

IN THE MATTER OF: \* BEFORE THE COMMISSION  
JUDGE LYNN STEWART MAYS \* ON  
CJD 2015-069 and 2015-108 \* JUDICIAL DISABILITIES

\* \* \* \* \*

To: JUDGE LYNN STEWART MAYS  
CIRCUIT COURT OF MARYLAND FOR BALTIMORE CITY  
EIGHTH JUDICIAL CIRCUIT

**CHARGES**

**TAKE NOTICE** that the Commission on Judicial Disabilities (hereinafter the “Commission”) has caused to be made and completed an investigation, through its Investigative Counsel, Carol A. Crawford, of Judge Lynn Stewart Mays (hereinafter sometimes referred to as “Judge” or “Judge Stewart Mays”), who was, at all pertinent times, a Judge of the Circuit Court of Maryland for Baltimore City. The Commission notified Judge Stewart Mays of the nature of the investigation, and afforded the Judge an opportunity to present information bearing on the subject of the investigation.

The Commission has received and considered information from the investigation, including, but not limited to: information received from sources, complaint and attachments filed by the complainant, audio and visual recordings of the underlying court hearings, the Judge’s response, the recommendations of Investigative Counsel, the Reports of the Judicial Inquiry Board, and the Judge’s Objections to the Reports of the Judicial Inquiry Board. In consideration of the foregoing and a finding by the Commission of probable cause to believe that Judge Stewart Mays has committed sanctionable conduct, the Commission directed that Investigative Counsel initiate formal proceedings, pursuant to Maryland Rule 18-407(a) (formerly 16-808(a)), against Judge Stewart Mays.

The Commission will conduct a public hearing on these charges pursuant to Maryland Rule 18-407 (formerly 16-808). The following facts form the basis for these charges and the Commission's probable cause determination:

1. Judge Stewart Mays has served as a Judge of the Circuit Court of Maryland for Baltimore City since 2002.
2. Based upon information from sources and formal complaint received, the Commission's Investigative Counsel opened an investigation regarding Judge Stewart Mays' conduct while she was sitting in the Circuit Court for Baltimore City on the following criminal matters: (a) State of Maryland v. Dana Brown, Case Nos. 114213011, 114213012 and 114213013 (hereinafter sometimes referred to as the "Brown case"), and State of Maryland v. Charles Washington, Case Nos. 114213014, 114213015, and 114213016 (hereinafter sometimes referred to as the "Washington case"), based on information from sources (CJD 2015-069); and (b) State of Maryland v. Timothy Lynn, Case No. 812341002 (hereinafter sometimes referred to as the "Lynn case"), based upon a formal complaint filed by Louvenia McDougald, Senior Agent, Maryland Department of Parole and Probation, on July 23, 2015 (CJD 2015-108). The investigation was focused on Judge Stewart Mays' behavior during open court proceedings on December 9, 2014 in the Brown and Washington cases, and on July 14, 2015 in the Lynn case. Further, the investigation was focused on allegations that Judge Stewart Mays had been rude and disrespectful towards a prosecutor in the Brown and Washington cases and a probation agent in the Lynn case.
3. Investigative Counsel obtained and reviewed audio and visual recordings of all

aforementioned hearings in their totality. In addition, the complaint filed by Agent McDougald, the letter of response submitted by Judge Stewart Mays, through counsel, dated October 26, 2015, and the Objections to the Report of Judicial Inquiry Board filed by Judge Stewart Mays, through counsel, filed May 6, 2016, were reviewed and considered as part of this investigation.

4. The investigation revealed sanctionable conduct by Judge Stewart Mays with regard to her unprofessional, condescending and threatening demeanor towards the prosecutor in the Brown and Washington cases, and her unprofessional and rude demeanor towards Agent McDougald in the Lynn case.
5. Judge Stewart Mays' conduct was in violation of Rules 18-101.1 (formerly 1.1), 18-101.2 (formerly 1.2), 18-102.8(b) (formerly 2.8(b)), and 18-102.16(a) (formerly 2.16(a)) of the Maryland Code of Judicial Conduct. In addition, Judge Stewart Mays' conduct was in violation of Rule 18-100.4 (formerly C-101, C-102 and C-103 of the Preamble in Maryland Rule 16-813) of the Maryland Code of Judicial Conduct. The pertinent provisions of the Rules provide as follows:

Rule 18-101.1 (Formerly 1.1). COMPLIANCE WITH THE LAW

A judge shall comply with the law, including this Code of Judicial Conduct.

Rule 18-101.2 (Formerly 1.2). PROMOTING CONFIDENCE IN THE JUDICIARY

- (a) A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary.
- (b) A judge shall avoid conduct that would create in reasonable minds a perception of impropriety.

**Rule 18-102.8(b) (Formerly 2.8(b)). DECORUM, Demeanor, AND COMMUNICATION WITH JURORS**

(b) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's direction and control.

