

STATE OF MARYLAND

BEFORE THE COMMISSION ON JUDICIAL DISABILITIES

In the Matter of the *
HONORABLE APRIL T. ADEMILUYI * **CJD 2022-079**
Judge of the Circuit Court of Maryland for *
Prince George's County, 7th Judicial Circuit *

FINDINGS OF FACT, CONCLUSIONS OF LAW,
ORDER AND RECOMMENDATIONS

Pursuant to Charges filed by the Investigative Counsel in CJD 2022-079, the response filed by Judge April T. Ademiluyi (hereinafter “Respondent” or “Judge Ademiluyi”), and prior written notice of hearing to Respondent, a public hearing was conducted on the record in the above-entitled matter (hereinafter “Hearing”), as authorized by Maryland Rules 18-431 and 18-434, on December 13, 14, 20, and 21, 2023, before the Maryland Commission on Judicial Disabilities (hereinafter “Commission”). Tanya C. Bernstein, Esq., Investigative Counsel, Derek A. Bayne, Esq., Deputy Assistant Investigative Counsel, and Tamara S. Dowd, Esq., Assistant Investigative Counsel prosecuted the case against Respondent, April T. Ademiluyi. Respondent was present at the Hearing and was represented by counsel, Craig S. Brodsky, Esq.

The following Commission Members participated in the Hearing¹: The Honorable Anne K. Albright - Chair, The Honorable Robert B. Kershaw, Chaz R. Ball, Esq., Tara A. Barnes, Esq., Sophia Jones, Andrea M. Fulton Rhodes, Sally McLane Young Ridgely and Marisa A. Trasatti, Esq. The eight (8) Commission Members present at the Hearing constituted a quorum, pursuant to Maryland Rule 18-411(f).

After being fully advised of its obligations and duties, the Commission specifically

¹ The Honorable Lisa Hall Johnson -Vice Chair and Kimberly A. Howell did not participate as Commission Members at the Hearing. Tahira Hussain participated as a Commission Member on the first day of the hearing, but was unable to continue due to issues unrelated to this case. Ms. Hussain did not participate in the deliberations or findings in this matter.

finds that the Hearing was conducted according to the rules, statutes, and procedures required by law. Upon private deliberations, the Commission considered all of the exhibits admitted into evidence, the sworn testimony and demeanor of all witnesses at the Hearing, as well as the Proposed Findings of Fact and Conclusions of Law submitted by Investigative Counsel and Respondent, through counsel, on December 27, 2023.

I. PROCEDURAL HISTORY

The investigation in this matter was undertaken upon Investigative Counsel's initiative. In accord with Maryland Rule 18-422(a)(4)(C), Investigative Counsel notified Respondent of the investigation by letters dated September 27, 2022 and January 31, 2023. Respondent submitted responses through counsel dated November 21, 2022 and February 13, 2023.

Charges in CJD 2022-079 were initiated on June 29, 2023 by Investigative Counsel against Judge Ademiluyi as directed by the Commission pursuant to Maryland Rule 18-431(a). Judge Ademiluyi filed a Response to these Charges on July 27, 2023.

The Charges in CJD 2022-079 alleged that Judge Ademiluyi committed sanctionable conduct² in violation of Maryland 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(a) & (b) (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), 18-102.9 (Ex Parte

² Maryland Rule 18-402(m)(1) defines sanctionable conduct. It provides: "Sanctionable conduct means misconduct while in office, the persistent failure by a judge to perform the duties of the judge's office, or conduct prejudicial to the proper administration of justice. A judge's violation of any of the provisions of the Maryland Code of Judicial Conduct promulgated by Title 18, Chapter 100 may constitute sanctionable conduct."

Communications), 18-102.11(a)(1), (a)(4), & (c) (Disqualification), 18-102.12 (a) (Supervisory Duties), 18-102.16(a) (Cooperation with Disciplinary Authorities), Rule 18-103.1 (Extra-Official Activities in General), Rule 18-104.4(a), (b) and (d) (Political Conduct of a Candidate for Election).

After listing the Rules violated, the Charges specified the alleged conduct that violated the Rules. Thus, the Charges detailed Judge Ademiluyi's alleged (1) Refusal to Cooperate with Directives, Protocols, and Procedures; (2) Misconduct Related to Criminal Jury Trials and Criminal Defendants Generally; (3) Failure to Exercise Appropriate Decorum and Demeanor; (4) Misconduct as a Candidate for Election; and (5) Lack of Cooperation and Candor with Disciplinary Authorities.

At the December 13, 14, 20, and 21, 2023 hearing, the Commission received evidence and heard argument from the parties. Investigative Counsel called sixteen (16) witnesses: The Honorable Sheila Tillerson Adams, Retired (Former Administrative Judge); The Honorable Judy L. Woodall; The Honorable Gladys M. Weatherspoon; The Honorable John P. Davey, Retired; The Honorable William A. Snoddy; The Honorable Judge Makeba Gibbs; The Honorable Cathy Serrette; The Honorable C.T. Wilson, Esq. (Delegate); Saran Myers-Martin, State's Attorney Aisha Braveboy, Esq.; Jessica Ochoa, Esq.; Mark Atwood, Esq.; Linda Randall; Jennifer Ventola, Ebonye Caldwell, and LaCresha Buchanan. Investigative Counsel entered one hundred four (104) exhibits. They are prefaced herein by "[IC]."

Judge Ademiluyi called two (2) witnesses, Roy Joynes, a character witness, and Monet Hurey. Judge Ademiluyi also testified on her own behalf. Judge Ademiluyi entered fourteen (14) exhibits, including one (1) exhibit (Respondent's 3), that was received after closing arguments with redactions agreed upon by both parties. Respondent's Exhibits are prefaced herein by "[R]."

The parties stipulated that Respondent has served as a Judge of the Circuit Court for Prince George's County since December 18, 2020, presently so serves, and that Respondent was not a judge at the time that she ran for the judicial election in 2020.

On December 27, 2023, having been invited to do so by the Commission, the parties each submitted proposed Findings of Fact and Conclusions of Law.

The Commission now issues the following Findings of Fact, Conclusions of Law, and Recommendation to the Supreme Court of Maryland as to the imposition of discipline, pursuant to Maryland Rule 18-435(e):

II. FINDINGS OF FACT

Judge April T. Ademiluyi was sworn in as a Judge of the Circuit Court of Prince George's County on December 18, 2020. Judge Ademiluyi is a judicial officer whose conduct was and is subject to the provisions of the Maryland Code of Judicial Conduct, (Maryland Rules Title 18, Chapter 100) and Maryland Rules on Judicial Discipline (Title 18, Chapter 400).

The Commission assessed the credibility and reliability of all of the evidence, and considered the arguments of counsel as well as their proposed Findings of Fact and Conclusions of Law. In general, the Commission found the witnesses credible. At times, though, Judge Ademiluyi's testimony was contradicted by the documentary evidence. The Commission found, by clear and convincing evidence, that Judge Ademiluyi's conduct was sanctionable and in violation of the Maryland Code of Judicial Conduct, all as follows.

For organizational purposes, the Commission's findings correspond to the five (5) categories of conduct outlined in the Charges and include, at the beginning of each category, the Rules violated by the conduct found to have occurred in each category. Some categories involved multiple Rule violations. Some Rules were violated by multiple categories of conduct. Some categories of conduct overlapped with others in terms of when, in time, they occurred. Ultimately, the focus is not on the categories themselves but the Rules implicated by the conduct in each category.

