

**FEBRUARY 14, 2023 SUBMISSION OF
THE COMMISSION ON JUDICIAL DISABILITIES AND TENURE
(PERFORMANCE OVERSIGHT PRE-HEARING QUESTIONS)**

Fiscal Year 2022 Performance Oversight Questions

Commission on Judicial Disabilities and Tenure

A. ORGANIZATION AND OPERATIONS

1. Please provide a complete, up-to-date organizational chart for the agency and each division within the agency, including the names and titles of all senior personnel. Please include an explanation of the roles and responsibilities for each division and subdivision within the agency.
 - Please include a list of the employees (name and title) for each subdivision and the number of vacant, frozen, and filled positions. For vacant positions, please indicate how long the position has been vacant.
 - Please provide a narrative explanation of any changes to the organizational chart made during the previous year.

Response:

The Commission's most recent organizational chart is included below. Attached are three spreadsheets that show:

- Attachment A.1-1 (CJDT FY 2023 Schedule A – FTE listing). List of three FTE employees, including status, budgeted salary and fringe expenses.
- Attachment A.1-2 (R025 - Budgetary Control Analysis Report YTD_Personal Services Only). Lists three FTE employees and associated funding.
- Attachment A.1-3 (Fiscal Impact for Vacant Executive Director Position). Includes remaining budget for the Executive Director position following the retirement of the Executive Director, including salary and fringe paid from 10/1/2023 through 12/31/2022 and the unexpected unused annual leave payout.

Organization Chart Updates:

As discussed above, there are several updates to the Commission FTE and support positions, summarized below.

- The Commission is an independent body created by federal statute with responsibility for oversight of judicial conduct of DC judges, as well as reappointments and senior judge fitness reviews. Commissioners are duly appointed as prescribed by statute and serve for specified terms. Each year, the Commission elects a Chairperson and a Vice Chairperson, who are tasked with overseeing day-to-day and routine business matters of the Commission (or delegating responsibility for the same). By statute, the

**FEBRUARY 14, 2023 SUBMISSION OF
THE COMMISSION ON JUDICIAL DISABILITIES AND TENURE
(PERFORMANCE OVERSIGHT PRE-HEARING QUESTIONS)**

Commission can hire staff or contract for other services that it deems necessary for the performance of its duties.¹⁹

- For forty-seven (47) years, the Commission has been served by the same Executive Director who was involved in all important aspects of its work. From time-to-time, the Executive Director hired administrative staff to assist her. At times, that position was filled by permanent staff, and at other times, the position was filled by contract personnel. Most recently and until April 2022, the position was filled by temporary, part-time staff hired by the Executive Director on an “as needed” basis.
- As the Chairperson testified in the FY2022 oversight hearings, by Q2 FY2022, the Chairperson and Vice Chairperson determined that more senior level staff was needed to support the agency’s functioning and to provide technology and other skills the Commission office was lacking. The Chairperson and Vice Chairperson also determined that a Deputy Executive Director was prudent in the event the Executive Director was unavailable for any reason and to aid CJDT leadership in continuity, and/or possible succession planning.
- After discussing the Commission’s needs with the J&PS Committee and approval of funding for the position, Commission leadership began the process of planning and conducting a search for the Deputy position. In October 2022, the position was classified by DCHR. The position was posted in November 2022, extended in December 2022 and, after expiration, reposted in January 2023. Commission leadership has been assisted in the posting and review of applicants by OAG’s Chief Counsel and Senior Advisor Personnel, Labor & Employment Division.
- The Executive Director announced her retirement in November 2022, effective December 31, 2022. While Commission leadership anticipated the Executive Director’s inevitable retirement, the timing of the decision was not known in advance nor part of a formal succession plan coordinated with the Commission.
- As of February 8, 2023, the Commission is prioritizing its search for the more critical Executive Director role before reassessing and filling the remaining positions. The Commission is actively working with DCHR and OAG on the position description and announcement of the Executive Director position. Pending the search for the Executive Director, the Commission will suspend the Deputy Executive Director FTE posting. The Commission will re-evaluate its Staffing needs in FY2023.
- At the request of and under the direct supervision of the Chairperson and Vice Chairperson, the functions of the Executive Director are currently being filled by the Commission’s Special Counsel pursuant to a short-term two-month fixed fee contract

