



STATE OF MARYLAND
COMMISSION ON JUDICIAL DISABILITIES

ANNUAL REPORT
FOR
FISCAL YEAR 2024
(July 1, 2023 – June 30, 2024)

Submitted by:

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I. INTRODUCTION.

Pursuant to Maryland Rule 18-411(i), an Annual Report is prepared by the Maryland Commission on Judicial Disabilities (“Commission”) for submission to the Supreme Court of Maryland regarding the Commission’s operations, including statistical data with respect to complaints received and processed, subject to materials declared confidential under Maryland Rule 18-407. This report is publicly available in accord with Maryland Rule 18-407(c).

The Commission is the primary disciplinary body charged with investigating complaints that allege judicial misconduct, or disability/impairment (mental and/or physical) of Maryland’s judicial officers, as empowered by the Maryland Constitution.

The work of the Commission plays a vital role in maintaining public confidence in, and preserving the integrity and impartiality of, the judiciary. The Commission, by providing a forum for citizens with complaints against judges, helps maintain the balance between judicial independence and public accountability. The Commission also helps to improve and strengthen the judiciary by creating a greater awareness of proper judicial conduct.

The laws creating and governing the Commission’s work are as follows:

- Maryland Constitution, Art. IV, §§4A and 4B;
- Annotated Code of Maryland, Courts and Judicial Proceedings, §§13-401 through 13-403;
- Maryland Rules 18-401 through 18-442¹; and
- Maryland Code of Judicial Conduct, Maryland Rules, Title 18, Chapter 100.

Copies of the laws governing the Commission are available through the Commission’s website at www.mdcourts.gov/cjd/index.html.

II. HISTORY AND STRUCTURE OF THE COMMISSION.

The Commission was established by a constitutional amendment in 1966 in response to a growing need for an independent body to assist in monitoring the conduct of Maryland’s judges. Subsequent constitutional amendments strengthened the Commission, clarified its powers, and added four (4) additional public members to the Commission. The Constitution requires the Supreme Court of Maryland to adopt rules for the implementation and enforcement of the Commission’s powers and the procedures before the Commission.

The Maryland Constitution, Art. IV, §4B(a)(1)(i) & (ii) & 2, gives the Commission

¹ The Commission leadership engaged in good faith negotiations to make changes to Rule 18-427 with a judges’ association; the negotiated rules were presented to the Attorneys and Judges Subcommittee of the Maryland Standing Committee on Rules of Practice and Procedure, discussed, and have remained tabled since April, 2023.

the following specific powers to:

(i) Investigate complaints against any judge of the Supreme Court of Maryland, any intermediate court of appeal, the circuit courts, the District Court of Maryland, or the Orphans' court; and

(ii) Conduct hearings concerning such complaints, administer oaths and affirmations, issue process to compel the attendance of witnesses and the production of evidence, and require persons to testify and produce evidence by granting them immunity from prosecution or from penalty or forfeiture.

(iii) Issue a reprimand and the power to recommend to the Supreme Court of Maryland the removal, censure, or other appropriate disciplining of a judge or, in an appropriate case, retirement.

Further, the Maryland Rules give the Commission the authority to dismiss complaints (with or without a letter of cautionary advice), issue reprimands, enter into conditional diversion agreements with judges, and if the Commission finds by clear and convincing evidence that the judge has a disability or impairment, or has committed sanctionable conduct, to refer the matter to the Supreme Court of Maryland. If the Commission finds a judge has committed sanctionable conduct and that dismissal (with or without a letter of cautionary advice), or a conditional diversion agreement is not appropriate, it shall either issue a reprimand to the judge, if the proceeding was conducted pursuant to Rule 18-427(b)(2)(A) or (B), or refer the matter to the Supreme Court of Maryland.

The Commission Members consist of eleven (11) persons: three (3) judges, one (1) from the Appellate Court, one (1) from the Circuit Courts, and one (1) from the District Courts; three (3) lawyers, with each admitted to practice law in Maryland and having at least seven (7) years of experience; and five (5) members of the public, none of whom are active or retired judges, admitted to practice law in Maryland, or persons having a financial relationship with, or receive compensation from, a judge or lawyer licensed in Maryland. All Commission Members are appointed by the Governor, with the advice and consent of the State Senate, and are citizens and residents of Maryland. Membership is limited to two (2), four (4)-year terms, or, if initially appointed to fill a vacancy, for no more than a total of ten (10) years.