**A. Lack of Cooperation and Candor with Disciplinary Authorities
(Rules 18-101.1 (Compliance with the Law), 18-101.2 (Promoting Confidence
in the Judiciary), and 18-102.16(a)(Cooperation with Disciplinary
Authorities))**

Maryland Rule 18-101.1 COMPLIANCE WITH THE LAW

A judge shall comply with the law, including this Code of Judicial Conduct.

Maryland 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.

**Maryland 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.

The Commission found Respondent violated Maryland Rules 18-101.1, 18-101.2 and 18-102.16(a) when she failed to heed a prior Letter of Cautionary Advice from the Commission and when she failed to cooperate with an investigation.

The Commission issued a Letter of Cautionary Advice to Respondent on January 5, 2022. [IC1] The Letter of Cautionary Advice documented its finding that Respondent did not perform her judicial duties, failed to comply with a reasonable directive from a judge with supervisory authority, and failed to cooperate with a judge with supervisory authority in attempts to communicate with her. As a result of its findings, the Commission cautioned Respondent, in part, to comply with reasonable directives from judges with supervisory authority, and to conduct designated dockets so that the public was not negatively affected. Respondent was cautioned against future sanctionable conduct. [IC1]. As detailed below, Respondent continued to commit the conduct she was cautioned against, and also engaged in further sanctionable conduct.

At the time she received the Letter of Cautionary Advice, Judge Ademiluyi had not completed the training required of all new trial judges by the 2016 Administrative Order

of The Honorable Mary Ellen Barbera, then Chief Judge of Maryland's Court of Appeals.³

That Administrative Order required in pertinent part

[A]t minimum, one week of the orientation period shall be dedicated to the New Trial Judge sitting in on court proceedings, including an initial appearance, or in chambers with other judges. (i) This period shall include both observation of other judges and the New Trial Judge handling proceedings with feedback or assistance from other judges, as appropriate. (ii) These court observations shall include the range of cases that will come before the court, but with emphasis given to the areas highlighted on the New Trial Judge's Self-Assessment.

[IC4, (c)(2)(D)(i)-(ii)]. Each county or circuit Administrative Judge was required to ensure compliance with procedures detailed in the Administrative Order for the orientation and mentoring of each new trial judge in his or her jurisdiction.

When Judge Ademiluyi received the Letter of Cautionary Advice, Judge Sheila Tillerson Adams was the Chief and Administrative Judge of the Seventh Judicial Circuit and the Circuit Court for Prince George's County.[TESTIMONY OF JUDGE TILLERSON ADAMS, 12/13/2023, Tr. 26]. Judge Tillerson Adams had served as a Circuit Court Judge in Prince George's County since 1996, becoming its Administrative Judge in September 2010. [TESTIMONY OF JUDGE TILLERSON ADAMS, 12/13/2023, Tr. 26]. As Administrative Judge for the Circuit Court for Prince George's County, Judge Tillerson Adams was responsible for the training of judges, calendar management, case management, and many other things. [TESTIMONY OF JUDGE TILLERSON ADAMS, 12/13/2023, Tr. 27]. When Judge Ademiluyi was sworn in, Judge Tillerson Adams appointed a New Judge Orientation Committee to conduct Judge Ademiluyi's new judge training and issued an Administrative Order for that purpose. [IC5].

When Judge Ademiluyi received the Letter of Cautionary Advice, she was not

³ At the November 3, 2022, general election, the voters of Maryland ratified a constitutional amendment changing the name of the Court of Appeals of Maryland to the Supreme Court of Maryland. The name change took effect on December 14, 2022. In addition, the Chief Judge title was changed to Chief Justice.

hearing civil and criminal jury trials as her training for those cases was not complete. As we find at Section D. *infra*, for court proceedings, new trial judge training involved two phases. Initially, the new judge would sit with a training judge while the training judge presided over the case type at issue. Once a new judge had observed a training judge preside over a type of case, the new judge would then be expected to preside over that type of case while being observed by the training judge. In each case, the matter would be assigned to the training judge who retained responsibility for the matter and was expected to sign any docket sheets or orders arising from the proceedings. On March 26, 2021, Judge Ademiluyi had been conditionally approved to handle other courtroom duties while she completed the training for civil and criminal jury trials. [IC15].

Just two (2) months after receiving the Letter of Cautionary Advice, on March 14, 2022, Judge Ademiluyi emailed Judge John P. Davey, then Chair of the Training Committee expressing “ . . . I don’t need any more judges observing and giving me feedback, while I preside over a jury trial. Adams enrolled me in a jury selection course, which wasn’t the course I needed but this is more than enough jury trial training. Are we finished the jury trial training? Or are we going to continue to unnecessarily drag this out?” [IC24].

On March 22, 2022, Judge Ademiluyi emailed Judge Tillerson Adams, “You said the requirements that you impose on each new judge is that another judge must sit with them on one civil and one criminal jury trial. I have only completed one civil jury trial but I still have not completed the criminal jury trial. Tomorrow, I am scheduled to sit with judge [sic] Davey for civil jury selection. Why is this necessary? Why can’t you find an efficient solution to complete this training you allege you impose on all new judges?... Judge Davey can provide me advice during the proceeding but I am not obligated to use his advice...” [IC26A].

On March 23, 2022, Judge Ademiluyi emailed Judge Tillerson Adams and Judge Davey stating, “I am not interested in your advice throughout the course of the proceeding or anytime concerning any case.” [IC26A].

On March 23, 2022, the New Judge Orientation Committee issued a memorandum to Judge Tillerson Adams advising “The Committee has attempted to complete Judge Ademiluyi’s training as to jury trials and has not received the appropriate and necessary cooperation from Judge Ademiluyi. The Committee believes that it cannot complete Judge Ademiluyi’s training without her cooperation. At this time, we cannot certify Judge Ademiluyi’s preparedness to conduct jury trials.” [IC27].

On March 30, 2022, Judge Tillerson Adams attempted to schedule Judge Ademiluyi for a criminal jury trial if Judge Ademiluyi would give back her leave on Monday April 4, 2022. [IC28]. Judge Ademiluyi did not timely respond. Instead, Judge Ademiluyi responded on May 6, 2022 with a six (6) page letter referencing the Chief Judge’s Administrative Order for training New Trial Judges, stating “I do not need or want to continue your style of jury trial training,” and declaring “June is the official end of my designation as a New Trial Judge.” [IC30].

Also on May 6, Judge Ademiluyi sought intervention from The Honorable Matthew J. Fader, Chief Justice of the Supreme Court of Maryland, by attaching her May 6 letter and response from Judge Tillerson Adams. Judge Tillerson Adams’ response stated she had scheduled Judge Ademiluyi “for training on the next Criminal Appeal Monday that you are not previously scheduled on leave. There are many cases scheduled so there should not be any difficulty getting you a couple of trials so that this training can be scheduled.” [IC31].

On May 12, 2022, Chief Justice Fader responded to Judge Ademiluyi noting, “it appears that you have not taken the opportunity to complete the jury trial training expected of new judges in the Circuit Court for Prince George’s County. From that correspondence, it appears that opportunities for the completion of that training by sitting on criminal jury trials with experienced judges are available to you if you are willing to come to the courthouse on Mondays when criminal jury trials are scheduled to begin. It is of vital importance that judges receive appropriate training before presiding over jury trials. I trust that you will complete that training in the near future.” [IC32].

On May 24, 2022, Judge Ademiluyi advised Judge Tillerson Adams that she would give up her leave on Monday June 6. [IC33] Respondent was promptly assigned to sit with Judge Cathy Serrette as the presiding judge over a criminal jury trial in the matter captioned as *State of Maryland v. Carlos Antonio Lambright*, Case No. CT210423X, which began on June 6, 2022. [IC34, IC51A-1].

