

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Executive Office of Mayor Muriel Bowser



Office of the City Administrator

January 15, 2021

Fiscal Year (FY) 2020 was an unprecedented year for all DC residents, businesses and the District Government. In March 2020—the second quarter of the fiscal year—Mayor Bowser declared a public health emergency and District government quickly pivoted to respond to the COVID-19 global health pandemic. To align with recommended social distancing and public safety guidelines, in just one day, over 60 percent of District government employees transitioned to a telework posture. In addition, many District agencies limited or temporarily ceased most in-person activities and services.

The global health emergency required the District to significantly reallocate financial and personnel resources to respond to the pandemic. With the change in operations and a substantial decrease in revenues, the District's response required all agencies to determine how to best provide services to District residents, visitors and employees, while maintaining the necessary protocols to help slow the spread of COVID-19.

As such, the global health pandemic greatly impacted some agencies' abilities to meet their FY20 key performance indicators (KPIs) and strategic initiatives established prior to its onset as agencies shifted resources to respond to COVID-19. Therefore, outcomes for KPIs and strategic initiatives reflect a shift in District priorities and efforts during this crisis. While we continue to believe strongly in performance tracking to improve District services, the data for FY20 is not fully indicative of agencies' performance and should be reviewed factoring in the unprecedented challenges encountered in FY 2020.

Sincerely,

A handwritten signature in black ink that reads 'Kevin Donahue'.

Kevin Donahue
Interim City Administrator



Judicial Nomination Commission FY2020

Agency Judicial Nomination Commission

Agency Code DVO

Fiscal Year 2020

Mission The mission of the District of Columbia Judicial Nomination Commission (JNC) is to screen, select, and recommend candidates to the President of the United States for his consideration in appointing judges to the District of Columbia Court of Appeals and Superior Court of the District of Columbia. The JNC also appoints the chief judges of both courts.

Summary of Services The JNC advertises judicial vacancies, solicits applications, conducts background investigations, carefully reviews investigative materials, reads briefs and other application materials, interviews applicants, solicits and considers input from the bench, bar, and public regarding applicants' fitness to serve, and carefully evaluates each candidate's application and background. The JNC also appoints the chief judges of the District of Columbia Court of Appeals and Superior Court of the District of Columbia.

2020 Accomplishments

Accomplishment	Impact on Agency	Impact on Residents
The Judicial Nomination Commission (JNC or Commission) conducted live, virtual, and "open conference call" outreach sessions despite the impacts related to the COVID-19 pandemic. The purpose of these outreach sessions was to educate members of DC's legal community about the DC Courts' judicial selection process and to provide practical advice for prospective applicants. Another goal of the JNC's outreach sessions was to increase the number of qualified applicants for judicial vacancies and the diversity of the applicant pool.	By providing frequent opportunities for individuals to learn and ask questions about the judicial selection process in DC, outreach sessions allow for greater transparency regarding the JNC's work. Additionally, a robust applicant pool helps ensure that the JNC can transmit strong candidate lists to the President of the United States to fill judicial vacancies on the DC Courts with individuals with a high degree of skills and qualifications.	Holding outreach sessions allows DC residents to understand better how the judicial selection process works in the DC Courts. As such, there is increased engagement with the judicial branch, which impacts the day-to-day lives of DC residents and shapes the professions of those in the DC legal community. Moreover, expanding the applicant pool for judicial vacancies allows it to include a broader range of backgrounds and professional experiences. The breadth of experience of those who serve on the bench directly impacts DC residents because judges of the DC Courts make daily decisions that affect many DC residents.
The JNC issued a Notice of Final Rulemaking on November 15, 2019, to clarify ambiguities in the procedures relating to applicants' status on judicial nomination lists and codify what constitutes a quorum for the adoption of an action by the Commission. Additionally, the JNC issued a Notice of Second Proposed Rulemaking and a Notice of Final Rulemaking in the District of Columbia Register on December 20, 2019, and March 13, 2020, respectively, to promulgate and adopt a new Section 2102 (Applications for Judicial Nominations) in the Home Rule Act to clarify certain application procedures for judicial candidates including those relating to qualifying professional activities, as well as certain other application procedures for judicial candidates.	The procedural clarifications increase the nomination procedure's efficiency by allowing the JNC to start the judicial application process anew under certain circumstances. They will also increase the pool of qualified applicants by specifying the date by which an applicant for a judicial vacancy must have accumulated five years of qualifying experience. Procedures in the Home Rule Act are ambiguous as to what happens when the Senate fails to confirm a nominee or returns a nomination. The rulemaking specifies that when the Senate rejects, returns, or fails to take action on a nomination by the end of a Senate session, the nomination will be deemed rejected, and the President will have 60 days to make another nomination. If the President does not make another nomination within 60 days, the list of candidates is deemed expired, and the Commission submits another list to the President, starting the application process anew. The rulemaking specifies that the applicant must accumulate five years of qualifying experience immediately prior to the date that the Commission recommends the person to the President rather than by the date the person submits the application.	The rules adopted will increase the nomination procedure's efficiency in the DC Courts, ideally address the number of judicial vacancies on the DC Courts, and increase the pool of qualified applicants. Reducing the number of judicial vacancies on the DC Courts will positively impact the fair and effective administration of justice for DC residents. Also, the rulemaking will promote the public interest in the effective and equitable administration of justice.
The JNC implemented a cost-effective and user-friendly web portal via SeamlessDocs that allows applicants to submit their application materials online securely. This portal was especially important during the COVID-19 shutdown and enabled the JNC to continue the work necessary for executing its mission of recommending judicial applicants to the President of the United States.	Using SeamlessDocs will increase the nomination procedure's efficiency in the DC Courts and ideally ease certain burdens for judicial applicants. It will also provide a secure applicant database and application web portal to promote trust and integrity in the judicial nomination application process.	SeamlessDocs will modernize the JNC's application submission process by eliminating the need for judicial applicants to deliver their application materials in-person during business hours or rely upon the United States Postal Service or other shipping providers to timely submit their application materials. Further, by eliminating the need for JNC staff to manually scan and upload application materials to its electronic applicant database, the SeamlessDocs web portal will streamline the agency's internal operations.

