69	\$3,266.31			
								PERSONNEL SERVICES Total								\$135,073.82	\$0.00	\$0.00	\$138,340.13	-\$3,266.31
								NON-PERSONNEL SERVICES	711100C	SUPPLIES & MATERIALS	100151	EXECUTIVE ADMINISTRATION	\$1,800.00	\$0.00	\$0.00	\$1,800.00	\$0.00			
	712100C	ENERGY COMM & BLDG RENTALS	100151					EXECUTIVE ADMINISTRATION	\$1,231.49	\$0.00	\$0.00	\$1,003.93	\$227.56							
	713100C	OTHER SERVICES & CHARGES	100151					EXECUTIVE ADMINISTRATION	\$114,181.21	\$0.00	\$0.00	\$111,242.57	\$2,938.74							
	713200C	CONTRACTUAL SERVICES - OTHER	100151					EXECUTIVE ADMINISTRATION	\$163,626.00	\$0.00	\$0.01	\$163,625.99	\$0.00							
	715200C	P-CARD CLEARING ACCOUNT BUDGET TRACKING	0					NO PROGRAM	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00							
NON-PERSONNEL SERVICES Total												\$280,838.90	\$0.00	\$0.01	\$277,572.49	\$3,266.30				
FEDERAL PAYMENTS - INTERNAL Total												\$415,912.62	\$0.00	\$0.01	\$415,912.62	-\$0.01				
Grand Total								\$1,059,975.62	\$0.00	\$0.01	\$1,059,975.62	-\$0.01								

Source: OCFO

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

FY25

Appropriated Fund Description	Fund	Fund Description	Account Category Description (Parent Level 3)	Account Group (Parent Level 1)	Account Group (Parent Level 1) Description	Program	Sum of Revised Budget	Sum of Commitment	Sum of Obligation	Sum of Expenditure	Sum of Available Budget
LOCAL FUND	1010001	LOCAL FUNDS	PERSONNEL SERVICES	701100C	CONTINUING FULL TIME	100151	\$140,741.00	\$0.00	\$0.00	\$44,950.48	\$95,790.52
				701300C	ADDITIONAL GROSS PAY	100151	\$0.00	\$0.00	\$0.00	\$14,668.27	-\$14,668.27
				701400C	FRINGE BENEFITS - CURR PERSONNEL	100151	\$17,451.88	\$0.00	\$0.00	\$11,916.84	\$5,535.04
			PERSONNEL SERVICES Total				\$158,192.88	\$0.00	\$0.00	\$71,535.59	\$86,657.29
			NON-PERSONNEL SERVICES	713100C	OTHER SERVICES & CHARGES	100151	\$218,233.12	\$0.00	\$231,872.50	-\$15,872.50	\$2,233.12
			NON-PERSONNEL SERVICES Total				\$218,233.12	\$0.00	\$231,872.50	-\$15,872.50	\$2,233.12
LOCAL FUND Total			LOCAL FUNDS Total				\$376,426.00	\$0.00	\$231,872.50	\$55,663.09	\$88,890.41
FEDERAL PAYMENTS	4015110	FEDERAL PAYMENTS - INTERNAL	PERSONNEL SERVICES	701100C	CONTINUING FULL TIME	100151	\$199,320.00	\$0.00	\$0.00	\$48,940.22	\$150,379.78
				701300C	ADDITIONAL GROSS PAY	100151	\$0.00	\$0.00	\$0.00	\$80,590.44	-\$80,590.44
				701400C	FRINGE BENEFITS - CURR PERSONNEL	100151	\$24,715.68	\$0.00	\$0.00	\$10,615.91	\$14,099.77
			PERSONNEL SERVICES Total				\$224,035.68	\$0.00	\$0.00	\$140,146.57	\$83,889.11
			NON-PERSONNEL SERVICES	711100C	SUPPLIES & MATERIALS	100151	\$9,300.00	\$0.00	\$0.00	\$0.00	\$9,300.00
				712100C	ENERGY COMM & BLDG RENTALS	100151	\$6,374.85	\$3,384.10	\$0.00	\$223.98	\$2,766.77
				713100C	OTHER SERVICES & CHARGES	100151	\$247,444.87	\$0.00	\$136,786.93	-\$118,841.25	\$229,499.19
				713200C	CONTRACTUAL SERVICES - OTHER	100151	\$200,000.00	\$0.00	\$150,000.00	\$0.00	\$50,000.00
				715200C	P-CARD CLEARING ACCOUNT BUDGET TRACKING	150012	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
			NON-PERSONNEL SERVICES Total				\$463,119.72	\$3,384.10	\$286,786.93	-\$118,617.27	\$291,565.96
FEDERAL PAYMENTS Total			FEDERAL PAYMENTS - INTERNAL Total				\$687,155.40	\$3,384.10	\$286,786.93	\$21,529.30	\$375,455.07
							\$1,063,581.40	\$3,384.10	\$518,659.43	\$77,192.39	\$464,345.48

Source: OCFO

A. Commission FTEs, Other Contract/District Support and Related Matters

The Commission’s focus between FY22-FY24 on: (i) modernizing operations, (ii) evolving to meet the demands and realities of the present-day DC Courts, and (iii) maintaining high standards of excellence while managing exponentially higher volumes of work has resulted in many important achievements. However, after experiencing forty-seven (47) years with the continuity of service provided by one Executive Director, the Commission also faced internal staffing challenges.²⁹

In FY23 and again in FY24-FY25, Commission leadership and individual Commissioners have dedicated substantial volunteer hours to maintain operations and address staffing matters. Given the sensitive nature of its work and limited volunteer Commissioner capacity, the Commission has relied heavily on its outside legal counsel to support statutorily mandated work and a range of special projects, much of which is legal in nature. In addition, in Q4 FY24, the Commission directed Special Counsel to undertake extensive, unplanned legal work on an

²⁹ The Commission also experienced staffing challenges during the COVID-19 pandemic but was limited in its ability to bring new staff onboard. Although Commission leadership secured funding for a second FTE, such a position was not posted or filled until FY24. The then-Executive Director did re-hire on a limited basis a temporary staff assistant, who had worked previously for the Commission in the early 2000 time period, to help with AFR processing, typing, and paper filing.

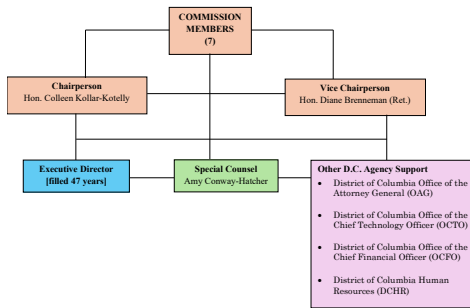
FY24 ANNUAL REPORT

DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

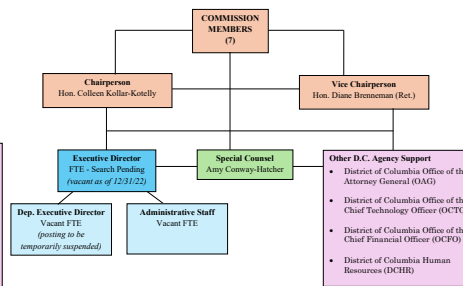
emergency basis, resulting in *inter alia* operational changes and safeguards to ensure timely fitness reviews of judges. The Commission also transitioned significant legal-related writing and correspondence to legal counsel. In November 2024 and again in December 2024, the Commission passed unanimous resolutions which, among other things, designated its Special Counsel as Interim Executive Director with a scope of responsibility covering statutory mission-related duties, in order to ensure the timely execution of the Commission’s statutory mandates during the period of FTE staffing gaps.

The Commission’s FY22-FY25 organizational charts below provide an overview of staff transitions, as well as the current lack of FTE employees and the positions for which the Commission is actively recruiting.

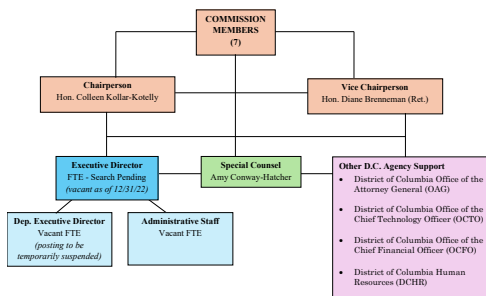
COMMISSION ON JUDICIAL DISABILITIES AND TENURE ORGANIZATIONAL
FY22 ORGANIZATIONAL CHART



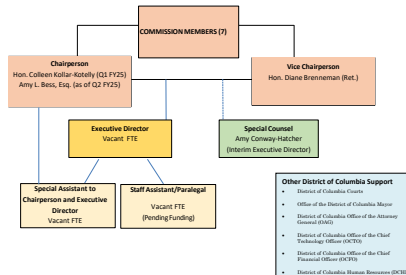
COMMISSION ON JUDICIAL DISABILITIES AND TENURE ORGANIZATIONAL
FY23 ORGANIZATIONAL CHART



COMMISSION ON JUDICIAL DISABILITIES AND TENURE ORGANIZATIONAL
FY23-FY24 ORGANIZATIONAL CHART



COMMISSION ON JUDICIAL DISABILITIES AND TENURE ORGANIZATIONAL
FY25 ORGANIZATIONAL CHART



Source: CJDT FY22-FY25

*Executive Director position filled from July 2023-Dec. 2024. Currently vacant.

While the Commission is pleased to report that it has maintained uninterrupted mission-critical operations, these staffing setbacks came with substantial challenges for appointed Commissioners who are unpaid volunteers and busy professionals and highlighted the need for

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

carefully restaffing highly motivated, well qualified and experienced FTEs with skillsets aligned with the Commission’s unique statutory mandates, standards of excellence, sensitivities, and mission.

Further, given the realities of a two FTE office and its unique structure, the FY24-FY25 experience highlighted the Commission’s need to ensure excellent and timely client service and guidance from District agencies to: (i) support the agency, its staff and advisors, especially in periods of transition, (ii) help the Commission manage standards of excellence in employee performance and accountability, and (iii) ensure failsafe contingencies and continuity of support in the event FTEs are not available or leave employment. These steps and partnerships are essential to avoid disruption in the Commission’s ability to address pressing ethics and disability concerns, as well as timely reappoint or recommend associate and senior judges to our City’s already overburdened Courts.

B. Interim Coverage and Restaffing

Given the Commission’s status as a public, independent agency, funded by federal and District dollars, this section describes operational challenges that directly relate to contract and budget expenditures, and the Commission’s plans for restaffing in FY25, including the addition of a third FTE.

1. FY23 Staff Transition

Following the retirement of the Commission’s long-standing Executive Director in FY22, the Commission selected Vice Chairperson Brenneman to directly oversee agency financial and budgeting matters.³⁰ The Commission and its leadership relied heavily on Special Counsel to handle operations related to its statutory mission.³¹ The interim Executive Director duties that legal

³⁰ Vice Chairperson Brenneman’s role during that time was effectively a volunteer FTE. This is not something Commissioners are typically able to do nor will or can it be replicated.

³¹ To minimize disruption for judges in meeting their statutory obligations and to ensure that the Commission’s obligation to timely address public concerns regarding judicial conduct or ethical issues, Special Counsel expressed

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

counsel assumed, aligned with her integral involvement in the Commission’s modernization effort to, among other things: (i) build a more robust complaint submission and review system, (ii) ensure the Commission’s records and important precedent are preserved and statutory requirements are met, and (iii) increase the Commission’s outreach to the public, judges, and important stakeholders in an effort to improve the quality of information the Commission receives.

Thus, in addition to critical legal duties during the FY23 timeframe, Special Counsel handled: (i) Commission meeting planning and post-meeting action items; (ii) judicial fitness review planning, reviews, and related report and memo drafting, (iii) annual reporting for the Commission; (iv) statutorily required annual financial reporting for judges; (v) planning and executing on digitizing certain operations and related office renovations, including the judicial case management system, and (vi) all basic office functions. The interim Executive Director duties were commissioned under a short-term fixed fee contract to reduce costs to the Commission and not commingle traditional outside legal services with special legal projects and operational mission needs. Although the interim role was initially anticipated to be short-term, the Commission had to extend the contract multiple times to cover specific needs, further staffing shortages and/or staff PTO.

During Q2-Q3 FY23, based on reports from Vice Chairperson Brenneman and Special Counsel, the Commission recognized it was understaffed, and that operations and technical support needed to be overhauled and streamlined to align with present day standards.³² The Vice Chairperson and Special Counsel reported regularly to the Chairperson and the Commission on

her willingness to take on these additional responsibilities on a temporary basis pending the hiring of a new Executive Director. However, Special Counsel declined the Commission’s invitation to apply for the Executive Director position, preferring to limit her role as an outside advisor whose day-to-day full-time Commission involvement will necessarily decrease over time.

³² In FY21-FY22, the Commission office understaffing had already resulted in increased demands for Special Counsel’s time on a variety of projects. The Chairperson and Vice Chairperson advocated for the posting of a second position, which was funded, but had not been posted by the former Executive Director and DCHR. With the help of the Commission’s employment legal counsel at the Office of the Attorney General, Commission leadership posted the Deputy Director position in 2022; however, upon the Executive Director’s retirement, the Commission pivoted to focus on the Executive Director’s replacement as an immediate priority.

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

the extensive hours worked and tasks undertaken to reach agreement on prioritization of the Commission's modernization and strategic outreach goals while also executing the Commission's statutory mission.

2. FY23-FY24 Restaffing

In Q4 FY23, the Commission hired a new Executive Director, who worked closely with the Vice Chairperson to support the transition of financial and budgetary responsibilities, relieving the Vice Chairperson of some volunteer duties. Working under the supervision of the immediate past Chairperson and Vice Chairperson, and with support from Special Counsel,³³ the Executive Director assumed responsibility for certain mission-based duties, such as judicial fitness reviews and annual financial reporting while also taking over all office functions and DC agency interactions.³⁴

Given the sheer volume of work, Commission leadership asked Special Counsel to continue providing critical Commission support until the Executive Director hired and onboarded a second FTE to assist her. Based on the Executive Director's assessment of office needs and reclassifying the second FTE from a Deputy Director to an Administrative Officer focused on digitizing and records management, office policies and administrative work. After initiating discussions with DCHR and OCFO by late August/early September 2023, the Executive Director filled the 2nd FTE role in March 2024 with a start date in mid-April 2024. After the 2nd FTE was onboarded by the Executive Director, Special Counsel transitioned all remaining operational special project duties to Commission FTE staff and concluded the special project, fixed fee contract at the end of May 2024.

³³ Special Counsel made clear her desire that this be a limited arrangement in time and scope.

³⁴ In hindsight, the Commission and its Executive Director candidly underestimated the challenges presented by having only one FTE charged with running the Commission office, learning the job, navigating DC government required training and bureaucracy, and searching for and recruiting an additional staff person, all while maintaining the Commission's standards of excellence, statutory confidentiality and sensitive internal information on judges, and managing the flow of requisite judicial work amidst the challenges of modernizing a government office that had been operated exclusively in a paper environment since 1970.

