

BEFORE THE MARYLAND COMMISSION ON JUDICIAL DISABILITIES

In the Matter of
Chief Judge Vickie Gipson

Case No. CJD 2024-051
CJD 2024-069
CJD 2024-054
CJD 2024-109
CJD 2024-053

JUDGE VICKIE GIPSON'S RESPONSE TO STATEMENT OF CHARGES

NOW COMES, the Honorable Vickie Gipson, by and through the undersigned counsel, who enters a general denial plea to the Charges filed February 24, 2025. Judge Gipson further denies that she intentionally committed any sanctionable conduct in violation of the Maryland Judicial Code of Conduct or any other legal authority, especially in light of the mitigating circumstances of workplace violence and discriminatory animus lodged upon Judge Gipson by Judge Marc Knapp who has gone without discipline by the Commission for close to a year after the Commission was notified of Judge Knapp's egregiously hostile behavior against Judge Gipson and other members of the Court. Further, Judge Gipson requests strict proof to substantiate the Charges as no direct eyewitness statements or evidence has been provided in support of the Charges (See Investigative Counsel's Inquiry Board Report). Yet, there is direct eyewitness testimony that supports Judge Gipson's response that she did not intentionally violate the rules of judicial ethics, and these testimonies were disregarded by Investigative Counsel.

I. INTRCDUCTION/BACKGROUND

The Statement of Charges are as follows as elicited on pages 6-11 of the Charges:

CHARGE 1: Improper Decorum, Interference With the Operations of the Orphans' Court, and Undermining Public Confidence in the Judiciary.

CHARGE 2: Lending the Prestige of Office to Advance Personal Interests and Public Comments on Pending Cases.

CHARGE 3: Breach of Confidentiality of Commission Matters.

CHARGE 4: Failure to Follow Legislatively Enacted Requirements for the Operation of the Orphans Court and the Failure to Correct or Report the Misconduct of Others.

CHARGE 5: Failure to Cooperate With Commission Directives.

The summary of the charges on page 1 of the Statement of Charges reads as follows:

“The investigations revealed sanctionable conduct by Judge Gipson. The nature of the sanctionable conduct that is 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 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 otherwise report the conduct of a judge subject to her administrative authority and inhibited the function 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 of a judicial officer and in direct contravention of her responsibility to promote confidence in the Judiciary and to maintain the dignity of judicial office.”

The above summary as reiterated on page 1 of the Charges largely consists of bald allegations with vague and misleading substantive support.

As outlined below, these Charges raise serious concerns of due process violations and fairness.

II. ARGUMENT

A. These Charges Misrepresent the Events As They Actually Occurred

While on the surface, admittedly, these charges are extremely damning until one considers that the charges misrepresent the events as they actually occurred.

Judge Gipson filed multiple complaints against Judge Knapp and begged Investigative Counsel for quick intervention because of the workplace violence that she was forced to endure. Judge Gipson expressed concern about her safety and the safety of others in the office. This flatly contradicts any accusation noted in the above summary that "Judge Gipson also failed to take action to correct or otherwise report the conduct of a judge subject to her administrative authority ." This is nonsensical on its face. When Judge Gipson did the right thing by asking the Commission, the Investigative Counsel responded that the Commission could not ensure the safety of the Court and that law enforcement and pleadings through the courts would have to be sought.

Judge Gipson expressed concern about this approach but did what she was told to do by the Commission through Investigative Counsel. If following the directives of the Commission and Investigative Counsel was acting in a way that the Commission did not like or appeared in contravention to the ethical rules, Judge Gipson is truly remorseful, and that was not her intent.

Concerning expressing remorse (a brand new accusation never seen before) or correcting rule violations as noted on page 3 of the Charges, Judge Gipson consistently requested peer review and was not given the opportunity to have this needed input. No explanation was given by Investigative Counsel, the Inquiry Board or the Commission as to why this guidance was denied.

