

STATE OF MARYLAND

BEFORE THE COMMISSION ON JUDICIAL DISABILITIES

IN THE MATTER OF:

JUDGE VICKIE GIPSON

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CJD 2024-051, CJD 2024-053,
CJD 2024-054, CJD 2024-069, &
CJD 2024-109

To: JUDGE VICKIE GIPSON
ORPHANS' COURT FOR ANNE ARUNDEL COUNTY

CHARGES

TAKE NOTICE that the Commission on Judicial Disabilities (hereinafter “Commission”) has caused to be made and completed multiple investigations, through its Investigative Counsel, Tanya C. Bernstein, Esq., of Judge Vickie Gipson (hereinafter sometimes referred to as “the judge”), who was, at all pertinent times, a Judge of the Orphans’ Court for Anne Arundel County (“Orphans’ Court”). The Commission notified Judge Gipson of the nature of the investigations and afforded the judge an opportunity to present information bearing on the subject of the investigations.

The Commission has received and considered information from the investigations, including, but not limited to: the complaints and, where applicable, their attachments; correspondence from Judge Gipson and others; audio recordings of proceedings and various filings in the Orphans’ Court and the District Court of Maryland for Anne Arundel County; media articles and related materials; the judge’s responses to the investigations; 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 Gipson has committed sanctionable conduct, the Commission directed Investigative Counsel to initiate formal proceedings against Judge Gipson 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 Gipson has been a judge of the Orphans' Court for Anne Arundel County since December of 2018 and was appointed Chief Judge in 2023. She continues to so serve.
2. Based upon complaints received, the Commission's Investigative Counsel opened investigations regarding Judge Gipson's conduct.
3. The investigations revealed sanctionable conduct by Judge Gipson. The nature of the sanctionable conduct that is the subject of these charges includes a persistent course of unprofessional conduct unbecoming of a judicial officer arising out of her interpersonal conflict with a fellow Judge of the Orphans' Court ("Judicial Officer A"). This conduct includes, but is not limited to, public conduct that has undermined public confidence in the judiciary, repeated invocation of the prestige of her office in legal proceedings and public statements to advance her personal interests, interference with the operations of the Orphans' Court and the independence of its judicial officers, and repeated disregard for the confidentiality provisions concerning matters before the Commission. Judge Gipson also failed to take action to correct or to otherwise report the conduct of a judge subject to her administrative authority and inhibited the function of the Orphans' Court by allowing a separate fellow Judge of the Orphans' Court ("Judicial Officer B") to be routinely absent from the court's legislatively mandated hours of operation;

failed to acknowledge her conduct or express remorse for her conduct; failed to comply with the law; and otherwise engaged in behavior unbecoming a judicial officer and in direct contravention of her responsibility to promote confidence in the Judiciary and to maintain the dignity of judicial office.

4. Judge Gipson's conduct was in violation of Rules 18-101.1 (Compliance with the Law), 18-101.2 (Promoting Confidence in the Judiciary), 18-101.3 (Avoiding lending the prestige of judicial office), 18-102.3 (Bias, Prejudice, and Harassment), 18-102.5 (Competence, Diligence, and Cooperation), 18-102.8 (Decorum, Demeanor, and Communication with Jurors), 18-102.10 (Judicial Statements on Pending and Impending Cases), 18-102.12 (Supervisory Duties), 18-102.15 (Responding to Judicial and Attorney Misconduct); 18-102.16 (a) (Cooperation with Disciplinary Authorities), and 18-103.1 (d) & (e) (Extra-Official Activities in General).

The pertinent provisions of the Rules 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) 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 18-101.3. AVOIDING LENDING THE PRESTIGE OF JUDICIAL OFFICE.

A judge shall not lend the prestige of judicial office to advance the personal or economic

interest of the judge or others, or allow others to do so.

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 18-102.5. COMPETENCE, DILIGENCE, AND COOPERATION

- (a) A judge shall perform judicial and administrative duties competently, diligently, promptly, and without favoritism or nepotism.
- (b) A judge shall cooperate with other judges and court officials in the administration of court business.
- (c) A judge shall not willfully fail to comply with administrative rules or reasonable directives of a judge with supervisory authority.

RULE 18-102.8. DECORUM, Demeanor, AND COMMUNICATIONS WITH JURORS

- (a) A judge shall require order and decorum in proceedings before the court.
- (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 18-102.10. JUDICIAL STATEMENTS ON PENDING AND IMPENDING CASES.

- (a) A judge shall abstain from public comment that relates to a proceeding pending or impending in any court and that might reasonably be expected to affect the outcome or impair the fairness of that proceeding and shall require similar

abstention on the part of court personnel subject to the judge's direction and control. This Rule does not prohibit a judge from making public statements in the course of official duties or from explaining for public information the procedures of the court.

- (b) With respect to a case, controversy, or issue that is likely to come before the court, a judge shall not make a commitment, pledge, or promise that is inconsistent with the impartial performance of the adjudicative duties of the office.
- (c) Notwithstanding the restrictions in sections (a) and (b) of this Rule, a judge may make public statements in the course of official duties, may explain court procedures, and may comment on any proceeding in which the judge is a litigant in a non-judicial capacity.

