

STATE OF MARYLAND

BEFORE THE COMMISSION ON JUDICIAL DISABILITIES

IN THE MATTER OF:

*

*

*

CJD 2023-005

JUDGE APRIL T. ADEMILUYI

To: JUDGE APRIL T. ADEMILUYI
CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY
SEVENTH JUDICIAL CIRCUIT

AMENDED 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 April T. Ademiluyi (hereinafter sometimes referred to as "the judge"), who was, at all pertinent times, a Judge of the Circuit Court for Prince George's County. The Commission notified Judge Ademiluyi 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; recordings of court proceedings; email and text exchanges and other correspondence between the judge and others; 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 Ademiluyi has committed sanctionable conduct, the Commission directed

Investigative Counsel to initiate formal proceedings against Judge Ademiluyi 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 Ademiluyi has served as a Judge of the Circuit Court for Prince George's County since December 2020.
2. Based upon information received, the Commission's Investigative Counsel opened an investigation regarding Judge Ademiluyi's conduct.
3. The investigation revealed sanctionable conduct by Judge Ademiluyi. The nature of the sanctionable conduct that is the subject of these charges includes Judge Ademiluyi engaging in repeated, non-consensual harassing communications of a personal nature with a judicial colleague; indirectly accusing that judicial colleague of reporting her conduct to the Commission; disclosing confidential information related to this matter to that judicial colleague and others; using threatening language in communications with that judge; filing an action at law in the U.S. District Court for the District of Maryland against that judge as well as a possible witness in this matter and a witness who testified in a previous matter before the Commission in Case Number CJD 2022-079 alleging conduct described primarily as cooperating with the Commission in its investigation in this matter and in CJD 2022-079; and disclosing confidential information related to other matters before the Commission in the action at law filed in the U.S. District Court for the District of Maryland.

Judge Ademiluyi'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); 18-102.16(b) (Cooperation with Disciplinary Authorities); and 18-103.1 (Extra-Official Activities in General). The pertinent provisions of the Code of Judicial Conduct 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 18-102.16(b) COOPERATION WITH DISCIPLINARY AUTHORITIES

- (b) A judge shall not retaliate, directly or indirectly, against a person known or suspected to have assisted or cooperated with an investigation of a judge or an attorney.

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.

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

Judge Ademiluyi engaged in repeated harassing behavior towards a judicial colleague of the Circuit Court for Prince George's County (hereinafter "Individual 1") and continued to do so after being asked to stop. The behavior was unwanted, concerning, and uncomfortable.

On October 12, 2021, Judge Ademiluyi and Individual 1 were assigned to preside over an *en banc* panel with another judge that was scheduled to begin at 9:00 a.m. Judge Ademiluyi arrived approximately 30 minutes late and did not

offer apology or explanation. Thereafter, on October 15, 2021, Individual 1 sent an email communication to Judge Ademiluyi at her judicial email account to address her tardiness.

Almost one year later, on or about September 25, 2022, Judge Ademiluyi contacted Individual 1 by text message to Individual 1's personal cell phone regarding Individual 1's October 2021 email, inviting Individual 1 to call her and suggesting that Individual 1 was playing games. Judge Ademiluyi also included a description of Individual 1's October 2021 email that reflected unwarranted gender bias through the use of negative stereotypes. Individual 1 expressed confusion regarding the content of Judge Ademiluyi's text message and a brief conversation ensued via text message. Approximately one month later, Judge Ademiluyi unsuccessfully tried to contact Individual 1 by phone and text.

On or about November 10, 2022, Judge Ademiluyi contacted Individual 1 by text message on Individual 1's personal cell phone. Individual 1 reported being uncomfortable at personal aspects of this message and responded to Judge Ademiluyi only to provide Individual 1's availability to speak with her about a work-related matter she referenced in her text message. Judge Ademiluyi subsequently emailed Individual 1 at Individual 1's judicial email account on or about November 14, 2022, about a separate case.

On or about November 29, 2022, Judge Ademiluyi texted Individual 1 on Individual 1's personal cell phone and accused Individual 1 of ignoring her. Individual 1 responded by text denying Judge Ademiluyi's accusations and

advising her that Individual 1's cell phone was used for personal matters only and that she should discuss judicial matters with Individual 1 via email or at the courthouse.

On or about December 16, 2022, Judge Ademiluyi again contacted Individual 1 by text message to Individual 1's personal cell phone stating, "On a personal note, I'll admit I want you and I to get to know each other extremely well. But now I can see you got serious beef with me. And I don't know how to fix it. And you keep hurting my feelings. I'm over it though. It's cool. I'll let you do what you do. Happy Holidays!" Individual 1 did not respond to this text message.

On or about December 20, 2022, Judge Ademiluyi again sent a text message to Individual 1 on Individual 1's personal cell phone which stated, "Well, there is only one way for us to let go of all this kind of tension. Not that quickly though but we will eventually get there. You can call me anytime. I'm always up late. Let's have fun? Do you want to hang out?" Individual 1 responded by text stating, "Please do not contact me any further on my cell phone. To be VERY clear, I have no interest in a personal relationship." Judge Ademiluyi apologized and promised to no longer contact Individual 1. The next day, December 21, 2022, Judge Ademiluyi sent Individual 1 an email at Individual 1's judicial email account referencing what she described as "tension" between them and stating she was concerned that Individual 1 was working with others to harm her. She further stated that she had deleted Individual 1's contact information

from her cell phone. Individual 1 did not respond to this email.