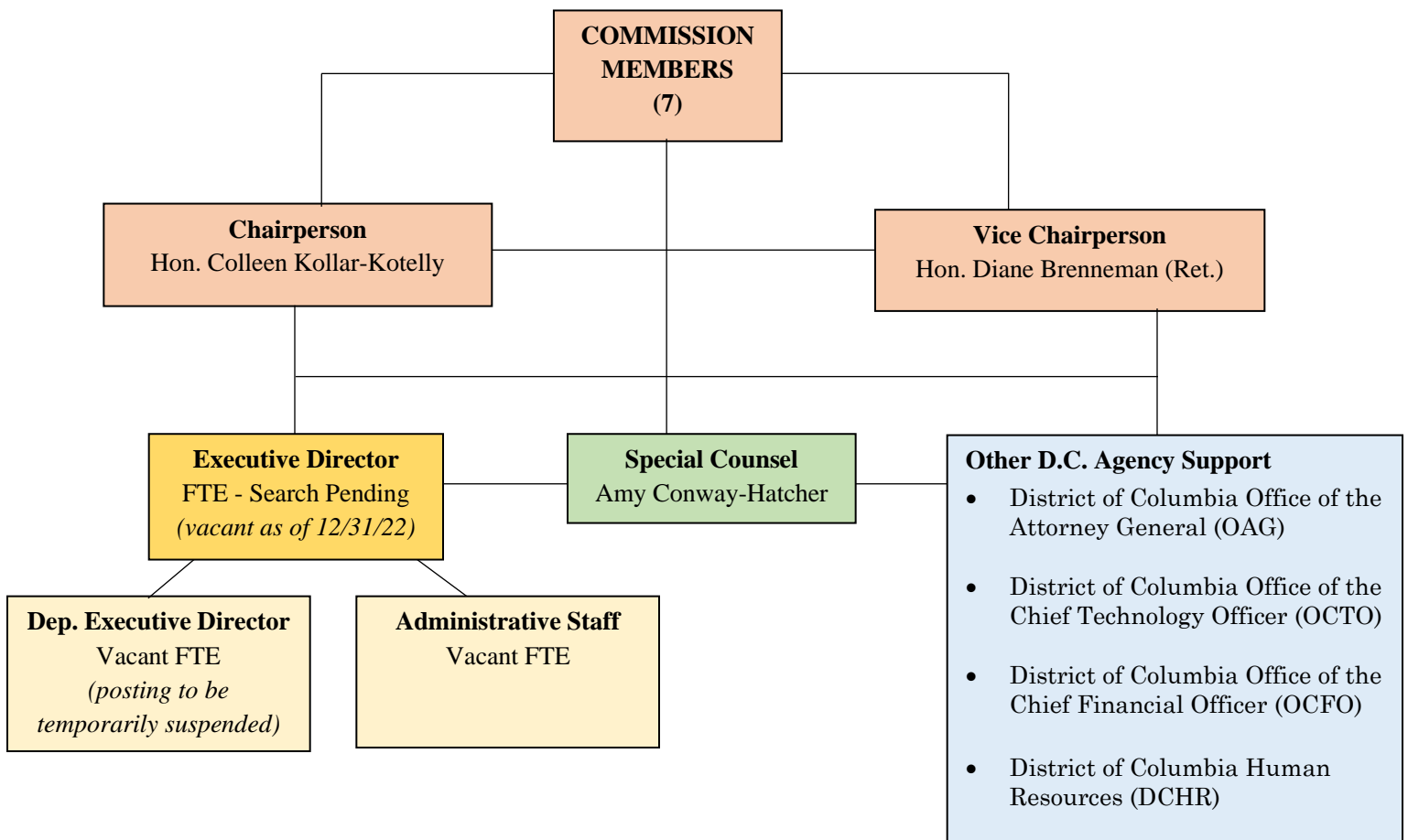
¹⁹ See D.C. Official Code § 11-1525(b) (“The Commission is authorized, without regard to the provisions governing appointment and classification of District of Columbia employees, to appoint and fix the compensation of, or to contract for, such officers, assistants, reporters, counsel, and other persons as may be necessary for the performance of its duties.”)

**FEBRUARY 14, 2023 SUBMISSION OF
THE COMMISSION ON JUDICIAL DISABILITIES AND TENURE
(PERFORMANCE OVERSIGHT PRE-HEARING QUESTIONS)**

that may be extended by the Commission, as needed.²⁰ The fixed fee contract is capped at \$15,000 / month and is intended to manage costs by paying an effectively substantially lower rate than legal services with no hours cap. The legal services continue to be covered under a separate contract.

- The Commission does not have divisions or subdivisions.

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



²⁰ At the request of the Chairperson, the Vice Chairperson also is filling certain functions of the Executive Director.

**FEBRUARY 14, 2023 SUBMISSION OF
THE COMMISSION ON JUDICIAL DISABILITIES AND TENURE
(PERFORMANCE OVERSIGHT PRE-HEARING QUESTIONS)**

2. Please list each **new program** implemented by the agency during FY 2022 and FY 2023, to date. For each initiative please provide:
- A description of the initiative, including when begun and when completed (or expected to be completed);
 - The funding required to implement the initiative;
 - Any documented results of the initiative.

Response:

In FY 2022, the Commission began implementation of the budgeting, acquisition, and initial design phase of its Modernization Project, a technology upgrade project that will positively impact each of the Agency's critical functions. As envisioned, the operational upgrades eventually will allow Commissioners to track and access precedent including, for example, (i) public and non-public disciplinary actions, (ii) significant investigations, and (iii) trends in concerns or complaints for judges, certain types of conduct or repetitive filings by complainants or about a specific judge – all of which the Commission will be able to review on an individual basis or in the aggregate during a specific discrete time period or decades of judicial service. The Commission's goal is to create a largely paperless environment that will allow Commissioners and CJDT staff to access, as needed, important current and historical data.