**Rule 18-102.16 (Formerly 2.16(a)). COOPERATION WITH DISCIPLINARY AUTHORITIES**

(a) A judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies.

**Rule 18-100.4 (Formerly C-101, C-102 and C-103). PREAMBLE**

(a) Importance of Independent, Fair, Competent, Impartial Judiciary. An independent, fair, competent, and impartial judiciary composed of men and women of integrity who will interpret and apply the law that governs our society is indispensable to our system of justice. Thus, the judiciary plays a central role in preserving the principles of justice and the rule of law. Inherent in all the Rules contained in this Code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system.

(b) Dignity of Judicial Office. Judges should maintain the dignity of judicial office at all times, and avoid both impropriety and the appearance of impropriety in their professional and personal lives. They should aspire at all times to conduct that ensures the greatest possible public confidence in their independence, impartiality, integrity, and competence.

(c) Function of Code of Judicial Conduct. This Code of Judicial Conduct establishes standards for the ethical conduct of judges and judicial candidates. It is not intended as an exhaustive guide for the conduct of judges and judicial candidates, who are governed in their judicial and personal conduct by general ethical standards as well as by this Code. This Code is intended, however, to provide guidance and assist judges in maintaining the highest standards of judicial and personal conduct, and to provide a basis for regulating their conduct through disciplinary agencies.

6. The investigation specifically revealed the following facts upon which the charges are based:

- a. State of Maryland v. Dana Brown  
State of Maryland v. Charles Washington

On December 9, 2014, the Brown and Washington cases were set before Judge Stewart Mays on a criminal docket for consideration of bail status. Neither Mr. Brown nor Mr. Washington were physically present in the courtroom; rather, they were present by means of video connection. Both Mr. Brown and Mr. Washington were represented by counsel. The State of Maryland was represented by a prosecutor. Court personnel and other individuals were present in the courtroom during both cases. The hearings had been continued from a previous court date in order for the prosecutor to interview a witness.

While Mr. Brown and Mr. Washington were co-defendants on charges related from the same criminal incident, the cases were called separately, with the Brown case being called first. Mr. Brown's attorney complained that the prosecutor had not yet interviewed a witness in question. The prosecutor spent the next several minutes trying to explain the situation to Judge Stewart Mays and respond to her concerns. The prosecutor explained that, during the time that had elapsed between the previous hearing and the current hearing, the witness had been arrested and was now unavailable for the prosecutor to interview because he was represented by counsel. During the course of the discussion, Judge Stewart Mays admonished the prosecutor, stating, "Whenever a judge says 'please do so and so,' it sounds like a request...but the fact that it comes from the bench makes it an order. You do understand that, correct?" The prosecutor acknowledged that she understood

the court's order, and explained that she had indeed attempted to interview the witness in question per the court's order but that the witness' arrest occurred only 7-10 days after the previous hearing.

Judge Stewart Mays then asked the prosecutor, "Now what is the court supposed to do?", but before giving her a chance to answer, Judge Stewart Mays added, "C'mon now, it's going to take a lot of *guts* if you're gonna ask the court to do something if you couldn't do what the court asked you to do." Judge Stewart Mays continued to berate the prosecutor and noted that she was "a day late and a dollar short." The prosecutor maintained her composure and responded that the State wanted Mr. Brown's no-bail status to remain the same. At this point, Judge Stewart Mays stated, "I can't put the people of Baltimore City at risk because the prosecutor is, what's the word? I don't know. What's the word I'm looking for?" The defense attorney suggested "incompetency", to which Judge Stewart Mays replied, "Alright. That works." At the conclusion of the hearing, a still dissatisfied Judge Stewart Mays denied bail, but proceeded to threaten the prosecutor, stating, "You know, I hate to write letters because they last forever and seven thousand days in one's personnel or HR file, but. . ."

The Washington case was called next, and the same prosecutor handled the matter for the State. Judge Stewart Mays continued to interrogate the prosecutor about the facts and status of the case, and was incredulous when the prosecutor informed the court that she did not know whether the incident in question in the

Brown and Washington cases was related to another case involving the witness who had been arrested before the State was able to interview him. For approximately eight minutes following that discussion, Judge Stewart Mays discussed her background as a prosecutor and the manner in which she performed her job at that time, manifested frustration with and ridiculed the prosecutor, badgered the prosecutor with a condescending and sneering line of questioning, threatened personnel action, and yelled, sighed and groaned. The comments made by Judge Stewart Mays to the prosecutor included, but are not limited to, the following:

- “What are you doing? I mean, the citizens of Baltimore deserve better than this, don’t you think?”
- “If that’s your best, hang it up. If that’s your best, then maybe you should think about doing something else. . . If that’s your best, then you need to start over again.”
- “Who is your team captain?...What is his phone number?...I don’t want the general number. I want his phone number. *Look in your phone and get it.*”

b. State of Maryland v. Timothy Lynn

On July 14, 2015, the Lynn case was set before Judge Stewart Mays on a criminal docket for a violation of probation. Mr. Lynn was present and represented by counsel. The State of Maryland was represented by a prosecutor, and Agent McDougald, the probation agent assigned to Mr. Lynn’s case, was present. Court

personnel, other defendants, and members of the public were also present in the courtroom.

