

STATE OF MARYLAND

BEFORE THE COMMISSION ON JUDICIAL DISABILITIES

IN THE MATTER OF:
JUDGE KEVIN M. WILSON

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* CJD 2023-042
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To: JUDGE KEVIN M. WILSON
DISTRICT COURT OF MARYLAND FOR BALTIMORE CITY
FIRST JUDICIAL DISTRICT

CHARGES

TAKE NOTICE that the Commission on Judicial Disabilities (hereinafter “Commission”) has caused to be made and completed an investigation, through its Investigative Counsel, Tanya C. Bernstein, Esq., of Judge Kevin M. Wilson (hereinafter sometimes referred to as “the judge”), who was, at all pertinent times, a Judge of the District Court of Maryland for Baltimore City. The Commission notified Judge Wilson 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, witness statement summaries; information and materials received from multiple sources; the judge’s response to the investigation; the report and recommendation of Investigative Counsel; the Report of the Judicial Inquiry Board; and the judge’s response to the Report of the Judicial Inquiry Board.

In consideration of the foregoing and a finding by the Commission of probable cause to believe that Judge Wilson has committed sanctionable conduct, the Commission directed Investigative Counsel to initiate formal proceedings against Judge Wilson pursuant to Rule 18-

431(a). The Commission will conduct a public hearing on these charges pursuant to Rule 18-434.

The Commission states as follows in support of its probable cause determination:

1. Judge Wilson has served as a Judge of the District Court of Maryland for Baltimore City since September 2013.
2. Based upon information received, the Commission's Investigative Counsel opened an investigation regarding Judge Wilson's conduct.
3. The investigation revealed sanctionable conduct by Judge Wilson. The nature of the sanctionable conduct that is the subject of these charges includes Judge Wilson engaging in repeated non-consensual touching of a female attorney following a professional event.
4. Judge Wilson's conduct was in violation of Rules 18-101.1 (Compliance with the Law), 18-101.2 (Promoting Confidence in the Judiciary), 18-102.3 (Bias, Prejudice, and Harassment), 18-102.8 (Decorum, Demeanor, and Communication with Jurors); and 18-103.1 (Extra-Official Activities in General).

The pertinent provisions of the Rules provide as follows:

RULE 18-101.1. COMPLIANCE WITH THE LAW

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

RULE 18-101.2. 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 18-102.3. BIAS, PREJUDICE, AND HARASSMENT

- (a) A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice.
- (b) In the performance of judicial duties, a judge shall not, by words or conduct, manifest bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation. A judge shall require attorneys in proceedings before the court, court staff, court officials, and others subject to the judge's direction and control to refrain from similar conduct.
- (c) The restrictions of section (b) of this Rule do not preclude judges or attorneys from making legitimate references to the listed factors, or similar factors, when they are relevant to an issue in a proceeding.

RULE 18-102.8 (b). DECORUM, Demeanor, AND COMMUNICATION WITH JURORS

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

RULE 18-103.1. EXTRA-OFFICIAL ACTIVITIES IN GENERAL

Except as prohibited by law or this Code, a judge may engage in extrajudicial activities.

When engaging in extrajudicial activities, a judge shall not:

- (a) participate in activities that will interfere with the proper performance of the judge's judicial duties;
- (b) participate in activities that will lead to frequent disqualification of the judge;
- (c) participate in activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality;
- (d) engage in conduct that would appear to a reasonable person to be coercive; or
- (e) make inappropriate use of court premises, staff, stationery, equipment, or other resources.

5. The specific facts upon which these charges are based are as follows:

On or about May 18, 2023, Judge Wilson attended an event sponsored by the Bar Association of Baltimore City Young Lawyers' Division at a venue in Baltimore. Various attorneys and other judges from the District Court of Maryland for Baltimore City were also present at the event. During the event, Judge Wilson conversed with other attendees, including a female attorney seated near him ("Individual 1"). Individual 1 reported that Judge Wilson complimented her attire. Following the event, a small group of attendees went to another area at the venue and were seated together at a large round table. Included in this small group were Judge Wilson; another judge from the District Court of Maryland for Baltimore City; Individual 1; and several other attorneys.

Individual 1 was the first to leave for the evening. On her way out, Individual 1 stopped at the head of the table and was standing in between Judge Wilson and the other judge. She was facing the other judge and her back was toward Judge Wilson. Individual 1 reported feeling Judge Wilson's hand touching her leg in an up and down movement. Two of the other attorneys at the table reported witnessing Judge Wilson's behavior ("Individuals 2 and 3"). Individual 2 reported that she told Judge Wilson that his conduct was inappropriate and directed him to stop. Witnesses reported that Judge Wilson moved his hand away. Individual 1 reported that she subsequently felt Judge Wilson place his hand back on her leg and move it under her skirt and touch her buttocks. Individual 3 witnessed Judge Wilson's behavior. Individual 1 stepped

away from the table and left the venue.

6. Judge Wilson engaged in behavior unbecoming of an officer of the court and in direct contravention of a judge's responsibility to promote confidence in the Judiciary and to maintain the dignity of judicial office.
7. Judge Wilson's behavior provides evidence that he engaged in conduct prejudicial to the proper administration of justice in Maryland Courts, pursuant to the Maryland Constitution, Article IV, Section 4B(b)(1).

These charges are issued by Investigative Counsel at the direction of the Commission on Judicial Disabilities.

COMMISSION ON JUDICIAL DISABILITIES

Date: 11.2.2023



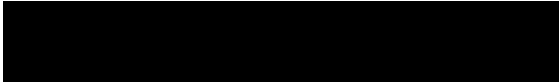
Tanya C. Bernstein
Director/Investigative Counsel

Date: 11.2.2023



Derek A. Bayne
Deputy Assistant Investigative Counsel

Date: 11.2.2023



Tamara S. Dowd
Assistant Investigative Counsel

NOTICE: YOU HAVE THE RIGHT, PURSUANT TO RULE 18-431(d) OF THE MARYLAND RULES, TO FILE A WRITTEN RESPONSE WITHIN THIRTY (30) DAYS AFTER SERVICE OF THESE CHARGES. YOU MUST FILE EITHER AN ORIGINAL AND ELEVEN (11) COPIES OF THE RESPONSE OR AN ELECTRONIC COPY PURSUANT TO RULE 18-404. THE RESPONSE SHOULD BE FILED WITH THE COMMISSION ON JUDICIAL DISABILITIES WITH A COPY TO INVESTIGATIVE COUNSEL.