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

3. Q3-Q4 FY24 Mission-Related Challenges

Despite the need to address several unplanned complex legal matters including a public resolution with a judge, by the end of Q3, the Commission’s legal services expenditures were on pace to meet or just slightly exceed budgeted levels. However, additional unplanned work in Q4, some performed on an emergency basis, resulted in FY24 legal services exceeding budget by more than anticipated.

In July 2024, Special Counsel was directed by Commission leadership to undertake unplanned work, including legal writing and correspondence, when a Commission staff member went on leave unexpectedly for several weeks. Given the circumstances and brief time period, the Special Counsel did so at substantially reduced legal rates.

In parallel, during July and throughout August 2024, the Chairperson and Vice Chairperson became aware of mission-related deficiencies, leading to full Commission reporting by early September and the transition of defined mission-related responsibilities from FTE staff to legal counsel in September. These decisions were made by a unanimous vote of the Commission and required oversight by individual Commissioners who donated extensive volunteer hours. The Commission further directed legal counsel to assess and confirm that the Commission was meeting statutory requirements, and to recommend internal procedural changes to mitigate future risks and to automate certain tasks. This work was undertaken with urgency and in short order with Commission oversight and direction regarding the need for immediate corrective actions.³⁵

4. FY25 Staff Transition

At Q1-end FY25, the Executive Director retired. During a period of approved leave prior to retirement, a unanimous Commission asked Special Counsel to continue oversight of previously transitioned mission-based responsibilities alongside Vice Chairperson Brenneman, similar to

³⁵ After working significant hours in September, including contributing substantial pro bono and unbilled time, Special Counsel indicated her strong desire to reduce hours and transition duties in the near term. Due to concerns related to challenges discovered in August and September, however, and for reasons that remain confidential, the Commission asked Special Counsel to stay on in an interim role with its firm commitment to retransition duties as soon as possible.

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

their FY23 partnership. On November 13, 2024, by unanimous vote and pending the Commission’s recruitment of a new Executive Director, the Commission designated its outside legal counsel to serve as Interim Executive Director, and Vice Chairperson Brenneman to undertake responsibility for all financial and budgetary matters.³⁶ After consultations with DCHR and the Office of the Attorney General, in January 2025, Chairperson Bess concluded the services of the Commission’s 2nd FTE who was still on probationary status.³⁷

In Q2 FY25, the Commission and its leadership have been focused on hiring new FTE staff while supporting Special Counsel in seamlessly carrying out the Commission’s core statutory responsibilities. In reality, this has been a daunting task for legal counsel, Chairperson Bess, and other Commissioners.

5. District Government Support

During this period where the Commission has no FTE staff, and similar to the period in FY23 described above where the Commission also was without staff temporarily, the Commission has received some assistance from other agencies including, for example, OAG, the Office of the Chief Technology Officer (“OCTO”), DCHR, and the Office of the Chief Financial Officer (“OCFO”). While the Commission is grateful for the assistance of these District agencies, given the very small size of the Commission, assistance from District agencies does not always come easily nor are such agency staff typically familiar with the Commission’s mission, unique structure, or its independent agency status.³⁸ Further, even where the Commission has contracts in

³⁶ The decision was reaffirmed in a second updated December resolution that removed certain confidential personnel information.

³⁷ The terminated probationary employee has since filed a claim before the Office of Employee Appeals (“OEA”) on a range of issues, which the Commission is responding to and will defend with support from OAG legal counsel.

³⁸ The Commission’s former Executive Directors have previously expressed frustration with District agency support given its small size; the lack FTE staff magnifies exponentially such challenges. What might be a reasonable several months long FTE position classification and posting process for some agencies can have a devastating and material impact on an agency with one or no employees. Similarly, an 8-week process to acquire a laptop due to the lack of a “P-card” can further compound the lack of staffing problem and frustrations if other contractor or intern options must wait due to lack of equipment or standard office supplies. In addition, frozen invoices mean contractors who expend

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

place for services, District agencies are not always aware of how delays in service or lack of response to inquiries can negatively impact a Commission with volunteer members who are neither District employees nor intimately familiar with District agency structures, requirements, or bureaucracy.³⁹ While Special Counsel has worked considerable hours to cover mission-related statutory responsibilities and the Commission remains operational in certain areas, it has been literally frozen or severely challenged in other areas due to the lack of DC employee staff. This, combined with challenges or delays in District agency response times to obtain essential services that may be reasonable for other agencies, can have an exponentially greater impact on the Commission.⁴⁰

Individual Commissioners personally contacted Mayor Muriel Bower for her office’s assistance, which was provided with a sense of urgency. The Commission is very grateful to Mayor Bowser and her leadership team for detailing an employee from the Office of Legal Counsel (“OLC”) to help the Commission navigate DC agency interactions, the recruitment of new staff, and timely payment of Commission invoices and fiscal responsibilities. Yet, despite the

personal funds to get basic office supplies, including postage stamps, because there is no other way to maintain basic operations, are left carrying unfair business expenses without timely reimbursement.

³⁹ For example, despite the Commission Chairperson’s and Vice Chairperson’s repeated requests for assistance to its Agency Financial Officer (“AFO”) and his OCFO supervisor, many of the Commission’s requests have gone unanswered and unaddressed. On February 14, 2025, however, without addressing prior formal requests from the Chairperson, the Commission’s AFO stated in an email: “[t]he submitted invoices have been on hold for 59 days and are now 29 days over the 30-day limit as stated in the District’s Quick Payment Act. The vendor, at their discretion, can request interest payment on any outstanding invoices that have been submitted and not paid within 30 days. This creates an additional liability and cost to the agency and the District.” Rather than present a solution or discuss the matter with the Commission or its leadership, OCFO sent the Commission a violation notice. The Commission’s inability to pay its bills was exacerbated by the fact that no Commissioner was a DC government employee. Despite their apparent legal right to do so, the Commission’s vendors have not charged interest to the Commission even though invoice payments were delayed in some cases by several months. Further, despite the Commission’s persistent efforts since February, position postings to recruit for new FTEs, the [Executive Director position](#) was posted by DCHR on Thursday, March 20, [Executive Director - Commission on Judicial Disabilities and Tenure | DCHR](#); as of the finalization of this report on Friday, March 21, the Special Assistant FTE remained unposted, but was expected later in the day.

⁴⁰ For instance, the Commission was unable to pay its invoices for several months due to its lack of FTE staff with PASS access, and experienced significant challenges with updating and posting FTE positions due to inexplicable barriers in obtaining timely and necessary support from DCHR.

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

Mayor’s personal support, the Commission’s work continues to be strained by lack of and/or slow DC agency responsiveness.

In addition to setting priorities for new FTE staff to draft and implement detailed operational best practices and necessary for ensuring future continued compliance with applicable District and federal guidelines, while also requiring transparency with the Commission and its leadership, the Commission will be working with the DC Council’s and Mayor’s staff to better position the agency for the future.⁴¹ While this Commission has always been a “working Commission”, volunteer, appointed Commissioners must have the right level of support from FTEs, outside contractors it selects, and DC agencies to perform their Commission roles. Under its statute and Rules, the Commission’s Chairperson has certain oversight responsibilities that can

⁴¹ During the preparation of this report, the Commission was made aware of an “agreement” between its former staff and AFO in October that was never disclosed to the Commission or its leadership by either party nor authorized by the Commission. The agreement stated:

Compliance

The Office of the Chief Financial Officer has implemented requirements effective for invoices in August and September of FY2024 and moving forward. OCFO requires that invoices must include such as dates of services provided within each month, number of hours of service, and the hourly rate, and a detailed description of services provided. The invoices previously submitted, and approved by OCFO did not show these details. The Executive Director negotiated on behalf of the Commission with the OCFO and gained agreement that the documentation provided will not include detailed descriptions.

For your awareness and context, the absence of this information made it difficult for OCFO to perform required oversight and confirm that the amounts charged and paid were as per the contract, delivered as agreed, and properly accumulated to match expenses. Further it is the obligation of the Commission and the OCFO in partnership to ensure that Uniform Standards for Public Accountability for consistent procurement and contracting are followed and to ensure accountability and transparency in the use of public funds.^[1] Lastly, submitting invoices that do not adhere to specified requirements poses a significant risk of non-compliance during audits. This can lead to potential penalties or disallowances of costs, affecting both financial accountability and the reputation of the Commission. ^[1] See D.C. Code § 2-351.02; 2 CFR § 200.302(b)(1); 2 CFR § 200.323; 2 CFR § 200.328.

The Commission takes its compliance obligations seriously and, in the future, will require DC partner agencies to copy the Commission Chairperson on any non-compliance notifications or “agreements.” The Commission has taken corrective action to provide the additional hours and effective hourly rate information requested for all FY24 invoices.

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

be delegated as needed to other Commissioners but, this role, also is not and cannot be a full-time role.

Commission leadership and its legal counsel will continue to engage with District partners to discuss support and contingency plans going forward. Based on experience and reports from legal counsel, even with two FTEs, the Commission remains in a precarious position if one or both staff members become unavailable for any reason. In addition, the Commission's recent experiences in obtaining the necessary support needed to carry out its statutory mission emphasizes the Commission's need for appropriate partnerships with and support from DC government agencies that are more sensitized to their legal obligations, and the needs of the Commission and its leadership. The Commission also has requested that DCHR advise it on employee performance standards to ensure that future Commission employees understand and are accountable for meeting the high-performance standards of the Commission, and that Commissioners remain fully informed in an appropriate way.

6. Additional Staff

In addition to contingency planning and ensuring that future FTE hires have the requisite experience and skill to meet the Commission's high performance and client service standards of excellence, Commissioners and its legal counsel are closely reviewing the substantially increased workload anticipated in FY26-FY27 and FTE staffing necessary to support it. Subject to budget availability, the Commission will add an additional FTE to assist the existing two FTEs (now vacant), one of whom will be inevitably charged with dedicating substantial time managing relationships with DC agencies.

Following recent reviews of the Commission's overall workflows (current and future), FY planning, and other discussions among Commissioners and DC partners, the Commission has adjusted its FTE staff and recruiting plan. The Commission will now recruit for an Executive Director and a Special Assistant to the Chairperson and Executive Director. The Special Assistant role is intended to alleviate some of the burdens on the Chairperson, in addition to providing the necessary operational and legal support. The 3rd FTE also is an essential component of the Commission's future operations. Recent experiences have convinced the Commission that it can

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

never again be left in the precarious position of relying exclusively on just one or two FTEs to carry out its statutory mandates. In the event of unexpected challenges, such as the unplanned need of an FTE to take leave or where an FTE experiences performance challenges, it is unreasonable to presume that busy volunteer Commissioners with full-time jobs can dedicate the time needed to “fill in,” nor is it sustainable or desirable to assume exclusive reliance on its outside legal counsel to bridge the gap in the event of such emergencies.

Once the Commission onboards, fully trains, and executives appropriate knowledge transfer to new FTEs, the Commission intends to honor its commitment to its legal counsel that it will decrease her hours as planned.⁴² In the future, the FTE positions will be responsible for most of the Commission’s operations, provide important support of Commissioners in the performance of their duties, and, where possible, assist collaboratively with legal projects in order to limit the services required of an independent legal counsel.

In summary, from a risk management standpoint, based on its FY22-FY25 staffing experiences, the Commission believes its ongoing and planned changes will better position the agency for the future.

7. FY25-FY26 Goals

In the short-term and with the support of an employee detailed part-time from Mayor Muriel Bowser’s Office of Legal Counsel, the Commission is focused on: (a) maintaining its operations and statutory responsibilities; (b) timely paying its invoices; (c) recruiting and hiring highly trained and skilled staff capable of supporting the mission of the Commission to ensure public confidence in the DC Courts, while ensuring the Commission remains in compliance with District and Federal requirements for budgeting and meeting its financial commitments as an independent agency.

⁴² While Special Counsel will provide collaborative transition support until the Commission stabilizes with permanent staff, she can no longer maintain what all agree are unreasonable hours without support, which in some months have exceeded 200-300 hours, nor should Special Counsel bear the burden of being the Commission’s sole “contingency plan” or responsible for training and oversight of DC employee staff (or Commission remediation related thereto).

**FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE**

Further, the Commission will recruit candidates who have the appropriate skillsets, initiative, flexibility, and mindset to work collaboratively in a small Commission setting on highly sensitive matters that require high standards of excellence, strong writing skills, and proactive communications and collaboration. Recent experience also has made clear that its ability to partner with District agencies is dependent on having the right staff in place who have the (i) appropriate stature, confidence, and experience to both be attuned and committed to the Commission’s mission and its high standards of excellence, (ii) experience working in a small, highly collaborative and dynamic office, and (iii) ability to navigate and manage the ongoing responsibility of procuring and managing the services of other District agencies and assuring that the Commission office has the appropriate policies and guidelines in place to meet its compliance responsibilities.

C. Financial / Budget Updates

The FY24 and FY25 financial and budget updates below reflect budget versus actual spend for the individuals, agencies, outside consultants, and others who support both the Commission’s mission and the appointed volunteer Commission members in their critically important and increased workload. Without the necessary support of these individuals and agencies, the Commission would be unable to manage its current and future caseload and statutory requirements.

1. Commission FTE Staff

Commission FTE Staff is funded by both Federal and District funds.

a. FY24 – FTE Budget v. Actual Spend

In FY24, the Commission had two FTE staff members. Budgeted costs and actual expended costs for Commission staff positions in FY24 are reported above at [FY24FY25BudvActReport](#).

b. FY25 FTE Budgeted Costs (before staff transition)

The FY25 budget for two FTE staff members prior to staff transition is below.

Commission on Judicial Disabilities and Tenure											Vacancy Status		FTE					
FY 2025 SCHEDULE A											Filled	0.00	Vacant	2.00				
											Total		2.00					
Agency Code	Fiscal Year	Program Code	Cost Center	Filled, Vacant or Frozen	Position Title	Employee Name	Hire Date	Salary	Fringe	FTE	Reg/Temp/ Term	Grade	Step	Filled by Law Y/N				
DQ0	25	100151	80023	V	Executive Director			199,320.00	24,715.68	1.00	Reg	11	0	N				
DQ0	25	100151	80023	V	Administrative Officer			140,741.00	17,451.88	1.00	Reg	15	0	N				
AGENCY GRAND TOTAL								\$ 340,061.00	\$ 42,167.56	2.00								

Source: OCFO

**FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE**

c. FY25 FTE Budgeted Costs (after staff transition)

Positions for two new FTE positions have been classified, and FY25 budgeted costs for the updated FTE positions will be updated once candidates are identified. The additional 3d FTE position budgeted costs will be considered soon.

2. FY24-FY25 Interagency Funding

The Commission receives the following contracted services from other District agencies, including the Office of the Attorney General (database development), DCHR (employment), and OCTO (technology).