- The Modernization Project is underway as of Q2 FY 2023. The tracking software and data repository elements for complaints and reappointments are expected to be largely completed in FY 2023, along with critical and more immediate technology infrastructure needs (Phase 1). Given the extent of paper files and lack of and/or outdated technology infrastructure, the Commission expects certain work (*e.g.*, importation of historical data and key precedent), as well as further infrastructure, upgrades, and maintenance in FY 2024 (Phase 2).
- After numerous discussions and assessment of needs, Commission leadership, the Executive Director, and Special Counsel concurred that the project was best led by OAG IT experts who had built a similar system for OAG's Consumer Protection Division, and further supported and supplemented by OCTO on any hardware, connectivity, office upgrades, and data repository/sharing requirements.
- **Phase 1 (Complaint Tracking, Reappointments, Senior Judge Fitness Reviews)**
 - The complaint tracking phase of the project is intended to be substantially completed in FY 2023 with residual steps and ongoing maintenance in FY 2024 (Phase I). The Commission has expanded Phase I to include as part of the

**FEBRUARY 14, 2023 SUBMISSION OF
THE COMMISSION ON JUDICIAL DISABILITIES AND TENURE
(PERFORMANCE OVERSIGHT PRE-HEARING QUESTIONS)**

forward-looking complaint tracking system, digitization of the reappointment, and senior judge fitness reviews on a go-forward basis.

- The funding for this project from the DC government in FY 2023 includes approximately \$303,000.00 (technology project and maintenance). The Commission expects to complete Phase I with available funding.

- **Phase 2 (Further CJDT Upgrades and Digitization (existing hardware, storage, scanning, etc.))**

- As described in the Preamble at 7-9, CJDT is awaiting results of the OCTO Survey of its office, existing hardware, storage, scanning, security, IT services, etc., as well as the estimated budget needs to achieve a largely paperless system, including CJDT historical records, for the future. CJDT is coordinating with OAG and OCTO to assure compatibility of solutions to meet its needs. CJDT will update the Committee further on both the survey results and related budget impact by March 10.

3. Please provide a complete, up-to-date position listing for your agency, ordered by program and activity, and including the following information for each position:

- **Title of position;**
- **Name of employee or statement that the position is vacant, unfunded, or proposed;**
- **Date employee began in position;**
- **Salary and fringe benefits (separately), including the specific grade, series, and step of position;**
- **Job status (continuing/term/temporary/contract);**
- **Whether the position must be filled to comply with federal or local law.**

Please note the date that the information was collected

Response:

See Response to Questions I.A.1 and 2.

See also Attachment I.A.3.

4. Does the agency conduct annual performance evaluations of all of its employees, and was this done in FY 2022? Who conducts such evaluations? What are they performance measures by which employees are evaluated? What steps are taken to ensure that all agency employees are meeting individual job requirements? What steps are taken when an employee does not meet individual job requirements?

**FEBRUARY 14, 2023 SUBMISSION OF
THE COMMISSION ON JUDICIAL DISABILITIES AND TENURE
(PERFORMANCE OVERSIGHT PRE-HEARING QUESTIONS)**

Response:

Although Commission leadership historically has provided informal reviews in the past, CJDT has not conducted formal annual performance reviews in the past. CJDT plans to change this practice upon the hiring of new staff, subject to input by DCHR and OAG given its unique statutory construct.

- 5. Please list all employees detailed to or from your agency, if any. Please provide the reason for the detail, the detailed employee's date of detail, and the detailed employee's projected date of return.**

Response:

The Commission has not detailed any employees to another agency and has not requested any employees to be detailed to the Commission during FY 2022 and thus far in FY 2023.

- 6. Please provide the position name, organization unit to which it is assigned, and hourly rate of any contract workers in your agency, and the company from which they are contracted.**

Response:

Consistent with prior years and as discussed last year, the Commission has a contract that is renewed annually for the legal services of an outside Special Counsel who provides legal and investigative services to the agency. *See* Preamble at 3, 7, and FN6. To address unexpected interim matters related to the retirement of the Executive Director, the Commission has a new short-term, fixed fee contract with Special Counsel in FY 2023 to fulfill essential duties of the Executive Director.

Special Counsel Contract for Legal Services

In FY 2022, the Chairperson reported to the J&PS Committee the existence of ongoing budgetary shortfalls for legal and investigative services given the increased volume and complexity of matters coming before the Commission. In fact, the budget for legal and investigative services had remained static since before 2010 and was well below market rates. Additional funding was provided and, in FY 2022, the Commission entered into a new NTE contract for legal and investigative services. After appeal in FY 2023 and assuming no further adjustments, the Commission has achieved federal funding for these services in FY 2024. *See* Preamble at 1, 3-7 and FN1, FN5.

In FY2022 alone, Special Counsel:

- Completed one [1] serious investigation from FY2021. *See* Preamble at 5 and Attachments PRE. 8.

