

Received By Commission

JUN 29 2023

STATE OF MARYLAND

on Judicial Disabilities

BEFORE THE COMMISSION ON JUDICIAL DISABILITIES

IN THE MATTER OF:

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CJD 2022-079

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JUDGE APRIL T. ADEMILUYI

To: JUDGE APRIL T. ADEMILUYI
CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY
SEVENTH JUDICIAL CIRCUIT

CHARGES

TAKE NOTICE that the Commission on Judicial Disabilities (hereinafter "Commission") has caused to be made and completed an investigation, through its Investigative Counsel, Tanya C. Bernstein, Esq., of Judge April T. Ademiluyi (hereinafter sometimes referred to as "the judge"), who was, at all pertinent times, a Judge of the Circuit Court for Prince George's County. The Commission notified Judge Ademiluyi of the nature of the investigation and afforded the judge an opportunity to present information bearing on the subject of the investigation.

The Commission has received and considered information from the investigation, including, but not limited to: witness statement summaries; information and materials received from numerous sources; trial transcripts from proceedings in the Circuit Court for Prince George's County and related materials; pleadings from various other state and federal court proceedings and related materials; email exchanges and other correspondence between the judge and others; campaign materials; the judge's responses; 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 Ademiluyi has committed sanctionable conduct, the Commission directed Investigative Counsel to initiate formal proceedings against Judge Ademiluyi 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 Ademiluyi has served as a Judge of the Circuit Court for Prince George's County since December 2020.
2. Based upon information received, the Commission's Investigative Counsel opened an investigation regarding Judge Ademiluyi's conduct.
3. The investigation revealed sanctionable conduct by Judge Ademiluyi. The nature of the sanctionable conduct that is the subject of these charges includes failing and refusing to comply with the reasonable directives of judges with supervisory authority after being cautioned regarding the same; failing and refusing to cooperate with other judges in the administration of court business after being cautioned regarding the same; failing to cooperate and be candid and honest with disciplinary authorities; failing to perform judicial duties impartially, fairly, competently, and diligently, including routine unauthorized tardiness and/or unavailability; failing and refusing to comply with established protocols for the management and disposition of cases, absences, telework, and recusals; engaging in inappropriate conduct during a criminal jury trial; exhibiting inappropriate, disrespectful, combative, and unprofessional demeanor toward other judges, law clerks, court personnel, and others; instructing, directing, and/or encouraging law

clerks and/or staff to act in a manner inconsistent with the judge's obligations under the Code of Judicial Conduct; failing to give precedence to the duties of judicial office; failing to perform the duties of judicial office without bias or prejudice; making a commitment, pledge, or promise during the judge's successful campaign for election as to a case, controversy, or issue that is likely to come before the court and other related violations; failing to comply with the law; and otherwise engaging in a pattern of behavior unbecoming of an officer of the court and in direct contravention of a judge's responsibility to promote confidence in the Judiciary and to maintain the dignity of judicial office.

4. Judge Ademiluyi's conduct was in violation of Rules 18-101.1 (Compliance with the Law), 18-101.2 (Promoting Confidence in the Judiciary), 18-102.1 (Giving Precedence to the duties of Judicial Office), 18-102.2 (Impartiality and Fairness), 18-102.3 (Bias, Prejudice, and Harassment), 18-102.4 (External Influences on Judicial Conduct), 18-102.5 (Competence, Diligence, and Cooperation), 18-102.7 (Responsibility to Decide), 18-102.8 (b) (Decorum, Demeanor, and Communication with Jurors); 18-102.9 (Ex Parte Communications), 18-102.11 (a)(1), (a)(4), and (c) (Disqualification), 18-102.12 (a) (Supervisory Duties), 18-102.16 (a) (Cooperation with Disciplinary Authorities), 18-103.1 (Extra-Official Activities in General), and 18-104.4 (a), (b), (d) (Political Conduct of a Candidate for Election).

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) A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary.
- (b) A judge shall avoid conduct that would create in reasonable minds a perception of impropriety.

RULE 18-102.1. GIVING PRECEDENCE TO THE DUTIES OF JUDICIAL OFFICE

The duties of judicial office, as prescribed by law, shall take precedence over a judge's personal and extrajudicial activities.