Judge Cathy Serrette has served as a Judge on the Circuit Court for Prince George's County since December 2003. Prior to that, she served as a Magistrate in that court for two (2) years. Judge Serrette has presided over many criminal trials, and although not on the court's training committee, she has sat with judges on various cases. [TESTIMONY OF JUDGE SERRETTE, 12/14/2023, Tr. 493-95].

On June 13, 2022, Judge Ademiluyi issued a ruling during the *Lambright* trial while Judge Serrette was not in the courtroom. Specifically, Judge Ademiluyi ruled that she would revisit two (2) evidentiary rulings made in previous days (when Judge Serrette was in the courtroom observing Judge Ademiluyi). While Judge Ademiluyi was explaining her ruling, Judge Serrette entered the courtroom. Judge Ademiluyi then suspended the trial and ordered a *Daubert*⁴ hearing. Later that day, Judge Serrette sent a memorandum to Judge Tillerson Adams outlining Judge Ademiluyi's lack of cooperation. [IC52].

On June 15, 2022, Judge Tillerson Adams met with Judge Ademiluyi and outlined what would be required in order to conclude her training. [TESTIMONY OF JUDGE TILLERSON ADAMS, 12/13/2023, Tr. 127]. One step was to "debrief" with Judge Tillerson Adams once the *Lambright* trial ended. [IC59][IC61].

On June 16, 2022, the New Judge Orientation Committee issued a memorandum to Judge Tillerson Adams advising "At this time, the New Judge Orientation Training

⁴ This was a reference to *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), a landmark case regarding standards for admitting evidence derived from novel scientific techniques. This standard was adopted by Maryland in 2020 in *Rochkind v. Stevenson*, 471 Md. 1 (2020).

Committee can not certify Judge Ademiluyi to conduct jury trials. She has asserted that she can conduct jury trials without further training. We have been informed that she does not accept any advice or counsel from designated training judges nor is she willing to consult with or defer to the designated training judge before making critical evidentiary rulings. These actions place the training judge in the detrimental position of being subject to a reversal by an Appellant [sic] Court while having no input into the ruling. The Committee does not want to place training judges in that position therefore, we cannot complete the training process.” [IC63].

Judge Tillerson Adams’ attempts to meet to debrief following the *Lambright* trial were rebuffed by Judge Ademiluyi. On July 1, 2022, Judge Tillerson Adams emailed Judge Ademiluyi, “It is now 12:13- I have been logging into the debriefing meeting that I scheduled for your training since 12:00, the scheduled time. Nicole [Judge Tillerson Adams’ Executive Administrative Assistant] contacted your chambers and was advised that you would not be joining the meeting. You are at work today and you are not currently in trial. There is no urgent case that is preventing you from joining. This debriefing was the process that was outlined to you in our Zoom meeting following the bench meeting on June 15th when I explained what needed to happen to conclude your training. Debriefing with me after your trial was one of the required steps since the traditional training Judge protocol did not seem to work with you. Your attendance at this meeting today is required. You have not provided any reason, legitimate or otherwise, for your nonattendance.” [IC61].

After receiving no response, Judge Tillerson Adams sent an email stating, “It is now 12:23, you have not joined the zoom meeting. I assume you are just refusing to participate. I will now end the Zoom meeting.” [IC62].

On the same day, at 12:35pm, Judge Ademiluyi responded, stating “The purpose of your meeting is solely to subject me to abuse, hostility, and harassment. I have told you many times I am not attending this meeting. Please stop.... A judge sat with me for 6 days. That judge’s presence on my trial was neither helpful nor necessary. Maybe you

instructed that judge to leave before the trial ended or perhaps she chose to leave. Either way the training is now complete. I am well prepared to preside over any type of jury trial should you choose to assign them to me.” [IC62].

The Commission found that the training directives of Judge Tillerson Adams, a judge with supervisory authority over Respondent, were reasonable and that Respondent was aware of the directives. The Commission further found that Respondent willfully failed to comply with Judge Tillerson Adams’ training directives in violation of Rule 18-102.5(c).

Separately, Respondent failed to cooperate with Investigative Counsel’s requests for information during the investigation in the current case and failed to be candid and honest. By letter dated September 27, 2022, Investigative Counsel notified Respondent of the investigation and listed nine (9) items of alleged sanctionable conduct under investigation. [IC2]. Respondent’s response dated November 21, 2022 contained what purported to be the allegations of sanctionable conduct provided by Investigative Counsel; however, Respondent omitted from the list the specific examples of alleged sanctionable conduct provided by Investigative Counsel. [IC3]. For example, while Investigative Counsel’s notice said “1. Continuing to fail and refuse to comply with the reasonable directives of a judge(s) with supervisory authority, including but not limited to, participating, and engaging in the training required for new judges, responding to requests for information, and attending meetings;” Respondent described this request as “1. Continuing to fail and refuse to comply with the reasonable directives of a judge(s) with supervisory authority;” Respondent then cited her deliberately incomplete recitation of Investigative Counsel’s letter to claim that she could not provide a “substantive response” because of “the lack of specificity as to the allegations within the Notice of Investigation.” [IC3]. Judge Ademiluyi provided a substantive response on June 26, 2023 to the Judicial Inquiry Board’s Report to the Commission recommending Charges, long after the conclusion of the investigation. [R3].

By letter dated January 31, 2023, Investigative Counsel subsequently requested

that Respondent address whether she should have disqualified herself from State v. Lambright and her failure to disclose her personal experience to the parties. [IC2]. Respondent failed to respond to those issues. Instead, in her February 13, 2023 Response, she raised allegations that she was a victim of retaliation at the hands of her colleagues. [IC3]. Additionally, both responses submitted by Respondent (November 21, 2022 and February 13, 2023) did not cooperate with Investigative Counsel's request to "include your signature confirming your approval and adoption of the information contained therein." [IC2, IC3].

Respondent's Proposed Findings of Fact and Conclusions of Law before the Commission ("Respondent's Proposed Findings") state "Judge Ademiluyi expressed her desire in both responses to cooperate during this matter by stating, 'Judge Ademiluyi is looking forward to responding to any substantive inquiry by the Commission and otherwise looks forward to cooperating with the Commission's investigation.'" The Commission found Investigative Counsel's September 27, 2022 and January 31, 2023 letters each constituted a "substantive inquiry" by the Commission through Investigative Counsel and should have elicited cooperation through a full and substantive response from the Respondent and her counsel. Judge Ademiluyi's November 21, 2022 and February 13, 2023 responses were wholly insufficient and uncooperative.

Respondent's Proposed Findings stated "The Maryland Rules do not require judges to substantively respond to every allegation raised by Investigative Counsel in a Notice of Investigation letter. *See* Md. Rule 18-422(a)(5) ("Upon the issuance of notice pursuant to subsection (a)(4) of this Rule, Investigative Counsel shall afford the judge a reasonable opportunity prior to concluding the investigation to present such information **as the judge chooses[.]**") (emphasis in original)." Maryland Rule 18-422 (Investigation by Investigative Counsel) delineates the process for Investigative Counsel, including the Conduct of Investigation, Report and Recommendation by Investigative Counsel and Records retention of investigations. This rule requires Investigative Counsel to allow a judge to respond before concluding an investigation; the information the judge "chooses"

to present can be, and in this case is found to be, a violation of Maryland Rule 18-102.16(a), which states “[a] judge shall cooperate and be candid and honest with judicial and attorney disciplinary agencies.” The Commission found that Respondent’s failure to substantively respond to each allegation raised by Investigative Counsel was a violation of Rule 18-102.16(a).