The entire hearing lasted approximately eleven (11) minutes. When the case was called, Agent McDougald approached the counsel table and stood next to the prosecutor. Judge Stewart Mays did not acknowledge, greet, or ask Agent McDougald to identify herself for the record. Counsel for Mr. Lynn explained to the court that the criminal charges, which formed the basis for the violation of probation, had been nolle prosequi by the State. He further noted that Agent McDougald was recommending that the violation of probation be dismissed. The prosecutor stated that he would “submit” on the recommendation. Judge Stewart Mays noted that there was also a “Rule Nine” violation and that this was “a big one for the court.” This violation related to the fact that, although the criminal charges had been dropped, Mr. Lynn had failed to appear in court on one of the scheduled court dates in the related case.

The hearing proceeded to center upon whether Mr. Lynn had been incarcerated on that scheduled court date as well as other date-related questions. Judge Stewart Mays reviewed the documentation in the file and noted that the dates “didn’t make sense” and that she was “confused.” When none of the individuals present for the hearing offered any explanation, Judge Stewart Mays brusquely yelled, *“Aren’t you the agent, ma’am? I’m talking to you.”* Agent McDougald



apologized and stated her name and title for the record. She further stated that she did not understand Judge Stewart Mays' confusion.

An exchange ensued wherein Judge Stewart Mays questioned Agent McDougald about the accuracy of her report to the court, supplemental report, and informative report. Agent McDougald acknowledged a typographical error regarding the date of Mr. Lynn's failure to appear in court, and noted that the failure to appear occurred in July 2014 not July 2013 as reflected in the narrative section of one of the reports filed with the court.

Following argument by counsel, Judge Stewart Mays made the following statement: "I'm going to dismiss the violation of probation because the statement of charges for which he's being charged with the violation of probation is incorrect. Totally! I mean, *the year*." Judge Stewart Mays further noted sarcastically that, "The report leaves a lot to be desired." The prosecutor explained to the court that the date in the statement of charges was actually accurate, and suggested amending the narrative section of the report to reflect the correct date. Judge Stewart Mays declined that remedy, and the matter was concluded.

c. Video Recordings for All Cases

The video recordings for each of the Brown, Washington and Lynn cases revealed that the video camera was fixed solely on the courtroom gallery and counsel table, rather than pivoting, as is standard, to video record the judge's bench or any other portion of the courtroom that contains recording equipment. Operation of the video camera may be controlled by the judge from the bench, which includes the ability to change the direction of the camera to an extent, to lock the camera in a given position, to mute the audio, and to lock the screen. At no point during the course of these cases was Judge Stewart Mays or the bench area in general visible on the recording.

On October 7, 2014, by Consent Order issued by the Court of Appeals of Maryland, an Agreement for Discipline by Consent was approved in the matters of CJD 2012-121 and CJD 2013-033 involving charges issued against Judge Stewart Mays. Pursuant to the terms of the agreement, Judge Stewart Mays understood and agreed that, in pertinent part, she would comply with the Maryland Code of Judicial Conduct and not be charged with conduct that resulted in a disposition of any complaint more severe than a dismissal or dismissal with a warning, and that Investigative Counsel would randomly review audio/video recordings of her courtroom proceedings for a two year period of probation. The Brown, Washington and Lynn cases occurred during this time period. Manipulation of the video camera to record only the counsel table and courtroom gallery deprived Investigative Counsel of the opportunity to observe Judge

Stewart Mays' facial expressions, gestures and appearance during the course of these proceedings.


7. Judge Stewart Mays' behavior provides evidence that Judge Stewart Mays engaged in conduct that was prejudicial to the proper administration of justice in Maryland Courts, pursuant to the Maryland Constitution, Article IV, Section 4B(b)(1).

These charges, as authorized by the Commission on Judicial Disabilities, are issued by Investigative Counsel.

**COMMISSION ON JUDICIAL DISABILITIES**

Date:

9/20/16

  
Carol A. Crawford  
Investigative Counsel

Date:

9/20/16

  
Tanya C. Bernstein  
Deputy Assistant Investigative Counsel

**NOTICE:** YOU HAVE THE RIGHT, PURSUANT TO RULE 18-407(c) (FORMERLY 16-808(c)) OF THE MARYLAND RULES, TO FILE A WRITTEN RESPONSE TO THIS COMPLAINT WITHIN THIRTY (30) DAYS AFTER SERVICE OF THIS NOTICE UPON YOU. AN ORIGINAL AND ELEVEN (11) LEGIBLE COPIES OF THE RESPONSE ARE REQUIRED. THE RESPONSE SHOULD BE PROVIDED TO THE COMMISSION ON JUDICIAL DISABILITIES.