

STATE OF MARYLAND

BEFORE THE COMMISSION ON JUDICIAL DISABILITIES

IN THE MATTERS OF:

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JUDGE MARY C. REESE

*

CJD 2015-132, CJD 2015-133, and
CJD 2015-134

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To: JUDGE MARY C. REESE
DISTRICT COURT OF MARYLAND FOR HOWARD COUNTY
TENTH JUDICIAL CIRCUIT

CHARGES

TAKE NOTICE that the Commission on Judicial Disabilities (hereinafter the “Commission”) has caused an investigation to be made and completed through its Investigative Counsel, Carol A. Crawford, of Judge Mary C. Reese (hereinafter sometimes referred to as “Judge”), who was, at all pertinent times, a Judge of the District Court of Maryland for Howard County. The Commission notified Judge Reese 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, complaints and attachments filed by complainants, audio recordings of the underlying court hearings, the Judge’s responses, the recommendations of Investigative Counsel, the Reports of the Judicial Inquiry Board, the Judge’s Objections to the Reports of the Judicial Inquiry Board, and the Judge’s appearance before the Commission. In consideration of the foregoing and a finding by the Commission of probable cause to believe that Judge Reese has committed sanctionable conduct, the Commission directed that Investigative Counsel initiate formal proceedings, pursuant to Maryland Rule 18-407(a) (formerly 16-808(a)), against Judge

Reese.

The Commission will conduct a public hearing on these charges pursuant to Maryland Rule 18-407 (formerly 16-808). The following facts form the basis for these charges and the Commission's probable cause determination:

1. Judge Reese has served as an Associate Judge of the District Court of Maryland for Howard County since 2006.
2. Based upon formal complaints received, the Commission's Investigative Counsel opened an investigation regarding Judge Reese's conduct while she was sitting in the District Court for Carroll County on the following civil matters: (a) Petitioner v. Benton Stephen Lecuyer, Case No. 1002SP001402015 (hereinafter sometimes referred to as the "Lecuyer case"), based upon the formal complaint filed by the Women's Law Center of Maryland on July 31, 2015 as well as a separate formal complaint filed by Patricia Stein on July 31, 2015 (CJD 2015-132 and CJD 2015-133); and (b) Lauren M. Lewis v. Richelieu W. James, Case No. 1002SP004962014 (hereinafter sometimes referred to as the "Lewis case"), based upon the formal complaint filed by the Women's Law Center of Maryland as well as a separate formal complaint filed by Lauren Lewis on July 31, 2015 (CJD 2015-132 and CJD 2015-134). The investigation was focused on Judge Reese's behavior during open court proceedings on August 8, 2014 in the Lewis case and on February 18, 2015 in the Lecuyer case. In both cases, the investigation was focused on allegations that Judge Reese failed to uphold public confidence in the judiciary and/or made unprofessional and inappropriate statements from the bench.

3. Investigative Counsel obtained and reviewed audio recordings of all
aforementioned hearings in their totality. In addition, the complaints filed by the
Women’s Law Center of Maryland, Patricia Stein, and Lauren Lewis, including
attachments; the letters of response submitted by Judge Reese, through counsel,
dated March 11, 2016 and July 8, 2016; statements made by Michele Daughtery
Siri, Esquire, to Investigative Counsel; and the Objections to the Reports of
Judicial Inquiry Board filed by Judge Reese, through counsel, dated July 8, 2016
and August 25, 2016 were reviewed and considered as part of this investigation.
4. The investigation revealed sanctionable conduct by Judge Reese with regard to
her unprofessional comments and behavior during all of the open court
proceedings at issue. With regard to the Lecuyer case, Judge Reese provided a
visibly injured *pro se* petitioner a hearing lasting approximately four minutes
before denying the petition on a stated basis that included Judge Reese’s opinion
that the petitioner was “taking care of” the matter by blocking the respondent’s
telephone number. With regard to the Lewis case, Judge Reese made
inappropriate comments to the petitioner that could reasonably be interpreted as
implying that the petitioner should not start confrontations with her husband
because she would lose an inevitable physical altercation.
5. Judge Reese’s conduct was in violation of Rules 18-101.1 (formerly 1.1), 18-
101.2 (formerly 1.2), 18-102.2 (formerly 2.2), 18-102.3 (formerly 2.3), 18-102.5
(formerly 2.5), and 18-102.6(a) (formerly 2.6(a)) of the Maryland Code of
Judicial Conduct. In addition, Judge Reese’s conduct was in violation of Rule
18-100.4 (formerly C-101, C-102 and C-103 of the Preamble in Maryland Rule

16-813) of the Maryland Code of Judicial Conduct. The pertinent provisions of the Rules provide as follows:

Rule 18-101.1 (Formerly 1.1). COMPLIANCE WITH THE LAW

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

Rule 18-101.2 (Formerly 1.2). PROMOTING CONFIDENCE IN THE JUDICIARY

(a) Promoting Public Confidence. A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary.

(b) Avoiding Perception of Impropriety. A judge shall avoid conduct that would create in reasonable minds a perception of impropriety.