FY24

SELLER AGENCY	SERVICE PROVIDED	MOU DURATION	AMOUNT
CB0 - OAG	Development, implementation and support of records digitization system	10/1/23 - 9/30/24	\$ 124,902.89
CB0 - OAG	Support of records digitization system - Extension	3/31/23 - 12/31/23	
TO0 - OCTO	IT Assessment	10/1/23 - 09/30/24	\$ 9,910.46
AM0 - OFRM	Telecomm services for DCNet and Non-DCNet	10/1/23 - 09/30/24	\$ 6,827.86
PO0 - OCP	P-Card services	10/1/23 - 09/30/24	\$ 18,000.00
			\$ 159,641.21

Source: OCFO

FY25

Attachment IV-Interagency Funding										
Agency Name: COMMISSION ON JUDICIAL DISABILITIES AND TENURE (DQ0)										
FY25 Amount	Charging Agency FTEs	Charging Agency (Seller)	DIFS Project Descr	DIFS Program	DIFS Cost Center	Account	Fund	DIFS Project #	Description of Service	
\$ 7,500.00	0 PX0		DQ0.PCRDDQ	100151	80023 711100C	4015110	4015110	202785	P-Card Purchases	
\$ 778.48	0 AM0		DQ0.I23DQ0.TELECOMM - NON-DCNET	100151	80023 712100C	4015110	4015110	400207	Non-DCNet Services	
\$ 7,500.00	0 PX0		DQ0.PCRDDQ	100151	80023 713100C	4015110	4015110	202785	P-Card Purchases	
\$ 2,101.74	0 TO0		DQ0.500245.IT ASSESSMENT.CLOUD INFRASTRUCTURE	100151	80023 713100C	4015110	4015110	400205	OCTO Assessment - Cloud Services	
\$ 5,596.37	0 AM0		DQ0.DNTDQ1.DCNET	100151	80023 713100C	4015110	4015110	400206	DCNet Services	
\$ 333.68	0 TO0		DQ0.500235.IT ASSESSMENT.OCTO HELPS	100151	80023 713100C	4015110	4015110	400208	OCTO Assessment - OCT Helps Services	
\$ 9,403.55	0 TO0		DQ0.500237.IT ASSESSMENT.WEB SERVICES	100151	80023 713100C	4015110	4015110	400209	OCTO Assessment - Web Services	
\$ 2,472.00	0 BE0		DQ0.DCHR SERVICES	100151	80023 713200C	4015110	4015110	401322	DCHR Services	
\$ 1,112.00	0 TO0		DQ0.OCTO BOX LICENSING	100151	80023 713100C	4015110	4015110	401924	OCTO Assessment - Box Licensing	
\$ 126501.43	0 CE0		DQ0.CJDT RECORDS AUTOMATION PROJECT	100151	80023 713100C	4015110	4015110	401376	OAG Records automation and support	
\$ 163,299.25										

Source: OCFO

3. FY24-FY25 Contracts / Procurement – Outside Contractors/Vendors

The Commission receives services from outside contractors for services that include: (i) technology licenses, (ii) records management (scanning of paper files); (iii) office renovation; (iv) medical consulting; (v) outside legal counsel; and (vi) special project legal services (list below as “fixed fee admin support”).

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

FY24 Contracts⁴³

FY	Vendor Name	PO#	Nature of Contract/Procurement	Procurement Type	Amount		Funding Source	Contract Number	Contract Term
					Amount Ordered	Expended			
2024	Carahsoft Technology Group	PO685552	SalesForce Licences - 1 Yr.	Procurement/PO Only	\$ 25,521.94	\$ 25,521.94	Federal Payment	GS-47QSWA18D008F	1yr
2024	Dr. Colette Magnant	N/A	Medical consulting to CJDT	Contract	\$ 4,000.00	\$ 4,000.00	Federal Payment	230003	1yr
2024	Schertler & Onorato LLP	PO702582	Legal Services	Procurement/Contract	\$ 209,529.98	\$ 187,657.48	Local Fund		1 1yr
2024	Schertler & Onorato LLP	PO702585	Fixed Fee Admin Support	Procurement/Contract	\$ 120,000.00	\$ 90,000.00	Federal Payment		2 1yr
2024	Schertler & Onorato LLP	PO713522	Legal Services	Procurement/Contract	\$ 45,000.00	\$ 45,000.00	Federal Payment		1 1yr
2024	Superior Court of DC	PO713853	Office Renovation	Contract	\$ 93,248.55	\$ 93,248.55	Federal Payment	2024	
2024	Quality Associates, Inc	PO709834	Records Management Digitization	Procurement/PO Only	\$ 25,810.00	\$ 25,810.00	Federal Payment		1yr

Source: OCFO

FY25 Contracts

FY	Vendor Name	PO#	Nature of Contract/Procurement	Procurement Type	Amount Ordered	Amount Expended	Funding Source	Competitively Bid	Contract Number	Contract Term
2025	Schertler & Onorato LLP	PO717460	Legal Services	Procurement/Contract	\$ 210,000.00	\$ -	Local Funds		FY25 Addendum 2 & 3	1yr
2025	Quality Associates, Inc	PO717459	Records Management Digitization	Procurement/PO Only	\$ 17,742.00	\$ 4,203.82	Federal Payment			
2025	Dr. Colette Magnant	N/A	Medical consulting to CJDT	Contract	\$ 24,330.00	\$ 6,000.00	Local Funds			1yr

Source: OCFO

a. Licensing (Judicial Case System)

The Commission’s MOU with the Office of the Attorney General includes the cost of licensing for its new case management system. These costs were within budget for FY24 and are expected to be within budget for FY25.

b. Quality Associates, Inc. (“QAI”) (Scanning and digitization)

In FY24-FY25, the Commission selected and executed a contract with QAI to securely scan paper files. This project is ongoing and within budget.

c. DC Courts (Office Renovation)

The Commission office space, located in Building A of the DC Superior Court, was significantly outdated, including decades old wiring. In FY23-FY24, the Commission negotiated and executed a contract with the DC Courts and completed renovations of its office space in FY24. The renovation was concluded in FY24 under budget with minor punch list items remaining.

d. Medical Consultant

The Commission’s medical consultant, Dr. Colette Magnant, MD, has been contracted with the Commission since mid-FY23. She advises on all judicial medical fitness reviews and special medical

⁴³ This list underreports the medical consultant expenditures based on internal records. The Commission has notified its AFO. FY24 expenditures for the medical consultant are similar or the same as FY25.

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

matters. In FY24 and FY25, the Commission has continued its contracts with Dr. Magnant, which are estimated at \$24,000 per year.

e. Outside Legal Services - Special Counsel

The Commission's legal services contracts with its outside legal counsel for the last several years has been budgeted for \$210,000.00 annually.⁴⁴ Special Counsel's work is directed by and directly overseen by the Chairperson, Vice Chairperson and, at certain times either the full Commission or designated individual Commissioners who may be delegated to advise on a particular matter. In certain circumstances, the Commission may authorize Special Counsel to rely upon other resources on discrete matters from her law firm. The standard rate charged by Special Counsel to the Commission typically is \$375.00 per hour prior to any applied discounts.⁴⁵

The Chairperson, Vice Chairperson, and the full Commission receive regular briefings on legal matters by email and at monthly and special meetings. In addition to receiving attorney-client written work product or oral briefings, the Commission Chairperson and Vice Chairperson review detailed privileged and confidential attorney billing descriptions, as well as a corresponding summary invoices each month. Once the invoice with detailed billing descriptions is approved by Commission leadership, the approved corresponding summary invoice is uploaded to the DC

⁴⁴ The Commission's statutory work and mission (largely legal in nature) require that it commit comparable expenditures for critical legal services. From FY20-FY21, based on strategic decisions made by the Commission and its leadership team essential to effectuating its statutory mission, the Commission increased its reliance upon attorney-client privileged and confidential documentation in connection with its review, preliminary investigation, and disposition of Commission complaints, as well as with regard to sensitive judicial medical reviews and other public or private actions undertaken by the Commission. After legal counsel completed several labor intensive legal matters in FY19-FY21, charging substantially under market hourly rates that had been in place since before 2010, as well as contributing extensive *pro bono* hours, the Commission and its leadership team modified its legal services contract with Special Counsel. Such modified contract still provided the Commission the benefit of significantly discounted (but more fair) rates, commensurate with the nature and complexity of the legal work required on behalf of the Commission.

⁴⁵ On more complex assignments, with the Chairperson's approval, Special Counsel may charge up to \$425.00 per hour, but such rate is by far the exception and was rarely charged in FY24. For certain invoices and work, including coverage while a Commission employee was on leave, Special Counsel also provided substantial discounts as she was transitioning work to staff, overseeing new staff work product, and attempting to reduce her hours. Again, private sector rates for law firm partners with Special Counsel's skillset can exceed \$1200.00 per hour.

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

government’s vendor portal.⁴⁶ The detailed billing records, which include statutorily confidential information, as well as attorney-client privileged, attorney work product, and confidential personal information of judges are maintained in confidence by the Commission. (e.g., emails, memos, correspondence, reports, research, etc.).

Public examples of legal counsel work product are evidenced in this Annual Report and can be found in public actions and reports on the Commission’s website, as well as in Commission correspondence and annual reporting.

i. FY23 Legal Services

FY23 invoices to the Commission for legal services were under budget, totaling \$174,398.75. Based on Special Counsel’s discounts for certain work, the overall effective rate for legal services in FY23 was \$371.30 per hour. The average monthly cost for legal services was \$14,533.23. This cost savings was due, in part, to Special Counsel’s willingness to bill certain legal writing projects within her temporary fixed fee contracts resulting in an overall substantial savings to the Commission.

FY23 (Oct. 1-Sept. 30)

FY23 Legal Services Contract	Term Dates	Hours	Total
Legal Services	Oct. 1, 2022-Sept. 30, 2023	469.7	\$ 174,398.75

Source: Legal counsel invoices

ii. FY24 Legal Services

FY24 legal services were estimated not to exceed \$210,000.00. As of the end of June 2024, legal services were on track to come under budget in Q3 FY24.

FY24 (Oct.-June)

FY24 Legal Services Contract	Term Dates	Service Date Range	Hours	Total	Effective Hrly Rate
Legal	Oct. 1, 2023-Sept. 30, 2024	Oct 1-June 30	456.1	\$ 166,056.00	\$ 364.08

Source: Legal counsel invoices

⁴⁶ Summary invoices now include the number of hours worked, in addition to other standard information.

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

In FY24 Q4, the legal services exceeded budget due to three contributing factors: (i) an unanticipated public disciplinary matter in July, including a Rule update and Public Statement to the Chief Judges of the DC Courts; (ii) operational coverage needed by legal counsel in July for a staff member who was on emergency leave for several weeks; and (iii) emergency legal projects in Q4 FY24.

- July 2024: Given the special circumstances of the staff emergency and limited several week period of coverage, legal counsel significantly discounted her rates for services to the Commission as follows: (i) legal services related to the staff absence were discounted more than 50%, totaling \$5,000 for 31.3 hours worked; (ii) legal services related to complaints and investigations were discounted 15%, totaling \$33,000 for 108 hours worked; (iii) 24.3 hours were treated as *pro bono* legal services (no cost).
- August 2024: As Commission leadership became aware of other issues and directed analysis and correction by legal counsel, legal services increased accordingly. Again, legal counsel significantly discounted invoices August rates to the Commission as follows: (i) special legal services requested by Commission leadership were discounted by more than 50%, totaling \$10,000 for 62.6 hours worked; (ii) other legal services were discounted by 20%, totaling \$17,849 for 59.8 hours worked; and (iii) 45.9 hours were treated as *pro bono* services (no cost).⁴⁷

FY24 (Jul-Aug)

FY24 Legal Services Contract	Term Dates	Service Date Range	Hours	Total	Effective Hrly Rate
Legal	Oct. 1, 2023- Sept. 30, 2024	Jul 1-Aug 31	139.4	\$ 38,000.00	\$ 272.60
Pro Bono Services		Jul 1-Aug 31	115	\$ -	\$ -

Source: Legal counsel invoices

⁴⁷ Both parties' intent was to keep legal counsel's role limited in scope and time, as neither party wished to enter into a new Special Project arrangement and given the close proximity to the FY-end which makes new contract arrangements and budget adjustments difficult.

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

Legal services costs spiked in September 2024 when the full Commission, on an emergency basis, directed legal counsel to review internal data and procedures to assure the timely reappointment of judges, and transitioned statutorily required work to legal counsel (fitness reviews, written reports and correspondence) to ensure accuracy, timeliness, and the successful execution of the Commission’s statutory mission.

Legal services in September totaled 328.7 hours, of which 82.3 hours treated as *pro bono* services (no charge). The Commission authorized full payment of legal counsel invoices; to date, the Commission cleared 3 legal services invoices below; it is carrying a \$22,676.67 receivable.⁴⁸

FY24 (Sept)

Sept Billed						
Legal Svcs	\$	17,060.00	5592	45.493333	\$	375.00 Hrly
Legal Svcs	\$	4,350.83	5592-A	11.602213	\$	375.00 Hrly
Legal Svcs	\$	48,310.83	5592-1B and 2	128.82888	\$	375.00 Hrly
Outstanding Receivable	\$	22,676.67	5592-1B and 2	60.47112	\$	375.00 Hrly
Pro bono	\$	-		82.3	-	CJDT Savings \$ 22,676.67
September Inv. Pd.	\$	70,987.50		271.6	\$	261.37 CJDT Savings \$ 30,862.50

Source: Legal counsel invoices

iii. FY25 Budget / Costs

FY25 legal services are budgeted at \$210,000 and expected to be within budget. YTD costs through February for legal services is \$76,200.00. In addition, 24.4 hours pro bono legal services (no cost) have been provided to date.

FY25 (Oct-Feb)

FY25 Legal Services Contract	Term Dates	Hours	FY25 YTD Fees	Effective Hrly. Rate
Legal	Oct. 1-24-Sept. 30-25	203.2	\$ 76,200.00	\$ 375.00
Pro Bono services	Oct. 1-24	24.4	0	0

Source: Legal counsel invoices

⁴⁸ Following consultation with OCFO, the Executive Director directed Special Counsel to submit three (3) invoices totaling (i) \$17,849.00, (ii) 4,350.83, and (iii) \$43,319.83. Given the timing of FY24 year-end, the Commission acknowledged the remaining \$21,880.34 receivable in Invoice #5592-1B and recently authorized invoicing and full payment.

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

D. Special Project Legal Services

Since FY20, multiple Commission Chairpersons have relied on Special Counsel for a range of special projects and coverage on certain legal writing projects, including when staff was unavailable. While initially the projects were discrete, included pro bono time and limited billing, the work became increasingly more substantial during and after the COVID-19 pandemic, especially during periods of limited availability or increased workload of the Executive Director and, at times, to cover FTE staffing gaps related to, for example, the completion of work product for Commissioners, analysis of records, memo writing and correspondence, etc.

1. FY23 – Interim Executive Director Duties

The initial FY23 fixed rate contract services included interim Executive Director responsibilities and FTE staffing gaps while the Commission recruited a new Executive Director. The contract term was for 2 months (Jan.-Feb. 2023) at a fixed rate of \$15,000. The parties agreed to extend the contract (1st Amendment; Mar.-Jun. 2023), subject to cancellation when FTE staff was hired, onboarded, and services were no longer needed. The parties agreed to a 2d extension (2nd Amendment; Jul.-Sept. 2023) to accommodate onboarding of the new Executive Director, transition duties, and the anticipated absence for 2 ½ weeks in October for a pre-planned vacation.

