

STATE OF MARYLAND
BEFORE THE COMMISSION ON JUDICIAL DISABILITIES

In the Matter of the	*	
HONORABLE BRUCE S. LAMDIN,	*	
Judge of the District Court of		
Maryland for Baltimore County,	*	Case Nos. CJD 2005-108 and
District 08,		CJD 2006-055
Respondent	*	

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

Pursuant to Charges filed by the Investigative Counsel, the response filed by Judge Bruce S. Lamdin, and prior written notice of hearing to Judge Lamdin, the above-entitled matter came on for public hearing in Annapolis (the “Hearing”), as authorized by Maryland Rule 16-808 (a), (b), (c), (d) and (i), on June 18, 2007, before the Maryland Commission on Judicial Disabilities (the “Commission”). Peter E. Keith, Esq., as Special Investigative Counsel, with David G. Sommer, Esq. and Elissa E. Goldfarb, Assistant Investigative Counsel, prosecuted the case against Judge Lamdin. The Respondent was present at the Hearing and represented by Alvin I. Frederick, Esq.

The following Commission Members participated in the hearing: Honorable Patrick L. Woodward, Chair, Honorable Nancy B. Shuger, Vice Chair, William D. Berkshire, James L. Clarke, Honorable Robert A. Greenberg, Arielle F. Hinton, Esq., Patricia B. Pender, Samuel F. Saxton, Sr., Paul D. Shelton, Esq., and Steven D. Silverman, Esq. Mr William D. Schmidt previously recused himself and did not participate as a Commission Member in the Hearing. The ten (10) Commission Members present at the Hearing constituted a quorum, pursuant to Maryland Rule 16-804(e).

Prior to proceeding with the Hearing, the Commission Chair advised Mr. Keith and Mr. Frederick that the court reporter was unable to be present at the Hearing due to an emergency and another court reporter was not available. The Commission Chair asked Mr. Keith and Mr. Frederick if they were willing to stipulate that the audio recording of the Hearing utilizing the Court of Special Appeals’

recording equipment would constitute the stenographic recording required by Maryland Rule 16-808(i)(6). Both Mr. Keith and Mr. Frederick agreed to such stipulation.

During the Hearing, the following stipulated materials were offered and accepted into evidence without objection: Joint Exhibit 1, binder (with twenty (20) tabs of documents, including the Charges, Stipulations of Fact, and transcripts of the hearings involving Judge Lamdin's stipulated comments); Joint Exhibit 2, supplemental packet of letters on behalf of Judge Lamdin from other judges and an attorney, and a proposed public reprimand signed by Judge Lamdin; and Joint Exhibit 3, audio recorded CDs of the hearings involving Judge Lamdin's stipulated comments.

After being fully advised of its obligations and duties, the Commission specifically finds that the Hearing was conducted according to the rules, statutes, and procedures required by law. Upon private deliberations immediately following the Hearing, the Commission considered all of the exhibits admitted into evidence and the sworn testimony and demeanor of Judge Lamdin at the Hearing.

As more fully set forth herein, the Commission finds by clear and convincing evidence that Judge Lamdin has committed sanctionable conduct. The Commission, however, rejects the joint recommendation of the sanction of a public reprimand, and instead refers this matter to the Court of Appeals with the recommendation that Judge Lamdin be suspended without pay for thirty (30) consecutive working days and that the Commission's Investigative Counsel monitor Judge Lamdin's performance of the duties of his judicial office on a regular basis, by any reasonable method deemed appropriate by Investigative Counsel.

The votes of the Commission Members as to both the finding of sanctionable conduct and the recommendation of appropriate discipline were unanimous. The Commission hereby issues the following Findings of Fact, Conclusions of Law and Order, with the recommendation to the Court of Appeals as to the imposition of discipline, pursuant to Maryland Rule 16-808(j) and (k).

I. FINDINGS OF FACT.

A. Judge Lamdin was, at all times applicable to the allegations contained in the Charges, a judge of the District Court of Maryland for Baltimore County, District 08. Therefore, the Respondent was and still is a judicial officer whose conduct was and is subject to the provisions of the Maryland Code of Judicial Conduct and Maryland Rules 16-803 through 16-810.

