

IN THE MATTER OF: * BEFORE THE COMMISSION
JUDGE WILLIAM O. CARR * ON
CJD 2015-033 * JUDICIAL DISABILITIES

* * * * *

To: JUDGE WILLIAM O. CARR
CIRCUIT COURT OF MARYLAND FOR HARFORD COUNTY
THIRD 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 William O. Carr (hereinafter sometimes referred to as “Judge”), who was, at all pertinent times, a Judge of the Circuit Court of Maryland for Harford County. The Commission notified Judge Carr 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: complaint and attachments filed by the complainant, the Judge’s response and attachments, the recommendation of Investigative Counsel, and 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 Carr has committed sanctionable conduct, the Commission directed that Investigative Counsel initiate formal proceedings, pursuant to Maryland Rule 16-808(a), against Judge Carr.

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

1. Judge Carr has served as a Judge of the Circuit Court of Maryland for Harford County since 1984.
2. Based upon a complaint filed by Michael C. Worsham (hereinafter sometimes referred to as “Mr. Worsham” or “Worsham”) and received on March 2, 2015, the Commission’s Investigative Counsel opened an investigation regarding Judge Carr’s conduct in two court cases in the Circuit Court for Harford County; Michael C. Worsham v. Brian K. MacGregor et. al., case number 12C09001879 (hereinafter sometimes referred to as “Case 1879”), and Bromberg Law Office PC v. Michael Craig Worsham, case number 12C12001420 (hereinafter sometimes referred to as “Case 1420”). The investigation was focused on allegations that Judge Carr had failed to resolve several pending motions and scheduling matters in a timely fashion. Judge Carr’s inaction reflected a pattern of unnecessary delay.
3. Investigative Counsel obtained and reviewed the docket entries for each case. In addition, the complaint filed by Mr. Worsham, including attachments, and the letter of response and attachments submitted by Judge Carr were reviewed and considered as part of this investigation.
4. The investigation revealed sanctionable conduct by Judge Carr with regard to his habitual failure to decide matters in a timely fashion.
5. Judge Carr’s conduct was in violation of Rules 1.1, 1.2 (a) and (b), 2.1, and 2.5(a) of the Maryland Code of Judicial Conduct as found in Maryland Rule 16-813. In addition, Judge Carr’s conduct was in violation of General Provisions C-101, C-102 and C-103 of the Maryland Code of Judicial Conduct as found in Maryland Rule 16-813. The pertinent provisions of the Rules provide as follows:

Rule 1.1. COMPLIANCE WITH THE LAW

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

Rule 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 2.1 GIVING PRECEDENCE TO THE DUTIES OF JUDICIAL OFFICE

The duties of judicial office, as prescribed by law, shall take precedence over a judge's personal and extra judicial activities.

Rule 2.5 COMPETENCE, DILIGENCE, AND COOPERATION

- (a) A judge shall perform judicial and administrative duties competently, diligently, promptly, and without favoritism or nepotism.

GENERAL PROVISIONS

C-101 -- 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.

C-102 -- 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-103 -- 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:

From May 4, 1994 until January 26, 2015, Judge Carr was the County Administrative Judge for the Circuit Court for Harford County. As administrative judge, his duties included reviewing civil cases in order to determine the necessity to set pre-trial hearings, schedule pre-trial conferences, schedule and/or resolve outstanding motions and other pleadings, and identify cases to be set for trial. Both of the cases noted in paragraph 2 above, per standard procedure, required action by Judge Carr.

In Case 1879, Worsham filed a cause of action under the Maryland Telephone Consumer Protection Act in 2009 against several individual defendants. In April 2010, Judge Carr granted a consent motion to stay the case until the Court of Special Appeals issued a decision on a certified question regarding the applicable statute of limitations. In January 2011, the Court of Special Appeals issued its decision on the certified question and, thereafter, Worsham filed a Motion for Ruling requesting action by the Circuit Court on the statute of limitations issue. Judge Carr responded by letter dated March 14, 2011 and a motions hearing date was set for June 7, 2011, at which time Worsham's motion as denied.

On April 16, 2012, Worsham filed a motion for sanctions for failure to provide discovery. Judge Carr acknowledged Worsham's discovery motion by letter to the parties dated May 8, 2012. Several motions were filed in short order thereafter, including a motion for summary judgment filed by Worsham, two motions to dismiss filed by defendants Brian MacGregor (Worsham had previously dismissed defendant Christine MacGregor voluntarily) and Heichert, and two oppositions to the motions to dismiss filed by Worsham. On June 11, 2012, defendants LaRosa and Sangprasit failed to appear for a motions hearing, and a motion for default judgment was filed by Worsham. No action was taken on the default motion. By Order filed on July 12, 2012, summary judgment was granted as to defendant MacGregor and denied as to defendant Heichert. Also on that date, Worsham sent another letter to the Circuit Court regarding his open discovery motions. No action was taken on the two motions to dismiss.

In August 2012, Worsham voluntarily dismissed defendant Heichert from the case, while defendant MacGregor moved to vacate the summary judgment order (which Worsham opposed). On September 21, 2012, Worsham filed his second motion for default judgment against defendants LaRosa and Sangprasit. No action was taken by the court. A Pretrial Conference was set for December 7, 2012, a motions hearing set for February 1, 2013, and a trial date set for May 6, 2013. On December 7, 2012, a hearing was held "off the record"; as such, the nature and content of the unrecorded hearing is unknown. On December 12, 2012, Worsham filed another discovery motion.