Rule 18-102.2 (Formerly 2.2). IMPARTIALITY AND FAIRNESS

(a) A judge shall uphold and apply the law and shall perform all duties of judicial office impartially and fairly.

(b) A judge may make reasonable efforts, consistent with the Maryland Rules and other law, to facilitate the ability of all litigants, including self-represented litigants, to be fairly heard.

Rule 18-102.3 (Formerly 2.3). 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 lawyers in proceedings before the court, court staff, court officials, and others subject to the judge's direction and control to refrain from similar conduct.

Rule 18-102.5 (Formerly 2.5). COMPETENCE, DILIGENCE, AND COOPERATION

(a) A judge shall perform judicial and administrative duties competently,

diligently, promptly, and without favoritism or nepotism.

Rule 18-102.6 (Formerly 2.6). ENSURING THE RIGHT TO BE HEARD

(a) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.

Rule 18-100.4 (Formerly C-101, C-102 and C-103). PREAMBLE

(a) Importance of Independent, Fair, Competent, Impartial Judiciary. 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.

(b) Dignity of Judicial Office. 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) Function of Code of Judicial Conduct. 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:

a. Petitioner v. Benton Stephen Lecuyer

On February 18, 2015, the petitioner ("Petitioner"), a seventeen (17) year-old minor, and her grandmother, Patricia Stein, appeared before Judge Reese for a hearing on a petition for a temporary peace order filed by Ms. Stein on her

granddaughter's behalf. Petitioner had at least one visibly black eye as a result of an alleged assault by respondent at the time of the hearing. Judge Reese asked what happened. Ms. Stein stated that Petitioner had ended her relationship with the respondent and that he subsequently "tracked her to a friend's house," forced his way into the house, and assaulted Petitioner and a friend. Ms. Stein also directed Judge Reese's attention to Petitioner's injuries. Judge Reese then had the following exchange with Petitioner:

Judge Reese: What do you want to tell me, ma'am?

Petitioner: Well, everything she said is true.

Judge Reese: Has this ever happened before?

Petitioner: No.

Judge Reese: Okay. Did you have any conversation with him that day?

Petitioner: No. I blocked him from my phone. His phone number is blocked.

Judge Reese: Okay. All right. It looks to me like she's taking care of it. Okay? I have to be able to find two things. One, is that one of the nine statutory forms of abuse have occurred. And, number two, he's likely to commit the purported act against her in the future. And I don't have any indication from his past behavior that anything like this is likely to occur again in the future. So I'm not going to enter the order today. If anything else were to occur, you can go to the commissioner's office if the court is not open. Or you can come back to the courthouse to file for relief. Okay?

The hearing lasted approximately four (4) minutes.

b. Lauren M. Lewis v. Richelieu W. James

On August 8, 2014, the parties appeared before Judge Reese for a hearing on the entry of a final protective order. Ellen Hare, Esquire entered an appearance on behalf of Ms. Lewis; Counsel for Mr. James was not identified on the record. At the conclusion of Ms. Lewis's direct testimony, Judge Reese asked the attorney for the respondent "Do you have any cross-examination? . . . Do you believe it's necessary?" During cross examination, Judge Reese twice asked if there was "Anything else?" When the petitioner rested, Judge Reese asked the attorney for respondent if he had any evidence, asking, "Do you believe it's necessary?" At this point, Judge Reese heard argument on a motion to dismiss made by respondent. The following then occurred:

Judge Reese: I'm that there's any evidence that – well, let me put it this way. I think that it goes – I – I'll permit it to go to the respondent's case, if the respondent thinks there's anything necessary to put on – on for evidence. Do you think there's anything necessary to put on for evidence? I'll deny your motion just because.

Respondent's Attorney: Well, that puts me – let's see. Yes, Your Honor, if I can –

Judge Reese: You've got to be kidding me.

Respondent's Attorney: I mean, No, Your Honor. Absolutely not.

Judge Reese: You've got to be kidding me.

Respondent's Attorney: I don't believe – I will not be calling a witness at this time, Your Honor.

Judge Reese: Ms. Lewis, if you pick a fight, you've got to expect to lose it. And when you're – when you're picking a fight with him, and he wants you out of the house or he's –

he wants you out of the car, and you're not leaving, then you got to expect to lose the fight. Now, it seems to me you should go back and live with your aunt or your mother until school starts again.

7. In both of these matters, Judge Reese engaged in behavior that failed to promote public confidence in the independence, integrity, and impartiality of the judiciary. Judge Reese was not performing her duties impartially and fairly and was manifesting bias or prejudice regarding the litigants appearing before her. In the Lecuyer case, Judge Reese afforded Petitioner a mere four (4) minute hearing before denying her requested relief after a few short inquiries, both undermining public confidence in the judiciary and denying her the right to be heard.
8. Judge Reese's behavior provides evidence that Judge Reese 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: 4/26/17

Carol A. Crawford -
Investigative Counsel

Date: 4.26.17

Tanya C. Bernstein
Deputy Assistant Investigative Counsel

Date: 4/26/17

Derek A. Bayne
Assistant Investigative Counsel

NOTICE: YOU HAVE THE RIGHT, PURSUANT TO RULE 18-407(c) (FORMERLY 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.