B. In the Stipulations of Fact, set forth in Joint Exhibit 1, Tab 2 (“Stipuations of Fact and Violation”), Judge Lamdin expressly admitted that he made each of the comments attributed to him and that those comments violated specific Canons of the Maryland Code of Judicial Conduct, all as set forth in the Charges filed on November 30, 2006, in reference to the following cases: complaint filed by Ronald Jacobson; State v. Owens, #DG 10900; State v. Marsalak, #DG 16992; State v. McClaughlin, #C 00240823; State v. Kalp, #C 00239407; State v. Nunyez, #DG 10669; State v. Jennings, #DF 98262; State v. Crook, #C 00239557; State v. Jones, #C 00241933; State v. Santos, #C 00238632; State v. Stockley, #C 00237477; State v. Spirako, #C 00222486; State v. Nestor, #C 00240723, and State v. Holmes, #C 00228211.

C. The following is a listing of those statements and Charges admitted by Judge Lamdin in the Stipulations of Fact and Violation:

1. As to the complaint filed by Ronald Jacobson, Judge Lamdin admitted that during the course of his opening remarks for the afternoon docket, he made the following comment to the audience regarding a woman leaving the courtroom with her baby who was crying:

“If she only knew how much I hate kids, she would not have brought that kid in here today.”

Judge Lamdin further admitted that such comment by him violated Canons 1, 2A, 3A, 3B(4), 3B(5), 6A and 6B of the Maryland Code of Judicial Conduct.

2. As to State v. Owens, #DG 10900, Judge Lamdin admitted that he asked the defendant, Hunter Coleman Owens, from Pennsylvania:

“What’s the big rush to get back to Pennsylvania? It’s an ugly state.”

Judge Lamdin further admitted that such comments by him violated Canons 1, 2A, 3A, 3B(4), 3B(5), 6A and 6B of the Maryland Code of Judicial Conduct.

3. As to State v. Marsalak, #DG 16922, Judge Lamdin admitted that, during the course of the case in which defendant entered a not guilty agreed statement of facts to driving while suspended, he asked the defendant:

“Would you like some cheese with that whine because I’ve heard about all that I wish to hear.”

Judge Lamdin further admitted that such comments by him violated Canons 1, 2A, 3A, 3B(4), 3B(5), 6A and 6B of the Maryland Code of Judicial Conduct.

4. As to State v. McClaughlin, #C 00240823, Judge Lamdin admitted, upon being informed by the Assistant State’s Attorney that the defendant had been asked to remain in the hallway with her baby until her case was called, that he stated:

“Well, you know, I got in trouble because I told some lady we confiscate cell phones and we put the cell phones in plastic bags and send them down to Annapolis. I suggested maybe we ought to do the same thing with children except poke holes in the bag. She filed a complaint against me for that so that’s why they keep all of the children out of my courtroom now . . . We o been - they haven’t come in yet.”

Judge Lamdin further admitted that such comments by him violated Canons 1, 2A, 3A, 3B(4), 3B(5), 6A and 6B of the Maryland Code of Judicial Conduct.

5. As to State v. Kalp, #C 00239407, Judge Lamdin admitted that he stated the following to the Defendant during sentencing:

“Now come on James, let’s be honest with each other. These problems have existed for you for now - now for 14 years. You must be the slowest study known to man. If you haven’t been able to figure out with all of your alcohol related offenses and now your drug arrest that you need to do something to help yourself, come on. Do you think I just came in on the watermelon truck today? . . . At Division of Correction they’ll spank him and probably release him in four months. Down there he can get all the drugs he wants probably.”

Judge Lamdin further admitted that such comments by him violated Canons 1, 2A, 3A, 3B(4), 3B(5), 6A and 6B of the Maryland Code of Judicial Conduct.

6. As to State v. Nunyez, #DG 10669, Judge Lamdin admitted that during the hearing he responded to the defendant's request for mercy by stating:

"I don't have any mercy. You haven't heard about me? I am a merciless SOB. You haven't heard that? I thought everybody knew that."

Judge Lamdin further admitted that such comments by him violated Canons 1, 2A, 3B(4), 3B(5), 6A and 6B of the Maryland Code of Judicial Conduct.

7. As to State v. Jennings, #DF 98262, Judge Lamdin admitted that, angry with the defendant's attitude, he sent the defendant to lockup and when the case was recalled later in the day, Judge Lamdin asked the defendant's attorney:

"Did he get his head out of where he had it inserted earlier today, Mr. Chase?"