“The judicial disciplinary system established by the Maryland Constitution and Maryland Rules does not work if judges fail to cooperate with disciplinary investigations or comply with the terms and conditions established by the Commission in connection with the disposition of the investigation. Condoning such failures would undoubtedly cause an erosion of the public’s confidence in the judiciary as a whole. *Matter of Nickerson*, 473 Md. 509, 531 (2021)(finding a Judge’s failure to comply with a judicial disciplinary agency sanctionable). Moreover, Judges are required to “cooperate and be candid and honest with judicial . . . disciplinary agencies[,]” as “[c]ooperation with investigations and proceedings of judicial . . . discipline agencies . . . instills confidence in judges’ commitment to the integrity of the judicial system and the protection of the public.” Md. Rule 18-102.16(a), Comment 1. “It goes without saying that a judge’s cooperation with an investigation, and compliance with the terms of the ultimate disposition, are paramount to the success of any individual judge, as well as to the integrity of the judiciary as a whole.” *Matter of Nickerson*, 473 Md. at 532.

The Commission found that after having received a Letter of Cautionary Advice, wherein she was specifically cautioned to comply with reasonable directives from judges with supervisory authority and advised against future sanctionable conduct, Respondent failed to comply with reasonable training directives, and failed to provide a substantive response to Investigative Counsel’s September 27, 2022 and January 31, 2023 letters. Standing alone or collectively, these failures amount to a failure to cooperate with disciplinary authorities. Accordingly, the Commission finds, by clear and convincing evidence, that Respondent’s conduct herein violated Rules 18-101.1 (Compliance with

the Law), 18-101.2 (Promoting Confidence in the Judiciary), and 18-102.16(a) (Cooperation with Disciplinary Authorities).

B. Misconduct as a Candidate for Election

(Rules 18-101.1 (Compliance with the Law), 18-101.2 (Promoting Confidence in the Judiciary) and 18-104.4 (b), (d)(1), & (d)(3)(Political Conduct of A Candidate for Election))

Maryland Rule 18-104.4 (b), (d)(1) and (d)(3) POLITICAL CONDUCT OF A CANDIDATE FOR ELECTION

A candidate for election:

- (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;
 - (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;

The Commission found Respondent violated Maryland Rules 18-101.1, 18-101.2, and 18-104.4(b), (d)(1) & (d)(3) when she made inappropriate statements and commitments in a campaign video and blog post.

Although Respondent was an attorney during the 2020 judicial campaign, her campaign conduct is subject to the Code of Judicial Conduct (hence the jurisdiction of the Commission) because she was successful in her campaign. In pertinent part, Maryland Rule 18-104.6(b) provides: “ (b) **A successful candidate** and a judge who unsuccessfully sought a different judicial office **are subject to judicial discipline for campaign conduct**. An unsuccessful candidate who is an attorney is subject to attorney discipline for campaign conduct.” Md. Rule 104.6(b)(emphasis added).

Respondent, as an attorney during her successful campaign as a candidate for

election to the Circuit Court in 2020, released and distributed a campaign advertisement during that campaign using the slogan “Justice is Ours” in which she detailed the circumstances of her personal experience as a survivor of sexual assault and promised to give a voice to sexual assault victims and the “Me Too” movement. [IC49].

To follow is the transcription of the campaign video for Judge Ademiluyi prior to the 2020 election(s):

*Hi, I'm attorney April Ademiluyi and I'm running for judge
I never thought that I would be one of these
Eight years ago in Florida I was drugged and raped by my peers in the legal
system
Multiple women were targeted and drugged in a room filled with lawyers and
judges and I was one of them
The violence was bold
I never thought, I never thought
But now it's me too
And just like many of you the system tried to break me
Campaign donations stacked the prosecutor against me
Case evidence was fabricated and destroyed to protect multiple rapists
I had no money
Lawyers I trusted were too afraid to assist
But I still fought them all with a lawsuit
When my case went before judges
Corruption and abuse of power reigned supreme once again
But I continued to fight for justice
And I would not be silenced and I would do the same for you
Women need more than a movement
People need more than protests in the streets
We need power, a judge's power
I know the legal system
Give us power and justice is ours
Vote
As a judge I would have the power to help you too
Give me the power to protect women, Protect the disenfranchised
Give me power to protect those in need, protect those who have no voice
I will work to end the pipeline to prison for the young in our county
Give us power then justice is ours
Vote
I will prove justice is blind when holding all accountable for their actions*

*In my courtroom, status and wealth will not prevail against the law
I was drugged and raped by lawyers who feared no retribution from me being
educated and a lawyer
As a judge, I would work to make sure that no one has to fear or distrust law
enforcement in our communities at any time or place
I will stand for Me Too and all of you
I have the right experience practicing law
I know the system
I know how to make it work for all of us
I am Attorney April Ademiluyi
I am running for judge
Justice is ours
Vote!*

Judge Ademiluyi campaign video [IC49].

In an April 20, 2020 blog post in furtherance of her judicial campaign, Judge Ademiluyi made the following statements:

The month of April is sexual assault awareness month, so I want to share my painful story and encourage other survivors to never allow the justice system or society to silence you.

I will do my best to summarize years of abuse I endured from police, prosecutors, and judges who literally put the justice system up for sale to rapists...

THE POLICE AND PROSECUTORS DESTROY AND FABRICATE
EVIDENCE TO COVER UP THE DRUG RAPES...

JUSTICE IS OURS

Take a moment for me to show you why Justice Is Ours in Prince George's County.

Copyright © 2020 Vote April Judge- All Rights Reserved. [IC50].

The Commission determined that the content of Respondent's campaign video and blog post could reasonably be perceived as inconsistent with the independence and impartiality of judicial office. In addition, this content could reasonably be viewed as a commitment, pledge, or promise that is inconsistent with the impartial performance of the adjudicative duties of being a judge. Specifically, Respondent said that "[w]omen need more than a movement[;] People need more than protests in the streets[;] We need power,

a judge's power[.]” Respondent said that as a judge, she would “have the power to help you too[;]” that she “will stand for Me Too and all of you[;]” that she “know[s] the system[;] and that she “know[s] how to make it work for all of us[.]” These statements, along with those in the blog post, could reasonably be perceived as promising to help victims of, and those alleging that they are victims of, sexual violence, that Respondent may not be impartial in sexual violence cases, and that she would use her power as a judge to “make it work for all of us,” i.e. make particular results happen for alleged victims of sexual violence. Respondent was a successful candidate in the 2020 campaign. Accordingly, the Commission finds, by clear and convincing evidence, that by making the above statements, Respondent violated Rules 18-101.1 (Compliance with the Law), 18-101.2 (Promoting Confidence in the Judiciary), and 18-104.4(b),(d)(1) & (d)(3)(Political Conduct of a Candidate for Election).

C. Failure to Exercise Appropriate Decorum and Demeanor
(Rules 18-101.1 (Compliance with the Law), 18-101.2 (Promoting Confidence in the Judiciary), 18-102.5 (Competence, Diligence, and Cooperation), and 18-102.8(b)(Decorum, Demeanor, and Communication with Jurors))

Maryland 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.

Maryland Rule 18-102.8(b) DECORUM, DEMEANOR, AND COMMUNICATION

- (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.

The Commission found Respondent violated Maryland Rules 18-101.1, 18-101.2, 18-102.5 and 102.8(b) when she did not cooperate with, and failed to be patient, dignified and courteous to, court staff and judicial colleagues.