**FEBRUARY 14, 2023 SUBMISSION OF
THE COMMISSION ON JUDICIAL DISABILITIES AND TENURE
(PERFORMANCE OVERSIGHT PRE-HEARING QUESTIONS)**

- Further executed the Commission’s determination to involuntarily retire an Associate Judge of the D.C. Superior Court, resulting in numerous public documents and a Public Statement. The resolution included preparation for possible litigation if the matter was contested. *See* Preamble at 5 and Attachments PRE. 7.-8.
- Conducted two (2) additional serious investigations initiated and concluded in FY2022, one of which resulted in a Public Statement, *see* Preamble at 4 and Attachment PRE. 6., and one which remains non-public due to the retirement of the judge following a preliminary investigation and the Commission’s inquiries into potential medical issues.
- Reviewed and advised on over 70 complaints and inquiries to the Commission.
- Provided legal advice on a range of matters of importance to the Commission.
- Assisted in special projects assigned and supervised by the Chairperson and Vice Chairperson including, but not limited to, evaluating technology gaps and solutions, staffing, budget matters, non-investigative matters.

In FY2023 to date, Special Counsel:

- Advised and supported the Commission on operational transition matters and related documentation of statutorily required actions and requirements of the Commission. Coordinated with various agencies to support the same.
- Implemented interim improvements to the Commission’s reappointment and senior judge review processes to increase the public’s ability to provide comments and information regarding judges who are seeking new terms, as well as increasing information and time available to Commissioners assigned to review those judges.
- Reviewed and advised on over 37 complaints and inquiries to the Commission, as well as the implementation of interim processes to streamline and increase the Commission’s ability to respond efficiently to concerns brought to its attention.
- Advised the Commission on a range of significant legal matters relevant to the performance of the Commission in its oversight of DC judges and matters that impact litigants in the DC Courts.
- Ongoing review of the Commission’s Rules to propose additional updates in FY 2023.

The Contract terms are as follows:

- Contracting Party: Amy Conway-Hatcher, Esq. (Schertler Onorato Mead & Sears)
- Term: FY 2022 (10/01/21 - 9/30/22); FY 2023 (10/01/22 – 9/30/23)
- Services: See above and Preamble at 3-7 and FN6.
- Contract Amount: Estimated not to exceed \$200,000.00; funded from CJDT budget

**FEBRUARY 14, 2023 SUBMISSION OF
THE COMMISSION ON JUDICIAL DISABILITIES AND TENURE
(PERFORMANCE OVERSIGHT PRE-HEARING QUESTIONS)**

- FY 2022: CJDT budgeted \$200,000.00; pursuant to CJDT NTE waiver, expended \$196,757.00.
- FY 2023 to date: CJDT budgeted \$210,000; expended \$29,802.50 to date.
- Contract Oversight: The contract is monitored by the Chairperson and the Vice Chairperson of the Commission.
- Special Counsel Background: See Preamble at 7 and FN6.

Short-Term Fixed Fee Contract (Term of Contract FY 2023: 1/1/23 - 2/28/2023)

Given the essential nature of Special Counsel’s ongoing legal work, her specialized knowledge of critical ongoing matters, current initiatives before the Commission, and her knowledge of the Commission’s operations, the Commission executed a short-term fixed fee contract that can be extended, as needed, to fulfill essential duties of the Executive Director while the Commission conducts a search to permanently fill that role. This fixed fee option for operational work provides substantial savings to the Commission while benefiting from counsel’s highest quality of service.

- Contract Amount: Fixed fee \$15,000 per month; funded from the CJDT budget.
- Term: FY 2023 (1/1/2023-2/28/2023, with option to extend).
- Contract Oversight: The contract is monitored by the Chairperson and the Vice Chairperson of the Commission.
- Special Counsel Background: See above and Preamble at 8-9.

7. Please provide the Committee with:

- **A list of all employees who receive cellphones or similar communications devices at agency expense.**
 - ◆ **Please provide the total cost for mobile communications and devices at the agency for FY 2022 and FY 2023 to date, including equipment and service plans.**
- **A list of all vehicles owned, leased, or otherwise used by the agency and to whom the vehicle is assigned.**
- **A list of employee bonuses or special award pay granted in FY 2022 and FY 2023, to date.**
- **A list of travel expenses, arranged by employee.**
- **A list of the total overtime and worker’s compensation payments paid in FY 2022 and FY 2023, to date.**

Response:

- The Executive Director used a cellphone at the Agency expense. The device was returned on her last day in the office on December 31, 2022. Other devices, including a laptop and printer were also returned.
- The Commission does not own or lease vehicles.
- The Commission did not grant bonuses or special award pay in FY2022 or FY2023, to date. The Executive Office of the Mayor granted a “pay harmonization COLA” adjustment to all DC government employees in FY 2022. The one-time bonus of \$5,175.00 was paid in FY 2022.