Effective July 1, 2007, the Supreme Court of Maryland established by rule the Judicial Inquiry Board ("Board"), thereby creating a "two-tier" structure within the Commission. The Board consists of seven (7) persons: two (2) judges, two (2) lawyers, and three (3) public members who are not lawyers or judges. As of July 1, 2019, Board Members are appointed by the Supreme Court of Maryland for terms of up to four (4) years. Prior to July 1, 2019, Board Members were appointed by the Commission and were limited to two (2), four (4)-year terms, or, if initially appointed to fill a vacancy, for no more than a total of ten (10) years.

Complaints against Maryland judges are investigated by the Commission's Investigative Counsel ("Investigative Counsel"). The Board monitors the investigations conducted by Investigative Counsel. The Board reviews investigative materials and

Investigative Counsel's reports and recommendations before submitting its own reports and recommendations to the Commission Members in all matters except recommendations for dismissals without a letter of cautionary advice (which go directly to the Commission from Investigative Counsel). The Commission Members accept or reject the Board's recommendations and act consistent with the powers and authority granted to the Commission. The Commission directly reviews and makes determinations regarding cases recommended for dismissal without a letter of cautionary advice in addition to matters previously reviewed by the Board.

III. THE COMMISSION'S JURISDICTION - WHAT THE COMMISSION CAN AND CANNOT DO.

The Commission is authorized to investigate complaints only against judges of the Supreme Court of Maryland, Appellate Court of Maryland, Circuit Courts, District Courts, Orphans' Courts, and any retired Maryland judge during the period that the retired judge has been approved to sit. The Commission:

1. Has no authority to investigate complaints against Magistrates (formerly masters), Examiners, Administrative Law Judges, Federal Judges, lawyers, police, court personnel, State's Attorneys, or Public Defenders.
2. Does not have appellate authority and therefore cannot review, reverse, change, or modify a legal decision or other court action taken by a judge;
3. Cannot affect the progress or outcome of a case; and
4. Cannot require a judge's recusal or disqualify a judge from presiding over a particular case.

Pursuant to Maryland Rule 18-402, complaints investigated by the Commission are those involving a judge's alleged sanctionable conduct, disability or impairment. They are defined as follows:

1. **Sanctionable conduct** means misconduct while in office, the persistent failure by a judge to perform the duties of the judge's office, or conduct prejudicial to the proper administration of justice. A judge's violation of the binding obligations of the Maryland Code of Judicial Conduct promulgated by Title 18, Chapter 100 may constitute sanctionable conduct.

Sanctionable conduct does not include the following by a judge, unless the judge's conduct also involves fraud or corrupt motive or raises a substantial question as to the judge's fitness for office:

- making an erroneous finding of fact;
- reaching an incorrect legal conclusion;
- misapplying the law; or

- failure to decide matters in a timely fashion, unless such failure is habitual.
2. **Disability** means a mental or physical disability that seriously interferes with the performance of a judge’s duties and is, or is likely to become, permanent.
 3. **Impairment or impaired** means a mental or physical condition, including an addiction, that has seriously interfered with the performance of a judge’s duties but may be remediable and, if remedied, is not likely to become permanent.

IV. THE COMPLAINT PROCESS.

The complaint is a written communication under oath or supported by an affidavit alleging that a judge has a disability, impairment or has committed sanctionable conduct. Any individual, including a party or witness in a court case, lawyer, member of the public, judge, person who works for or assists the court, or other person, can file a complaint with the Commission; this individual is considered the “Complainant” and the judge is considered the “Respondent.” The Complainant can submit a complaint online on the Commission’s website, download a complaint form from the website, receive a form from the Commission’s office, or provide a written communication with the required information.

Allegations may be dismissed, prior to investigation, if they do not allege facts which, if true, would constitute a disability, impairment, or sanctionable conduct, and therefore do not constitute a complaint. Investigative Counsel will open a file for each properly filed complaint, send a letter to Complainant acknowledging receipt of the complaint and explain the procedure for investigating and processing the complaint. In addition, Investigative Counsel may make an inquiry and open a file after receiving information from any source that indicates a judge may have a disability or impairment, or have committed sanctionable conduct.