RULE 18-102.2. IMPARTIALITY AND FAIRNESS

- (a) A judge shall uphold and apply the law and shall perform all duties of judicial office impartially and fairly.
- (b) A judge may make reasonable efforts, consistent with the Maryland Rules and other law, to facilitate the ability of all litigants, including self-represented litigants, to be fairly heard.

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 18-102.4. EXTERNAL INFLUENCES ON JUDICIAL CONDUCT

- (a) A judge shall not be swayed by public clamor or fear of criticism.
- (b) A judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.

- (c) A judge shall not convey or permit others to convey the impression that any person is in a position to influence the judge.

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 18-102.7. RESPONSIBILITY TO DECIDE

A judge shall hear and decide matters assigned to the judge unless recusal is appropriate.

RULE 18-102.8 (b). DECORUM, Demeanor, AND COMMUNICATION WITH JURORS

- (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 18-102.9. EX PARTE COMMUNICATIONS

- (a) A judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge out of the presence of the parties or their attorneys, concerning a pending or impending matter, except as follows:
 - (1) A judge may initiate, permit, or consider any ex parte communication when expressly authorized by law to do so.
 - (2) When circumstances require, ex parte communication for scheduling, administrative, or emergency purposes, which does not address substantive matters, is permitted, provided:
 - (A) the judge reasonably believes that no party will gain a procedural, substantive, or tactical advantage as a result of the ex parte communication; and

- (B) the judge makes provision promptly to notify all other parties of the substance of the ex parte communication, and gives the parties an opportunity to respond.
- (3) A judge may obtain the advice of a disinterested expert on the law applicable to a proceeding if the judge (A) makes provision promptly to notify all of the parties as to the expert consulted and the substance of the advice, and (B) affords the parties a reasonable opportunity to respond.
- (4) A judge may consult with court staff and court officials whose functions are to aid the judge in carrying out the judge's adjudicative responsibilities, or with other judges, provided the judge does not decide a case based on adjudicative facts that are not made part of the record, and does not abrogate the responsibility personally to decide the matter.
- (5) With the consent of the parties, a judge may confer separately with the parties and their attorneys as part of a prehearing or settlement conference conducted pursuant to the Rules in Title 17.
- (6) When serving in a problem-solving court program of a circuit court or the District Court pursuant to Rule 16-207, a judge may initiate, permit, and consider ex parte communications in conformance with the established protocols for the operation of the program if the parties have expressly consented to those protocols.
- (b) If a judge inadvertently receives an unauthorized ex parte communication bearing upon the substance of a matter, the judge shall make provision promptly to notify the parties of the substance of the communication and provide the parties with an opportunity to respond.
- (c) A judge shall not investigate adjudicative facts in a matter independently, and shall consider only the evidence in the record and any facts that may properly be judicially noticed.
- (d) A judge shall make reasonable efforts, including providing appropriate supervision, to ensure that this Rule is not violated by court staff, court officials, and others subject to the judge's direction and control.

RULE 18-102.11 (a)(1), (a)(4), and (c). DISQUALIFICATION

- (a) A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including the following circumstances:
 - (1) The judge has a personal bias or prejudice concerning a party or a party's

attorney, or personal knowledge of facts that are in dispute in the proceeding.

- (4) The judge, while a judge or a judicial candidate, has made a public statement, other than in a court proceeding, judicial decision, or opinion, that commits or appears to commit the judge to reach a particular result or rule in a particular way in the proceeding or controversy.
- (c) A judge subject to disqualification under this Rule, other than for bias or prejudice under subsection (a)(1) of this Rule, may disclose on the record the basis of the judge's disqualification and may ask the parties and their attorneys to consider, outside the presence of the judge and court personnel, whether to waive disqualification. If, following the disclosure, the parties and attorneys agree, without participation by the judge or court personnel, that the judge should not be disqualified, the judge may participate in the proceeding. The agreement shall be incorporated into the record of the proceeding.

RULE 18-102.12 (a). 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.

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. 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:

- (a) participate in activities that will interfere with the proper performance of the judge's judicial duties;
- (b) participate in activities that will lead to frequent disqualification of the judge;
- (c) participate in activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality;
- (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.