**FEBRUARY 14, 2023 SUBMISSION OF
THE COMMISSION ON JUDICIAL DISABILITIES AND TENURE
(PERFORMANCE OVERSIGHT PRE-HEARING QUESTIONS)**

8. Please provide a list of each collective bargaining agreement that is currently in effect for agency employees.
- Please include the bargaining unit (name and local number), the duration of each agreement, and the number of employees covered.
 - Please provide, for each union, the union leader's name, title, and his or her contact information, including e-mail, phone, and address if available.
 - Please note if the agency is currently in bargaining and its anticipated completion date.

Response:

The Commission does not have any collective bargaining agreements in effect.

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

Response:

The Commission office's files are largely paper-based. Based on consultation and input by OAG and OCTO, the Commission will be substantially modernizing its office in FY 2023 including hardware, information tracking, and electronic database. See above Response to Question I.A.2. at 14-55; see also Preamble at 7-9.

- The Commission maintains a website that provides important information about its governing statutes and jurisdiction, disciplinary actions, public statements, and public letters, as well as reappointments and senior judge recommendations.
 - The website includes information about the Commission's complaint, investigation, and disciplinary processes and procedures, as well as options available for the public to file a complaint regarding a judge. Complaints may be filed directly via the Commission's website, or by hand, email, in-person using the Commission's downloadable PDF form, a letter, or any other form of summary, or by phone. Complaints can be made formally or informally. In certain instances, the Commission has reviewed anonymous complaints. The Commission can also initiate an investigation on its own based on public reports or other information.

**FEBRUARY 14, 2023 SUBMISSION OF
THE COMMISSION ON JUDICIAL DISABILITIES AND TENURE
(PERFORMANCE OVERSIGHT PRE-HEARING QUESTIONS)**

- The Commission’s website also includes, for example, public announcements of the public comment period for Associate Judge reappointments and for senior judge appointments provides the public with a range of options for participating. See, e.g., <https://cjdt.dc.gov/page/evaluate-candidates> (posting regarding the Reappointment process for Judge Anthony C. Epstein and Judge Heidi M. Pasichow (soliciting comments)).
- The Commission does not have a public-facing tracking system for complaints and is prohibited by statute from releasing information about complaints absent specific exceptions. See Preamble at 4, FN7 (citing Attachments PRE 1. and PRE. 4.). However, the Commission does provide complainants acknowledgement letters, as well as disposition letters once the matter is resolved.

10. Please describe the agency’s procedures for investigating allegations of sexual harassment or misconduct committed by or against its employees. List and describe any allegations received by the agency in FY 2022 and FY 2023, to date, and whether and how those allegations were resolved.

Response:

The Commission historically has been an office of one District of Columbia employee and, therefore, has not maintained procedures separate from District of Columbia procedures for investigating allegations of sexual harassment or misconduct committed by or against its employees. The Commission’s employees and those doing business with the Commission have the same protections as those identified in Mayor’s Order 2017-312, Sexual Harassment Policy, Guidance, and Procedures. To the extent the Commission receives allegations by or against its employees, those allegations will be investigated by the Commission’s Special Counsel. The Commission received no such allegations by or against employees in FY2022 or FY2023 to date. The Commission plans to revisit these matters with its employment counsel as part of its plans for hiring and oversight of employees going forward.

11. For any boards or commissions associated with your agency, please provide a chart listing the following for each member:

- **The member’s name;**
- **Confirmation date;**
- **Term expiration date;**
- **Whether the member is a District resident or not;**
- **Attendance at each meeting in FY 2022 and FY 2023, to date.**
- **Please also identify any vacancies.**

Response: The Commission is not associated with any other boards, commissions, or task forces.

**FEBRUARY 14, 2023 SUBMISSION OF
THE COMMISSION ON JUDICIAL DISABILITIES AND TENURE
(PERFORMANCE OVERSIGHT PRE-HEARING QUESTIONS)**

12. Please list the task forces and organizations, including those inside the government such as interagency task forces, of which the agency is a member and any associated membership dues paid.

Response: The Commission is not a member of any interagency task forces or organizations. The Commission is a member of the Center for Judicial Ethics, which is a division of the National Center for the State Courts. Historically, the Executive Director has used this membership to stay apprised of developments in other state courts and jurisdictions, as well as programming and written materials that the Center distributes on ethics issues and disciplinary proceedings in other jurisdictions.

13. What has the agency done in the past year to make the activities of the agency more transparent to the public?

Response:

For matters resolved or investigated in FY 2022 and FY 2023, the Commission continues to make a number of its matters public and, where appropriate, has consulted with the Office of the Attorney General, Legal Counsel Division formally and informally on its statutory limits on confidentiality and privilege.

During that period, the Commission issued public statements and inquiries, as well as disciplinary actions. *See* Preamble at 4-5 and Attachments PRE. 6.-9.

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

- **What is the nature of comments received? Please describe.**
- **How has the agency changed its practices as a result of such feedback?**

Response:

Unlike DC agencies, the Commission is a unique body, created by statute, with jurisdiction over judicial conduct, reappointments, and senior judge reviews. While it relies and encourages members of the community to share their concerns, provide feedback on judges seeking reappointment or senior judge status, and/or file complaints in matters where judicial conduct is a concern, the Commission is upfront that it cannot always share the full extent of how matters are disposed of given statutory restrictions on confidentiality and privilege.