If the allegations are not dismissed, or an inquiry is completed without a dismissal, Investigative Counsel conducts an investigation and thereafter reports to the Board or Commission the results of the investigation, including one of the following recommendations:

- dismiss the complaint and terminate the investigation, with or without a letter of cautionary advice;
- reprimand;
- conditional diversion agreement;
- the filing of charges; or
- retirement of the judge based upon a finding of disability.

If the matter proceeds to the Board, upon receiving the Investigative Counsel’s report

and recommendation, the Board reviews the report and recommendation and could authorize a further investigation, or meet informally with the judge, including convening a peer review panel to confer regarding the complaint and options for the judge to consider. Upon completion of the foregoing, the Board prepares a report to the Commission with any of the following recommendations:

- dismiss the complaint and terminate the investigation, with or without a letter of cautionary advice;
- a conditional diversion agreement;
- a reprimand;
- retirement; or
- upon a determination of probable cause that the judge has a disability or impairment or has committed sanctionable conduct, the filing of charges.

The Commission Members review all matters received from Investigative Counsel and the Board, and can take action, with or without proceeding on charges, after reviewing the reports, including recommendations, and any response filed by the judge. If the Commission Members direct Investigative Counsel to file charges against a judge alleging that the judge committed sanctionable conduct, or has a disability or impairment, the charges are served upon the judge and a hearing is scheduled as to the charges. Formal hearings are conducted in accord with the Maryland Rules of Evidence.

If, after the hearing, the Commission Members find by clear and convincing evidence that the judge committed sanctionable conduct or has a disability or impairment, the Commission will issue its findings and, if necessary, refer the case to the Supreme Court of Maryland with recommendations as to disposition. The Supreme Court of Maryland can take any one of the following actions: (1) impose the sanction recommended by the Commission or any other sanction permitted by law; (2) dismiss the proceeding; or (3) remand for further proceedings as specified in the order of remand.

V. CONFIDENTIALITY.

Except to the extent admitted into evidence before the Commission, the following matters are confidential: (A) Investigative Counsel's work product and, subject to Rules 18-422(b)(3)(A), 18-424(d)(3) and 18-433(c), reports prepared by Investigative Counsel not submitted to the Commission; (B) proceedings before the Board, including any peer review proceeding; (C) any materials reviewed by the Board during its proceedings that were not submitted to the Commission; (D) deliberations of the Board and Commission; and (E) records of the Board's and Commission's deliberations.

Charges alleging sanctionable conduct and all subsequent proceedings before the Commission on those charges are open to the public upon the first to occur of (A) the resignation or voluntary retirement of the judge, (B) the filing of a response by the judge to the charges, or (C) expiration of the time for filing a response. Charges alleging disability or

impairment, and all proceedings before the Commission on those charges, are confidential.

VI. MEMBERS.

COMMISSION MEMBERS (Appointed by the Governor of Maryland):

Judge Members:

Honorable Anne K. Albright, Chair- Appellate Court (*replaced Hon. Michael W. Reed*)

Honorable Lisa Hall Johnson, Vice-Chair- District Court

Honorable Yolanda Tanner- Circuit Court (*replaced Hon. Robert B. Kershaw*)

Attorney Members:

Chaz R. Ball, Esquire

Tara A. Barnes, Esquire

Marisa A. Trasatti, Esquire

Public Members:

Kimberly A. Howell

Tahira M. Hussain (*filled a vacant position*)

Sophia D. Jones

Andrea M. Fulton Rhodes

Elizabeth A. Solar (*replaced Sally McLane Young Ridgely*)

JUDICIAL INQUIRY BOARD MEMBERS (Appointed by Supreme Court of Maryland):

Judge Members:

Honorable Mark S. Chandlee, Chair

Honorable Susan H. Hazlett

Attorney Members:

Kimberly Jones, Esquire

Stephanie J. Robinson, Esquire

Public Members:

Victor Freeland

The Honorable Susan R. Hoffmann

Dr. Gina Jordan

VII. MEETINGS/OPERATIONS.

The Commission Members held eleven (11) regularly scheduled meetings in FY24; three (3) were virtual and eight (8) were in-person.

The Board Members held eleven (11) regularly scheduled meetings in FY24; nine (9) were virtual and two (2) were in-person.

VIII. TRAININGS/OUTREACH

The Commission continues to educate the judiciary and legal community on the Commission, the rules governing judicial discipline, and current trends.