RULE 18-104.4 (a), (b), and (d). POLITICAL CONDUCT OF A CANDIDATE FOR ELECTION

A candidate for election:

- (a) shall comply with all applicable election laws and regulations;
- (b) shall act at all times in a manner consistent with the independence, integrity, and impartiality of the judiciary and maintain the dignity appropriate to judicial office;
- (d) As to statements and materials made or produced during a campaign:
 - (1) shall review, approve, and be responsible for the content of all campaign statements and materials produced by the candidate or by the candidate's campaign committee or other authorized agents;
 - (2) shall take reasonable measures to ensure that other persons do not undertake on behalf of the candidate activities that the candidate is prohibited from doing by this Rule;
 - (3) with respect to a case, controversy, or issue that is likely to come before the court, shall not make a commitment, pledge, or promise that is inconsistent with the impartial performance of the adjudicative duties of the office;
 - (4) shall not make any statement that would reasonably be expected to affect the outcome or impair the fairness of a matter pending or impending in any court;
 - (5) shall not knowingly, or with reckless disregard for the truth, misrepresent the candidate's identity or qualifications, the identity or qualifications of an opponent, or any other fact, or make any false or misleading statement;
 - (6) may speak or write on behalf of the candidate's candidacy through any medium, including advertisements, websites, or other campaign literature; and
 - (7) subject to section (b) of this Rule, may respond to a personal attack or an attack on the candidate's record.

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

Judge Ademiluyi has been a judge on the Circuit Court for Prince George's County for approximately 2 ½ years. Prince George's County is in the 7th Judicial Circuit, which also includes Calvert, Charles, and St. Mary's Counties. During her short time on the bench, Judge Ademiluyi has engaged in a pervasive and inappropriate course of conduct as generally summarized below.

(i) *Refusal to Comply with Directives, Protocols, and Procedures*

New trial court judges in Prince George's County are subject to training requirements before being permitted to independently preside over court proceedings. The training is Circuit-wide and is supervised by the Administrative Judge for Prince George's County with the assistance of an appointed training committee. The training process has generally remained the same for over 15 years with some tailoring to accommodate the strengths and/or experience of the new judge(s). Following her election to the Circuit Court in 2020, Judge Ademiluyi was subject to the required training as a new trial judge. However, issues related to Judge Ademiluyi's training began almost immediately and included, but were not limited to, Judge Ademiluyi refusing to comply with the training requirements; refusing to sit with and/or be trained by certain judges; refusing to cooperate with her colleagues both in the context of her training and in the general administration of court business; being insubordinate and obstinate; refusing to accept advice, input, and/or instruction; failing to accept responsibility for errors and instead laying blame and/or making unfounded allegations against

others that, in her view, absolved her of any wrongdoing and/or justified her actions; unnecessarily delaying completion of criminal jury trial training; attempting to solicit other new judges to join in her refusals to complete the training as required; and generally failing to perform her judicial duties competently and diligently.

Due to Judge Ademiluyi's failure to comply with the training requirements and failure to cooperate with the training committee, the Administrative Judge assumed responsibility for the management of Judge Ademiluyi's training. Despite repeated attempts by the Administrative Judge, Judge Ademiluyi refused to comply with any directives from the Administrative Judge or otherwise participate in the remainder of her training. Judge Ademiluyi later agreed to continue the training only after her attempts to circumvent the authority of the Administrative Judge by appealing to other judicial officers at the top of the Judiciary's organizational structure were unsuccessful.

In addition to refusing to comply with new trial judge training, Judge Ademiluyi also refused to follow other established Judiciary and Circuit Court protocols. For example, Judge Ademiluyi refused to follow protocols for the management and disposition of family cases as set forth in the Family Differentiated Case Management (DCM) Plan. Judge Ademiluyi refused to send postponements to the Family Coordinating Judge and routinely continued cases beyond the appropriate time standards even after being instructed otherwise. Additionally, Judge Ademiluyi regularly disregarded protocols for absences and hourly work requirements. She was routinely late and/or unavailable, failed to

report to work as scheduled, and instructed her staff to arrange her court schedule in order to finish early. Judge Ademiluyi's lateness would affect the docket for the day and her staff would be required to cover for her when interacting with other judges, attorneys, parties, and court personnel. Additionally, Judge Ademiluyi's leave requests for each calendar year far exceeded the number days of annual and personal leave granted to judges by Maryland law. Judge Ademiluyi also disregarded hiring protocols and willfully misrepresented the title and duties of an individual hired under the title of Executive Aide. Judge Ademiluyi told the individual that his title was in name only; that his title and duties were actually that of a law clerk; and that any issues regarding his employment position should be referred to her.