FY23 total costs for the fixed rate contract and extensions over a nine (9) month period were \$135,000.00 for 1,426.6 legal counsel hours worked at effective hourly rates that were far below legal counsel services regular hourly rates and also less than the monthly cost of the Executive Director position, resulting in significant cost savings to the Commission.⁴⁹

⁴⁹ Given her extensive legal experience, Special Counsel’s legal billing rate in the private sector can exceed \$1200 per hour. For Commission legal services, as described in Section C., depending on the nature of the services, she charges the Commission far lower rates. To illustrate the cost savings achieved by the Commission, if the Commission applied its typical Special Counsel hourly rate (\$375) to the fixed fee hours required to meet its statutory obligations (1426.6), the cost to the Commission would have been \$534,862.50. In other words, the Commission achieved a cost savings of \$242,212.50 by virtue of Special Counsel not applying even the discounted hourly rates she charges the Commission for non-fixed fee legal services.

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

FY23 (Jan-Sept)

FY23 Fixed Fee Contract Breakdown for Interim Executive Director Services				
Services	Term Dates	Hours	Total	Effective Hourly Rate
Special Project - Interim Executive Director Services	Jan 1. -Feb 28, 2023	356	\$ 30,000.00	\$ 84.27
Special Project - Interim Executive Director Services - 1st Extension /Fixed Fee	Mar. 1-June 30, 2023	629.5	\$ 60,000.00	\$ 95.31
Special Project - Interim Executive Director Services - 2dt Extension /Fixed Fee	July 1-Sept 30, 2023	441.1	\$ 45,000.00	\$ 102.02
		1426.6	\$ 135,000.00	\$ 93.87

Source: Legal counsel invoices

2. FY24 – Special Project Transition Duties

In FY24, the parties agreed to FY24 Addendum 1 to continue onboarding and training, as well as for October coverage during the FTE’s PTO (Oct. 1-Dec. 31). The parties agreed to Addendum 2, the final extension of the FY23 fixed rate contract, to support the Executive Director and Commission leadership until the 2nd FTE was onboarded in 2024 (Jan. 1-May 31). Work accomplished during both Addendum 1 and 2, included transition support, Commission Rule updates, necessary report and other legal writing, review of paper files for precedent, and other tasks. Addendum 2 concluded on schedule shortly after the new 2nd FTE was onboarded.⁵⁰

Although attempts were made to limit hours, Special Counsel averaged 120.7 hours per month on the fixed contract work alone and, at times, equaled an FTE (158.10 hours at the high end). Special Counsel’s work increased in Spring 2024 when Vice Chairperson Brenneman needed to significantly reduce her volunteer office and supervisory hours.

Total FY24 total costs for the fixed rate contract addendums over an eight (8) month period were \$120,000.00 for 965.6 legal counsel hours worked at effective hourly rates that, again, resulted in significant cost savings to the Commission.⁵¹

⁵⁰ Simultaneous with her provision of these services, Special Counsel handled several sensitive Commission legal matters, one of which resulted in the July 2024 public resolution, public statement, and Rules updates.

⁵¹ Applying the same cost savings analysis in footnote 43, if the Commission applied its typical hourly rate (\$375) to the fixed fee hours required to meet its statutory obligations (965.9), the cost to the Commission would have been \$362,212.50. In other words, the Commission achieved a cost savings of \$227,212.50 by not applying hourly rates.

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

FY23 (Jan-Sept)

FY24 Fixed Fee Contract Breakdown for Special Project Services	Term Dates	Hours	Total	Effective Hourly Rate
FY24 Addendum 1 to FY23 Special Project - Interim Executive Director Services	Oct 1-Dec. 2023	299.20	\$ 45,000.00	150.40
FY24 Addendum 1 to FY23 Special Project - Interim Executive Director Services	Jan 1-May 31, 2024	666.4	\$ 75,000.00	112.55

Source: Legal counsel invoices

3. FY25 – Special Project, Interim Director, and Transition Duties

In FY25, the Commission and Special Counsel executed a new fixed rate contract for special projects and interim Executive Director duties. The fixed rate of \$20,000 is now slightly higher than the monthly cost of the Executive Director FTE, as budgeted for FY25. Although contract terms include NTE hours, FTE staff transition has made NTE hours compliance impossible.

YTD cost to the Commission for 769.10 legal counsel hours worked is \$100,000 at effective hourly rates that were far below legal services hourly rates.⁵²

FY25

FY25 Fixed Fee Contract - Special Project Services	Term Dates	Hours	FY25 YTD Fees	Effective Hrly. Rate
FY Special Project Contract	Oct. 1-24-Sept. 30-25	769.1	\$ 100,000.00	\$ 130.02

Source: Legal counsel invoices

The Commission would be remiss if it did not comment on the difficult working conditions its legal counsel has encountered in this role. The Commission’s small size, as well as the volunteer Commissioners’ lack of visibility into or connection to leadership in various DC agencies, has created enormous challenges for the Commission and its counsel, even greater than FY23. The Commission’s finances were literally frozen due to its lack of a DC employee with PASS access (despite Special Counsel’s and Commissioners’ valiant efforts to find a temporary solution) until

⁵² Applying the same cost savings analysis in footnote 43, if the Commission applied its typical (discounted) hourly rate (\$375) to the fixed fee hours required to meet its statutory obligations (769.10), the cost to the Commission would have been \$288,412.50. In other words, the Commission achieved a cost savings of \$188,412.50 by virtue of Special Counsel not charging the Commission her regular hourly rates.

FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE

recently,⁵³ and approval of updated FTE position descriptions, postings, and related financial certifications have taken weeks. Meanwhile, Special Counsel has been responsible for all mission-related operations, including her regular legal services work.

But for the dedicated and persistent efforts of the Mayor’s employee detailed to the Commission, the Commission’s operations and efforts to restaff likely would remain frozen.

List of FY23-FY25 Fixed Rate Contracts

Fiscal Year	Special Projects Contract / Extensions	Term	Hours Worked	Monthly Cost
FY23	Contract	Jan 1., 2023 -Feb 28, 2023	356 hrs	\$ 15,000.00
FY23	Contract Extension	Mar. 1, 2023-June 30, 2023	629.5 hrs	\$ 15,000.00
FY23	Contract Extension	July 1, 2023-Sept 30, 2023	441.1 hrs	\$ 15,000.00
FY24	Addendum 1	Oct. 1, 2023-Dec. 31, 2023	299.2 hrs	\$ 15,000.00
FY24	Addendum 2	Jan 1, 2024-May 31, 2024	666.4 hrs	\$ 15,000.00
FY25	Contract	Oct. 1, 2025-Sept. 30, 2025	786.6 hrs* (thru Feb.)	\$ 20,000.00

VI. CONCLUSION

The Commission continues to evolve and learn as it modernizes and evolves, and no doubt will continue to do so. Despite some setbacks, Commission members are extraordinarily proud of its many accomplishments reflected in this Annual Report which have and will continue to improve its mission-based activities. Even in times of transition, the Commissioners and its legal counsel remain highly motivated and committed to the Commission’s important mission, especially in the current environment amidst extraordinary challenges and stresses on the DC Courts, its judges, the Bar, and members of the public whose important disputes come before the courts. Commissioners are optimistic and unanimous in their collective view that the Commission’s hard work and major improvements in recent fiscal years and on the horizon – to

⁵³ In other words, the Commission was unable to pay for those FY25 services (October 1, 2024-Janary 31, 2025) until March 7, 2025, despite hours worked that far exceeded a normal FTE position at a significant cost and personal sacrifice to the service provider.

**FY24 ANNUAL REPORT
DISTRICT OF COLUMBIA COMMISSION ON JUDICIAL DISABILITIES AND TENURE**

which all members have contributed – will no doubt have a lasting positive impact on all those whom the Commission is statutorily bound to serve.

* * *

IN GRATITUDE...

As noted in this annual report, there have been periods when the Commission was without staff but continued to operate uninterrupted, and to carry out its mission zealously and successfully. During these times, it is in large measure due to the brilliant work, indefatigable energy, and dedication to the Commission by our Special Counsel, Amy Conway-Hatcher, Esq., that the unique challenges were met, the many duties and responsibilities were accomplished, and new projects undertaken for the Commission to achieve its goals. The Commission owes her a major debt of gratitude.



Amy L. Bess, Esq.
Chairperson



Hon. Diane M. Brenneman (Ret.)
Vice Chairperson



Thomas Fitton
Commissioner



Dr. Patrick G. Jackson, MD, FACS
Commissioner



Hon. Colleen Kollar-Kotelly
Commissioner



William P. Lightfoot, Esq.
Commissioner



Nikki Sertso
Commissioner

APPENDIX I - BIOGRAPHIES

Commissioners

AMY L. BESS, ESQ. – Chairperson, Commissioner

Chairperson Amy Bess was appointed to the Commission by the DC Bar Board of Governors in 2022. She was unanimously elected by the Commission to succeed outgoing Chairperson, the Honorable Colleen Kollar-Kotelly, effective January 1, 2025. Chairperson Bess is a Shareholder in the DC Office of the global law firm of Vedder Price PC and has practiced law in the District of Columbia since 1988. She is a highly experienced labor and employment litigator and counselor, representing employers in resolving employment disputes and workplace challenges of all kinds. Her more than three decades of legal experience has focused on conducting trials, arbitrations, mediations, investigations, providing workplace training and employment counseling to employers regarding how to maintain a fair and legally compliant workplace, with a goal of avoiding legal disputes. Commissioner Bess is an expert in the legal requirements surrounding accommodations under the Americans with Disabilities Act, and analogous state laws. She is a regular speaker and writer on a variety of topics impacting the modern workplace. She has been regularly listed for over a decade in the Legal 500 United States Guide and Washington DC Super Lawyers and has been selected by Washingtonian Magazine for each of its “Best Lawyers in DC” editions since 2011. Throughout her career, Commissioner Bess has been active in several local non-profits including serving on the boards of the Women’s Bar Association Foundation, Everybody Wins DC (a local children’s literacy organization), and the DC Coalition Against Domestic Violence. She has served two elected terms as a member of the DC Bar Board of Governors and is a past member and Chair of the DC Bar’s Pro Bono Committee. She has received a number of honors and recognitions for her career-long commitment to pro bono legal services. Commissioner Bess is a *summa cum laude* graduate of Illinois State University with a Bachelor of Science in Social Work, and a graduate of Northwestern University’s Pritzker School of Law. She lives in Washington, D.C.

DIANE M. BRENNEMAN (RET.) – Vice Chairperson, Commissioner

Hon. Diane Brenneman (Ret.) was appointed to the Commission by the District of Columbia Bar Board of Governors in 2021 and assumed the role of Vice Chairperson in the fall of 2021. Vice Chairperson Brenneman graduated from Santa Clara University in 1968, after which she began a teaching career in California and included service as the Assistant Dean of Admissions for Dag Hammarskjold College in Columbia, Maryland and two years with the Peace Corps in India. She was a founding Director of the Polycultural Institute which involved students of different economic, cultural and national backgrounds working with community development organizations in Washington’s inner city. She graduated from Georgetown University Law Center in 1979. Vice Chairperson Brenneman practiced as a clinical supervisor in the Family Law Clinic of the Antioch School of Law, received her master’s degree in clinical teaching, taught as a full professor, and served as Associate Dean for Academic Affairs. She continued as a professor with Antioch’s successor institution, the District of Columbia Law School and then worked in private practice focused on civil, family, and domestic relations law and alternative dispute resolution. She was appointed as a Magistrate Judge by then-Superior Court Chief Judge Rufus King on February 20, 2004 and retired from judicial service on January 31, 2020. Vice Chairperson Brenneman has served as a leader in the D.C. Legal community for many years. Her service includes, for example,

the D.C. Bar Pro Bono Program, co-chair of the Family Law Representation Committee, and Legal Counsel for the Elderly. She served two terms as the President of the Woman's Bar Association ("WBA") Foundation, served on the Foundation Boards of both the WBA and the Bar Association of the District of Columbia ("BADC"), and is a Fellow member of the BADC. In 2023, she was recognized for her work and commitment to the DC Courts and public service by the BADC with the prestigious Suzanne V. Richards Award in 2023.

THOMAS FITTON – Commissioner

Thomas Fitton is the President of Judicial Watch, the public interest group that investigates and prosecutes government corruption. Since 1998, Mr. Fitton has served as the President of Judicial Watch, an educational foundation which promotes transparency, accountability and integrity in government, politics and the law. With over 35 years' experience in public policy, he helped turn Judicial Watch into America's largest and most effective government watchdog organization. Through its educational endeavors, Judicial Watch seeks to ensure that political and judicial officials do not abuse the powers entrusted to them by the American people. Judicial Watch fulfills its educational mission through litigation, investigations, and public outreach. He has testified several times before Congress and is a widely recognized expert on government corruption, election integrity, judicial ethics, and government transparency. Mr. Fitton is the author of the New York Times best-sellers: *Clean House: Exposing Our Government's Secrets and Lies*, *The Corruption Chronicles*, and *A Republic Under Assault*. He is the executive producer of the documentary movie *District of Corruption*. His latest book, *Rights and Freedoms in Peril: An Investigative Report on the Left's Attack on America*, was released last year. Mr. Fitton obtained his BA from The George Washington University and lives in Washington DC with his family. He was appointed to the District of Columbia Commission on Judicial Disabilities and Tenure by President Donald J. Trump in 2020.

DR. PATRICK G. JACKSON, MD FACS – Commissioner

Dr. Patrick Jackson graduated cum laude from Harvard University and then attended medical school at Columbia University's College of Physicians and Surgeons. After being elected to Alpha Omega Alpha, the medical Honor Society, he graduated from Columbia, attending surgical residency at Harvard's Massachusetts General Hospital. After 3 years of surgical residency, he was awarded the Linton fellowship and performed 2 years of surgical research at the George Washington University Hospital. He then returned to Massachusetts General Hospital to complete his residency. Upon completion of his residency, he was selected to be the Surgical Chief Resident. He then became an Assistant Professor of surgery at Georgetown University Hospital. In 2011, he was elevated to Associate Professor of Surgery, and then in 2020 to Professor of Surgery. He has served the community in multiple roles including President of the local chapter of the American College of Surgeons, State Chair for the Commission on Cancer, and received the award for the Outstanding State Chair for the Commission on Cancer in 2012. For 8 years he served as Residency Program Director for the General Surgery residency, growing the program to be the third largest surgical residency in the country. He continues his current practice and complex general surgery and surgical oncology at MedStar Georgetown University Hospital. He was appointed to the DC Commission on Judicial Disabilities and Tenure by the DC Council to the Commission in 2024.