1. The Commission Chair, Investigative Counsel, Deputy Assistant Investigative Counsel, and Executive Counsel conducted a Judicial Ethics training at a New Trial Judges' Orientation.
2. The Commission Chair, Commission Vice-Chair, and Investigative Counsel participated in two (2) sessions at a Judicial Conference in April, 2024.
3. The Commission and Board Chairs, Investigative Counsel and Executive Counsel conducted a session entitled "Judicial Ethics Top 10" on June 6, 2024, at the Maryland State Bar Association's 2024 Legal Summit.

IX. SUMMARY OF COMMISSION ACTIVITY IN FY24.

During Fiscal Year 2024 (July 1, 2023 through June 30, 2024), the Commission opened files for Three Hundred Ninety-Six (396) verified complaints; Two Hundred Thirty-Nine (239) complaints were received online.

Five (5) complaints were filed by attorneys, forty-two (42) by inmates, three (3) by Investigative Counsel, four (4) by judges, and three hundred forty-two (342) were filed by members of the general public.

Complaints against Circuit Court Judges totaled two hundred seventeen (217); one hundred forty-one (141) complaints were filed against District Court Judges; six (6) complaints were filed against Appellate Court of Maryland Judges; three (3) complaints were filed against Supreme Court of Maryland Justices; and twenty-nine (29) complaints were filed against Orphans' Court Judges. There were thirty-five (35) complaints against Senior Judges sitting in various jurisdictions and courts.

The types of matters involved include:

- Family law (divorce, custody, visitation, etc.) - ninety-three (93) complaints;
- Peace and Protective Orders - fourteen (14) complaints;
- Criminal - eighty-five (85) complaints;
- Traffic - four (4) complaints;
- Civil - one hundred forty-eight (148) complaints;
- Juvenile - one (1) complaint;
- Probate - twenty-one (21) complaints;
- Sexual Harassment - zero (0) complaints; and
- Miscellaneous or other Non-Courtroom related matters - thirty (30) complaints.

DISPOSITIONS

A **Dismissal with a Letter of Cautionary Advice** is issued by the Commission in a case where sanctionable conduct that may have been committed by a judge can be sufficiently addressed by the issuance of a letter of caution (formerly a warning). The contents of the letter are private and confidential. This is not a form of discipline. The Commission issued four (4) Letters of Cautionary Advice for the following matters:

- 1) A Senior judge's social media and online presence appeared to undermine the judge's independence, integrity, and impartiality.
MD Rules implicated: 18-101.1, 18-101.2, 18-102.4(b)(c) and 18-103.1(c).
- 2) An Orphans' Court judge demonstrated a lack of patience and courtesy.
MD Rules implicated: 18-101.1, 18-101.2, and 18-102.8.
- 3) An Orphans' Court judge failed to disclose possible conflicts of interest.
MD Rules implicated: 18-101.1, 18-101.2, and 18-102.11.
- 4) A Circuit Court judge failed to disclose possible conflicts of interest.
MD Rules implicated: 18-101.1, 18-101.2, and 18-102.11.

A **Conditional Diversion Agreement** is entered into by the Commission and the judge where sanctionable conduct that may have been committed by the judge was not so serious, offensive, or repeated as to justify the filing of charges. The agreement contains specific conditions the judge must remain in compliance with until fully satisfied. This is not a form of discipline.

The Commission entered into three (3) Conditional Diversion Agreements. These were with an Orphans' Court judge, a District Court judge and a Circuit Court judge.

A **Reprimand** can be issued by the Commission in a case where the judge has committed sanctionable conduct that justifies some form of discipline but was not serious, offensive, or repetitious as to justify the filing of charges. A Reprimand is a form a discipline.

The Commission did not issue a Reprimand in FY24.

Charges are issued by Investigative Counsel at the direction of the Commission upon a finding of probable cause to believe that a judge has a disability or impairment or has committed sanctionable conduct. Charges of sanctionable conduct are made public. Charges were filed in two (2) cases in FY24.

- 1) After Charges were filed, a matter was terminated due to the judge resigning prior to the public hearing. (Judge Kevin Wilson, CJD 2023-042).
- 2) Charges and Amended Charges were filed in a matter during FY24. The third (3rd) day of a public hearing in this case was not conducted due to the removal of the judge in a

separate matter, *infra*. (Judge April T. Ademiluyi, CJD 2023-005)

A public hearing in CJD 2022-079 was conducted during FY24 which resulted in the removal of Judge April T. Ademiluyi from the bench on May 6, 2024 by the Supreme Court of Maryland. *Matter of Ademiluyi*, JD No. 2, September Term, 2023.