In January 2013, the remaining defendant MacGregor filed a motion to dismiss (which Worsham opposed) and additional hearing dates were set for April 15, 2013 and May 24, 2013. On February 4, 2013, Worsham filed a motion to postpone the May 6, 2013 trial date. No action was taken on defendant's motion to dismiss or Worsham's motion to postpone the trial. No new trial date was scheduled. On May 30, 2013, Worsham filed yet another discovery pleading. No action was taken by the court. On February 18, 2014, Worsham filed a Request for Ruling on Motions. Six month later, on August 25, 2014, Worsham filed a Motion to Immediately Disqualify Judge Carr. No action was taken by the court on either of these motions.

One year later, on August 19, 2015, the court set a motions hearing for November 16, 2015 (which was later moved to November 25, 2015, and thereafter to December 22, 2015). At the time that the court set the motions hearing, there were 15 open motions, to include:

1. Worsham's Motion for Sanctions (4/16/12)
2. Worsham's Motion to Postpone Hearing (5/18/12)
3. Defendants' MacGregor and Heichert Request for Dismissal (5/31/12)
4. Worsham's Motion to Strike Request for Dismissal (6/6/12)
5. Worsham's Motion for Default Judgment (6/13/12)
6. Defendants' MacGregor and Heichert Request for Dismissal (6/15/12)

7. Worsham's Motion to Strike Request for Dismissal (6/22/12)
8. Defendant MacGregor's Motion to Vacate (9/17/12)
9. Worsham's Second Motion for Default Judgment (9/21/12)
10. Worsham's Motion for Discovery (12/12/12)
11. Defendant MacGregor's Motion to Dismiss (1/7/13)
12. Worsham's Motion to Postpone Trial (2/4/13)
13. Worsham's Request Regarding Deposition and Discovery
(5/30/13)
14. Worsham's Request for Ruling on Motions (2/18/14)
15. Worsham's Motion to Immediately Disqualify Judge (8/25/14)

By Order dated December 2, 2015, default judgment was granted against defendants LaRosa and Sangprasit – over two years after Worsham's first request for default. On December 22, 2015, a hearing was held before Judge Barbara Howe (specially assigned from the Circuit Court for Baltimore County), and the case was dismissed. Subsequent motions to alter or amend the court's ruling were denied, and the case is currently on appeal.

In Case 1420, Brian Bromberg filed a Complaint for Interpleader against Worsham in 2012. The monies in dispute, in excess of \$70,000, were deposited with the Circuit Court for Harford County on May 25, 2012. Worsham initially moved to dismiss the case, but later withdrew his motion. On August 27, 2012, a notice of removal to the United States District Court was filed. On September 27,

2012, a letter was received from the United States District Court remanding the matter to the Circuit Court for Harford County. The case was reopened on the same date. A pre-trial conference was scheduled for December 13, 2012. On that date, the parties assembled before Judge Carr. At that time, there were several pending motions, including Worsham's second motion to dismiss and request for funds, Plaintiff's motion for summary judgment, and Worsham's motion for extension of time and/or to strike Plaintiff's summary judgment motion. The Judge denied Worsham's motion to dismiss and request for funds. No action was taken on the other pending motions. Thereafter, numerous additional pleadings were filed with the court to include:

1. Worsham's Petition for Funds Deposited (12/17/12)
2. Plaintiff's Petition for Award of Attorney's Fees/Costs (1/11/13)
3. Plaintiff's Renewed Request for Final Order (5/14/13)
4. Worsham's Motion to Reconsider Denial of Dismissal (5/20/13)
5. Plaintiff's Petition for Attorney's Fees/Costs (5/21/13)
6. Plaintiff's Second Renewed Request for Final Order (8/26/13)
7. Plaintiff's Third Request for Final Order (12/20/13)
8. Worsham's Request for Ruling (2/19/14)
9. Worsham's Motion to Immediately Disqualify Judge (8/25/14)
10. Plaintiff's Request to Schedule Hearing (6/15/15)
11. Worsham's Motion to Compel and for Sanctions (8/5/15)

As of the end of August, 2015, none of these pleadings had been acted upon by Judge Carr nor had the judge assigned the matters to another judge of the Circuit

Court for action. The case was, subsequently, transferred to the Circuit Court for Baltimore County for action.

Both Cases 1879 and 1420 were included in a previous disciplinary matter involving Judge Carr and allegations of inaction and delay. On December 16, 2014, Judge Carr received a Private Reprimand with waiver of confidentiality from the Commission on Judicial Disabilities in Case Nos. CJD 2013-138, CJD 2014-002, CJD 2014-022, and CJD 2014-089. In those matters, the Commission found that Judge Carr had committed sanctionable conduct in his habitual failure to decide matters in a timely fashion.

7. Judge Carr's behavior provides evidence that Judge Carr 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: 5/12/16

Carol A. Crawford
Investigative Counsel

Date: 5.12.16

Tanya C. Bernstein
Assistant Investigative Counsel

NOTICE: YOU HAVE THE RIGHT, PURSUANT TO RULE 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.