HON. COLLEEN KOLLAR-KOTELLY— Commissioner and Immediate Past Chairperson

Judge Kollar-Kotelly is a federal judge in the United States District Court for the District of Columbia. She served as Chairperson of the Commission from 2021-2024 and as Deputy Chairperson from 2019-2021. Judge Kollar-Kotelly was appointed to the United States District Court in May 1997. She received a BA in 1965 from The Catholic University of America and a JD in 1968 from Columbus School of Law, The Catholic University of America. Following law school, she served as a law clerk to Judge Catherine B. Kelly of the District of Columbia Court of Appeals. From 1969 to 1972, Judge Kollar-Kotelly was an attorney in the Criminal Division of the US Department of Justice, and then served as the Chief Legal Counsel to St. Elizabeths Hospital until 1984. She was appointed an Associate Judge of the DC Superior Court in October 1984, and served as Deputy Presiding Judge of the Criminal Division from 1995 until her appointment to the federal bench. During her DC Superior Court tenure, among other committee positions, Judge Kollar-Kotelly was a Member of the DC Superior Court Hispanic Heritage Committee from 1994 through 1997 and a Liaison with the Judicial Disabilities and Tenure Committee from 1992 through 1996. Judge Kollar-Kotelly has been a Fellow of the American Bar Association, a founding member of the Thurgood Marshall Inn of Court, an adjunct professor at Georgetown University School of Medicine in a joint teaching program on mental health and the law, and she served as Chair of the Board of the Art Trust for Superior Court. Judge Kollar-Kotelly was appointed by former Chief Justice William Rehnquist to serve as a member of the Judicial Conference Committee on Financial Disclosure from June 2000 through May 2002, and in May 2002 Chief Judge Rehnquist appointed Judge Kollar-Kotelly to serve a 7-year appointment as Presiding Judge of the United States Foreign Intelligence Surveillance Court. In addition, Chief Justice John Roberts appointed Judge Kollar-Kotelly to the Judicial Conference Committee on Judicial Resources from 2009 until 2016. She served on the District Court's Disciplinary Panel in 2022 and 2023, and the Judicial Conference Committee on Code of Conduct 2022 and 2023. In 2017, Judge Kollar-Kotelly was appointed to serve as the federal judiciary representative to the DC Commission on Judicial Disabilities and Tenure by then-Chief Judge Beryl A. Howell of the United States District Court for the District of Columbia. She was reappointed to a second six-year term in 2022 by then-Chief Judge Howell.

WILLIAM P. LIGHTFOOT, ESQ. – Commissioner

William P. Lightfoot, Esq. since 1981 has limited his law practice to plaintiff's personal injury. He is a frequent lecturer at continuing legal education programs. His skills at trial advocacy have been recognized by numerous awards and accolades. Mr. Lightfoot practices law with his son at Lightfoot Law. He is a former DC Council member at Large. He chaired the Council's Committee on the Judiciary. Mr. Lightfoot was appointed to the District of Columbia Commission on Judicial Disabilities and Tenure in 2001 by Mayor Anthony A. Williams; reappointed by Mayor Adrian Fenty in 2008, and reappointed by Mayor Muriel E. Bowser in 2015 and 2020. Mr. Lightfoot is the longest serving Commission member in history. He has served in leadership positions as Commission Chairperson from 2004-2009, and as Commission Vice Chairperson from 2009-2013.

NIKKI DEJESUS SERTSU – Commissioner

Nikki Dejesus Sertsu is the Executive Director of Planet Word, the first-of-its-kind interactive museum of words and language in the historic Franklin School downtown D.C. She leads Planet Word's staff in realizing the museum's mission to inspire and renew a love of words, language,

and reading through world-class exhibits, public programming, and hands-on experiences. A thoughtful, focused, and highly accomplished leader, she is chiefly responsible for implementing the organization's strategic framework, which includes cultivating world-class visitor experiences, developing new opportunities to extend the gallery experience beyond the physical walls of the museum, and ensuring ongoing financial stability. Prior to stepping into the role of Executive Director in 2023, Ms. Sertsu served as Senior Director of Exhibits and Special Projects, responsible for directing the design, fabrication, and installation of the Planet Word's award-winning exhibits. Ms. Sertsu has three decades of nonprofit leadership experience, including 15 years as owner and principal of her own boutique consultancy, DeJesus and Associates, established in 2003 to meet the growing and complex needs of a broad range of non-profit cultural organizations. Clients and projects included the White House Visitors Center, the Smithsonian National Museum of African American History and Culture, and the D.C. History Center and Historical Society of Washington, D.C., where she served as interim Executive Director 2011-2013. Prior to starting her own firm Ms. Sertsu served as the Senior Project Manager from 1993-1998 for the Maryland Historical Trust, State Preservation Office, and from 1998-2003 she served as the CEO and Founding Executive Director of the Reginald F. Lewis Museum of Maryland African American History and Culture. Ms. Sertsu is a graduate of Tuskegee University, and she received her M.S. in Management and Policy Analysis from the New School for Social Research. She was appointed to the DC Commission on Judicial Disabilities and Tenure in 2017 and reappointed in 2022 by Mayor Muriel Bowser.

* * *

Commission Support

AMY CONWAY-HATCHER, ESQ.- Independent Special Counsel and Interim Executive Director

Amy Conway-Hatcher, Esq. is a seasoned counsel and trusted advisor who brings a wealth of experience and knowledge to the Commission on a range of complex issues. Since 2019, she has served as the Commission's trusted outside legal counsel. Under the oversight of the Commission, Ms. Conway-Hatcher reviews and conducts preliminary investigations of complaints, advises the Commission on complaint dispositions, informal and formal disciplinary actions, as well as sensitive medical matters, fitness reviews, and Commission precedent. Currently, as she has done in the past formally and informally during periods of staff transition or absences, Ms. Conway-Hatcher has been designated to serve as the Commission's Interim Executive Director on statutory, mission-related matters while the Commission searches for new staff. These duties include, for example, the planning, conduct, and executing of actions determined by the Commission at its monthly meetings, overseeing the Commission's judicial fitness review processes and required reporting of judges such as annual judicial financial disclosures, commission correspondence, and other mission-related duties as directed by the Chairperson and Vice Chairperson. Ms. Conway-Hatcher previously served in this temporary mission-driven role in 2023. Ms. Conway-Hatcher is a partner at Schertler, Onorato, Mead & Sears, and has worked in the private sector for decades handling sensitive corporate and organizational investigations for global companies and their Board of Directors, as well as the defense of companies, senior executives, board members in public and non-public criminal and civil enforcement matters and related litigation. Ms. Conway-Hatcher has previously served as a board member and officer for non-profit Boards and is a

member of Women Corporate Directors. Prior to her private sector career, Ms. Conway-Hatcher served as an Assistant United States Attorney for 6 ½ years in the US Attorney's Office for the District of Columbia where, as a practitioner, she gained extensive familiarity with the District's Courts and the importance of their role in serving the public.

COMMISSION ON JUDICIAL DISABILITIES AND TENURE

NOTICE OF FINAL RULEMAKING

The District of Columbia Commission on Judicial Disabilities and Tenure (the Commission), pursuant to the D.C. Court Reform and Criminal Procedure Act of 1970, effective July 29, 1970 (84 Stat. 473, 91 Pub. L. 91-358; D.C. Official Code, § 11-1525(a) (2012 Repl.)) and § 431(d)(3) of the District of Columbia Self Government and Governmental Reorganization Act, effective December 24, 1973 (87 Stat. 774, Pub.L. 93-198), hereby amends its rules contained in Chapter 20 (Judicial Disabilities and Tenure) of Title 28 (Corrections, Courts, and Criminal Justice) of the District of Columbia Municipal Regulations (DCMR).

The amended sections of this chapter are § 2003 (Annual Financial Reports), § 2005 (Precedents), §§2030-2036 (Evaluation of Associate Judge Candidates for Reappointment), and §§2037-2043 (Evaluation of Judges Requesting Recommendation for Initial Appointment or Reappointment as Senior Judges). These amended sections are noted with “**bold**” and “underline” text.

These rules shall be effective immediately upon publication in the *D.C. Register*. D.C. Official Code § 11-1525(a) (2012 Repl.) provides that the Commission is an independent agency; therefore, prior public notice and hearings are not required on the subject of Rules adopted by the Commission.

Chapter 20, JUDICIAL DISABILITIES AND TENURE, of Title 28 DCMR, CORRECTIONS, COURTS, AND CRIMINAL JUSTICE, is amended to read as follows:

CHAPTER 20 JUDICIAL DISABILITIES AND TENURE

2000	COMMISSION ON JUDICIAL DISABILITIES AND TENURE
2001	TRANSACTION OF COMMISSION BUSINESS
2002	PHYSICAL EXAMINATIONS AND MEDICAL INFORMATION
2003	<u>ANNUAL FINANCIAL REPORTS</u>
2004	COMPLAINTS
2005	PRECEDENTS
§§ 2006 – 2009	[RESERVED]
2010	INVESTIGATIONS
2011	NOTICE OF A PROCEEDING
2012	OFFICIAL RECORD
2013	ANSWER AND HEARING DATE
2014	AMENDMENT OF NOTICE OF PROCEEDING
2015	HEARINGS
2016	PROCEDURAL RIGHTS OF JUDGES
2017	OATHS OR AFFIRMATIONS
2018	SUBPOENAS AND ORDERS FOR INSPECTION OF DOCUMENTS
2019	DEPOSITIONS

2020	GRANTS OF IMMUNITY
2021	COMPENSATION OF WITNESSES
2022	FINDINGS OF FACT AND DECISIONS
2023	CONVICTION OF A FELONY
§§ 2024 – 2029	[RESERVED]
2030	EVALUATION OF <u>ASSOCIATE JUDGE</u> CANDIDATES FOR <u>REAPPOINTMENT</u>RENOMINATION
2031	EVALUATION STANDARDS
2032	COMMUNICATIONS FROM INTERESTED PERSONS
2033	INTERVIEWS WITH INFORMED PERSONS
2034	DISCLOSURE OF TAX INFORMATION
2035	CONFERENCES WITH CANDIDATES
2036	EVALUATION REPORTS
2037	EVALUATION OF RETIRED JUDGES REQUESTING RECOMMENDATION FOR <u>INITIAL APPOINTMENT OR REAPPOINTMENT</u> AS SENIOR JUDGES
2038	<u>PHYSICAL EXAMINATION AND MEDICAL INFORMATION OF JUDGES REQUESTING RECOMMENDATION FOR INITIAL APPOINTMENT OR REAPPOINTMENT AS SENIOR JUDGES</u>
2039	RECOMMENDATION STANDARDS
2040	COMMUNICATIONS FROM INTERESTED PERSONS
2041	INTERVIEWS WITH INFORMED PERSONS
2042	CONFERENCES WITH THE CANDIDATE
2043	NOTICE OF SPECIAL CONCERN AND OPPORTUNITY TO CONFER
2044	CONFIDENTIALITY
2099	DEFINITIONS

2000 COMMISSION ON JUDICIAL DISABILITIES AND TENURE

- 2000.1 The Commission on Judicial Disabilities and Tenure (also referred to in this chapter as "the Commission") is established and shall be operated in accordance with the provisions of the D.C. Court Reform and Criminal Procedure Act of 1970, effective July 29, 1970 (84 Stat. 473, 91 Pub. L. 91-358; D.C. Official Code, §§ 11-1521, *et seq.*).
- 2000.2 The Chairperson of the Commission shall be elected annually by the members of the Commission from among the members of the Commission.
- 2000.3 The Commission may select a Vice Chairperson and other officers as the Commission, from time to time, may deem appropriate.
- 2000.4 The Chairperson shall preside at each meeting of the Commission.
- 2000.5 Officers, special counsel, and other personnel who are selected by the Commission shall perform the duties assigned to them by the Commission.

2000.6 The Commission may retain medical or other experts to assist it.

2001 TRANSACTION OF COMMISSION BUSINESS

2001.1 The Commission shall act only at a meeting. The actions of the Commission may be implemented by any appropriate means directed by the Commission.

2001.2 Meetings of the Commission shall be held at times agreed upon by the members of the Commission, or upon call by the Chairperson, or by a majority of the members of the Commission and after notice to all members of the Commission.

2001.3 Minutes shall be kept of each meeting of the Commission. The minutes shall record the names of those present, the actions taken, and any other matters that the Commission may deem appropriate.

2001.4 A quorum for Commission action shall consist of four (4) members.

2001.5 Commission action shall be taken only upon concurrence of four (4) members; Provided, that the concurrence of five (5) members shall be required to suspend a judge from all or part of his or her judicial duties pursuant to § 432(c)(3) of the Self-Government Act.

2001.6 The Chairperson, Vice Chairperson, Acting Chairperson, or a member designated by one of them may carry out the routine of Commission business (such as the granting of postponements pursuant to this chapter, authorization of preliminary inquiry into complaints or information regarding a judge's conduct or health, and authorization of informal and non-determinative communications with a judge or the judge's counsel).

2001.7 A member shall disqualify himself or herself from consideration of matters before the Commission in the following circumstances:

- (a) When involved as a litigant or an attorney in a proceeding pending before a judge who is both the subject of and is aware of a complaint before the Commission;
- (b) When involved as a litigant or attorney in a proceeding pending before an associate judge seeking reappointment, a retiring judge requesting a favorable recommendation for appointment as a senior judge, or a senior judge seeking favorable recommendation for reappointment to senior status.

2002 PHYSICAL EXAMINATIONS AND MEDICAL INFORMATION

- 2002.1 At the Commission's request, a judge shall submit to a physical and/or mental examination by a health care professional designated by the Commission after consultation with the judge. The examination and report shall be made at the judge's expense, unless the Commission grants a waiver based on extraordinary circumstances. Such examination is a condition of continued judicial service.
- 2002.2 The physician's report shall be given in writing to the Commission.
- 2002.3 At the Commission's request, a judge shall provide the Commission with all waivers and releases necessary to authorize the Commission to receive all medical records, reports, and information from any medical person, medical institution, or other facility regarding the judge's physical or mental condition.
- 2002.4 The failure of a judge to submit to a physical or mental examination or to provide waivers and releases required under this section shall be considered by the Commission adversely to the judge.
- 2002.5 Copies of all medical records, reports, and information received by the Commission shall be provided to the judge at his or her request.

2003 ANNUAL FINANCIAL REPORTS

- 2003.1 Each judge of the District of Columbia Courts shall file an Annual Financial Report with the Commission disclosing personal financial interests for the preceding calendar year, in accordance with D.C. Code § 11-1530, as amended. Annual Financial Reports shall be made on forms provided by the Commission and are due on or before the first Monday in June of each year.**
- 2003.2 The Commission from time to time may require a judge to provide information to supplement the Annual Financial Report filed.**
- 2003.3 The public may request access to Annual Financial Reports in accordance with the Rules herein.**
- 2003.4 The Commission's responsibility for monitoring public requests for inspection or release of copies of Annual Financial Reports includes the following:**
- (a) **The Commission will grant or deny requests for inspection or release of copies of Annual Financial Reports in accordance with D.C. Code § 11-1530, as amended, and the Commission's Rules. The Commission will provide additional guidance if questions arise that are not covered in these Rules.**

(b) At the Commission's discretion, the Commission will grant or deny a judge's request for the redaction of statutorily mandated information where the release of the information could endanger a judge or a member of the judge's family.

(c) The Commission will not permit public access to any Annual Financial Report unless all Annual Financial Reports due for a calendar year have been received. If judicial requests for extension of time for filing reports have been approved by the Commission, none of the Annual Financial Reports for that calendar year will be available until all extension deadlines have expired and all Reports have been received and accepted by the Commission.