Judge Lamdin further admitted that such comment by him violated Canons 1, 2A, 3B(4), 3B(5), 6A and 6B of the Maryland Code of Judicial Conduct.

8. As to State v. Crook, #C 00239557, Judge Lamdin, in a case in which defendant entered a guilty plea to possession of paraphernalia and driving without a license, admitted that he made the following comments during the case:

"Why did you drive so poorly? Smoke a little weed before you got behind the wheel? . . . Smoke a little crack before you got behind the wheel? . . . Well, you've got the appropriate last name . . . All right crack head, Crook . . . You've got your money all tied up in the next shipment that's coming in? Never mind . . . My comment was, do you have all your money tied up in product?"

Judge Lamdin further admitted that such comments violated Canon 1, 2A, 3B(4), 3B(5), 6A and 6B of the Maryland Code of Judicial Conduct.

9. As to State v. Jones, #C 00241933, Judge Lamdin, in a case in which defendant entered a not guilty agreed statement of facts to driving while suspended, admitted that he made the following comments during the case:

"Well Mr. Jones, the hits keep coming. I mean, if there is a pile of shit there you'll step in it . . . Because when you sleep with dogs you generally wake up with fleas and you've have been scratching the better part of your life . . .Date du jour - Going by the bowling

alley to pick her up. She's messed up on drugs and I'm sure you were probably contributing to that . . . You gave her money to go cop whatever she's hooked on . . . So he's just a huge burden to everyone . . . So am I doing the tax-payers justice by locking this stupid ass up for additional time or am I just punishing the taxpayers? But is he one of the biggest dumb asses I've ever seen? Absolutely . . . My guess is, released he will surely step in the next pile of shit with another week or two . . . give you an opportunity to find your big pile and step in it again . . . I could give some time to get money together to pay a fine, but then I'd punish your children and they are already punished enough by having you for a father . . . They're dealing with the bottom of the deck right now . . . Get your head out of where it has been inserted for the last number of years."

Judge Lamdin further admitted that such comments by him violated Canons 1, 2A, 3B(4), 3B(5), 6A and 6B of the Maryland Code of Judicial Conduct.

10. As to State v. Santos, #C 00238632, Judge Lamdin admitted, after the defendant requested that his case be transferred to Circuit Court for a jury trial, that he stated the following:

"I didn't even know they had afternoon hours in the Circuit Court . . . They are usually done by lunchtime and then they take the rest of the day off."

Judge Lamdin further admitted that such statement by him violated Canons 1, 2A, 3A, 3B(4), 6A and 6B of the Maryland Code of Judicial Conduct.

11. As to State v. Stockley, #C 00237477, Judge Lamdin admitted, after the defendant's request for a postponement was denied and defendant prayed a jury trial, that he made the following statements:

"That's Judge Turnbull's new ruling, if it's after eleven o'clock it's the next day. They don't like to overtax themselves up there . . . After eleven o'clock it's Judge Turnbull's new ruling is that jury trials are the next day."

Judge Lamdin further admitted that such statement by him violated Canons 1, 2A, 3A, 3B(4), 6A and 6B of the Maryland Code of Judicial Conduct.

12. As to State v. Spirako, #C 00222486, Judge Lamdin admitted, in a case in which the defendant had not been brought down from Circuit Court, that he made the following statements:

"Don't they come before we do? I know in their own minds they do, certainly . . . You want me to see if I can prevail on them to bring her down here today? . . . I mean, they don't work in the afternoon up there. Why is she still up there? . . . They're all on their way to have cocktails or something up there at the Circuit Court. Yeah, they don't work

in the afternoon. Who are they kidding . . . She's in jail in this case? . . . I know they're not working up there this afternoon. If they are, I'd like to know which judge it is. It's a shock if it's anybody other than Judge Cahill."

Judge Lamdin further admitted that such statements by him violated Canons 1, 2A, 3A, 3B(4), 6A and 6B of the Maryland Code of Judicial Conduct.

