

IN THE MARYLAND COMMISSION ON JUDICIAL DISABILITIES

IN THE MATTER * CASE NO.
OF * CJD 2015-092
JUDGE EMORY A. PLITT, JR. *

TO: Judge Emory A. Plitt, Jr. retired Associate Judge, Circuit Court for Harford County, Maryland, 3rd Judicial Circuit, assigned to sit by the Court of Appeals in the Circuit Courts of the 1st, 2nd, 3rd and 5th Judicial Circuits and in District Courts Statewide.

PRIVATE REPRIMAND

PLEASE TAKE NOTICE that the Maryland Commission on Judicial Disabilities (“Commission”) hereby issues a Private Reprimand to Judge Emory A. Plitt, Jr. (“Judge Plitt”), pursuant to Maryland Rule 16-807(b), and for cause states as follows:

1. Judge Plitt was an Associate Judge, Circuit Court for Harford County, Maryland, 3rd Judicial Circuit, from November 18, 1999 to February 1, 2013. Since his retirement on February 1, 2013, Judge Plitt has been assigned to sit by the Maryland Court of Appeals in the Circuit Courts of the 1st, 2nd, 3rd and 5th Judicial Circuits and in District Courts Statewide, including the time period relevant to this case.

2. Based upon information received by Investigative Counsel in regard to Judge Plitt receiving a traffic citation from a Maryland State Trooper and the Judge’s subsequent actions as to the District Court case involving the traffic citation issued to him, Investigative Counsel opened an investigation and obtained additional information.

3. The Commission’s Judicial Inquiry Board (“Board”) reviewed the Investigative Counsel’s Memorandum, including recommendation and attachment, and thereafter filed with the

Commission the Board's Report, including recommendation.

4. The Commission found that the relevant facts regarding Judge Plitt's conduct in this case include the following:

A Maryland State Trooper issued a traffic citation to Judge Plitt for Failure of a Driver to Make Lane Changes to Available Lane Not Immediately Adjacent to Stopped Emergency Vehicle. Judge Plitt filed a request for trial with the District Court of Maryland. The matter was scheduled to be heard during a traffic docket in the District Court for Harford County on June 29, 2015. Judge Lawrence S. Lanahan, Jr. was scheduled to preside over that traffic docket. Prior to the docket being called, Judge Plitt visited Judge Lanahan in his chambers. Judge Plitt then appeared in the courtroom for the call of the docket, but did not advise court personnel that he was a defendant in a case to be heard. As a former Associate Judge of the Harford County bench and a recall judge for Harford County, Judge Plitt knew or should have known that the standard procedure required that a judge from another jurisdiction be assigned to hear his case in order to avoid any conflict of interest or appearance of impropriety. Upon discovering the situation, the Administrative Judge for the District Court for Harford County requested that the case be postponed and then reset to another date for a visiting judge to preside over the case.

5. Based upon the facts of this case, the Commission has concluded that: Judge Plitt committed sanctionable conduct, pursuant to Maryland Rule 16-803(k), by violating Rules 1.1, 1.2, 1.3, 2.4 (b), 2.5 (b), and 2.9 (a) & (d) of the Maryland Code of Judicial Conduct, Maryland Rule 16-813; such sanctionable conduct warrants some form of discipline, but does not warrant formal proceedings; and that a Private Reprimand, with waiver of confidentiality, pursuant to Maryland Rule 16-810(b)(1), so that the Private Reprimand can be made public, given the available disposition options available to the Commission under the Maryland Rules, is the appropriate disposition under the circumstances.

6. The facts of the above-captioned cases support the Commission's conclusion that Judge Plitt violated Rules 1.1, 1.2, 1.3, 2.4 (b), 2.5 (b), and 2.9 (a) & (d) of the Maryland Code of Judicial Conduct, Maryland Rule 16-813, thereby constituting sanctionable conduct, pursuant to Maryland

Rule 16-803(k).

7. The Commission intends for this Private Reprimand to serve as a warning that any further such conduct by Judge Plitt may result in possible future discipline. Upon the issuance of this Private Reprimand, the Commission shall notify the complainant of that disposition, pursuant to Maryland Rule 16-807(b)(2).

8. Judge Plitt, by his consent: (i) waives his right to a hearing before the Commission and subsequent proceedings before the Court of Appeals; (ii) waives his right to challenge the findings and conclusions that serve as the basis for this Private Reprimand; (iii) agrees that this Private Reprimand may be admitted in any subsequent disciplinary proceeding against him to the extent that it is relevant to the charges at issue or the sanction to be imposed; and (iv) expressly waives his right to confidentiality under Maryland Rule 16-810(a), as it relates to this Private Reprimand and permits the Commission, in its discretion, to release the contents of this Private Reprimand pursuant to such waiver.


Maryland Commission on Judicial Disabilities

March 15, 2016
Date

By: 
The Honorable Alexander Wright, Jr., Chair

Agreed and Consented to:

3/10/16
Date


Judge Emory A. Plitt, Jr.