1. Jessica Ochoa and Linda Randall

Jessica Ochoa, Esq., Respondent's first Law Clerk, and Linda Randall, Respondent's first Executive Administrative Aide, emotionally described their tenure working for Respondent. Both described the pressure of working for Respondent and attempting to meet her standards. Both sought medical attention for stress, anxiety, and mental health as a result of the emotional toll that working in that environment had on them.

Jessica Ochoa worked for Judge Ademiluyi from December 2020 to June 19, 2021. [TESTIMONY OF JESSICA OCHOA, 12/14/2023, Tr. 685]. During that time, Respondent was demanding, demeaning and belittling to Ms. Ochoa, and instructed her not to speak to other Prince George's County judges. Respondent referred to Ms. Ochoa as incompetent, lazy, and sent many emails with demands outside of work hours. In several emails from May 2021, Respondent described Ms. Ochoa's writing as "typically disorganized" [IC77A]; accused Ms. Ochoa of "lack of sufficient effort" [IC77B]; admonished her for asking other Law Clerks about an issue [Id]; stated, "Stop responding to me with your excuses and do what I ask you to do!" [Id]; and stated, "You're still failing in effort." [IC77C]. Respondent would send text messages to Ms. Ochoa with similar disparagements, such as stating, "You're [sic] note on the vop case was pointless" [IC90, p. RA0221]; "Your behavior is odd" [IC90, p. RA0220]; and "It's typical of your lack of effort" [IC90, p. RA0215].

Respondent also disparaged [REDACTED] her second Executive Administrative Aide, to Ms. Ochoa, often referring to [REDACTED] as unwell and in need of "mental help." [TESTIMONY OF JESSICA OCHOA, 12/14/2023, Tr. 691]. Respondent would also criticize and belittle [REDACTED] in front of and to Ms. Ochoa. [Id]. When [REDACTED] resigned (for the second time), Respondent forwarded to Ms. Ochoa [REDACTED]

resignation notice sent to Human Resources with the comment, “We knew she would run.” [IC76, p. R4A0546]. Respondent’s criticism of Ms. Ochoa began shortly after [REDACTED] departure. [Tr. 703].

Ms. Ochoa reached out to Judge Tillerson Adams regarding Respondent’s conduct in early May 2021. [IC79A]. Judge Tillerson Adams recalled that Ms. Ochoa was “emotional . . . and very upset.” [TESTIMONY OF JUDGE TILLERSON ADAMS, 12/13/2023, Tr. 192]. Ms. Ochoa told Judge Tillerson Adams that she had received medical attention because of the anxiety she was experiencing working with Respondent. Judge Tillerson Adams told Ms. Ochoa that she did not have authority over how other judges managed their Law Clerks and advised Ms. Ochoa that sometimes individuals must do the best thing for their mental health and career. [TESTIMONY OF JUDGE TILLERSON ADAMS, 12/13/2023, Tr. 192-193]. Ms. Ochoa expressed her appreciation for Judge Tillerson Adams’ “kindness and compassion” in an email. [IC79B].

When Ms. Ochoa notified Respondent on May 25, 2021 of her intent to resign on June 16, Respondent requested and Ms. Ochoa agreed to change her last day to June 29, 2021. In her response, Respondent also dismissively remarked that it would be a smooth transition because “Most of the work you do is simply paralegal work.” [IC78B]. Respondent continued to degrade and belittle Ms. Ochoa, telling her that she would “save the complicated or time consuming work for my new law clerk, who is well qualified to handle it” [IC78C, p. R4A0561]; “I will pass on to you issues I think you can handle” [IC78C, p. R4A0559]; and “I see some motivation in you to work on issues you previously declined to do. . . If you’re now motivated to do what law clerks are hired to do – legal research and writing tough issues, that’s great!” [IC78D].

On Saturday, June 19, 2021, after Ms. Ochoa had worked on an assignment the day before (a court holiday), Respondent abruptly notified Ms. Ochoa to report to work on Monday and bring her laptop. For Monday, Ms. Ochoa was directed by Judge Ademiluyi to retrieve the week’s files from the Clerk’s office and draft two Orders. Judge Ademiluyi also informed Ms. Ochoa that upon completion of these tasks, Respondent

would terminate her employment. [TESTIMONY OF JESSICA OCHOA, 12/14/2023, Tr. 733-34][IC78E]. Respondent stated, “You’ve shown you’re not motivated to work for the circuit court so you’re [sic] work ethic will always be very poor.... We will terminate your position on Monday. I don’t need you anymore. You’re finally at the end of the position! ” [IC78E]. When Ms. Ochoa responded that she was resigning effective immediately, Respondent remarked, “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.” [IC78E]. Respondent attempted to prevent Ms. Ochoa from retrieving her personal belongings from the courthouse, resulting in Judge Tillerson Adams’ intervention to facilitate the process after Ms. Ochoa advised Judge Tillerson Adams that she was “fearful of continuing contact with her Honor at this point.” [IC79C].

Respondent thereafter advised Ms. Jennifer Ventola in Judiciary Human Resources that Ms. Ochoa was “not qualified to work as a law clerk to a Judge.” [IC80]. This comment and the fact that the termination notice was sent on a Saturday raised concerns for Ms. Ventola who forwarded the exchange to her then-supervisor, Ebonye Caldwell, now Assistant State Court Administrator. [TESTIMONY OF JENNIFER VENTOLA, 12/14/2023, Tr. 835, 839]. Respondent directed Ms. Caldwell to process Ms. Ochoa’s resignation as improper notice with no ability for rehire, stating that the resignation was not done in good standing and that Ms. Ochoa refused to carry out her duties as Law Clerk. [IC81]. Ms. Ochoa also testified that Respondent refused to approve Ms. Ochoa’s pay for her time working on the holiday. [TESTIMONY OF JESSICA OCHOA, 12/14/2023, Tr. 740].

Respondent’s conduct toward Linda Randall was also inappropriate. Ms. Randall worked for Judge Beverly Woodard, until her retirement, prior to working for Respondent. [TESTIMONY OF LINDA RANDALL, 12/14/2023, Tr. 780]. Respondent vaguely yet repeatedly appeared to threaten Ms. Randall’s employment, both in discussions and over email. For example, Respondent emailed Ms. Randall and Ms. Ochoa at 10:06 p.m. on Friday, January 22, 2021 stating:

“Hello All:

Thank you for your patience as I train and figure out how I would like to run my chambers. Training may continue through March. Judge Pearson explained to you all last week that Judge’s chambers are like mini-corporations that we all run differently. While I am open to suggestions from both of you, I expect you both to allow me to lead and accept how I choose to run my chambers. We will eventually get busy, and I may constantly adjust our process, but we will eventually develop a safe, friendly system that helps me produce my best work product. Jessica has her hands full. Unfortunately, during my training, I don’t have much of anything for Linda to do but I promise we will all be busy soon! We will zoom next week, so you can both let me know then any complaints or concerns. Enjoy your weekend.” [IC72A].

Ms. Randall promptly responded that night stating “Absolutely! I support however you want to run your chambers to ensure you succeed as a Circuit Court judge! I’m happy to be part of Team Ademiluyi and look forward to being on this journey with you.)” Respondent responded on Saturday, January 23, 2021 at 11:40 a.m., stating:

“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. And perhaps you will be great but so far you’re starting to worry me. I can’t guarantee you that I will want you to handle tasks the way you are accustomed to handling tasks with Judge Woodard. 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 Judge Woodard handles things. I know you’ve been with her a long time so my chambers may be difficult but yet a very doable adjustment for you. Next week, we will talk more about my expectations of you and whether you can handle them. Enjoy the weekend!” [IC72A].