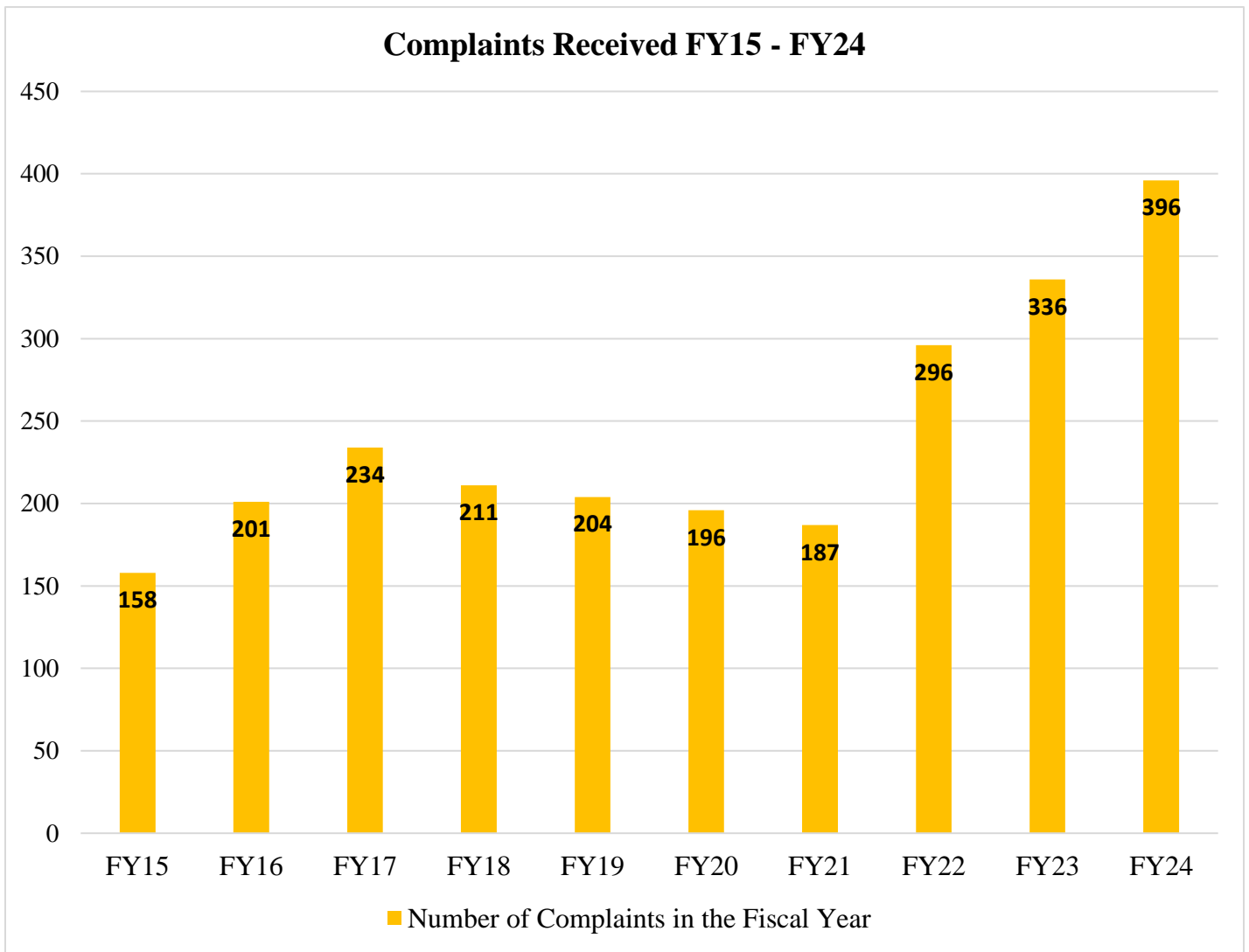
The remaining complaints in Fiscal Year 2024 were dismissed because the allegations set forth in the complaints were either found to be insufficient, unsubstantiated, or the conduct complained about did not constitute sanctionable conduct.