- Where appropriate the Commission does issue public statements from time to time to share important information with judges and the public regarding its work or matters that come to its attention.
- Where appropriate, the Commission also has and will continue to review, update and/or tailor written acknowledgements and other correspondence with complainants to provide helpful, clear information and to avoid unnecessary confusion.

**FEBRUARY 14, 2023 SUBMISSION OF
THE COMMISSION ON JUDICIAL DISABILITIES AND TENURE
(PERFORMANCE OVERSIGHT PRE-HEARING QUESTIONS)**

15. Please complete the following chart about the residency of new hires:

Response: There were no new hires in FY2022 or FY 2023.

Number of Employees Hired in FY 2022 and FY 2023, to date

<i>Position Type</i>	<i>Total Number</i>	<i>Number who are District Residents</i>
Continuing		
Term		
Temporary		
Contract		

16. Please provide the agency’s FY 2022 Performance Accountability Report.

Response:

The FY 2022 Performance Accountability Plan and Performance Accountability Report are attached as Attachments I.A.16 and I.A.16.-1, also at [OCA District Performance P... - \(dc.gov\)](#).

The FY 2023 Performance Accountability Plan is attached as Attachment I.A.16-2, also at [CJDT23.pdf \(dc.gov\)](#).

CJDT provides links on its website to Office of the City Administrator and relevant plans at <https://cjdtdc.gov/page/about-cjdt>.

B. BUDGET AND FINANCE

17. Please provide a chart showing the agency’s approved budget and actual spending, by division, for FY 2022 and FY 2023, to date. In addition, please describe any variance between fiscal year appropriations and actual expenditures for each program and activity code.

Response:

See Attachment B.17-1 for FY 2022.

See Attachment B.17-2 for FY 2023.

**FEBRUARY 14, 2023 SUBMISSION OF
THE COMMISSION ON JUDICIAL DISABILITIES AND TENURE
(PERFORMANCE OVERSIGHT PRE-HEARING QUESTIONS)**

18. Please list any reprogrammings, in, out, or within, related to FY 2022 or FY 2023 funds. For each reprogramming, please list:
- i. The reprogramming number;
 - ii. The total amount of the reprogramming and the funding source (i.e., local, federal, SPR);
 - iii. The sending or receiving agency name, if applicable;
 - iv. The original purposes for which the funds were dedicated;
 - v. The reprogrammed use of funds.

Response:

See Attachment B.18.

19. Please provide a complete accounting for all intra-District transfers received by or transferred from the agency during FY 2022 and FY 2023, to date, including:
- i. Buyer agency and Seller agency;
 - ii. The program and activity codes and names in the sending and receiving agencies' budgets;
 - iii. Funding source (i.e. local, federal, SPR);
 - iv. Description of MOU services;
 - v. Total MOU amount, including any modifications;
 - vi. The date funds were transferred to the receiving agency.

Response:

See Attachment B.19.

20. Please provide a list of all MOUs in place during FY 2022 and FY 2023, to date, that are not listed in response to the question above.

Response:

- (FY 2023) Memorandum of Understanding Between the Attorney General and the Commission on Judicial Disabilities and Tenure
 - Description: (i) Modernize and automate certain aspects of CJDT's existing and primarily paper-based judicial complaint, reappointment, and financial disclosure reporting processes; (ii) Provide a robust reporting mechanism that CJDT can use to report its activities to relevant stakeholders; (iii) create a document management system that is linked to the respective systems.
 - Amount: \$240,000.00
- (FY 2023) Memorandum of Agreement Between the Office of the Attorney General and the Commission on Judicial Disabilities and Tenure
 - Description: Provide staffing to CJDT to provide support with its automation project, assist with scanning, and other technology assignments, as necessary.

**FEBRUARY 14, 2023 SUBMISSION OF
THE COMMISSION ON JUDICIAL DISABILITIES AND TENURE
(PERFORMANCE OVERSIGHT PRE-HEARING QUESTIONS)**

- (FY 2022) Memorandum of Understanding Between Office of the Chief Technology Officer and the Commission on Judicial Disabilities and Tenure
 - Description: Development and implementation of the Case and File Management System
 - Amount: \$5,915.00

21. **Please identify any special purpose revenue accounts maintained by, used by, or available for use by your agency during FY 2022 and FY 2023, to date. For each account, please list the following:**
- **The revenue source name and code;**
 - **The source of funding;**
 - **A description of the program that generates the funds;**
 - **The amount of funds generated by each source or program in FY 2022 and FY 2023, to date;**
 - **Expenditures of funds, including the purpose of each expenditure, for FY 2022 and FY 2023, to date.**

Response:

CJDT has no special purpose revenue funds.

22. **Please provide a list of all projects for which your agency currently has capital funds available. Please include the following:**
- **A description of each project, including any projects to replace aging infrastructure (e.g., water mains and pipes);**
 - **The amount of capital funds available for each project;**
 - **A status report on each project, including a timeframe for completion;**
 - **Planned remaining spending on the project.**

Response:

CJDT has no capital improvement project funds.