(ii) *Misconduct Related to Criminal Jury Trial and Criminal Defendants Generally*

During her new trial judge training, Judge Ademiluyi was assigned to preside over a criminal jury trial on charges of rape and other related offenses for the matter captioned as State of Maryland v. Carlos Antonio Lambright (Case No. CT210423X). In accordance with training protocol, another judge was assigned to sit with Judge Ademiluyi to observe, advise, and consult with her during the proceedings. During the course of the trial, Judge Ademiluyi demonstrated bias against the defense; mishandled an evidentiary issue related to proposed scientific evidence and testimony offered by the prosecution; conducted independent research and investigated adjudicative facts regarding the proposed scientific evidence offered by the prosecution; engaged in *ex parte* communications

regarding the proposed scientific evidence offered by the prosecution; relied on evidence not contained in the record; applied an erroneous legal standard; ignored the directives of the training judges and Administrative Judge; failed to recuse from the case due to her personal experience with sexual assault and history of public advocacy for sexual assault victims and failed to disclose the same to the parties for their consideration; and committed multiple procedural and legal errors.

In addition to the demonstrating bias against the defendant in the Lambright case, Judge Ademiluyi also exhibited bias against criminal defendants generally on other occasions, such as proposing to amend the criminal pattern jury instructions for reaching a unanimous verdict and duty to deliberate and stating her refusal to grant requests filed by criminal defendants for drug and alcohol evaluations.

(iii) *Failure to Exercise Appropriate Decorum and Demeanor*

Judge Ademiluyi persistently engaged in behavior that failed to meet basic standards of civility and courtesy with regard to her treatment of, interactions with, and discussions and comments about her colleagues, staff, law clerks, court personnel, and others. She routinely openly disparaged and expressed contempt for her colleagues and staff, and treated her first law clerk and administrative aide with particular hostility and disdain. Judge Ademiluyi belittled and degraded the law clerk's performance and viewed any questions from the law clerk as a sign of incompetence. Judge Ademiluyi also instructed the law clerk not to interact with other judges and law clerks and became angry if she did so. Similarly, Judge

Ademiluyi told staff in the clerk's office that their job was to do what she said and not to question her.

When the law clerk submitted her resignation, Judge Ademiluyi wrote in an email, "Most of the work you do is simply paralegal work" so it would be a smooth transition to the new law clerk; that she would "save the complicated or time consuming work for my new law clerk, who is well qualified to handle it"; "I will pass on to you issues I think you can handle"; and "You're [sic] effort was poor and you didn't finish all that I requested. Yes, I am very happy for you to end your employment immediately." Judge Ademiluyi repeated those sentiments to human resources personnel and directed, without reasonable basis or justification, that the law clerk's resignation be processed as having been provided without proper notice and no ability for rehire by the Judiciary.

Other examples of Judge Ademiluyi's caustic, disrespectful, and unprofessional demeanor include, but are not limited to, the following:

- In an email to her first administrative aide dated January 22, 2021, Judge Ademiluyi stated, "I'm not sure you do support how I wish to run my chambers. I thought you would be an amazing assistant because your experience would save me a lot of time. . . Most importantly, I don't want to waste time on you challenging me or refusing to do what I ask simply because it's not how [another judge] handles things."
- In an email to her subsequent administrative aide dated March 24, 2021, Judge Ademiluyi responded to her aide's notice of resignation by asking her to "appease my concerns that some of those evil people in that courthouse didn't scare you off." After convincing the administrative aide to return, Judge Ademiluyi made the following comments to her in an email dated April 10, 2021 – "I won't have you in court because you're struggling to catch on"; "While I'm in court, don't interrupt me about anything unless I need something from you about the proceedings"; and "If you fail, it makes me look bad." After the administrative aide resigned

again, Judge Ademiluyi stated in an email to her law clerk, “We knew she would run.”

