

AUG 23 2021

on Judicial Disabilities

STATE OF MARYLAND

BEFORE THE COMMISSION ON JUDICIAL DISABILITIES

IN THE MATTER OF:

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JUDGE W. LOUIS HENNESSY

CJD 2020-025

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**RESPONSE OF JUDGE HENNESSY TO CHARGES**

Judge, W. Louis Hennessy (“Judge Hennessy”), by and through undersigned counsel, William C. Brennan, Jr. and Brennan, McKenna & Lawlor, Chtd., and pursuant to Md. Rule 18-431 says in response to the Charges filed in this matter on July 21, 2021 the following:

**General Response**

- Judge Hennessy denies that he committed sanctionable conduct as defined in Md. Rule 18-402(m)(1).
- Judge Hennessy denies that he violated the Maryland Code of Judicial Conduct as set forth in Md. Rule 18-100 *et seq.*

**Response to Specific Allegations**

- Judge Hennessy denies that he engaged in improper and inappropriate discussions; that he provided legal and other assistance; that he lent the prestige of judicial office and permitted others to convey the impression of judicial influence; and that he misused judicial resources on behalf of at least two criminal defendants.
- Judge Hennessy denies that he engaged in discussions and provided legal assistance to at least two domestic violence victims and that he demonstrated a bias against women and victims of domestic violence.

- Judge Hennessy denies that he failed to give precedence to the duties of judicial office; that he failed to uphold and apply the law and perform all the duties of judicial office impartially and fairly; that he failed to comply with the law; and that he otherwise engaged in misconduct unbecoming of an officer of the court and in direct contravention to a judge's responsibility to promote confidence in the Judiciary.

- Judge Hennessy denies that he refused to make efforts consistent with the Maryland Rules, and other law, to facilitate the ability of all litigants, including self-represented litigants, to be fairly heard and that he failed to perform the duties of judicial office without bias or prejudice and neglected to require others to refrain from similar conduct.

- Judge Hennessy denies that he engaged in, initiated and responded to *ex parte* communications, that he made judicial statements on pending and impending cases and that he encouraged court staff to act in a manner inconsistent with the judge's responsibilities under the Code of Judicial Conduct.

- Judge Hennessy denies that he failed to respond to attorney misconduct.

- Judge Hennessy denies that he engaged in extra-official activities; that he engaged in the practice of law and that he engaged in activities that could result in criminal consequences.

#### **Additional Response**

- Judge Hennessy is a judge of the District Court of Maryland for Charles County.

- The legal matters involving Criminal Defendant 1, Criminal Defendant 2, Victim 1, Victim 2, Lawyer A, Lawyer B and Assistant Public Defender all involved cases in the District Court of Maryland for St. Mary's County.

- Judge Hennessy did not preside over any cases involving Criminal Defendant 1, Criminal Defendant 2, Victim 1, or Victim 2. Those parties never appeared in court before Judge Hennessy.

- Judge Hennessy did not intervene with, or discuss with, or have any contact with any member of the judiciary, the State's Attorneys Office or law enforcement in St. Mary's County, or any county in the State of Maryland, on behalf of, or concerning, Criminal Defendant 1, Criminal Defendant 2, Victim 1, or Victim 2.

- Criminal Defendant 1 and Criminal Defendant 2 were incarcerated in the St. Mary's County Detention and Rehabilitation Center because of criminal cases and other legal proceedings in St. Mary's County. These were not Charles County cases.

- Judge Hennessy advised Criminal Defendant 1, Criminal Defendant 2, Victim 1, and Victim 2 to obtain independent legal counsel.

- Judge Hennessy did not provide any substantive legal advice to Criminal Defendant 1, Criminal Defendant 2, Victim 1, or Victim 2 other than that they should obtain independent legal counsel.

- Judge Hennessy admits that he commiserated with certain parties in this matter but he did so as a private citizen and not as an attorney or a member of the judiciary. Judge Hennessy has always been empathetic of those less fortunate. He would never turn his back on someone who came to him in a time of need. His default position is to try and help others as he has done all of his life.

- Judge Hennessy agrees that speaking, in general terms, with an old friend and a recent acquaintance, concerning criminal cases in other jurisdictions may not have been the most appropriate course of conduct for a sitting judge. However, Judge Hennessy's conduct was not intended to be harmful and was the result of personal relationships and an inherent desire to help others. The Maryland Judiciary has acknowledged that social issues often limit access to justice for some individuals. Judge Hennessy was encouraging those who reached out to him to avail


themselves of all available resources of the Maryland Court system. Judge Hennessy's conduct was not prejudicial to the administration of justice and does not reflect adversely on his honesty, trustworthiness and fitness as a jurist.

- Judge Hennessy is an excellent jurist with a heart of gold. Upon careful reflection he acknowledges that he should learn to say "no" when people reach out to him for help despite his innate desire to help people.

- Judge Hennessy respectfully requests that the Commission on Judicial Disabilities ("the Commission") dismiss the charges issued by Investigative Counsel at the direction of the Commission and terminate the proceeding.

Date: August 23, 2021

Respectfully submitted,


  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 23<sup>rd</sup> day of August, 2021, a copy of the foregoing Response to Charges was delivered to Investigative Counsel by electronic mail pursuant to Md.

Rule 18-404(b) to:

Tanya C. Bernstein, Esq., Investigative Counsel  
Derek A. Bayne, Esq.  
Tamara S. Dowd, Esq.  
Commission on Judicial Disabilities  
P.O. Box 340  
Linthicum Heights, MD 21090

  
William C. Brennan, Jr.