23. **Please provide a complete accounting of all federal grants received for FY 2022 and FY 2023, to date, including the amount, the purpose for which the funds were granted, whether those purposes were achieved and, for FY 2022, the amount of any unspent funds that did not carry over.**

Response:

CJDT has no federal grants.

24. **Please list each contract, procurement, lease, and grant ("contract") awarded, entered into, extended and option years exercised, by your agency during FY 2022 and FY 2023, to date. For each contract, please provide the following information, where applicable:**

**FEBRUARY 14, 2023 SUBMISSION OF
THE COMMISSION ON JUDICIAL DISABILITIES AND TENURE
(PERFORMANCE OVERSIGHT PRE-HEARING QUESTIONS)**

- **The name of the contracting party;**
- **The nature of the contract, including the end product or service;**
- **The dollar amount of the contract, including budgeted amount and actually spent;**
- **The term of the contract;**
- **Whether the contract was competitively bid or not;**
- **The name of the agency’s contract monitor and the results of any monitoring activity;**
- **Funding source;**
- **Whether the contract is available to the public online.**

Response:

See Attachment B.24 for FY 2022 (FY22 CJDT Contract Listing); Attachment B.24-1 (FY23 CJDT Contract Listing).

- 25. Please provide the details of any surplus in the agency’s budget for FY 2022, including:**
- i. Total amount of the surplus;**
 - ii. All projects and/or initiatives that contributed to the surplus.**

Response:

The amount of the FY 2022 surplus is \$13,662.

Net vacancy savings and NPS spending less than estimated.

C. LAWS, AUDITS, AND STUDIES

- 26. Please identify any legislative requirements that the agency lacks sufficient resources to properly implement.**

Response:

Last year, the Commission raised concerns about lack of sufficient funding for legal and investigative services. *See* Preamble at 1 and FN1. The Commission’s concerns were addressed through funding by the DC government in FY 2023 for (i) legal and investigative needs and (ii) the procurement of a complaint tracking system, as well as corresponding requests, including an appeal, for increased Federal funding in FY 2024.

At present, the Commission understands that OMB has authorized Federal funding for its legal and investigation budget needs in FY 2024. While the Commission anticipates completing the implementation of a complaint tracking system (expanded to include reappointments and senior judge fitness reviews) with existing funding in FY 2023, the

**FEBRUARY 14, 2023 SUBMISSION OF
THE COMMISSION ON JUDICIAL DISABILITIES AND TENURE
(PERFORMANCE OVERSIGHT PRE-HEARING QUESTIONS)**

Commission is awaiting the results of the OCTO Survey to address critical infrastructure needs to fully implement CJDT's Modernization Project, resulting in the transition from a largely paper-based system to a digitized system. *See* Preamble at 7-9 and Response to Questions A.2 and A.9.

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

Response:

The Commission's implementing statute and other legislation that expanded its jurisdiction provide sufficient clarity of the Commission's mission and jurisdiction, as well as restrictions or limitations that are inherent in the nature of investigative bodies to balance the interests of all parties, including judges, complainants, and witnesses. *See also infra* at II. Response to Question 47.

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

Response:

The D.C. Code of Judicial Conduct (2018 ed. and 2019 supp.). *See* Preamble at 2, Attachment PRE-5.

29. Please explain the impact on your agency of any federal legislation or regulations adopted during FY 2022 that significantly affect agency operations or resources.

Response:

None.

30. Please provide a list of all studies, research papers, and analyses ("studies") the agency requested, prepared, or contracted for during FY 2022. Please state the status and purpose of each study.

Response:

None.

31. Please list and describe any ongoing investigations, audits, or reports on your agency or any employee of your agency, or any investigations, studies, audits, or reports on your agency or any employee of your agency that were completed during FY 2022 and FY 2023, to date.

**FEBRUARY 14, 2023 SUBMISSION OF
THE COMMISSION ON JUDICIAL DISABILITIES AND TENURE
(PERFORMANCE OVERSIGHT PRE-HEARING QUESTIONS)**

Response:

None.

32. Please identify all recommendations identified by the Office of the Inspector General, D.C. Auditor, or other federal or local oversight entities during the previous 3 years. Please provide an update on what actions have been taken to address these recommendations. If the recommendation has not been implemented, please explain why.

Response:

The Commission is not aware of any such recommendations.

33. Please list any reporting requirements required by Council legislation and whether the agency has met these requirements.

Response:

The Commission is not aware of any such reporting requirements.

34. Please list all pending lawsuits that name the agency as a party, and provide the case name, court where claim was filed, case docket number, and a brief description of the case.

Response:

None.

35. Please list all settlements entered into by the agency or by the District on behalf of the agency in FY 2022 or FY 2023, to date, including any covered by D.C. Code § 2-402(a)(3), and provide the parties' names, the amount of the settlement, and if related to litigation, the case name and a brief description of the case. If unrelated to litigation, please describe the underlying issue or reason for the settlement (e.g. administrative complaint, etc.).