- In an email dated October 6, 2021, Judge Ademiluyi stated to a courtroom clerk, “You told me I could keep you in the courtroom until 5pm yesterday but you were complaining? I had warrants yesterday and a busy docket—it was a rough day for me NOT you!”
- In an email to her administrative aide dated November 29, 2021, Judge Ademiluyi provided a draft letter of recommendation and stated, “You can never say too much about what goes on in a judge’s chambers. We obviously can’t talk about the corruption!”
- In an email to a colleague dated March 14, 2022, Judge Ademiluyi referred to another colleague as “extremely difficult” and stated that his “ego won’t allow him to fix his mistake.”
- In an email to her law clerk dated March 21, 2022, Judge Ademiluyi stated, “This is so annoying, ineffective, and inefficient having to work with another judge, and for some reason they think they’re training me.”
- In an email to her law clerk dated July 18, 2022, Judge Ademiluyi forwarded a message from a colleague and stated, “Look at her behaving like nothing ever happened. This is what happens when power destroys your humanity and humility assuming she actually had any. Her obsession with me is literally making me sick...”
- In an email to a law clerk dated July 19, 2022, Judge Ademiluyi referred to the law clerk’s workday as “a waste”.
- In a series of emails to a law clerk dated August 15, 2022, Judge Ademiluyi referred to a law clerk’s written work as “a law school class assignment” and stated that the cover letter submitted with his application was “too long and rambled without purpose” and that she “can’t imagine many read it.”
- In an email to a law clerk dated August 15, 2022, Judge Ademiluyi criticized another law clerk’s work.
- In an email to her law clerk dated August 21, 2022, Judge Ademiluyi stated, “As you are beginning to see, the judges here are a total disservice to the people. Just stay calm, don’t trust anyone, and try to ignore any foolishness.”

- In an email to her law clerk dated September 6, 2022, Judge Ademiluyi directed her to include in a draft opinion that “the admin [sic] judge’s behavior is a threat to the integrity of the system.”
- In an email to her law clerk dated September 7, 2022, Judge Ademiluyi stated about a colleague, “I can’t worry myself over a judge’s ego. It’s nothing more than ego.”
- In an email dated September 21, 2022, Judge Ademiluyi told a law clerk, “You make up a lot of excuses.”

(iv) Misconduct as a Candidate for Election

In a campaign advertisement during the 2020 Election, Judge Ademiluyi made a pledge, promise, and commitment to give a voice to sexual assault victims and the ‘Me Too’ movement. Judge Ademiluyi assured voters, “Women need more than a movement. People need more than protests in the streets. We need power. A judge’s power . . . As a judge, I would have the power to help you too. Give me the power to protect women, protect the disenfranchised. . . I will stand for ‘Me Too’ and all of you.”

(v) Lack of Cooperation and Candor with Disciplinary Authorities

Judge Ademiluyi repeatedly failed to cooperate and be candid and honest with Investigative Counsel and the Commission. Judge Ademiluyi ignored previous cautions against engaging in certain behaviors and continued to engage in those behaviors. Additionally, Judge Ademiluyi’s response to Investigative Counsel’s requests for information during the investigation was evasive, misleading, and deceptive. Investigative Counsel’s notice of the investigation requested that Judge Ademiluyi address a detailed list of the sanctionable conduct under investigation. Judge Ademiluyi’s response misrepresented the content of

Investigative Counsel's notice letter to claim that she could not provide a "substantive response" because of "the lack of specificity". Judge Ademiluyi also failed and refused to respond to additional specific requests for information by Investigative Counsel and instead repeated unfounded claims that Judge Ademiluyi was a victim of retaliation by others.

6. Judge Ademiluyi has engaged in habitual and pervasive conduct unbecoming of a judge that appears to arise from an indifference to, and blatant disregard for, those with supervisory authority, the rule of law and due process, the policies and procedures of the Judiciary and Circuit Court, the inherent dignity of others, and the intervention of those with supervisory and oversight authority.
7. Judge Ademiluyi'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

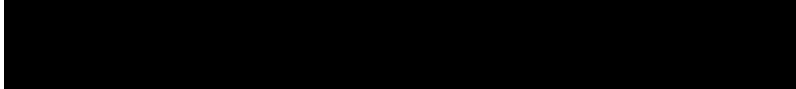
Date: 6.29.2023


Tanya C. Bernstein
Director/Investigative Counsel

Date: 6.29.2023


Derek A. Bayne
Deputy Assistant Investigative Counsel

Date: 6.29.2023



Tamara S. Dowd
Assistant Investigative Counsel

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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.