Respondent shortly thereafter unexpectedly advised Ms. Randall that they were “not a good fit.” [IC72B]. Despite Ms. Randall’s understanding that she had been hired for a long-term position, Respondent responded that “we just aren’t compatible” and directed her to “immediately start looking for other opportunities.” [Id]. Ms. Randall thought her career was over and that being terminated by a judge would effectively end her career. [TESTIMONY OF LINDA RANDALL, 12/14/2023, Tr. 806-07]. Ms.

Randall requested to remain employed while she sought other employment due to the Judiciary and County Government hiring freeze. [IC72B]. However, ten (10) days later, Respondent abruptly terminated Ms. Randall on a Sunday afternoon. [IC72C].

2. Other Staff and Court Personnel

Respondent's numerous email exchanges and text messages further demonstrate her lack of patience, dignity, and courtesy toward staff and court personnel. After [REDACTED] agreed to return to work after resigning the first time, Respondent made the following comments: "I won't have you in court because you're struggling to catch on[;]" "[w]hile I'm in court, don't interrupt me about anything unless I need something from you about the proceeding[;]" and "[i]f you fail, it makes me look bad." [IC74]. Monet Hurey, who was Respondent's courtroom clerk and testified on Respondent's behalf, was referred to as "pushy" by Respondent in text messages with her Law Clerk. [IC90, p. RA0065-RA0066]. Respondent also remarked directly to Ms. Hurey, "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!" [IC84] (emphasis in original). Ms. Hurey testified that this exchange was a miscommunication regarding her part-time job that was resolved with the Respondent. [TESTIMONY OF MONET HUREY, 12/20/2023, Tr. 1052].

Respondent also made the following comments to and about her staff:

- In emails and text messages following [REDACTED] first resignation in March 2021, Respondent asked [REDACTED] to "appease [her] concerns that some of those evil people in that courthouse didn't scare you off" [IC74].
- In a text message to her Law Clerk on June 28, 2021, Respondent stated, "Yes always expect total dysfunction in this court!" [IC90, p. RA0190]. Respondent had expressed the identical sentiment to Ms. Ochoa in a text message on March 7, 2021, telling her to "Expect dysfunction!" [IC90, p. RA0292].
- In a text message to her Law Clerk on August 17, 2021, Respondent stated,

“I figured [Judge] adams [sic] would let me work from home but you know how complicated she is...” [IC90, p. RA0162].

- In a text message to her Law Clerk on October 15, 2021, Respondent commented, “You know how crazy these judges are...” [IC90, p. RA0096].
- In an email to her administrative aide dated November 29, 2021, Respondent 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!” [IC90, R4A0508].
- In an email to another judge’s Paralegal Assistant dated December 23, 2021, Respondent commented on a colleague, stating, “She’s retiring. What do you expect? I’ve been struggling to get her to handle other issues.” [IC82, p. R4A0511].
- In a text message to her Executive Administrative Aide on January 3, 2022, Respondent remarked, “It gave me a nice break from all the crazy judges!!!” [IC90, p. RA0130].
- In an email to her Law Clerk dated March 21, 2022, Respondent stated, “This is so annoying, ineffective, and inefficient having to work with another judge, and for some reason they think they’re training me.” [IC82, p. R4A0497].
- In a text message to her Law Clerk on May 2, 2022, Respondent stated, “This letter is a response to her [Judge Tillerson Adams’] email asking me to give up my leave to do her jury trial training. I wanted to curse at her but this letter is best!” [IC90, p. RA0059].
- In an email to her Law Clerk dated July 18, 2022, Respondent forwarded a message from Judge Tillerson Adams 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..." [IC82, p. R4A0499].

- In an email dated July 19, 2022, Respondent referred to a Law Clerk's workday as "a waste." [IC83, p. R4A0567].
- In a text to her Law Clerk on August 5, 2022, Respondent stated, "[W]e must always be cautious with the judges. We can't trust them. . . I will text you anything I don't feel comfortable putting on email." [IC90, p. RA0035].
- In an email to her Law Clerk dated August 21, 2022, Respondent 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!" [IC82, p. R4A0500].

3. Judicial Colleagues

Respondent displayed a lack of patience, dignity, and courtesy in exchanges with her judicial colleagues, including the following:

- In response to an email from Judge Davey on November 23, 2021 regarding Judge Ademiluyi's need to observe and preside over complete jury trials for jury training and emphasizing "criminal jury selection is the most difficult and complex," Judge Ademiluyi responded, "It's not that complicated but everyone makes mistakes. Is there an issue you struggle with that I should pay close attention to?" [IC22B].
- A March 23, 2022 email from Judge Ademiluyi to Judge Tillerson Adams and Judge Davey stated, "Judge Tillerson Adams' version of the new judge orientation runs afoul to [sic] many provisions of that order, and she seems to be the only administrative judge who doesn't care to comply with that order, which is not all surprising given her character." Nicole Thomas, Judge Tillerson Adams' Executive Administrative Assistant, was also copied on this email. [IC26A].

- On June 29, 2022, Judge Tillerson Adams and Respondent exchanged a series of emails regarding the Administrative Judge's attempts to debrief and meet following the *Lambright* criminal jury trial. Respondent's emails included "I don't look forward to meeting you or communicating with you at anytime..." and "You are extremely untrustworthy and disrespectful". After being advised by the Administrative Judge that the meeting was set, Respondent replied on two (2) occasions, "The meeting is cancelled." Respondent further stated, "I will never trust your advice on any case nor will I ever seek it." [IC60].

Judge Gladys Weatherspoon testified that after they were elected to the bench, Respondent refused to speak with or acknowledge Judge Weatherspoon even though their chambers adjoined one another. During their respective 2020 election campaigns, Respondent was not civil to Judge Weatherspoon after learning she had represented criminal defendants accused of rape as a practicing attorney. Respondent told Judge Weatherspoon that she felt antagonized by Judge Weatherspoon's presence. [TESTIMONY OF JUDGE WEATHERSPOON, 12/13/2023, Tr. 368]. Judge Weatherspoon found the situation so uncomfortable that she requested to move her chambers. [TESTIMONY OF JUDGE WEATHERSPOON, 12/13/2023, Tr. 368]. Judge Weatherspoon also recalled one of Respondent's former Law Clerks apologized for not speaking to Judge Weatherspoon or her staff. [TESTIMONY OF JUDGE WEATHERSPOON, 12/13/2023, Tr. 379]. That Law Clerk, Jessica Ochoa, would later explain that Judge Ademiluyi instructed her not to speak to Judge Weatherspoon. [TESTIMONY OF JESSICA OCHOA, 12/14/2023, Tr. 754].

Where a judge repeatedly exhibits an inappropriate demeanor, lacking dignity, courtesy, and patience, the judge's conduct is sanctionable because it is prejudicial to the administration of justice. "Criticism of Judicial colleagues . . . hardly leads to trust and confidence by the public in the Judiciary." *In the Matter of Bruce S. Lamdin*, 404 Md.

631, 650 (2008) The Commission finds, by clear and convincing evidence, that Respondent's conduct, as detailed above, lacked the patience, dignity, and courtesy required of a judge. Accordingly, the Commission finds, by clear and convincing evidence, that Respondent violated Rules 18-101.1, 18-101.2, 18-102.5, and 18-102.8(b).