2020 Key Performance Indicators

Measure	Frequency	FY 2017 Actual	FY 2018 Actual	FY 2019 Actual	FY 2020 Target	FY 2020 Quarter 1	FY 2020 Quarter 2	FY 2020 Quarter 3	FY 2020 Quarter 4	FY 2020 Actual	KPI Status	Explanation for Unmet FY 2020 Target
1 - Increase the pool of highly qualified applicants to fill each judicial vacancy within the required 60- day period either prior to or following the occurrence of a vacancy in accordance with the agency's governing statute. (2 Measures)												
Percent of candidate panels for judicial vacancies presented within statutory time frames	Annually	100%	100%	100%	100%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	100%	Met	
Percent of required background investigations on judicial vacancy applicants conducted and completed within statutory time frames	Annually	100%	100%	100%	100%	Annual Measure	Annual Measure	Annual Measure	Annual Measure	100%	Met	

2020 Workload Measures

Measure	FY 2018 Actual	FY 2019 Actual	FY 2020 Quarter 1	FY 2020 Quarter 2	FY 2020 Quarter 3	FY 2020 Quarter 4	FY 2020
1 - Screen, select, and recommend candidates to the President of the United States for consideration in appointing judges to the District of Columbia Court of Appeals and Superior Court of the District of Columbia (4 Measures)							
Number of Superior Court Judicial Vacancies	5	5	Annual Measure	Annual Measure	Annual Measure	Annual Measure	6
Number of Court of Appeals Judicial Vacancies	0	0	Annual Measure	Annual Measure	Annual Measure	Annual Measure	2
Number of Superior Court Chief Judge Designations	0	0	Annual Measure	Annual Measure	Annual Measure	Annual Measure	1

Measure	FY 2018 Actual	FY 2019 Actual	FY 2020 Quarter 1	FY 2020 Quarter 2	FY 2020 Quarter 3	FY 2020 Quarter 4	FY 2020
Number of Court of Appeals Chief Judge Designations	0	0	Annual Measure	Annual Measure	Annual Measure	Annual Measure	0

2020 Operations

Operations Header	Operations Title	Operations Description	Type of Operations
1 - Increase the pool of highly qualified applicants to fill each judicial vacancy within the required 60- day period either prior to or following the occurrence of a vacancy in accordance with the agency's governing statute. (1 Activity)			
COMMISSION ADMINISTRATION AND SUPPORT	Screen, select, and recommend candidates to the President of the United States for consideration in appointing judges to the District of Columbia Court of Appeals and Superior Court of the District of Columbia	The JNC advertises judicial vacancies, solicits applications, conducts background investigations, carefully reviews investigative materials, reads briefs and other application materials, interviews applicants, solicits and considers input from the bench, bar, and public regarding applicants' fitness to serve, and carefully evaluates each candidate's application and background.	Daily Service

2020 Strategic Initiatives

Strategic Initiative Title	Strategic Initiative Description	Completion to Date	Status Update	Explanation for Incomplete Initiative
No strategic initiatives found				