Had Judge Gipson been given guidance under peer review, she affirms herein that she would have followed it.

Nor was Judge Gipson given a letter of cautionary advice. That too is a brand new accusation never seen before. Had she been given such a letter, Judge Gipson, affirms herein that she would have followed it.

This is not a case of someone acting in contumacious disregard of the rules regarding judicial ethics. It is a case where the victim of workplace violence and discriminatory animus was unfairly denied assistance and intervention to ensure that the work environment was safe and harassment free. Instead, the harasser has been allowed to file multiple retaliatory complaints against Judge Gipson directly and indirectly through others who had no direct knowledge of any of the allegations made. No objective evidence was submitted in support of any of these complaints, and they should have all been dismissed as unsubstantiated.

As a matter of due process, because Judge Gipson was not told that a determination had been made that she had violated a rule, which rule was violated and how such violations should be corrected (nor was she given an opportunity to correct any perceived deficiencies or violations), the charges should be immediately dismissed.

B. Statement of Charges Violates Maryland Rule 18-404(e)(5)

Additional due process concerns are raised when considering that many of these charges violate Maryland Rule 18-404(e)(5) because the preliminary investigation was not accomplished in ninety (90) days, nor was the charged official, Judge Gipson given notice of a thirty (30) day extension for completion of the preliminary investigation. As noted on page 21 of the Response to Board Report, the Investigation took six months in violation of this Rule 18-404(e)(5).

C. The Judicial Inquiry Board Never Notified the Judge of the Pendency of the Investigation

Maryland Rule 18-303(d) and (e)(4) required the Judicial Inquiry Board to have Investigative Counsel notify the judge of the pendency of the investigation before its conclusion and “afford the judge a reasonable opportunity to present, in person or in writing, such information as the judge chooses.” In this case, there was no option afforded Judge Gipson as mandated by Maryland Rule 18-303(e)(4) to present in person such information as the judge chooses, nor was the opportunity to present BEFORE, the Judicial Inquiry Board reached its conclusion. Unfortunately, steps were missed and the Board reached its conclusion BEFORE giving the subject judge a formal opportunity to present.

These two missed opportunities should not be dismissed as harmless error because Judge Gipson was denied the opportunity as allowed by the rules to make an in person presentation so that

board members could see her impassioned concerns about the lack of a workplace violence policy and how it impacts the work done in the Orphans Court. She was also denied the opportunity to object to the *ex parte* decision made in the Judicial Inquiry Board Report to proceed with this matter. [Emphasis supplied.] See also *In the Matter of Pamela White* 458 Md. 60, 61 (2018).

D. Unlawfully Adding Additional Charges Never Seen Before

The Statement of Charges adds new charges of “Failure to Cooperate with Commission Directives” This is new. Apparently, Judge Gipson simply sought guidance from Commission Chair Judge Albright. Again, when viewed through a different lens, this was Judge Gipson’s effort to bring to the Commission’s attention that in her opinion this situation was not being handled correctly and that she was not being treated fairly. How is that a violation of the rules? Judge Gipson was not informed of a specific complaint process or of an ombudsman that she could speak with. She did what anyone else would do, she took her concerns up the chain of command. Again, how is that a rule violation? Further, adding more violations without an opportunity to rebut is a due process violation. On that ground alone this alleged violation should be dismissed because of due process considerations.

The Statement of Charges points to another new charge of showing no remorse. This charge came out of nowhere as none of these charges have resulted in findings of wrongdoing, which would warrant at the discipline stage a question of remorse. Again, without due process there is an overreaching or assumption that Judge Gipson has already been convicted of all the charges. This raises concerns regarding whether or not the process to determine if charges should be filed was a fair and objective one. It is Judge Gipson’s opinion that it has not been fair or objective. In fact, the process and the advice given to her by representatives of the Commission lead to the issues before the Commission. Had the Commission put Judge Knapp on administrative leave back in April 2024, we would not be here today.