13. As to State v. Nestor, #C 00240723, Judge Lamdin admitted, in a case in which the defendant entered a not guilty agreed statement of facts to malicious destruction of property and the defendant's mother, the victim of the criminal act, asked the judge to put her son in a drug treatment program, that he made the following comments:

"I understand your cry for help . . . My guess is also that at one time you offered in the past to pay for his treatment. . . You got the wrong Judge today. I am not one of those touchy feely judges that goes for programs where everyone hold hands and sings kum ba ah and then they hand out lollipops to each other and gift certificates. I don't believe in that drug court and all that other foolishness . . . You know, I don't feel like it's the responsibility of the taxpayers to take care of every damn drug addict on the street . . . So I think jail has a telling effect on some people, . . . especially if they are young and dumb like your son is . . . I probably wasn't as big an ass as you were all that time either . . . If you want to go up there and ask that judge up there, you know they've got a lot more of those touchy feely judges up there. You'll probably find one of them that will do what you are asking me to do."

Judge Lamdin further admitted that such comments by him violated Canons 1, 2A, 3A, 3B(4), 3B(5), 6A and 6B of the Maryland Code of Judicial Conduct.

14. As to State v. Holmes, #C 00228211, Judge Lamdin admitted, in a case in which defendant entered a not guilty agreed statement of facts to a charge of assignation, and defendant also had a detainer in Baltimore City, that he made the following comments during the case:

"Who put up your bond money for you, your pimp? . . . Business must be good . . . If I were to release you, you'd be scratching that itch tonight . . . Ma'am you can't bullshit a bullshitter . . . You may be able to get some crack down there . . . Never know about Charm City. Those guards down there provide services for services . . . I should just let you go to Baltimore City, they'll give you the key to the city and then send you on your way . . . They don't do anything to them for prostitution down in Baltimore City, they give them one of those BELIEVE stickers to put on their backs . . . They don't care about prostitution in Baltimore City. They'll move her into one of the diversion courts, spank her and send her on her way . . . You've got no big hurdle in Baltimore City. They treat prostitution like spitting on the sidewalk . . . and when you get down there you can pray a

jury trial and you're guaranteed to have it dismissed when you go up to the Circuit Court . . . They'll toss that thing in Baltimore City, just pray that jury trial."

Judge Lamdin further admitted that such statements by him violated Canons 1, 2A, 3A, 3B(4), 3B(5), 6A and 6B of the Maryland Code of Judicial Conduct.

D. The following are findings of the Commission with regard to Judge Lamdin's sworn testimony and demeanor at the Hearing:

1. The comments made by Judge Lamdin set forth in the Stipulations of Fact and Violation were undignified, discourteous, and disparaging.

2. During his sworn testimony at the Hearing, Judge Lamdin admitted that his stipulated comments were "wrong," but never indicated any appreciation of exactly what was "wrong" about those comments. Judge Lamdin did not acknowledge that his comments were, in fact, undignified, discourteous, and disparaging. Judge Lamdin expressed no remorse for his comments; instead, he attempted to justify his comments through explanations and excuses. In response to questions from members of the Commission, Judge Lamdin was generally defensive, sometimes evasive, and, on at least one occasion, arrogant and hostile.

3. Examples of the aforementioned findings are as follows:

a. In reference to Judge Lamdin's stipulated comments in State v. Jennings, #DF 98262 (Paragraph 1.C.7, supra), and State v. Crook, #C 00239557 (Paragraph 1.C.8, supra), Judge Shuger asked Judge Lamdin (1) how he thought a litigant would have felt if those comments were made to him or her by a judge during a hearing, and (2) how he would have felt if he had been addressed by a judge in that manner. Initially, Judge Lamdin did not respond to Judge Shuger's questions. Instead, Judge Lamdin defended his comment in Jennings, concluding: "And I think the comment fit the situation quite frankly at the time regarding Mr. Jennings." When pressed further for an answer by Judge Shuger, Judge Lamdin responded: "Well, in the Jennings's (sic) case I certainly would have thought I had it coming. Because to be that unconcerned about your fellow man, that leaves something to be desired. Or

fellow woman, in this case.”

Regarding Crook, Judge Lamdin stated:

“And in Mr. Crook's case I was trying to get on a level with him so that he could understand what we were talking about. That he had a problem he hadn't addressed, because it was getting worse instead of better. His life was spiraling out of control and without some kind of treatment, without approaching his life in a different direction, there were going to be additional victims, additional problems.”