D. Refusal to Comply with Directives, Protocols, and Procedures

(Rules 18-101.1 (Compliance with the Law), 18-101.2 (Promoting Confidence in the Judiciary), 18-102.5 (Competence, Diligence and Cooperation), and 18-102.8(b) (Decorum, Demeanor and Cooperation))

The Commission found Respondent violated Maryland Rules 18-101.1, 18-101.2, and 18-102.5 when she failed to cooperate with the training committee as well as comply with reasonable directives, protocols, and procedures.

Respondent was elected to the position of Associate Judge of the Circuit Court for Prince George's County of the 7th Judicial Circuit in the 2020 general election. During her campaign, she presented herself as an outsider willing to take on the establishment and stand up for the rights of victims and the "Me Too" movement. [DEPOSITION TESTIMONY OF JUDGE ADEMILUYI, 12/20/23, Tr. 941-43]. In winning the election, she unseated the Honorable Jared M. McCarthy and believes that her victory elicited enmity from her colleagues. [TESTIMONY OF JUDGE ADEMILUYI, 12/20/2023, Tr. 1075].

At all times relevant hereto, the training of new judges of the 7th Judicial Circuit was governed by an Administrative Order on Orientation and Mentoring for New Trial Judges ("Administrative Order") issued on August 25, 2016, by the former Chief Judge of Maryland's Court of Appeals, Chief Judge Mary Ellen Barbera. The Administrative Order directs each County and/or Circuit Administrative Judge to ensure compliance with the procedures detailed in the order in the orientation and mentoring of each new judge and that each New Trial Judge in his or her jurisdiction participates in the Program. [IC4,

(b)]. The orientation process is broken down into three phases pursuant to minimum guidelines which, in part, provide that:

at minimum, one week of the orientation period shall be dedicated to the New Trial Judge sitting in on court proceedings, including an initial appearance, or in chambers with other judges. (i) This period shall include both observation of other judges and the New Trial Judge handling proceedings with feedback or assistance from other judges, as appropriate. (ii) These court observations shall include the range of cases that will come before the court, but with emphasis given to the areas highlighted on the New Trial Judge's Self-Assessment.

[IC4, (c)(2)(D)(i)-(ii)].

In accord with the Administrative Order and pursuant to her authority as the Administrative Judge of the 7th Judicial Circuit, Judge Tillerson Adams entered an order appointing a New Judge Orientation Committee. [IC5].⁵ This order governed the training protocol applied to all newly elected judges to the Circuit Court for Prince George's County, including Respondent and Judge Gladys Weatherspoon. [Id]. Judge Judy L. Woodall ("Judge Woodall") served as the Chair of the New Judge Orientation Committee ("Training Committee"), which included Judge Michael R. Pearson; Judge John P. Davey; Judge DaNeeka Varner Cotton; and Judge Lisa Hall Johnson, District Administrative Judge of the District Court of Maryland, Fifth Judicial District. [Id]. Respondent's training was to begin on December 21, 2020. [Id]. Her training was to continue until she was certified to conduct the full duties of an Associate Judge. Due to the circumstances discussed throughout these Findings of Fact, Respondent's certification was finally effective on February 1, 2023. [R26].

⁵ As the 7th Circuit Administrative Judge and County Administrative Judge for the Circuit Court for Prince George's County, Judge Tillerson Adams was responsible for the supervision and assignment of Judges, as well as the supervision and expeditious disposition of cases, and calendar management, among other duties. Md. Rule 16-105(b).

The program set forth by Judge Tillerson Adams was comprehensive, multi-faceted, and applied to both Respondent and Judge Weatherspoon. Judge Woodall was tasked with setting forth an orientation schedule for each judge that included trainings and visits to various court locations, support organizations, and related agencies. [IC5]. As Chair of the Training Committee, Judge Woodall was also directed to ensure that the new judges were each exposed to “a variety of case types in the Circuit Court, including, but not limited to, civil, family, foreclosure, criminal (jury and non-jury cases), as well as different judicial styles and demeanors.” [Id]. At the conclusion of the training, Judge Woodall was to submit a written report to Judge Tillerson Adams certifying that the new judges were released from orientation. [Id].

Judge Woodall provided Respondent with the orientation schedule in emails dated January 3, 2021. [IC6]. Also included was a list of the various matters Respondent was to be exposed to prior to being released from orientation. [IC6, p. 8]. For each, Respondent was to sit with a designated “training judge” whom Respondent was to look to with questions about the case type or process. [IC6, p. 1]. According to Judges Tillerson Adams, Woodall, and Davey, this process involved two phases. Initially, Respondent was to sit with the training judge as he or she presided over the case type at issue. Once Respondent had observed a training judge preside over a type of case, she would then be expected to preside over that type of case while being observed by a training judge. In each case, the matter would be assigned by Judge Tillerson Adams to the training judge who retained responsibility for the matter and was expected to sign any docket sheets or orders arising from the proceedings.

According to Judge Tillerson Adams, the training process was designed to prepare and assist new judges, in particular judges such as Respondent who had never served as a judge or handled a jury trial as an attorney. Respondent acknowledged that prior to her election, she primarily handled transactional work and had never handled a civil or criminal jury trial. [DEPOSITION TESTIMONY OF JUDGE ADEMILUYI, 12/20/2023, Tr. 958]. Judge Tillerson Adams explained that the training process was to ensure that a

new judge was comfortable in the courtroom before being left alone to preside over cases. The decision to conclude orientation and release a new judge from training was reserved to the discretion of the Administrative Judge upon recommendation of the Training Committee. The Training Committee provided reports to the Administrative Judge throughout the training process. [TESTIMONY OF JUDGE TILLERSON ADAMS, 12/13/2023, Tr. 41-43].

Judge Woodall, the first Chair of the Training Committee, had difficulties with Respondent's compliance with the orientation protocol almost immediately. Several contemporaneous email exchanges document either Respondent's failure to timely report to a hearing or program and/or the attempts by Judges Woodall and Tillerson Adams to address the matters with Respondent. [See, generally, IC7, IC8A, IC9, IC10A, IC10B]. Judge Woodall would ultimately reach out to Judge Tillerson Adams to obtain her assistance in securing Respondent's cooperation. [IC8B].

Initially, Respondent failed to be present in the courthouse as assigned. Several witnesses described the impact the COVID-19 Emergency had on the operations of the Circuit Court and Respondent's training. At the time of Respondent's investiture in December 2020, cases were being heard remotely and no jury trials were being held. Additionally, courthouse operations were staggered, with limited staff present each day to allow social distancing. According to Judge Woodall, Respondent did not report to the courthouse on several of her assigned days. Judge Woodall would write to Respondent to direct her to follow the provided schedule. [IC8A, IC9, IC10A][TESTIMONY OF JUDGE WOODALL, 12/13/2023, Tr. 299-300]. Respondent wrote that her failure to report as assigned was due to Judge Woodall's schedules, which she felt were confusing. [IC10A][TESTIMONY OF JUDGE WOODALL, 12/13/2023, Tr. 304]. She also complained that some schedules had been sent to one of her personal email addresses. [IC10A]. Judge Woodall addressed both concerns, noting that she had asked Respondent to work with the Office of Information Technology weeks prior to clear up the issue. [IC10B]. During the discussion, Respondent offered to call Judge Woodall daily at 6:00

a.m. to confirm her schedule, a request Judge Woodall declined, saying

April going back and forth with you about your confusion is really not helpful. You can't selectively read what you want to read and then claim I am confusing you. As a new judge it is expected that you read everything and then ask questions if you are confused or if the information is not clear to you. Nitpicking the language in my communications does not seem to me to be very helpful to you. My only goal is to get your certified so you can start handling cases and chambers work on your own to assist with the workload of this court.