X. COMPARISON CHARTS OF COMMISSION ACTIVITY.

The data included in the following charts was based on information from the Commission’s case files.

COMPLAINTS RECEIVED

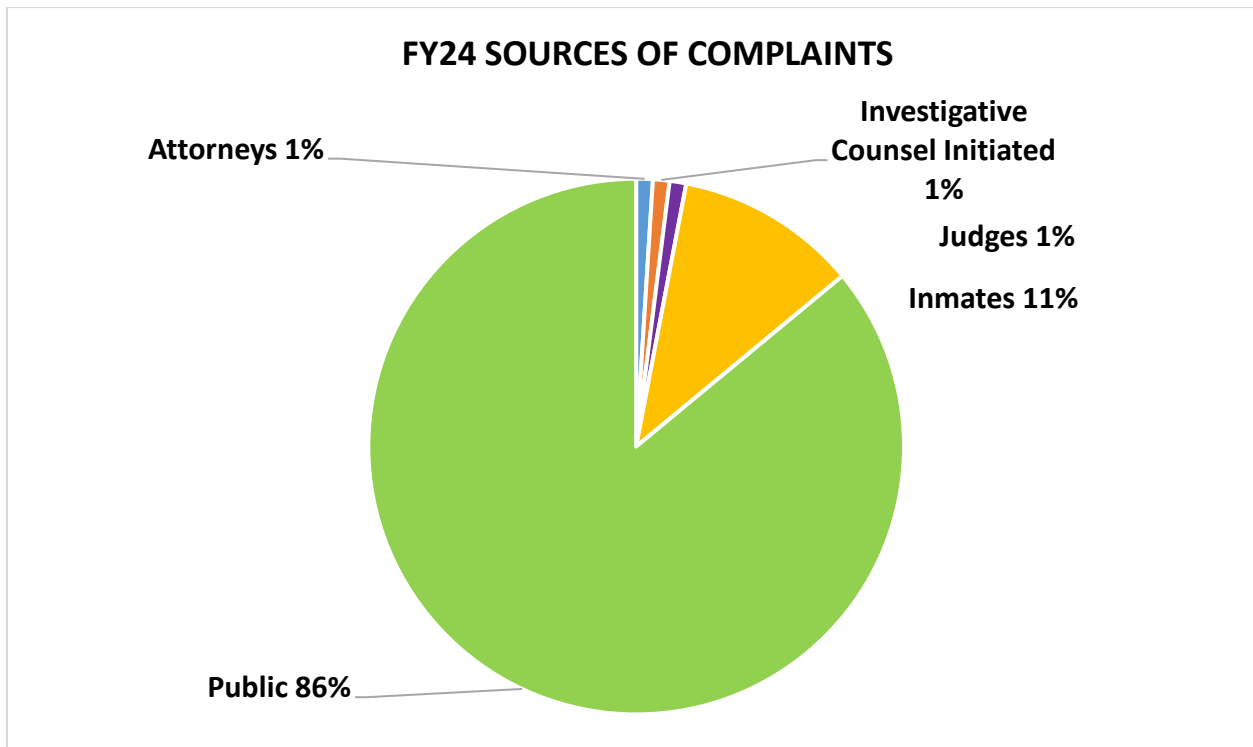
TEN (10) YEAR COMPARISON CHART



SOURCES OF COMPLAINTS

TEN (10) YEAR COMPARISON CHART

Fiscal Year	Attorneys	Investigative Counsel Initiated Inquiries	Inmates	Judges	Public	Total
2014-2015	8	9	38	0	103	158
2015-2016	16	10	30	0	145	201
2016-2017	11	13	32	10	168	234
2017-2018	8	5	39	0	159	211
2018-2019	7	5	28	0	164	204
2019-2020	4	11	32	0	149	196
2020-2021	10	16	26	0	135	187
2021-2022	4	15	40	3	234	296
2022-2023	12	12	44	1	267	336
2023-2024	5	3	42	4	342	396