2003.5 The Commission will not allow the inspection or release of any Annual Financial Report until: (i) requester has filed a completed CJDT Form 10A and any supplemental information requested by the Commission; (ii) the Commission has approved the requester's CJDT Form 10A; and (iii) written notice has been given to the judge as required by statute and the Commission's Rules.

2003.6 All requesters who seek to inspect or receive a copy of an Annual Financial Report must submit a completed CJDT Form 10A to the Commission, as well as any supplemental information requested by the Commission. The CJDT Form 10A is available on the Commission's website. The Form must contain the following information:

- (a) A list of the judges whose Reports are being requested;**
- (b) The requester's name, occupation, telephone number, e-mail, and mailing address;**
- (c) The names and addresses of any other persons or organizations on whose behalf the inspection or copy is requested;**
- (d) Written confirmation that the information provided is true, accurate, and complete; and**
- (e) Written confirmation that the requester will comply with any conditions or limitations the Commission deems necessary regarding access to and use of the Annual Financial Report.**

2003.7 No reports will be released to any individual who fails to complete a CJDT Form 10A or provide supplemental information requested by the Commission.

2003.8 **Upon receipt of a request for public access to a judge's Annual Financial Report(s) and a completed CJDT Form 10A, the Commission will notify the judge in writing within five (5) business days of the request. The Commission will provide the judge with a copy of the requester's CJDT Form 10A and allow the judge an opportunity to raise any concerns or request redactions. Absent an approved request for an extension of time, the judge will have ten (10) days from receipt of the Commission's notification to respond.**

2003.9 **Requesters will be notified in writing of the Commission's decision to grant or deny a request for inspection or release of Annual Financial Reports.**

(a) **If the Commission grants public access to Annual Financial Reports, the requester will be informed of the Commission's decision, how the report will be provided, and any limitations or requirements the Commission has imposed including but not limited to redactions.**

(b) **If the Commission grants public access by inspection only, the inspection shall occur in the Commission's office by appointment and subject to any limitations or requirements the Commission has imposed. Appointments must be made at least five (5) business days in advance.**

2003.10 **A judge may request redaction of his or her Annual Financial Report if the judge believes that revealing personal and sensitive information could directly or indirectly endanger the judge or a family member of the judge if such information was disclosed to a person(s) hostile to the judge or a member of the judge's family.**

2003.11 **The process for determining whether redaction is appropriate is as follows:**

(a) **A judge may request redaction(s) either: (i) at the time of the filing of his or her Annual Financial Report; or (ii) upon notification by the Commission that a public request for access and CJDT Form 10A has been received.**

(b) **The judge must state with specificity: (i) the information to be redacted; and (ii) the reasons justifying redaction. These reasons may include but are not limited to:**

(1) **The needs of an ongoing protective detail provided by the United States Marshals Service or the D.C. Courts Security Division;**

- (2) Threats, inappropriate communications, or other conduct that is under review or being monitored for security reasons;
- (3) Involvement in a high threat trial or appeal;
- (4) Financial harassment of a judge or a member of the judge's family, such as identity theft, or information that could facilitate such financial harassment; or
- (5) Information that could endanger the judge or a member of the judge's family, directly or indirectly, if possessed by a member of the public hostile to the judge or a member of the judge's family.

2003.12 If the Commission makes a finding that revealing personal and sensitive information could directly or indirectly endanger the judge or a family member of the judge, the Commission may order the redaction of the judge's Annual Financial Report.

- (a) Information shall be redacted from the Report in accordance with such findings to the extent necessary to protect the judge who filed the Report and his or her family.
- (b) Such redactions shall be maintained for the period during which the Annual Financial Report is maintained by the Commission or as long as the danger to the judge or a family member of the judge exists.

2003.13 No redactions will be granted that eliminate disclosure of the existence of an interest in an entity that would disqualify the judge from serving as a judge in litigation involving that entity, unless disclosure of that interest would reveal the location of a residence of the judge or a member of the judge's family, reveal the place of employment of the judge or a member of the judge's family.

2003.14 The Commission may also, on its own accord based on information provided by the judge, determine that public dissemination of certain information in the Annual Financial Report could endanger the judge or a member of the judge's family directly or indirectly, and order such redactions it deems appropriate. For example, to minimize security risks, the Commission may:

- (a) Redact information not required by statute including but not limited to:
 - (1) Spouse's and dependents' names;
 - (2) Home addresses;

- (3) Social security numbers;
- (4) Financial account and bank account numbers;
- (5) Street addresses of personal properties, financial institutions, and business properties;
- (6) Ownership codes; and
- (7) Judge's signature.

2003.15 The Commission staff will notify a judge in writing when an Annual Financial Report is released or inspected and provide the judge with a copy of the released report with any redactions. The staff will maintain a copy of the redacted material for as long as the original Annual Financial Report is maintained.

2003.16 A judge's request for redaction and its supporting documents, except for copies of the Annual Financial Report and any amendments thereto, are considered confidential and will only be used to determine whether to grant a request for redaction.

2003.17 The Commission will make approved CJDT Form 10As available for public inspection for a three (3) year period but in any event no longer than the retention period for the Annual Financial Report(s) requested.

2003.18 Annual Financial Reports filed with the Commission shall be maintained for a period of three (3) years after filing as required by D.C. Code § 11-1530(c).

~~2003.1 Each judge shall file with the Commission on or before the first Monday in June of each year, on forms provided by the Commission, the reports of personal financial interest required by D.C. Official Code § 11-1530, as amended, for the preceding calendar year.~~

~~2003.2 The Commission from time to time may require a judge to file pertinent supplemental information.~~

~~2003.3 These Rules govern access to the Annual Financial Reports filed by judges of the District of Columbia Courts, as required by D.C. Official Code § 11-1530, as amended.~~

~~2003.4 These Rules apply to the processing of all requests for copies of the Annual Financial Reports of judges of the District of Columbia Courts, maintained by the D.C. Commission on Judicial Disabilities and Tenure (the Commission).~~

~~2003.5 — The Commission's responsibility for monitoring the release of the Annual Financial Reports includes the following:~~

- ~~(a) — The Commission will monitor and grant or deny the release of copies of all Annual Financial Reports to ensure compliance with the statute and the Commission's Rules.~~
- ~~(b) — The Commission will monitor and grant or deny requests for viewing all Annual Financial Reports at the office of the Commission, to ensure compliance with the statute and the Commission's Rules.~~
- ~~(c) — As provided by D.C. Official Code § 11-1530(a)(1e)(a)(c)(1), as amended, the Commission will review and, within the Commission's discretion, grant or deny any requests for the redaction of statutorily mandated information where the release of the information could endanger a judge or a member of the judge's family. It will review, and grant or deny any requests for waiver of costs associated with a request for the release of an Annual Financial Report. It will also provide guidance when questions not covered in these Rules arise.~~
- ~~(d) — The Commission will not permit public access to any Annual Financial Report unless all of the Reports due for a calendar year have been received by the Commission. If extensions of time have been requested by judges in which to file Reports, none of the Reports for that calendar year will be available until all extension deadlines have expired and all Reports have been received by the Commission.~~

~~2003.6 — The Annual Financial Reports filed by judges are maintained by the Commission, and in accordance with the statute and the Commission Rules, the Reports are kept for three years subsequent to filing.~~

~~2003.7 — All requesters who wish to review or obtain a copy of an Annual Financial Report must submit a Form CJDT 10A to the staff of the Commission. The form must be in writing and contain the following information:~~

- ~~(a) The requester's name, occupation, telephone number, e-mail, and mailing address;~~
- ~~(b) The name and address of any other person or organization on whose behalf the inspection or copy is requested; and~~
- ~~(c) That the requester is aware of the prohibitions with regard to obtaining or viewing the Report.~~

~~(d) — A list of the judges whose Reports are being requested.~~

~~2003.8 — Requesters will be notified in writing of the Commission's decision to grant or deny a request for viewing or copying Reports. If the Commission grants a request, the requester will also be advised of the total reproduction cost for the Reports ordered.~~

~~2003.9 — Requesters will be charged twenty-five cents (\$0.25) per page to cover costs. Only entire Reports will be reproduced, requests for particular pages or sections will not be honored. The Commission only accepts checks or money orders, which must be made payable to the D.C. Treasurer.~~

~~2003.10 — Requesters must provide a copy of the CJDT 10A form with the check or money order to the Commission. Once the form and payment are received the requester will be notified of the date when the requested Report(s) can be collected from the Commission office.~~

~~2003.11 — Each CJDT 10A form received that results in the release or viewing of a Report will be filed and will be made available to the public throughout the period during which the Report is made available to the public.~~

~~2003.12 — Annual Financial Reports may be viewed in the Commission office by appointment. Appointments must be made at least five working days in advance. Commission staff will provide the requester with a copy of the Report(s) requested, which may be redacted, if so approved by the Commission. In no case will the original file be removed from the Commission office for review by a member of the public. Requesters wishing to view Reports must also complete a CJDT 10A and provide all of the information requested, and will be notified in writing of the Commission's decision to grant or deny the request.~~

~~2003.13 — A copy of the requested Reports may be furnished without charge or at a reduced charge if it is determined that waiver or reduction of the fee is in the public interest. Requests for waivers must be presented in writing to the Commission.~~

~~2003.14 — Annual Financial Reports will not be released to any individual who fails to properly complete a CJDT 10A form or pay costs.~~

~~(b) — Commission staff will take every step to ensure that the Reports are maintained securely.~~

~~(e) — Commission staff will not release or allow the viewing of any Report until the Commission has approved the requester's CJDT 10A form, and until written notice has been given to the judge. In accordance with the Commission's direction, Commission staff will minimize security risks by redacting information not required by the statute including without limitation:~~

~~(8) — Spouse's and dependents' names;~~

~~(9) — Home addresses;~~

~~(10) — Social security numbers;~~

~~(11) — Financial account and bank account numbers;~~

~~(12) — Street addresses of personal properties, financial institutions, and business properties;~~

~~(13) — Ownership codes; and~~

~~(14) — Judge's signature.~~

~~2003.15 — The Commission will immediately notify the judge in writing and by e-mail when a Form CJDT 10A is received requesting the release of the judge's Annual Financial Report(s) and will provide each judge with a copy of the requester's CJDT 10A form. A judge will have ten (10) days from receipt of the Commission's notification, to request a redaction.~~

~~2003.16 — A Report that may be disseminated to the public after release to a requester, may be redacted pursuant to D.C. Official Code § 11-1530(e)(1)(2), as amended, to prevent public disclosure of personal or sensitive information that could endanger the judge or a member of the judge's family, directly, or indirectly, if possessed by a member of the public hostile to the judge or a member of the judge's family.~~

~~2003.17 — The procedure for determining whether redaction is appropriate will be as follows:~~

~~(e) — When an Annual Financial Report is filed, the judge may request redaction(s) believed to be appropriate before release of a Report that may be disseminated to the public. Requests for redaction may also be made after a judge receives a notification of a request to view or copy a Report.~~

~~(d) — The judge must state with specificity what material is sought to be redacted. The judge must also state in detail the reasons~~

~~justifying redaction. These reasons may include, but are not limited to~~

- ~~(6) — The purposes and need for an ongoing protective detail provided by the United States Marshals Service, or the D.C. Courts Security Division;~~
- ~~(7) — Particular threats or inappropriate communications;~~
- ~~(8) — Involvement in a high threat trial or appeal; or~~
- ~~(9) — Certain information on the form that could endanger the judge or a member of the judge's family directly or indirectly if possessed by a member of the public hostile to the judge or a member of the judge's family.~~

~~2003.18 — The Commission will determine, whether information sought to be redacted could, if disseminated to the public, endanger the judge or a member of the judge's family directly or indirectly and grant or deny the request accordingly. Information that could facilitate the financial harassment of a judge or a member of the judge's family, such as identity theft, may be deemed information that could endanger a judge or a member of the judge's family.~~

~~2003.19 — No redactions will be granted that eliminate disclosure of the existence, rather than extent, of an interest in an entity that would disqualify the judge from serving as a judge in litigation involving that entity, unless disclosure of that interest would reveal the location of a residence of the judge or a member of the judge's family, reveal the place of employment of the judge or a member of the judge's family.~~

- ~~(a) — Information may be redacted from a Report in accordance with such findings to the extent necessary to protect the judge who filed the Report and his or her family, and the redactions will remain in effect for three (3) years.~~
- ~~(b) — The Commission staff will notify a judge in writing and by e-mail when a Report is actually released or reviewed and provide the judge with a copy of the released Report with any redactions. The staff will maintain a copy of the redacted material for as long as the original Report is maintained.~~
- ~~(c) — A request for redaction and its supporting documents, except for copies of the Annual Financial Report and any amendments thereto, are considered confidential and will only be used to determine whether to grant a request for redaction.~~

2004 COMPLAINTS

2004.1 Subject to the confidentiality provisions of § 2044, the Commission may receive information or a complaint from an individual or an organization regarding a judge's conduct or health.

2005 PRECEDENTS

2005.1 The provisions of this section shall apply to determinations by the Commission of grounds for removal under § 432(a)(2) of the Self-Government Act, and to evaluations by the Commission of judges who are candidates for **reappointment for a fifteen (15) year term as an associate judge, or initial appointment or reappointment as a senior judge** ~~renomination.~~

2005.2 Each judge shall be deemed to be on notice of the following, ~~if~~ **provided**, that copies of the decisions, evaluations, reports, or communications have been **shared** ~~filed~~ by the Commission with the Chief Judge of each court:

- (a) The Commission's decisions in proceedings **or other public determinations, actions, or statements by the Commission;**
- (b) The Commission's evaluations of judges who have been candidates for **reappointment** ~~nomination;~~
- (c) The annual reports of the Commission; and
- (d) Any **other** communication by the Commission to either of the Chief Judges of the courts of the District of Columbia specifying that the judges are to take notice of the communication.

2005.3 Expressions by the Commission in the decisions, evaluations, and communications listed in § 2005.2 shall be **considered** pertinent precedent to be taken into account by the Commission **and judges.**

2005.4 Each judge shall be deemed to be on notice of provisions promulgated by the Advisory Committee on Judicial Activities of the Judicial Conference of the United States regarding the Code of Judicial Conduct for United States Judges. Each judge shall also be on notice of the advisory opinions of the District of Columbia Courts' Advisory Committee on Judicial Conduct.

2005.5 Insofar as the opinions of the Advisory Committee on Judicial Activities deal with provisions of the Code of Judicial Conduct that are similar to

requirements applicable to judges of District of Columbia courts, the Commission shall regard them as persuasive.

§§ 2006 – 2009: [RESERVED]

2010 INVESTIGATIONS

2010.1 The Commission may investigate to determine whether a proceeding should be instituted on charges of misconduct, failure to perform judicial duties, or disability, upon receiving information regarding the following by complaint or otherwise:

- (a) That a judge may have been guilty of willful misconduct in office or willful and persistent failure to perform his or her judicial duties; or
- (b) That a judge engaged in other conduct prejudicial to the administration of justice or which brings the judicial office into disrepute; or
- (c) That a judge may have a mental or physical disability (including habitual intemperance) which is or is likely to become permanent and which prevents, or seriously interferes with, the proper performance of his or her judicial duties.