RULE 18-102.12. SUPERVISORY DUTIES

- (a) A judge shall require court staff, court officials, and others subject to the judge's direction and control to act in a manner consistent with the judge's obligations under this Code.
- (b) A judge with supervisory authority for the performance of other judges shall take reasonable measures to ensure that those judges properly discharge their judicial responsibilities, including the prompt disposition of matters before them.

RULE 18-102.15. RESPONDING TO JUDICIAL AND ATTORNEY MISCONDUCT

- (a) A judge shall take or initiate appropriate corrective measures with respect to the unprofessional conduct of another judge or an attorney.
- (b) If other corrective measures are not appropriate or, if attempted, were not successful, a judge shall inform the Commission on Judicial Disabilities of facts known to that judge that raise a substantial question as to another judge's fitness for office.
- (c) If other corrective measures are not appropriate or, if attempted, were not successful, a judge shall inform the Attorney Grievance Commission of facts known to the judge that raise a substantial question as to an attorney's honesty, trustworthiness, or fitness as an attorney in other respects.
- (d) Acts of a judge required or permitted by sections (a), (b), and (c) of this Rule shall be absolutely privileged.

RULE 18-102.16 (a). COOPERATION WITH DISCIPLINARY AUTHORITIES

- (a) A judge shall cooperate and be candid and honest with judicial and attorney disciplinary agencies.

RULE 18-103.1 (d) & (e). 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:

- (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.

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

- (i) *Improper Decorum, Interference with the Operations of the Orphans' Court, and Undermining Public Confidence in the Judiciary*

Judicial Officer A became an Associate Judge of the Orphans' Court in December of 2022 along with Judicial Officer B. Shortly thereafter, Judge Gipson was appointed Chief Judge. The Orphans' Court sits two days per week, Tuesday and Thursday, and the judges sit together as a panel.

While the working relationship between the three judges was initially professional and cordial, acrimony developed between Judge Gipson and Judicial Officer A beginning in late February or early March of 2023. From approximately that time to the present, Judge Gipson has engaged in repeated verbal altercations with Judicial Officer A in chambers, including during periods when the Orphans' Court was open to the public. These altercations were at times mutual, with both Judge Gipson and Judicial Officer A exhibiting unprofessional behavior to

varying degrees and would inhibit the court's judicial deliberations and cause staff present in or near chambers to be uncomfortable. Courthouse personnel could also hear Judge Gipson addressing Judicial Officer A in a raised voice inside chambers from areas of the Orphans' Court that were open to the public, including when members of the public were present.

These altercations would at times arise from disagreements between the judges regarding the operation of the Orphans' Court. Judge Gipson attempted to limit these altercations by, citing her authority as Chief Judge, refusing to allow written opinions or dissents; barring the court from issuing orders which had been signed by Judicial Officer A; and refusing to permit Judicial Officer A to work in the courtroom as opposed to in chambers, going so far as to call the police when he refused to leave the courtroom during an incident in spring of 2024 and requesting in a Petition for Peace Order filed in Case No. D-07-CV-24-000422 in the District Court of Maryland for Anne Arundel County on or about May 19, 2024, that Judicial Officer A be judicially barred from being physically present in the Orphans' Court. These actions had the effect of limiting Judicial Officer A's judicial independence and otherwise inhibiting the operations of the Orphans' Court. Judge Gipson also publicly discussed and complained about the Orphans' Court's in-chambers deliberative process, including but not limited to during a hearing in Case No. D-07-CV-24-000422 in the District Court of Maryland for Anne Arundel County on May 21, 2024, and as quoted in an article published in the Baltimore Sun/Capital Gazette on or about July 26, 2024.

(ii) *Lending the Prestige of Office to Advance Personal Interests and Public Comments on Pending Cases*

Judge Gipson invoked her title as Chief Judge as well as Judicial Officer A's title of Judge in various proceedings in the District Court of Maryland for Anne Arundel County, in both filings and testimony. For example, on or about May 19, 2024, Judge Gipson filed a Petition for Peace Order in the District Court of Maryland for Anne Arundel County in Case No. D-07-CV-24-000422, listing herself in the paperwork as "Chief Judge" and Judicial Officer A as "Associate Judge." During a hearing in this matter on May 21, 2024, Judge Gipson testified that she had filed the matter in her official capacity. In addition to her allegations of improper conduct on the part of Judicial Officer A, Judge Gipson complained of Judicial Officer A's conduct during deliberations in a manner that suggested she sought to limit his judicial independence.

That same day, Judge Gipson also filed an Application for Statement of Charges against Judicial Officer A in the District Court of Maryland for Anne Arundel County in Case No. D-07-CR-24-012919, identifying herself in the document as "Chief Judge Orphans' Court" and Judicial Officer A as "Judge." Judge Gipson also identified herself as "Judge" while testifying on August 6, 2024, during a hearing in Case No. D-07-CV-24-819920, arising out of another Petition for Peace Order filed by Judge Gipson against Judicial Officer A in the District Court of Maryland for Anne Arundel County on or about July 17, 2024.