Judge Gipson assumes responsibility for her actions, but she is not certain what she could have done differently as she was inexplicably denied peer review for possible guidance and further there was no workplace violence harassment policy in effect that she could use to guide her steps in this untenable situation. Therefore, it is illogical to reason that such a person in this situation should be determined to have violated the ethical rules because she did not intend to do so, and

she sincerely apologizes. To penalize Judge Gipson under these circumstances further victimizes the victim.

E. The Charge of Failing to Follow Legislative Enacted Requirements for the Operation of the Orphans' Court Are Bogus and Misleading

As discussed in more detail in the filed Response to the Report of the Judicial Inquiry Board, Judge Gipson did not change Court hours, she changed the order that cases were heard to increase court efficiency. There is no evidence that doors to the Orphans' Court were closed between 10 am and 3 pm. Moreover, no objective evidence has been submitted supporting the proposition that decisions made by Judge Gipson as the administrative head of court delayed or disturbed court operations in any way.

Stilted, biased and uninformed opinions provided by the complainants are not objective evidence.

All of the complaints of Recinos, Garcia and Heath should be thrown out as they had no direct knowledge of any of the allegations made. Judge Knapp's complaints should be dismissed as retaliatory and baseless as the Judge Gipson established *prima facie* cases of workplace violence and harassment in the District Court's entrance of the temporary peace orders against Judge Knapp.

F. The Charges of Lending the Prestige of Office to Advance Personal Interests and Public Comments on Pending Cases As Well As Breach of Confidentiality of Commission Matters Are Misleading.

As noted on page 36 of Judge Gipson's Response to the Board Report, which is incorporated by reference herein, there was no lending of the prestige of the office to advance anyone's personal interests. She only used the title to highlight the roles of individuals, which was necessary to make a *prima facie* case. If the law clearly allows supervisors to file peace orders to restore peace to the workplace, how can this be considered lending the prestige of the office to advance a personal interest. It is simply making the evidentiary record clear in a case to meet the burden of proof, which is clear and convincing evidence.

Also, as noted on page 38 of the Response to the Board Report, Judge Gipson properly cited Rule 18-102.10, which does not prohibit a judge from making public statements in a course of official duties or from explaining public information. This Rule also allows a judge to make comments on matters where the judge is the litigant, which is clearly the situation here.

Further, it is Judge Gipson's official duty to report workplace violence, and the peace order proceedings were suggested by Investigative Counsel as one of the only ways to secure the safety of all those affiliated with the Court. Keep in mind that Investigative Counsel is the same Commission representative who proffered the peace order process as the only means of securing the Court, who now targets this prosecution against Judge Gipson for following those directives.

There also was no breach of confidentiality of Commission matters as the peace order proceedings were a matter of public record. Not to mention that simply referencing the existence of charges without discussing the substance of the charges is not breaching confidentiality of Commission matters. Beyond this, the Commission should not rely on newspaper accounts of events to support a breach of confidentiality charge for the reasons set forth in case law presented in the previous Response to the Board, on page 39 of Judge Gibson's response to the Board Report.

III. CONCLUSION

For all of the foregoing reasons, these cases should be summarily dismissed as they are retaliatory and not based on substantive evidence.

Respectfully submitted,
/s/ [REDACTED]
Claudia Barber, Esquire [REDACTED]
Attorney for Chief Judge Gipson
1629 K Street, NW Suite 300
Washington, DC 20006
[REDACTED]

The Foregoing Response is Affirmed by:

[REDACTED]
Vickie Gipson
Chief Judge, Orphans' Court for
Anne Arundel County
2011 E Commerce Park Drive, Annapolis, MD
21401
[REDACTED]

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of March, 2025, I served electronically a copy of the foregoing

Response to:

Tanya Bernstein [REDACTED]

Kendra Jolivet [REDACTED]

/s/ [REDACTED]
Claudia Barber, Esquire