Response:

None.

36. Please list any administrative complaints or grievances that the agency received in FY 2022 and FY 2023, to date, broken down by source. Please describe the process utilized to respond to any complaints and grievances received and any changes to agency policies or procedures that have resulted

**FEBRUARY 14, 2023 SUBMISSION OF
THE COMMISSION ON JUDICIAL DISABILITIES AND TENURE
(PERFORMANCE OVERSIGHT PRE-HEARING QUESTIONS)**

from complaints or grievances received. For any complaints or grievances that were resolved in FY 2022 or FY 2023, to date, describe the resolution.

Response:

None

D. EQUITY

37. How does the agency assess whether programs and services are equitably accessible to all District residents?

- i. What were the results of any such assessments in FY 2022?**
- ii. What changes did the agency make in FY 2022 and FY 2023, to date, or does the agency plan to make in FY 2023 and beyond, to address identified inequities in access to programs and services?**
- iii. Does the agency have the resources needed to undertake these assessments? What would be needed for the agency to more effectively identify and address inequities in access to agency programs and services?**

Response:

While the Commission does not conduct such formal assessments, the Commission takes pride in its efforts to assure **all** members of the community and stakeholders have equal access to raise matters of concern.

- The Commission's website affords **all** members of the community, including the hearing-impaired, to file complaints directly through the website or download forms for alternative submissions via email, US mail, hand-delivery, or phone.
- The Commission's complaint page allows members of the community to submit questions about the filing or complaint process. <https://cjdt.dc.gov/service/filing-complaint>.
- The Commission has arranged for translation services to assure access by non-English speaking complainants.
- The Commission has taken steps to assure that all court employees and judicial staff are aware of the Commission, its accessibility, and its mission. See Preamble at 6 and related Attachments.
- The Commission and its Special Counsel carefully review each complaint diligently and thoroughly without regard to any individual characteristics of complainants.

38. Does the agency have a racial or social equity statement or policy? Please share that document or policy statement with the Committee.

- i. How was the policy formulated?**
- ii. How is the policy used to inform agency decision-making?**

**FEBRUARY 14, 2023 SUBMISSION OF
THE COMMISSION ON JUDICIAL DISABILITIES AND TENURE
(PERFORMANCE OVERSIGHT PRE-HEARING QUESTIONS)**

- iii. Does the agency have a division or dedicated staff that administer and enforce this policy?
- iv. Does the agency assess its compliance with this policy? If so, how, and what were the results of the most recent assessment?

Response:

The Commission does not have an internal racial or social equity statement or policy that is different from the District of Columbia. For example, in accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401 *et. seq.* (“Act”), the Commission does not discriminate on the basis of any of the Human Rights Act protected classes. In accordance with D.C. Code § 2-1402.61, the Commission does not “coerce, threaten, retaliate against, or interfere with any person in the exercise or enjoyment of, or on account of having exercised or enjoyed, or on account of having aided or encouraged any other person in the exercise or enjoyment of any right granted” by the D.C. Human Rights Act. D.C. Official Code § 2-1402.61. Like all positions advertised by the District government, the Commission includes an equal employment opportunity statement on its vacancy announcements indicating that all qualified candidates will receive consideration without regard to their status.

- 39. Does the agency have an internal equal employment opportunity statement or policy? Please share that document or policy statement with the Committee.**
- i. How was the policy formulated?
 - ii. How is the statement or policy used to inform agency decision-making?
 - iii. Does the agency have a division or dedicated staff that administer and enforce this policy?
 - iv. Does the agency assess its compliance with this policy? If so, how, and what were the results of the most recent assessment?

Response:

See Response 38. Under its Memorandum of Understanding with the District Department of Human Resources, Commission employees will receive equal employment opportunity training on the District’s policies and counseling to the extent necessary.

E. COVID-19 PANDEMIC RESPONSE

- 40. Please give an overview of any programs or initiatives the agency has started in response to COVID-19, to date, and whether each program or initiative is still in effect.**

Response:

Like many other organizations, where possible, the Commission now conducts many of its meetings virtually. Further, as appropriate, the Commission, as well as its Special Counsel and staff, will hold meetings with judges, stakeholders, complainants, and witnesses

**FEBRUARY 14, 2023 SUBMISSION OF
THE COMMISSION ON JUDICIAL DISABILITIES AND TENURE
(PERFORMANCE OVERSIGHT PRE-HEARING QUESTIONS)**

virtually to assure the health and safety of all. The Commission will continue to use virtual meeting technology as appropriate and to facilitate its work.

41. Which of the agency's divisions are currently working remotely?

- i. What percentage of the agency's total employees currently work remotely?**
- ii. Please provide a copy of the agency's Continuing Operations Plan and any remote working protocol.**

Response:

Prior to the Executive Director's retirement, the Executive Director split her time in the office and working remotely. At present, during this period of transition, Special Counsel and the Vice Chairperson also are working both remotely and in the office depending on day-to-day operational needs.