And so if someone was trying to shock me back into reality and get me out of the situation I found myself in, I don't know that I would necessarily be offended.”

Finally, Judge Lamdin identified one of the reasons for his comments in both cases as “at times it was my way of handling people one on one.”

In his responses to Judge Shuger's questions, Judge Lamdin gave no indication that he understood that his comments were undignified, discourteous, and disparaging. He offered no expression of remorse. Judge Lamdin attempted to justify his use of vulgarity, insults, and sarcasm as somehow being a way to communicate with defendants such as Mr. Jennings and Mr. Crook.

b. In reference to Judge Lamdin's stipulated comments in State v. Nunyez # DG 10669 (Paragraph 1.C.6, supra) and State v. McCloughlin, #C 00240823 (Paragraph 1.C.4, supra), Judge Lamdin defended his comments as an attempt at humor. In Nunyez, Judge Lamdin claimed that his comments were taken “out of context,” while in McCloughlin he admitted that his attempt at humor was “a mistake on my part.” Judge Lamdin, however, never expressed remorse, nor did he acknowledge that his disparaging comments about children in McCloughlin might lead the public to believe that he was biased or prejudiced against children.

c. In reference to Judge Lamdin's stipulated comments in State v. Jones, #C 00241933 (Paragraph 1.C.9, supra), Judge Lamdin testified to the following explanation for his comments:

I was speaking directly to this gentleman whose situation was

such that I had to speak to him directly in terms that he could understand, because I think in that particular case, he couldn't understand why I wasn't going to give him probation.

* * *

He asked me to explain to him my reasoning behind the sentence, and my best way that I could get down and get to him in terms he could understand, and I think if I'm not mistaken, this was the last case on the docket that day. There was no one else in the courtroom but he, and I, and his public defender, was the way I couched it to him, that he was confused, his thinking was confused in not accepting the four month sentence, as opposed to four year's worth of probation because I felt sure that he would violate it. And I broke it down in terms he could understand.

* * *

So my mistake in this case was trying to talk to this gentleman in terms he could surely understand so there would be no mistake about it, the reasoning for my sentence.

Judge Lamdin, however, did not admit to any "mistake" in the use of profanity, vulgarity, and insults. Again, he expressed no remorse for his comments.

d. Commissioner Hinton asked Judge Lamdin directly what, if anything, in his comments in Jones or in any of his stipulated comments, did he find to be "offensive or upsetting or disparaging." Judge Lamdin avoided answering the question by stating: "I certainly wouldn't use the language that I used in that fashion again." He then admitted that what he had said was "wrong" and had taken the necessary efforts "to change myself." Again, Judge Lamdin did not specify what was "wrong" about his comments.

e. In response to questions from the Commission Chair, Judge Lamdin finally agreed that, in making statements to defendants in open court, the use of profanity, vulgarity, and name-calling was inappropriate. The following colloquy then ensued:

JUDGE WOODWARD: And those are the things that you are not doing now?

JUDGE LAMDIN: What I am doing now that I didn't do before, I'm taking them back in chambers to talk.

JUDGE GREENBERG: I'm sorry, I didn't hear what you said.

JUDGE LAMDIN: I'm taking them back in chambers, back with their lawyer and the prosecutor and talk to them one on one, usually with a treatment advisor.

And I've done that with representatives of (INAUDIBLE) and I find that to be much more effective. Because I can find out where their true desire is and whether they really want treatment or help, or they're a lost cause. And if they're a lost cause there's not much time to be wasted on talking to them.

It is unclear to the Commission exactly what Judge Lamdin meant by his last response. Did he intend to continue using profanity, vulgarity, and name-calling, only now "back in chambers," or did he simply want a setting more conducive to finding out whether he could help a particular defendant? The Commission truly hopes that it is the latter. Nevertheless, Judge Lamdin's answer is disturbing to the Commission.

f. Commissioner Shelton asked Judge Lamdin several questions concerning Judge Lamdin's stipulated comments about the Circuit Court in State v. Santos, #C 00238632 (Paragraph 1.C.10, supra), State v. Stockley #C 00237477 (Paragraph 1.C.11, supra), and State v. Spirako, #C 00222486 (Paragraph 1.C.12, supra). Judge Lamdin was arrogant and hostile in answering the questions posed by Commissioner Shelton. This characterization can best be exemplified by setting forth the transcript of the exchange between Judge Lamdin and Commissioner Shelton:

MR. SHELTON: Well, did you really want the public to think that the Circuit Court judges drink in the afternoon?

