STATE OF MARYLAND

BEFORE THE COMMISSION ON JUDICIAL DISABILITIES

IN THE MATTER OF:	*	
	*	CJD 2019-013
JUDGE AMY LEIGH NICKERSON	*	

To: JUDGE AMY LEIGH NICKERSON
ORPHANS' COURT FOR KENT COUNTY

CHARGES

TAKE NOTICE that the Commission on Judicial Disabilities (hereinafter "Commission") caused to be made and completed an investigation, through its Investigative Counsel, Tanya C. Bernstein, Esq., ("Investigative Counsel"), of Judge Amy Leigh Nickerson (hereinafter sometimes referred to as "Judge"), who was, at all pertinent times, a Judge of the Orphans' Court of Kent County, Maryland. The Commission notified Judge Nickerson of the nature of the investigation and afforded the Judge an opportunity to present information bearing on the subject of the investigation. Thereafter, having received and considered information from the investigation, the Commission found probable cause to believe that Judge Nickerson committed sanctionable conduct and issued a reprimand to Judge Nickerson with her consent.

The Commission determined that Judge Nickerson failed to comply with the reprimand and directed that Investigative Counsel initiate formal proceedings against Judge Nickerson pursuant to Rule 18-431(a). The Commission will conduct a public hearing on these charges pursuant to Rule 18-434.

The Commission provides the following in support of the Commission's probable cause determination:

1. Judge Nickerson has served as a Judge of the Orphans' Court for Kent County Maryland since 2014.

2. Based upon information received, the Commission's Investigative Counsel opened an investigation regarding Judge Nickerson in 2019.

3. As a result of the investigation, the Commission concluded that Judge Nickerson committed sanctionable conduct that justified some form of discipline but did not warrant formal proceedings. The Commission further concluded that the sanctionable conduct was not so serious, offensive, or repetitious as to justify the filing of charges. The Commission and Judge Nickerson agreed that a reprimand was an appropriate disposition under the circumstances.

4. The nature of the sanctionable conduct that is the subject of these charges is Judge Nickerson's failure to comply with the terms and conditions of the reprimand.

5. Judge Nickerson's conduct is in violation of Rule 18-102.16 (Cooperation with Disciplinary Authorities). The pertinent provision of this Rule provides as follows:

Rule 18-102.16 COOPERATION WITH DISCIPLINARY AUTHORITIES

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

6. The specific facts upon which the charges are based are as follows:

On November 14, 2019, the Commission issued a reprimand to Judge Nickerson pursuant to Rule 18-427 ("Reprimand"). Judge Nickerson did not oppose the issuance of the Reprimand. The contents of the Reprimand are confidential. The Reprimand was subject to certain conditions that required Judge Nickerson to take specific actions and

provide certain information to the Commission by the deadline specified in the Reprimand. Judge Nickerson failed to comply with these conditions.

The Commission, by and through its Executive Secretary, extended the deadline to comply with the conditions of the Reprimand by letter dated July 1, 2020. Judge Nickerson failed to meet this deadline. The Commission, by and through its Executive Secretary, notified Judge Nickerson that her failure to comply with the Reprimand would be referred to the full Commission for its consideration.

On July 27, 2020, the Commission found probable cause to believe that Judge Nickerson committed sanctionable conduct by failing to comply with the terms of the Reprimand. The Commission further found probable cause to believe that Judge Nickerson's inaction constituted a failure to cooperate and be candid and honest with the Commission. Accordingly, the Commission directed Investigative Counsel to initiate formal proceedings against Judge Nickerson.

7. Judge Nickerson's actions and behavior provide evidence that Judge Nickerson engaged in conduct that was prejudicial to the proper administration of justice 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

Date: 8.5.2020

Tanya C. Bernstein
Director/Investigative Counsel

Date: 8/5/20

Derek A. Bayne
Assistant Investigative Counsel

Date: 8.5.20.20

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.