Judge Gipson made numerous public statements about various cases pending in the District Court of Maryland for Anne Arundel County involving

herself and Judicial Officer A. Despite maintaining that she only invoked her judicial title because was acting in her official capacity, Judge Gipson nevertheless made repeated public comments concerning these matters to various media outlets. The content and tone of her comments implied that she intended and/or was aware that these comments could affect the outcome of the proceedings. Judge Gipson was quoted as discussing various court proceedings in articles published in the Baltimore Banner and Baltimore Sun, including but not limited to articles published on or about May 21, July 16, July 26, and September 18, 2024. Judge Gipson also made comments concerning these matters that were critical of the Maryland Judiciary and the Commission to a reporter from the Baltimore Banner. Her comments as reported in articles by said reporter were also critical of the Orphans' Court, Maryland Judiciary, Commission, and other aspects of the legal system in a manner that served to undercut public confidence in the judiciary. Ultimately, the reporter with whom Judge Gipson spoke authored an article in the Baltimore Banner on or about July 26, 2024, that was highly critical of the Orphans' Court and called for its abolishment.

(iii) Breach of Confidentiality of Commission Matters

In her numerous interviews, public comments, and court testimony, Judge Gipson described or referenced confidential matters allegedly pending before the Commission in violation of Rule 18-407. Judge Gipson was quoted as claiming to have knowledge of confidential Commission proceedings, specifically complaints allegedly filed by herself and others against another judge or judges, in articles published in the Baltimore Banner and Baltimore Sun, including but not limited to

articles published on or about July 16 and September 18, 2024. Judge Gipson also testified in open court claiming to have knowledge of confidential Commission matters, specifically complaints allegedly filed by herself and others against another judge or judges, during hearings held in the District Court of Maryland for Anne Arundel County on or about May 21 and July 17, 2024. Judge Gipson also discussed confidential Commission matters, specifically complaints allegedly filed by herself and others against another judge or judges, with a reporter from the Baltimore Banner.

(iv) *Failure to Follow Legislatively Enacted Requirements for the Operation of the Orphans' Court and the Failure to Correct or Report the Misconduct of Others*

The Orphans' Court for Anne Arundel County is required to sit "at least two full business days each week, and more often if necessary, for the transaction of business." MD. CODE ANN., ESTATES & TRUSTS, § 2-106(h). Anne Arundel County ordinance prescribes the hours of operation as 10:00 a.m. to 3:00 p.m. Anne Arundel County Code, Art. 2, § 2-3-201.

Judge Gipson altered the hours of operation of the Orphans' Court to accommodate the secondary employment of Judicial Officer B. In addition, she directed that hearings and other proceedings be scheduled in a manner designed to limit the number of contested matters presided over by only Judge Gipson and Judicial Officer A without Judicial Officer B present and to further restrict Judicial Officer A's judicial duties.

Due to Judicial Officer B's secondary employment, he was unable to attend to the business of the court until between approximately 11:00 a.m. to

11:15 a.m. To accommodate Judicial Officer B's secondary employment, Judge Gipson directed and/or allowed for the scheduling of complicated or contested matters to begin on or after 11:00 a.m. so that Judicial Officer B could be present. This was true regardless of whether Judicial Officer A was present. This routine shift in scheduling resulted in members of the public being made to wait on the arrival of Judicial Officer B and created internal conflict among staff of the Register of Wills and the Orphans' Court who had to work extended hours to accommodate the new schedule. This altered schedule was contrary to law and inhibited Judicial Officer A's judicial independence by deliberately altering which matters he would preside over without Judicial Officer B being present.

Judge Gipson acquiesced in and took no action to alter, correct, or report Judicial Officer B's failure to adhere to the prescribed hours of operation of the Orphans' Court.

(v) *Failure to Cooperate with Commission Directives*

On or about April 23, 2024, Judge Gipson initiated a series of correspondence with various members and staff of the Commission. In this correspondence, including but not limited to emails sent on or about July 19 and 22; October 17, 30, and 31; and November 4, 2024, Judge Gipson sought to circumvent Commission procedure; attempted to communicate with the Chair of the Commission regarding Investigative Counsel's handling of the investigations giving rise to this matter; requested preferential treatment; and made accusations of misconduct on the part of Investigative Counsel, the Commission, and/or the Commission Chair in lieu of responding to and/or otherwise addressing the

conduct at issue in this matter. These emails continued in a manner that disregarded repeated instruction from Investigative Counsel, Executive Counsel, and the Commission Chair to comply with the procedures governing the judicial discipline process.

6. Judge Gipson'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

Tanya C. Bernstein

Date: 2/24/25

Tanya C. Bernstein
Director/Investigative Counsel

Derek A. Bayne

Date: 2/24/25

Derek A. Bayne
Deputy Assistant Investigative Counsel

Tamara S. Dowd

Date: 2/24/25

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.