JUDGE LAMDIN: Well, once again, I'm not going to try to defend what I said. I've already admitted I was wrong. But I don't know how long since you've been in Baltimore County Circuit Court, Mr. Shelton. If you go up in there in the afternoon, there's hardly any activity going on. That's the fact. A lot of judges sitting around there with nothing to do.

MR. SHELTON: Well, let me ask a different question, your Honor, if someone appeared before you today after your meeting with these judges, would you tell them that the Circuit Court judges drink cocktails in the afternoon?

JUDGE LAMDIN: I beg your pardon?

MR. SHELTON: Would you tell today a person that appeared before you that the Circuit Court judges are spending the afternoon drinking cocktails?

JUDGE LAMDIN: No, of course not. But after it's out there and you said it, you can either admit that you were wrong, you can't bottle it back up. You can learn from your mistake, you can change, or you can stand steadfast and do nothing.

MR. SHELTON: Just one final question on page seven - -

JUDGE LAMDIN: Are you suggesting it would have been better to do nothing?

MR. SHELTON: I'm not making any suggestions, your Honor. I was just asking.

JUDGE LAMDIN: Well, was there some other way that you think would have been more appropriate for me to deal with it other than consult with three people I respect and get their opinions?

(Emphasis added).

II. CONCLUSIONS OF LAW.

A. The Commission has both subject matter jurisdiction over the above-entitled cases and personal jurisdiction over Judge Lamdin, all pursuant to Md. Const., Art. 4, Section 4A and 4B and Maryland Rules 16-803 et seq.

B. The Commission is guided by the clear and convincing evidence standard in determining whether a judge has committed sanctionable conduct. Maryland Rule 16-808(j). Based upon Judge Lamdin's admissions as to the specific facts and violations of the Canons of the Maryland Code of Judicial Conduct, as set forth in the Stipulations of Fact and Violation, the Commission, by unanimous vote, finds by clear and convincing evidence that Judge Lamdin has committed sanctionable conduct, as defined by Maryland Rule 16-803(j)(1), by violating the following Canons of the Maryland Code of Judicial Conduct:

1. The stipulated admissions of Judge Lamdin as to the comment by him set forth in the Ronald Jacobson complaint and as to the violations of specific Canons, are proof of, and constitute, a violation of Canons 1, 2A, 3A, 3B(4), 3B(5), 6A and 6B of the Maryland Code of Judicial Conduct.
2. The stipulated admissions of Judge Lamdin as to his comments in State v. Owens,

#DG 10900, and as to the violations of specific Canons, are proof of, and constitute, a violation of Canons 1, 2A, 3A, 3B(4), 3B(5), 6A and 6B of the Maryland Code of Judicial Conduct.

3. The stipulated admissions of Judge Lamdin as to his comments in State v. Marsalak, #DG 16922, and as to the violations of specific Canons, are proof of, and constitute, a violation of Canons 1, 2A, 3A, 3B(4), 3B(5), 6A and 6B of the Maryland Code of Judicial Conduct.

4. The stipulated admissions of Judge Lamdin as to his comments in State v. McCloughlin, #C 00240823, and as to violations of specific Canons, are proof of, and constitute, a violation of Canons 1, 2A, 3A, 3B(4), 3B(5), 6A and 6B of the Maryland Code of Judicial Conduct.

5. The stipulated admissions of Judge Lamdin as to his comments in State v. Kalp, #C 00239407, and as to violations of specific Canons, are proof of, and constitute, a violation of Canons 1, 2A, 3A, 3B(4), 3B(5), 6A and 6B of the Maryland Code of Judicial Conduct.

6. The stipulated admissions of Judge Lamdin as to his comments in State v. Nunyez, #DG 10669, and as to violations of specific Canons, are proof of, and constitute, a violation of Canons 1, 2A, 3B(4), 3B(5), 6A and 6B of the Maryland Code of Judicial Conduct.

7. The stipulated admissions of Judge Lamdin as to his comment in State v. Jennings, #DF 98262, and as to violations of specific Canons, are proof of, and constitute, a violation of Canons 1, 2A, 3B(4), 3B(5), 6A and 6B of the Maryland Code of Judicial Conduct.