On or about January 3, 2023, Judge Ademiluyi emailed Individual 1 at Individual 1's judicial email account apologizing for her email on December 21, 2022, and expressing her frustration with Individual 1. Judge Ademiluyi concluded the email by stating, "I'm praying for this to end peacefully. You should be trying to convince -----[sic] to let it all go peacefully. Be a hero . . . [sic] I'm also praying that you find it in your heart to be nice to me again someday. I open [sic] to a meaningful, truthful conversation if you ever want to have one." Individual 1 did not respond to this email. Thereafter, Judge Ademiluyi made multiple, unsuccessful attempts to speak with Individual 1 by phone and email.

Judge Ademiluyi was notified of the existence of the investigation underlying this matter by letter from Investigative Counsel dated March 28, 2023. This letter advised Judge Ademiluyi of her obligation to maintain the confidentiality of all communications and information related to the investigation pursuant to Rule 18-407. On or about April 28, 2023, Judge Ademiluyi sent an email to Individual 1 at Individual 1's judicial email account that included a copy of the confidential letter that Judge Ademiluyi received from Investigative Counsel in March 2023. Individual 1 again asked Judge Ademiluyi to refrain from further contact. Judge Ademiluyi also disclosed the existence of the investigation underlying this matter to others.

During this period beginning in September of 2022, Individual 1 reported

Judge Ademiluyi's communications and behavior as well as Individual 1's concerns and reactions regarding the same to the Administrative Judge of the Circuit Court for Prince George's County.

Thereafter, on or about December 29, 2023, Judge Ademiluyi filed a complaint seeking monetary damages in the cumulative amount of no less than \$350,000 in the U.S. District Court for the District of Maryland in Case No. 8:23-cv-03526-LKG ("Complaint") against an individual purported to be Individual 1, the Administrative Judge of the Circuit Court for Prince George's County, and the former Administrative Judge of the Circuit Court for Prince George's County in their personal and official capacities (collectively, the "defendants"). The sole operative facts in the Complaint appear to be that the defendants reported Judge Ademiluyi's conduct to Investigative Counsel. The Complaint also alleges that the Charges against Judge Ademiluyi in CJD 2022-079 were based on false information provided to Investigative Counsel by two of the defendants and that the Charges in this matter were likewise based upon false information provided by the defendants "working together to sabotage [Judge Ademiluyi's] career." The Complaint further accuses the former Administrative Judge of the Circuit Court of Prince George's County of working with the other defendants and others to fabricate information and evidence provided to Investigative Counsel and the Commission.

On January 1, 2024, Judge Ademiluyi filed a First Amended Complaint ("First Amended Complaint") in the same matter incorporating the allegations in

her Complaint in relevant part and expanding the scope of damages sought from the three defendants and including a claim for punitive damages. Both the Complaint and First Amended Complaint publicly implicate and individual implied to be Individual 1, who Judge Ademiluyi accuses of wrongdoing. Both the Complaint and First Amended Complaint were filed by Judge Ademiluyi in proper person and contain a certification pursuant Federal Rule of Civil Procedure 11.

Attached to the Complaint and First Amended Complaint were what are purported therein to be Summaries of Oral Statements allegedly made to Investigative Counsel as part of her investigation in this matter documenting her discussions with two possible witnesses in this matter. These statements, as well as the fact that these individuals purportedly informed the Commission of facts regarding Judge Ademiluyi's conduct, are "absolutely privileged" pursuant to Rule 18-102.15(d). Additionally, attached to the First Amended Complaint were what are purported therein to be Summaries of Oral Statements allegedly made to Investigative Counsel as part of her investigation in CJD 2022-079 and a confidential, privileged document provided to Judge Ademiluyi in CJD 2022-079 in accordance with Rule 18-433 and protected from disclosure pursuant to Rule 18-407.

6. Judge Ademiluyi's demands for Individual 1's personal time were harassing and coercive in nature and created a difficult and stressful work environment. Her accusations and comments regarding Individual 1 collaborating with an unnamed

individual to cause her harm and her sharing with Individual 1 the notice she had received regarding the investigation underlying this matter were and could be reasonably perceived as threatening and retaliatory in nature and an attempt to intimidate Individual 1 from cooperating with Investigative Counsel and/or the Commission. Likewise, the Complaint and First Amended Complaint filed against a person purported to be Individual 1 and others accused solely of cooperating with the Commission in both this and a prior matter seeking substantial monetary damages and disclosing confidential and/or privileged information were and could be reasonably perceived as intimidation and retaliation against these individuals intended to punish them for seeking the assistance of the Commission as required by Rule 18-102.15(b) and to dissuade them from further cooperation with Investigative Counsel and the Commission.

7. Judge Ademiluyi 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. Additionally, Judge Ademiluyi's disclosure of confidential information was in violation of Article 4, Section 4B(a)(3) of the Maryland Constitution and Rules 18-407 and 18-102.15(d).
8. Judge Ademiluyi's behavior provides evidence that she 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: 01.09.2024

Tanya C. Bernstein
Director/Investigative Counsel

Date: 1.9.2024

Derek A. Bayne
Deputy Assistant Investigative Counsel

Date: 01.09.2024

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.