2010.2 The investigation may be carried out in a manner that the Commission deems appropriate, including the taking of evidence at Commission meetings or by deposition.

- 2010.3
- (a) A respondent judge shall cooperate with the Commission in the course of its investigation and shall, within such reasonable time as the Commission may require, respond to any inquiry concerning the conduct of the judge, whether the questioned conduct occurred during the course of a concluded case or matter, a pending case or matter or in an extrajudicial context. The failure or refusal of the judge to respond may be considered a failure to cooperate.
 - (b) The failure or refusal of a judge to cooperate in an investigation, or the use of dilatory practices, frivolous or unfounded responses or argument, or other uncooperative behavior may be considered a violation of Canon 1 of the Code of Judicial Conduct and, therefore, an independent ground for disciplinary action.

2010.4 After investigation, if the Commission determines that a proceeding should not be instituted, the Commission shall so inform the judge if he or she was previously informed of the pendency of the complaint by either the complainant or the Commission and shall give notice to the complainant

either that there is insufficient cause to proceed or that the complaint poses a legal issue over which the Commission has no jurisdiction, as appropriate.

2011 NOTICE OF A PROCEEDING

2011.1 If, after investigation, the Commission determines that a proceeding is warranted, the Commission, except for good reason, shall notify the judge of its determination.

2011.2 If immediately requested by a judge who has been notified under § 2011.1, the Commission, or a member of the Commission, or a special counsel may, if the circumstances warrant, confer with the judge for the purpose of considering whether the matter may be disposed of without a proceeding.

2011.3 If the matter is disposed of without a proceeding, notice shall be given to the complainant that the matter has been resolved.

2011.4 If notification under § 2011.1 is not given or, if given, if a disposition without a proceeding does not result, the Commission shall issue a written notice to the judge advising him or her of the institution of a proceeding to inquire into the charges.

2011.5 Each proceeding shall be titled as follows:

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

Inquiry Concerning A Judge, No. _____

2011.6 The notice of proceeding shall specify concisely the charges and the alleged basis for the charges, and shall advise the judge of the following rights:

- (a) The right to counsel; and
- (b) The right to file a written answer to the notice within twenty (20) days after service of the notice.

2011.7 The notice shall be served by personal service upon the judge.

2011.8 If it appears to the Chairperson of the Commission upon affidavit that, after reasonable effort for a period of ten (10) days, personal service could not be made, service may be made upon the judge by mailing the notice by registered or certified mail, addressed to the judge at his or her chambers or at his or her last known residence.

2012 OFFICIAL RECORD

2012.1 The Commission shall keep a complete record of each proceeding.

2013 ANSWER AND HEARING DATE

2013.1 Within twenty (20) days after service of a notice of proceeding, the judge may file an answer with the Commission.

2013.2 Upon the filing of an answer, unless good reason to the contrary appears in the answer, or if no answer is filed within the time for its filing, the Commission shall order a hearing to be held before it concerning the matters specified in the notice of proceeding.

2013.3 The Commission shall set a time and place for the hearing and shall mail a notice of the hearing time and place to the judge by registered or certified mail addressed to the judge at his or her chambers at least thirty (30) days prior to the date set.

2013.4 The Chairperson may extend the time either for filing an answer or for the commencement of a hearing for periods not to exceed thirty (30) days in the aggregate.

2013.5 The notice of proceeding and the answer shall constitute the pleadings. No further pleadings or motions shall be filed.

2013.6 The judge shall include in the answer all procedural and substantive defenses and challenges which the judge desires the Commission to consider.

2013.7 The Commission may rule on the defenses and challenges at the outset of the hearing or may take them under advisement to be determined during, at the close of, or at a time subsequent to the hearing.

2014 AMENDMENT OF NOTICE OF PROCEEDING

2014.1 The Commission at any time prior to its final decision in a proceeding may amend the notice of proceeding to conform to proof or otherwise.

2014.2 The judge shall be given a reasonable time to answer an amendment and to present his or her defense against any matter charged in an amendment.

2015 HEARINGS

2015.1 At the time and place set for hearing, the Commission shall proceed with the hearing whether or not the judge has filed an answer or appears at the hearing.

- 2015.2 The failure of the judge to answer or to appear at the hearing shall not, standing alone, be taken as evidence of the truth of facts alleged to constitute grounds for removal or involuntary retirement.
- 2015.3 The hearing shall be held before the Commission.
- 2015.4 Evidence at a hearing shall be received only when a quorum of the Commission is present.
- 2015.5 A verbatim record of each hearing shall be kept.

2016 PROCEDURAL RIGHTS OF JUDGES

- 2016.1 In a proceeding the judge shall be admitted to all hearing sessions.
- 2016.2 A judge shall be given every reasonable opportunity to defend himself or herself against the charges, including the introduction of evidence, representation by counsel, and examination and cross-examination of witnesses.
- 2016.3 A judge shall have the right to the issuance of subpoenas for attendance of witnesses at the hearing to testify or produce material evidentiary matter.
- 2016.4 A copy of the hearing record of a proceeding shall be provided to the judge at the expense of the Commission.
- 2016.5 If it appears to the Commission at any time during a proceeding that the judge is not competent to act for himself or herself, the Commission shall seek the appointment of a *guardian ad litem* unless the judge has a legal representative who will act for him or her.
- 2016.6 The *guardian ad litem* or legal representative may exercise any right and privilege and make any defense for the judge with the same force and effect as if exercised or made by the judge, if he or she were competent. Whenever the provisions of this chapter provide for notice to the judge, that notice shall be given to the *guardian ad litem* or legal representative.

2017 OATHS OR AFFIRMATIONS

- 2017.1 Each witness who appears before the Commission in an investigation or proceeding shall swear or affirm to tell the truth and not to disclose the nature of the investigation or of the proceeding or the identity of the judge involved unless or until the matter is no longer confidential under the provisions of this chapter.

2017.2 The provisions of § 2017.1 shall apply to witnesses at Commission meetings or testifying by deposition. Individuals interviewed by a member of the Commission or its staff shall be requested to keep the matter confidential.

2017.3 Each member of the Commission shall be authorized to administer oaths or affirmations to all witnesses appearing before the Commission.

2018 SUBPOENAS AND ORDERS FOR INSPECTION OF DOCUMENTS

2018.1 In aid of any investigation or proceeding, the Commission may order and otherwise provide for the inspection of papers, books, records, accounts, documents, transcriptions, and other physical things, and may issue subpoenas for attendance of witnesses and for the production of papers, books, records, accounts, transcriptions, documents, or other physical things, and testimony.

2018.2 Whenever a person fails to appear to testify or to produce any papers, books, records, accounts, documents, transcriptions, or other physical things, as required by a subpoena issued by the Commission, the Commission may petition the United States District Court for the district in which the person may be found for an order compelling him or her to attend, testify, or produce the writings or things required by subpoena, pursuant to D.C. Official Code § 11-1527(c)(3).

2019 DEPOSITIONS

2019.1 The Commission may order the deposition of any person in aid of any investigation or proceeding.

2019.2 The deposition shall be taken in the form prescribed by the Commission, and shall be subject to any limitations prescribed by the Commission.

2019.3 To compel a deposition, the Commission may petition the Superior Court of the District of Columbia requesting an order requiring a person to appear and testify and to produce papers, books, records, accounts, documents, transcriptions, or other physical things before a member of the Commission or a special counsel or other officer designated by the Commission.

2019.4 The petition to the Superior Court shall state, without identifying the judge, the general nature of the pending matter, the name and residence of the person whose testimony or other evidence is desired, and any special directions the Commission may prescribe.

2019.5 Depositions shall be taken and returned in the manner prescribed by law for civil actions.

2020 GRANTS OF IMMUNITY

2020.1 Whenever a witness refuses, on the basis of his or her privilege against self-incrimination, to testify or produce papers, books, records, accounts, documents, transcriptions, or other physical things and the Commission determines that his or her testimony, or production of evidence, is necessary, it may order the witness to testify or to produce the evidence under a grant of immunity against subsequent use of the testimony or evidence, as prescribed by D.C. Official Code § 11-1527(c)(2).

2021 COMPENSATION OF WITNESSES

2021.1 Each witness, other than an officer or employee of the United States or the District of Columbia, shall receive for his or her attendance the fees prescribed by D.C. Official Code § 15-714 for witnesses in civil cases.

2021.2 All witnesses shall receive the allowances prescribed by D.C. Official Code § 15-714 for witnesses in civil cases.

2022 FINDINGS OF FACT AND DECISIONS

2022.1 Within ninety (90) days after the conclusion of the hearing or the conclusion of any reopened hearing in a proceeding, the Commission shall make written findings of fact, conclusions of law, and a determination regarding the conduct or health of the judge.

2022.2 The findings, conclusions, and determination shall be set forth in an order, as the Commission deems appropriate. A copy of the order shall be sent to the judge and his or her counsel, if any.

2022.3 If the Commission determines that grounds for removal or involuntary retirement of the judge have been established and orders removal or retirement, the Commission shall file its decision, including a transcript of the entire record, with the District of Columbia Court of Appeals.

2022.4 If the Commission determines that grounds for removal or involuntary retirement of the judge have been established, but that removal or retirement should not be ordered, it shall include in its decision a statement of reasons for not so ordering, and, as it deems appropriate under the circumstances, shall order that the record of the proceeding either shall be made public or shall remain confidential.

2022.5 If the record of the proceedings remains confidential under § 2022.4, and if the judge within ten (10) days after a copy of the decision is sent to him or her requests that the record be made public, the Commission shall so order.

- 2022.6 If the record is to be made public, the Commission shall file its decision, including a transcript of the entire record, with the District of Columbia Court of Appeals.
- 2022.7 When a decision and transcript of the record are filed with the District of Columbia Court of Appeals pursuant to §§ 2022.3 or 2022.6, the Commission shall provide the judge with a copy of the entire record at the expense of the Commission except for those portions that it previously may have provided to him or her, and it shall notify the Chief Judge of the judge's court of its decision.
- 2022.8 If the Commission determines that grounds for removal or involuntary retirement of a judge have not been established, it shall ask the judge whether he or she desires the Commission to make public disclosure of information pertaining to the nature of its investigation, its hearing, findings, determination, or other facts related to its proceedings.
- 2022.9 If the judge, in writing, requests disclosure under § 2022.8, the Commission shall make the information available to the public except for the identity of an informant or complainant other than a witness at the hearing.

2023 CONVICTION OF A FELONY

- 2023.1 The Commission shall not file in the District of Columbia Court of Appeals an order of removal certifying the entry of a judgment of a criminal conviction, as provided in § 432(a)(1) of the Self-Government Act, without giving to the judge concerned at least ten (10) days' notice of its intention to do so.

§§ 2024 – 2029: [RESERVED]

2030 EVALUATION OF ASSOCIATE JUDGE CANDIDATES FOR REAPPOINTMENT ~~RENOMINATION~~

- 2030.1 Not less than six (6) months prior to the expiration of his or her term of office, a judge seeking reappointment **for a fifteen (15) year term as an associate judge** shall file with the Commission a declaration in writing of candidacy for reappointment. **If a declaration is not so filed by any judge, a vacancy shall result from the expiration of the term of office and shall be filled by appointment in accordance with D.C. Code Title 1 §1-204-33(a)-(c).**
- 2030.2 Judges shall be urged to file the declaration well in advance of the six (6) month minimum, and shall, if possible, file the declaration nine (9) months prior to the expiration of his or her term.

- 2030.3 Contemporaneous with his or her declaration but not less than six (6) months prior to expiration of his or her term, the candidate shall submit to the Commission a written statement, including illustrative materials, reviewing the significant aspects of his or her judicial activities **and accomplishments** that the judge believes may be helpful to the Commission in its evaluation of his or her candidacy. **The written statement shall include, but is not limited to, a summary of the judge's history of judicial appointments, calendar and committee assignments, training and education, speaking engagements, awards and accolades, community service activities, as well as illustrative materials that highlight the judge's written and analytical skills.**
- 2030.4 All declarations, written submissions, and illustrative materials must be submitted electronically as directed by the Commission or its staff. Paper records will no longer be accepted.
- 2030.5 Contemporaneous with his or her declaration, but not less than six (6) months prior to the expiration of his or her term, ~~A~~ a judge seeking reappointment shall ~~contemporaneous with his or her request,~~ submit on ~~a~~ forms provided by the Commission a report of an examination by a physician together with a statement of such physician which attests to the physical and mental fitness of the judge to perform **his or her** judicial duties.
- 2030.6 When deemed appropriate by the Commission, a judge seeking reappointment shall submit to a physical and/or mental examination by a health care professional designated by the Commission after consultation with the judge. The physician's report shall be given in writing to the Commission. Such examination and report shall be at the judge's expense, unless the Commission grants a waiver based on extraordinary circumstances. Such examination is a condition of continued judicial service pending the Commission's decision on the request for reappointment.
- 2030.7 Contemporaneous with his or her declaration, or at the Commission's request, a judge required to submit to an examination as prescribed in §§ 2030.5 or 2030.6 shall provide the Commission or its authorized designee with all waivers and releases necessary to consult with the health care professional and the judge's physician and to authorize the Commission to receive all medical records, reports, and information from any medical person, medical institution or other facility regarding the judge's physical or mental condition.
- 2030.8 The failure of a judge to submit to a physical or mental examination or to provide waivers and releases as required by §§ 2030.5, 2030.6, and 2030.7 may be considered by the Commission adversely to the judge.

2030.9 **Copies of all medical records, reports, and information received by the Commission shall be provided to the judge at his or her request.**

2031 EVALUATION STANDARDS

2031.1 A judge declaring candidacy for reappointment shall be evaluated by the Commission through a review of the judge's performance and conduct during the judge's present term of office, **as well as the judge's physical and mental fitness and his or her ability to perform judicial duties.**

2031.2 The evaluation categories shall include the following:

- (a) Well Qualified – The **Commission has determined the** candidate's work product, legal scholarship, dedication, efficiency, and demeanor are exceptional, and the candidate's **overall** performance consistently reflects credit on the judicial system.
- (b) Qualified – The **Commission has determined the** candidate satisfactorily performs the judicial function **and**, if there are negative traits, they are overcome by strong positive attributes.
- (c) Unqualified – The **Commission has determined the** candidate is unfit for further judicial service.

2032 COMMUNICATIONS FROM INTERESTED PERSONS

2032.1 The Commission will issue a public notice of the judge's declared candidacy for reappointment, the Commission's fitness review and the public comment period.

2032.2 The ~~general lay~~ public, the bar, court personnel, and other judges may communicate to the Commission, preferably in writing, any information they may have that is pertinent to the candidacy of a judge for renomination. **The Commission will give consideration to all materials submitted as to the judge's suitability for reappointment.**

2033 INTERVIEWS WITH INFORMED PERSONS

2033.1 Ordinarily the Commission shall interview the Chief Judge of the candidate's court.

2033.2 In addition, the Commission may seek pertinent information by interviews with others conducted by the full Commission, by one (1) or more members, or by ~~a~~ special counsel or others of its staff.