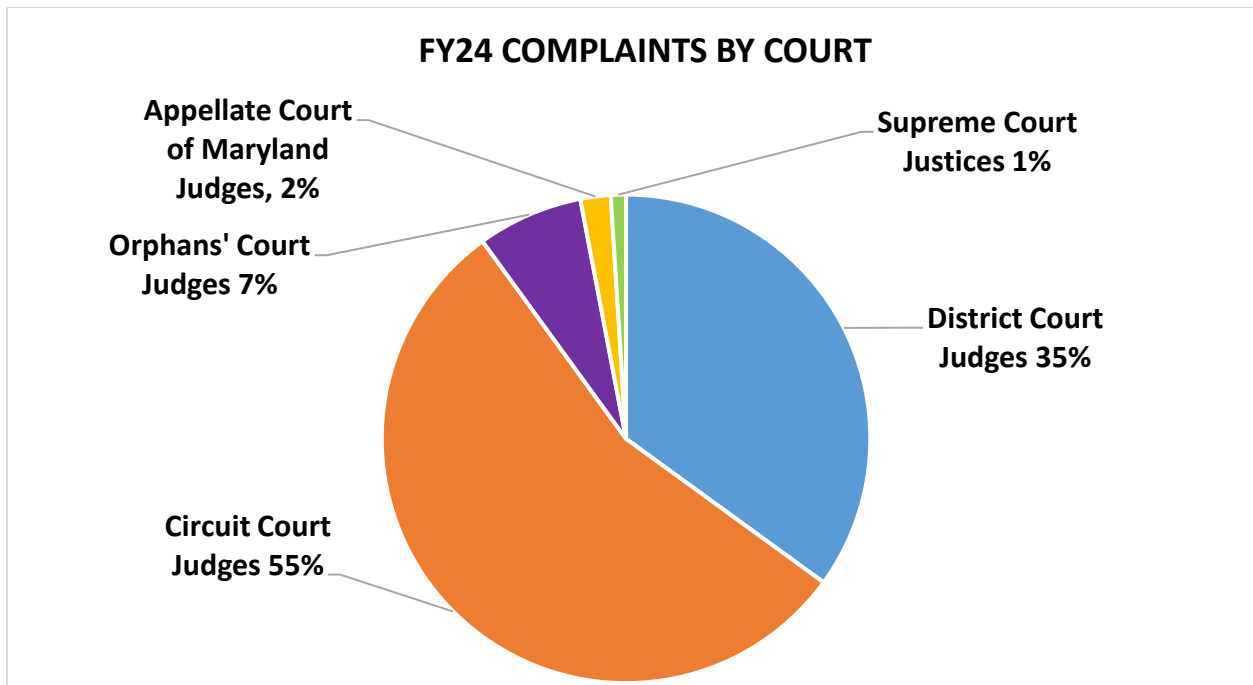


COMPLAINTS BY COURT

TEN (10) YEAR COMPARISON CHART

Fiscal Year	District Court Judges	Circuit Court Judges	Orphans' Court Judges	Appellate Court of Maryland Judges	Supreme Court Justices	Other	Total
2014-2015	46	107	3	0	2	0	158
2015-2016	57	125	12	1	6	0	201
2016-2017	68	152	11	1	2	0	234
2017-2018	49	150	7	2	3	0	211
2018-2019	63	136	1	1	3	0	204
2019-2020	50	123	12	2	8	1	196
2020-2021	44	131	9	0	3	0	187
2021-2022	89	176	12	10	9	0	296
2022-2023	96	219	17	3	1	0	336
2023-2024	141	217	29	6	3	0	396

Per the Maryland Judiciary, in FY24, the judiciary had 124 District Court Judges, 176 Circuit Court Judges, 63 Orphans' Court Judges, 15 Appellate Court of Maryland Judges, and 7 Supreme Court Justices, with 15 vacancies, for a total of 400. In addition, 170 retired Judges and Justices were designated to sit as Senior Judges and Justices.