8. The stipulated admissions of Judge Lamdin as to his comments in State v. Crook, #C 00239557, and as to violations of specific Canons, are proof of, and constitute, a violation of Canons 1, 2A, 3B(4), 3B(5), 6A and 6B of the Maryland Code of Judicial Conduct.

9. The stipulated admissions of Judge Lamdin as to his comments in State v. Jones, #C 00241933, and as to violations of specific Canons, are proof of, and constitute, a violation of Canons 1, 2A, 3B(4), 3B(5), 6A and 6B of the Maryland Code of Judicial Conduct.

10. The stipulated admissions of Judge Lamdin as to his comments in State v. Santos,

#C 00238632, and as to violations of specific Canons, are proof of, and constitute, a violation of Canons 1, 2A, 3A, 3B(4), 6A and 6B of the Maryland Code of Judicial Conduct.

11. The stipulated admissions of Judge Lamdin as to his comments in State v. Stockley, #C 00237477, and as to violations of specific Canons, are proof of, and constitute, a violation of Canons 1, 2A, 3A, 3B(4), 6A and 6B of the Maryland Code of Judicial Conduct.

12. The stipulated admissions of Judge Lamdin as to his comments in State v. Spirako, #C 00222486, and as to violations of specific Canons, are proof of, and constitute, a violation of Canons 1, 2A, 3A, 3B(4), 6A and 6B of the Maryland Code of Judicial Conduct.

13. The stipulated admissions of Judge Lamdin as to his comments in State v. Nestor, #C 00240723, and as to violations of specific Canons, are proof of, and constitute, a violation of Canons 1, 2A, 3A, 3B(4), 3B(5), 6A and 6B of the Maryland Code of Judicial Conduct.

14. The stipulated admissions of Judge Lamdin as to his comments in State v. Holmes, #C 00228211, and as to violations of specific Canons, are proof of, and constitute, a violation of Canons 1, 2A, 3A, 3B(4), 3B(5), 6A and 6B of the Maryland Code of Judicial Conduct.

III. RECOMMENDATIONS AS TO THE IMPOSITION OF DISCIPLINE.

A. As to the appropriate discipline in a judicial conduct case, the Commission is guided by the “Preamble” to the Maryland Code of Judicial Conduct, Maryland Rule 16-813, which provides:

Whether disciplinary action is appropriate, and the degree of discipline to be imposed, should depend on factors such as the seriousness of the transgression, whether the transgression is isolated or part of a pattern of improper activity, and the effect of the improper activity on others or on the judicial system.

B. The Commission has found that the stipulated comments made by Judge Lamdin were undignified, discourteous, and disparaging. The making of such comments during the course of fourteen (14) cases included in the Stipulations of Fact and Violation clearly demonstrates a pattern of serious

violations of the Maryland Code of Judicial Conduct that strike at the very heart of the integrity and impartiality of the judiciary and the public's confidence in such integrity and impartiality.

C. Further, Judge Lamdin's sworn testimony and demeanor at the Hearing, in which he failed to indicate an appreciation of the inappropriate nature of his comments, responded in a defensive, evasive, and arrogant manner, and expressed no remorse for his conduct, calls into question Judge Lamdin's basic understanding of the seriousness of his violations of the Code of Judicial Conduct, as well as his capacity to comply with the Code in the future. The Commission is mindful of the efforts made by Judge Lamdin to correct his behavior by participating in a mentoring program over the past year with three distinguished judges of both the trial and appellate benches. The Commission notes that this mentoring program did not include either observing Judge Lamdin in court or reviewing audio tapes of his court sessions. The Commission is also aware that there have been no new complaints against Judge Lamdin during that time period. Nevertheless, the Commission is concerned that, without the imposition of appropriate discipline, the apparent change in Judge Lamdin's behavior will be only temporary.

D. Special Investigative Counsel and Judge Lamdin's counsel jointly recommended to the Commission a proposed discipline of a "public reprimand." The Commission unanimously rejects this recommendation and refers this matter to the Court of Appeals with a recommendation to impose the discipline set forth in Paragraph IV, B.2, infra. In the Commission's view, the imposition of a public reprimand is not commensurate with the serious pattern of misconduct in office committed by Judge Lamdin and does not reassure the public that Judge Lamdin will be deterred from making similar comments in the future. The Commission concludes that the gravity of the Code violations, as well as Judge Lamdin's sworn testimony and demeanor at the Hearing, require the imposition of a stronger sanction.