2034 DISCLOSURE OF TAX INFORMATION

- 2034.1 At the Commission's request, the candidate shall execute all waivers and releases necessary for the Commission to secure tax information concerning him or her, including copies of tax returns.
- 2034.2 The failure of a candidate to provide the waivers and releases required under § 2034.1 may be considered by the Commission adversely to the candidate.
- 2034.3 Copies of all records received from the taxing authorities shall be provided to the candidate.

2035 CONFERENCES WITH CANDIDATES

- 2035.1 At the Commission's request, the candidate shall confer with the Commission in person and in private on reasonable notice.
- 2035.2 At the candidate's request, the Commission shall confer with him or her in person and in private on reasonable notice.
- 2035.3 At any conference with the candidate, the Commission may allow attendance by one (1) or more special counsel or others of its staff. The candidate may be accompanied by counsel.
- 2035.4 All members of the Commission shall endeavor to be present at any conference with a candidate, but the failure of a member to attend shall not prevent the Commission member from participating in the Commission's evaluation.
- 2035.5 If the Commission has information which, if uncontroverted, the Commission feels would raise a substantial doubt that the candidate is at least qualified, it shall inform the candidate of the nature of the questions raised.
- 2035.6 To the extent feasible, subject to the limitations of §§ 2004 and 2036, the Commission shall provide to the candidate in summary form the basis for doubt under § 2035.5.
- 2035.7 Prior to concluding its evaluation, the Commission shall afford the candidate a reasonable opportunity to confer with it, in accordance with the provisions of §§ 2035.1 through 2035.4, regarding the doubt, and to submit to the Commission any material information not previously presented bearing on the candidacy.

2036 EVALUATION REPORTS

2036.1 The Commission shall prepare and submit to the President a written evaluation of the candidate's performance during his or her present term and his or her fitness for reappointment to another **fifteen (15) year** term, not less than sixty (60) days prior to the expiration of the candidate's term of office.

2036.2 The Commission's evaluation report to the President of the United States shall be furnished, simultaneously, to the candidate.

2036.3 The Commission's evaluation report shall be made public immediately after it has been furnished to the President and the candidate.

2036.4 The Commission's evaluation determination, in accordance with § 2031 and D.C. Code Title 1 §1-204-33(c), will control eligibility for the reappointment.

(a) **Well Qualified – If the Commission determines the judge to be Well Qualified, the judge's term shall be automatically extended for another full term upon expiration of the current term, subject to mandatory retirement, suspension, or removal.**

(b) **Qualified – If the Commission determines the judge to be Qualified, the President may nominate the judge, in which case the President shall submit to the Senate for advice and consent the renomination of the declaring candidate as judge. If the President determines not to so nominate the declaring candidate, the President shall nominate another candidate for the position in accordance with the statute.**

(a) **Unqualified – If the Commission determines the judge to be Unqualified, then the judge shall not be eligible for reappointment or appointment as a judge of a District of Columbia court.**

2037 EVALUATION OF ~~RETIRED~~ JUDGES REQUESTING RECOMMENDATION FOR INITIAL APPOINTMENT OR REAPPOINTMENT AS SENIOR JUDGES

2037.1 At any time prior to or not later than one (1) year after retirement, a judge seeking favorable recommendation for **initial** appointment as a senior judge shall file with the Commission a request in writing for such recommendation. The term of such appointment shall be for a term of four (4) years unless the judge has reached his or her seventy-fourth (74th) birthday in which case the appointment shall be for a term of two (2) years.

- 2037.2 Contemporaneous with the filing of the request, **or at such other time as the Commission allows,** such judge shall submit to the Commission a written statement, including illustrative materials, reviewing such significant aspects of his or her judicial activities **and accomplishments that as** he or she believes may be helpful to the Commission in its evaluation of his or her request. **The written statement shall include, but is not limited to, a summary of the judge's history of judicial appointments, calendar and committee assignments, training and education, speaking engagements, awards and accolades, community service activities, as well as illustrative materials that highlight the judge's written and analytical skills. The written statement also shall include the hours the judge is eligible to serve as a senior judge, the number of hours the judge intends to serve, and the number of hours the judge has served in the judge's most recent prior senior judge term, if relevant. Further, the written statement shall disclose any current service or intention to serve in a private capacity as a mediator, arbitrator, or legal professional.**
- 2037.3 A judge requesting recommendation for **initial** appointment as a senior judge not more than four (4) years subsequent to the date of his or her appointment or reappointment as **an associate** judge of a District of Columbia Court pursuant to § 433 of the Self-Government Act shall submit a written statement as prescribed by § 2037.2 but may limit the matters addressed in his or her statement to those judicial activities performed since the date of such appointment or reappointment.
- 2037.4 ~~**A retired judge who did not file a request for an initial recommendation from the Commission prior to April 29, 1985, and who is now willing to perform judicial duties shall file with the Commission not later than April 27, 1987, a request in writing for a recommendation for appointment as a senior judge and, contemporaneous with such request, shall submit a written statement, as prescribed by § 2037.2.**~~
- 2037.5 Not more than one hundred eighty (180) days nor less than ninety (90) days prior to the expiration of each term, a senior judge willing to continue to perform judicial duties shall file with the Commission a request in writing for recommendation for reappointment to an additional term. **The term of such appointment shall be for a term of four (4) years unless the judge has reached his or her seventy-fourth (74th) birthday in which case the appointment shall be for a term of two (2) years.**
- 2037.6 Contemporaneous with the filing of the request prescribed by § 2037.5, **or at such other time as the Commission allows,** such judge shall submit to the Commission a written statement reviewing such significant aspects of his or her judicial activities performed since the date of his or her last appointment or reappointment as he or she believes may be helpful to the Commission in its evaluation of his or her request.

The written statement shall include, but is not limited to, a summary of the judge's most recent judicial appointments, calendar and committee assignments, training and education, speaking engagements, awards and accolades, community service activities, as well as illustrative materials that highlight the judge's written and analytical skills.

2037.7 A judge who does not file a request within the time periods prescribed in §§ 2037.1, ~~2037.4~~ and 2037.5 shall not be eligible for appointment as a senior judge at any time thereafter, except for good cause shown.

2037.8 All requests, written submissions and illustrative materials must be submitted electronically as directed by the Commission or its staff. **Paper records will no longer be accepted.**

2038 PHYSICAL EXAMINATION AND MEDICAL INFORMATION OF JUDGES REQUESTING RECOMMENDATION FOR INITIAL APPOINTMENT OR REAPPOINTMENT AS SENIOR JUDGES

2038.1 **Contemporaneous with his or her request or at such other time as the Commission allows, a** judge seeking favorable recommendation for **initial** appointment or reappointment as a senior judge shall ~~**contemporaneous with his or her request,**~~ submit on ~~**a**~~ forms provided by the Commission a report of an examination by a physician together with a statement of such physician which attests to the physical and mental fitness of the judge to perform **his or her** judicial duties.

2038.2 When deemed appropriate by the Commission, a judge seeking favorable recommendation for **initial** appointment or reappointment to a term as a senior judge shall submit to a physical and/or mental examination by a health care professional designated by it after consultation with the judge. The physician's report shall be given in writing to the Commission. Such examination and report shall be at the judge's expense, unless the Commission grants a waiver based on extraordinary circumstances. Such examination is a condition of continued judicial service pending the Commission's decision on the request for appointment or reappointment.

2038.3 **Contemporaneous with his or her request, or a** judge, at the Commission's request, a judge required to submit to an examination as prescribed in §§ 2038.1 and 2038.2 shall provide the Commission **or its authorized designee** with all waivers and releases necessary to **consult with the health care professional and the judge's physician and to** authorize the Commission to receive all medical records, reports, and information from any medical person, medical institution or other facility regarding the judge's physical or mental condition.

2038.4 The failure of a judge to submit to a physical or mental examination or to provide waivers and releases as required by §§ 2038.1, 2038.2 and 2038.3 may be considered by the Commission adversely to the judge.

2038.5 Copies of all medical records, reports, and information received by the Commission shall be provided to the judge at his or her request.

2039 RECOMMENDATION STANDARDS

2039.1 A retired judge seeking a favorable recommendation for appointment or reappointment to a term as a senior judge shall be evaluated by the Commission through a review of the judge's **performance, as well as the judge's** physical and mental fitness and his or her ability to perform judicial duties.

2039.2 The recommendation standards are as follows:

(a) Favorable – The **Commission has determined the judge's fitness to continue to** ~~is physically and mentally fit and able~~ satisfactorily ~~to~~ perform **his or her** judicial duties.

(b) Unfavorable – The **Commission has determined the** judge is unfit for further judicial service.

2039.3 Upon conclusion of the review, in accordance with D.C. Code §11-1504 (a)-(b), the Commission shall notify the chief judge of the requesting judge's court of its evaluation and recommendation. If the Commission makes a favorable recommendation, the chief judge determines if the judge is to be appointed or reappointed a senior judge, and such appointment must be made within thirty (30) days of receipt of the Commission's recommendation. If the Commission makes an unfavorable recommendation, the requesting judge is ineligible for appointment as a senior judge. The recommendation of the Commission and the decision of the chief judge regarding appointment are final.

2040 COMMUNICATIONS FROM INTERESTED PERSONS

2040.1 The Commission will issue a public notice of the judge's fitness review and the public comment period.

2040.2 The ~~general lay~~ public, the bar, court personnel, and other judges are invited to communicate to the Commission, preferably in writing, any information they may have that is pertinent to a request for recommendation for appointment or reappointment as a senior judge. **The Commission will give consideration to all materials submitted as to the judge's suitability for initial appointment or reappointment.**

~~**The Commission will issue a public notice of the judge's fitness review and the public comment period.**~~

2041 INTERVIEWS WITH INFORMED PERSONS

2041.1 The Commission shall interview the Chief Judge of the requesting judge's court.

2041.2 The Commission may seek pertinent information by interviews with others conducted by the full Commission, by one or more members, or by ~~a~~ special counsel or others of its staff.

2042 CONFERENCES WITH THE CANDIDATE

2042.1 At the Commission's request, the judge shall confer with it in person and in private on reasonable notice; and, at the judge's request, the Commission shall confer with the judge in person and in private on reasonable notice.

2042.2 At any such conference the Commission may allow attendance by one or more special counsel or others of its staff.

2042.3 The judge may be accompanied by counsel.

2042.4 All members of the Commission will endeavor to be present at any such conference, but the failure of a member to attend will not prevent his or her participation in the Commission's evaluation.

2043 NOTICE OF SPECIAL CONCERN AND OPPORTUNITY TO CONFER

2043.1 In the event the Commission has information which the Commission feels, if uncontroverted, would raise a substantial doubt that the judge is fit for further judicial service, it shall inform the judge of the nature of the questions raised and, to the extent feasible and subject to the limitation of §§ 2044.2 and 2044.3, the Commission shall provide to the judge in summary form the basis for doubt.

2043.2 Prior to concluding its evaluation the Commission shall afford the judge a reasonable opportunity to confer with it, in accordance with § 2042.1, regarding the doubt, and to submit to the Commission any material information not previously presented bearing on the request.

2044 CONFIDENTIALITY

2044.1 Commission records shall not be available for public inspection, except the following;

- (a) Time and attendance data reported pursuant to the provisions of D.C. Official Code §§ 11-709 and 11-909; and
- (b) Financial data reported pursuant to the provisions of D.C. Official Code § 11-1530, as amended.

2044.2 The record of investigations, proceedings, evaluations, and recommendations conducted or made by the Commission, as well as all financial and medical information received by the Commission pursuant to this chapter, other than the financial data referred to in § 2044.1, shall be confidential, except:

- (a) When disclosed, in the Commission's discretion or as provided by this chapter, to the judge who is the subject of the information, investigation, proceeding, evaluation, or recommendation; or
- (b) Where the judge who is the subject of the information, investigation, proceeding, evaluation, or recommendation, consents to disclosure; or
- (c) When disclosed in a proceeding, or in a Commission decision in a proceeding; or
- (d) When disclosed in a Commission evaluation of a judge who is a candidate for reappointment, or to the President of the United States in connection therewith; or
- (e) When disclosed to the Chief Judge of a District of Columbia court in connection with a judge who has requested the Commission's recommendation for appointment as a senior judge; or
- (f) When disclosed, on a privileged and confidential basis, to the District of Columbia Judicial Nomination Commission in response to a request concerning a judge whose elevation to the District of Columbia Court of Appeals or for Chief Judge of a District of Columbia court is being considered; or
- (g) When disclosed, to the extent required, on judicial review of a Commission decision or in the prosecution of a witness for perjury.

For purposes of this Rule, the record of an investigation, proceeding, evaluation, or recommendation shall include all papers filed or submitted and all information furnished to or considered by the Commission in connection therewith (including, but not limited to, the substance of any

complaint by or communications with individuals or organizations, financial and medical information obtained pursuant to this chapter, depositions, grants of immunity, and the notice and transcript of proceedings, if any).

2044.3 Notwithstanding any provision of § 2044.2, the identity of any individual or organization submitting a complaint, or furnishing information to the Commission in connection with an investigation, proceeding, evaluation of a candidacy for reappointment, or request for recommendation for appointment as a senior judge, shall not be disclosed to anyone, including the judge who is the subject of the complaint or information, except:

- (a) Where the individual or organization consents to such disclosure; or
- (b) When disclosed in a proceeding where the individual or a person connected with the organization is called as a witness; or
- (c) When disclosed by the Commission to the President of the United States at his or her request when it concerns a judge evaluated by the Commission as "qualified" whose possible renomination the President is considering; or
- (d) When disclosed, upon request, on a privileged and confidential basis, to the District of Columbia Judicial Nomination Commission, concerning a judge being considered by such Nomination Commission for elevation to the District of Columbia Court of Appeals or for Chief Judge of a District of Columbia Court; or
- (e) When disclosed, to the extent required, on judicial review of a Commission decision or in the prosecution of a witness for perjury.

2044.4 Hearings in proceedings shall be conducted in closed session, unless the judge who is the subject of the proceeding shall consent to make the hearing open to the public.

2099 DEFINITIONS

2099.1 When used in this chapter, the following terms shall have the meanings ascribed:

Chairperson – The Chairperson of the Commission, or the Vice Chairperson or Acting Chairperson designated by the Commission when acting as Chairperson.

Evaluation – The process whereby the Commission, pursuant to § 433(c) of the Self-Government Act, prepares and submits to the President of the United States a written report evaluating the performance and

fitness of a candidate for reappointment to a District of Columbia court.

Investigation – An inquiry to determine whether a proceeding should be instituted.

Judge – A judge, senior judge, or retired judge of the District of Columbia Court of Appeals or of the Superior Court of the District of Columbia.

Proceeding – A formal proceeding, initiated by a Notice of Proceeding, to hear and determine charges as to a judge's conduct or health pursuant to § 432 (a)(2) or (b) of the Self-Government Act.

Recommendation – The process whereby the Commission, pursuant to D.C. Official Code § 11-1504, prepares and submits a written report of its recommendation and findings to the chief judge of a District of Columbia court regarding the appointment of senior judges to the court.

Self-Government Act – The District of Columbia Self-Government and Governmental Reorganization Act of 1973, effective December 24, 1973 (87 Stat. 774, Pub. L. 93-198).

Special Counsel – any member of the District of Columbia Bar retained by the Commission to assist it.