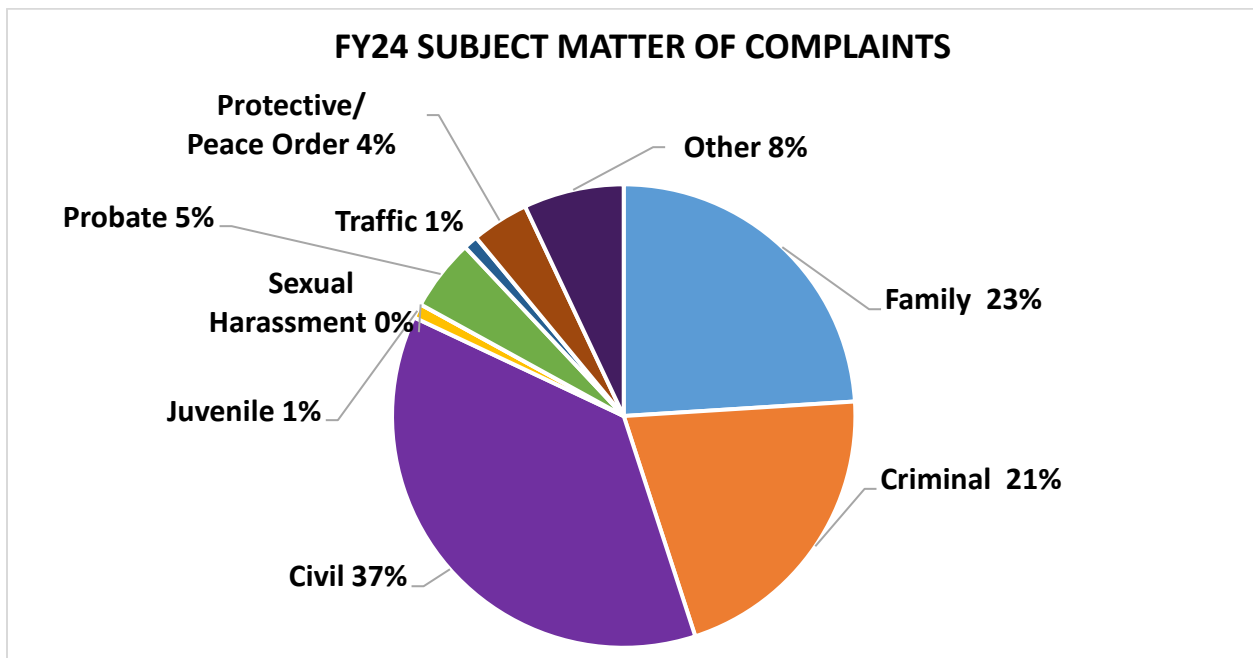
SUBJECT MATTERS OF COMPLAINTS

TEN (10) YEAR COMPARISON CHART

Fiscal Year	Family	Criminal	Civil	Juvenile	Sexual Harassment	Probate	Traffic	Protective/Peace Ord.	Other	Total
2014-2015	22	49	84						3	158
2015-2016	32	51	116						2	201
2016-2017	28	63	106						37	234
2017-2018	30	54	116						11	211
2018-2019	43	41	114						6	204
2019-2020	43	52	94		1				6	196
2020-2021	38	42	89		1				17	187
2021-2022	69	83	88	1	1	8	8	20	18	296
2022-2023	88	80	94	3	1 *	17	9	33	11*	336
2023-2024	93	85	148	1	0	21	4	14	30	396

Statistics regarding sexual Harassment complaints have been compiled since FY20. Statistics regarding Juvenile, Probate, Traffic, and Protective/Peace Order complaints have been compiled since October 2021 in FY22.

*Updated following the FY23 Annual Report.



COMPLAINTS BY JURISDICTION

County	FY18	FY19	FY20	FY21	FY22	FY23	FY24
Allegany	4	2	7	1	3	8	2
Anne Arundel	27	10	13	19	19	42	44
Baltimore City	29	25	27	18	40	72	54
Baltimore County	10	21	22	31	37	42	41
Calvert	7	2	3	1	1	13	2
Caroline	4	1	0	0	1	0	4
Carroll	4	1	1	3	4	5	12
Cecil	1	9	7	6	14	4	7
Charles	2	4	2	6	3	8	7
Dorchester	3	1	0	0	7	1	1
Frederick	6	4	5	4	7	7	12
Garrett	0	0	0	1	2	0	1
Harford	14	13	15	15	15	19	20
Howard	11	12	5	7	13	7	12
Kent	1	1	0	1	0	0	0
Montgomery	25	28	27	23	36	40	54
Prince George's	45	48	36	34	48	43	81
Queen Anne's	2	1	1	1	1	0	3
Somerset	0	2	0	1	1	5	1
St. Mary's	4	2	3	2	2	5	4
Talbot	0	1	0	2	1	1	1
Washington	3	8	5	3	8	4	15
Wicomico	2	5	6	4	10	5	6
Worcester	0	0	1	1	4	1	2
Appellate	5	3	10	3	19	4	9
Unknown	0	0	0	0	0	0	1
Total	209	204	196	187	296	336	396