The Commission did, however, consider all of the mitigating factors presented by the Special Investigative Counsel and Judge Lamdin's counsel at the Hearing in determining its recommendation as

to the appropriate discipline. The Commission concludes that its recommendation of a consecutive thirty (30) working day suspension without pay is both:

1. Commensurate with the gravity of Judge Lamdin's misconduct and the extent to which it jeopardized the integrity and impartiality of the judiciary and the public's confidence in such integrity and impartiality; and

2. Sufficiently long to impress upon Judge Lamdin the fundamental requirements of judicial office as expressed by the Maryland Code of Judicial Conduct and to demonstrate to the public the judiciary's dedication to preserving the integrity and impartiality of its judges.

IV. ORDER AND REFERRAL TO THE COURT OF APPEALS.

A. IT IS HEREBY ORDERED that:

1. The Charges involving the State v. Bowen, #C 00241945, State v. DeLafayette, #C 00239743, State v. Barfield, #DC 65025, State v. Barberi, #C 00241958, State v. Ranikio, #C 00238267, and the complaint filed by Marianne Schmidt, are hereby dismissed for lack of proof.

2. The Chair is authorized by all the Commission Members to sign this decision for all those Commission Members present at the Hearing. The signature pages for the other Commission members shall be retained in the Commission file.

3. The Executive Secretary of the Commission is to take all necessary steps to file with the Court of Appeals the entire Hearing record which shall be certified by the Chair of the Commission and include all documents required by Maryland Rule 16-808 (k) (4).

4. The Executive Secretary is to promptly mail to Judge Lamdin and his counsel notice of the filing of the record and a copy of this Findings of Fact, Conclusions of Law, and Recommendations as to the Imposition of Discipline.

5. This document, all exhibits introduced into evidence, the transcript and CD disk are hereby entered into the record in the name of the Commission.

B. IT IS HEREBY FURTHER ORDERED that, pursuant to Maryland Rule 16-808(j):

1. The Commission, by unanimous vote, found by clear and convincing evidence that Judge Lamdin has committed sanctionable conduct, as defined by Maryland Rule 16-803(j), by violating the Canons of the Maryland Code of Judicial Conduct, as set forth in Section II. B above.

2. The Commission, by unanimous vote, hereby refers this above-captioned matter to the Court of Appeals with its recommendations as follows:

a. Judge Lamdin shall complete a consecutive thirty (30) working day suspension without pay within 90 days of the date of the decision of the Court of Appeals. Judge Lamdin shall notify the Court of Appeals, Investigative Counsel of the Commission and the Executive Secretary of the Commission in writing regarding: (1) his proposed suspension dates; and (2) the completion of the full consecutive thirty (30) working day suspension. The latter notification shall be so submitted no later than seven (7) working days following the last day of the suspension.

b. The Investigative Counsel of the Commission shall monitor Judge Lamdin's performance of the duties of his judicial office on a regular basis, by any reasonable method deemed appropriate by the Investigative Counsel, including, but not limited to, reviewing public records, obtaining recordings, visual and/or audio, and transcripts of court proceedings, observing Judge Lamdin in his courtroom, and receiving information from any source that Judge Lamdin may have committed sanctionable conduct.

Dated this ____ day of August, 2007.

Maryland Commission on Judicial Disabilities

By: _____
The Honorable Patrick L. Woodward, Chair

SIGNATURES OF ALL COMMISSION MEMBERS PRESENT AT THE HEARING WHO PARTICIPATED IN, AND THE ADOPTION OF, THIS FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER OF THE DATE SET FORTH THEREIN:

Mr. William D. Berkshire

Mr. James L. Clarke

The Honorable Robert A. Greenberg

Arielle Fougry Hinton, Esquire

Ms. Patricia B. Pender

Mr. Samuel F. Saxton, Sr.

Paul D. Shelton, Esquire

The Honorable Nancy B. Shuger

Steven D. Silverman, Esquire

The Honorable Patrick L. Woodward, Chair