In the future, may I suggest you read everything. The schedule and the written emails, read together, clearly stated you were to report to the COURTHOUSE at 8:30 am beginning Monday (and I even included the specific date). If you still have questions after reading what is sent, I am happy to respond by email (Do you think it appropriate to contact a colleague at 6:00a.m. in the morning about anything unless it is an emergency.) [IC10B].

Notably, the schedules at issue appear to have been sent to Respondent's official email account. [IC8A, IC9]. Respondent also admitted that she was otherwise able to attend meetings when the invitations had been sent to her personal email account.

[R10][TESTIMONY OF JUDGE ADEMILUYI, 12/20/2023, Tr. 1250-51].

Judge Tillerson Adams continued to receive complaints regarding Respondent's attendance. [TESTIMONY OF JUDGE TILLERSON ADAMS, 12/13/2023, Tr. 63]. According to Judge Tillerson Adams, Respondent's failure to report as assigned and her tardiness became a habitual problem. [IC71]. Respondent's tardiness is reflected in her text messages to her staff, which repeatedly show Respondent directing her staff to inform parties that a matter would be starting late or that she was on her way to the courthouse. [IC90, p. RA0015-0036, RA0053-0208, RA0575-0596]. In a notable example, on February 22, 2022, Respondent texted her staff regarding the parties to a matter scheduled before her, stating "Let them wait." [IC90, p. RA0111]. Judge Ademiluyi also chastised her staff when they contacted her while she was on leave, stating, "There are no emergencies when I'm on leave. I pick and choose what I want to do." [IC90, p. RA0066].

On October 12, 2021, Judge Tillerson Adams contacted Respondent regarding a

hearing before a three-judge panel that was scheduled for 9:00 a.m. that morning that Respondent had not joined until 9:30 a.m. [IC71]. Judge Tillerson Adams advised Respondent that the “[a]lleged technical delay” reported by Respondent’s staff at 9:20 a.m. was not acceptable, nor was her failure to appear until 9:30 a.m. [Id]. Judge Tillerson Adams testified that she advised Respondent that she wished to meet with her to discuss the issue but could not recall if that meeting occurred. Respondent testified that she experienced technical difficulties accessing the hearing but admitted that she had texted her staff that morning at 9:06 a.m., stating, “I’m actually I’m walking up now.” [IC90, p. RA0145][TESTIMONY OF JUDGE ADEMILUYI, 12/20/2023, Tr. 1142]. At 9:15 a.m., she asked her staff if they had the login information for the hearing and then directed them to call “IT to assist” her. [IC71].

Respondent continued to, as Judge Woodall described, “push back” against the training process. She repeatedly questioned the length and contents of the orientation program [IC9, IC18, IC23], the decisions of the Chair(s) of the Training Committee [IC16, IC25, IC26A], and the authority of Judge Tillerson Adams to oversee Respondent’s training [IC11, IC30]. Respondent made similar complaints to Judge Makeba Gibbs (Circuit Court for Charles County) and Judge Weatherspoon, who were also in training alongside Respondent at the time, and in a March 6, 2021 email, asked them, “[d]o you both want to continue training?” [IC85].

Despite the difficulties, Judge Woodall recommended, and Judge Tillerson Adams approved, the partial certification of Respondent to assume the duties of a Circuit Court judge with the exception of civil and criminal jury trials by order dated March 26, 2021. [IC15]. This order stated full certification was conditioned upon Respondent’s “future completion of criminal and civil jury trial training and one remaining orientation scheduled on April 23, 2021.” [Id]. According to Judge Tillerson Adams, partial certification would allow Respondent to hear cases in which she had sufficient training while working towards completing her jury trial training. [TESTIMONY OF JUDGE TILLERSON ADAMS, 12/13/2023, Tr. 78]. Both Judges Tillerson Adams and Woodall

testified that they continued to have issues with Respondent's cooperation with the training program after the partial certification. [TESTIMONY OF JUDGE TILLERSON ADAMS, 12/13/2023, Tr. 205-06; TESTIMONY OF JUDGE WOODALL, 12/13/2023, Tr. 316-19].

By November 1, 2021, Judge Davey had replaced Judge Woodall as Chair of the Training Committee and was tasked by Judge Tillerson Adams with scheduling Respondent's jury trial training. [IC19]. Judge Davey testified that at that time the COVID-19 Emergency had again reduced courthouse operations, making scheduling difficult. He invited Respondent to stop by his chambers to discuss her training and began attempting to schedule her matters to preside over as the judge-in-training. [IC19, IC20]. Judge Davey informed Respondent of the contemplated schedule, directed her to clear her calendar in December of 2021 to accommodate the training, and advised Respondent that the Training Committee could not recommend her certification to preside over jury trials until she followed the established procedures, including observing the complete jury selection process in criminal matters. [IC22B]. Respondent wrote back the same day questioning the need to observe a complete jury selection, and Judge Davey stated in response the "criminal jury selection is the most difficult and complex." [IC22B]. Respondent replied, "It's not that complicated but everyone makes mistakes." [Id]. Judge Davey was unable to schedule any criminal jury trials for Respondent in December of 2021 "after reviewing the potential jury trials in December and your scheduled docket and leave" and directed her to clear her calendar for January of 2022. [IC22B]. In the interim, jury trials were suspended until March 7, 2022, due to the COVID-19 Emergency. [IC23].

The Commission issued a Letter of Cautionary Advice to Respondent on January 5, 2022, arising out of a matter captioned as CJD 2021-043 Ademiluyi/Investigative Counsel. [IC1]. In the Letter of Cautionary Advice, the Commission determined Respondent "did not perform your judicial duties, comply with a reasonable directive from a judge with supervisory authority, and failed to cooperate with a judge with

supervisory authority in attempts to communicate with you.” Respondent was advised as follows:

Judge April T. Ademiluyi is cautioned to comply with reasonable directives from judges with supervisory authority. If there are concerns regarding directives or internal issues, they should be communicated timely to the Administrative Judge; a judge may seek out assistance at the Office of Fair Practices, if applicable and necessary. Judge April T. Ademiluyi is cautioned to conduct designated dockets so that the public is not negatively affected. Judge April T. Ademiluyi is encouraged to take advantage of all mentorship opportunities for new judges. You are hereby advised against future sanctionable conduct, as defined in Maryland Rule 18-402(m). [IC1].

Pursuant to Rule 18-425(b)(3), the Commission is permitted to consider the Letter of Cautionary Advice, if relevant, in any subsequent proceedings against Respondent.

After the issuance of the Letter of Cautionary Advice, Respondent continued to question Judge Davey over the need to observe a complete criminal jury selection while conceding that she had not done so. [IC23]. On March 14, 2022, one week after the resumption of jury trials, Respondent wrote to Judge Tillerson Adams to complain about the length of her training, stating, “A long orientation more than one year after sitting on the bench just isn’t necessary and it’s a waste of judicial resources. I don’t need any more judges observing and giving me feedback while I preside over a jury trial . . . Are we finished with the jury trial training? Or are we going to continue to unnecessarily drag this out?” [IC25]. Judge Tillerson Adams responded, stating she would find a time for them to talk. [IC25]. Judge Davey also responded detailing the various issues that had arisen scheduling her training. [*Id.*]. He reiterated, “While the [T]raining [C]ommittee is eager to complete your training, we will not recommend your release until you complete a civil and criminal jury trial (beginning to end), with the same judge who indicates you are ready to hear a jury case by yourself. You need to be in the court, with a judge who indicates you are ready.” [*Id.*]. In response, Respondent stated, “I see from Judge Davey’s

email that the committee has not and will likely never provide a recommendation to you. Are you refusing to end this training and assign me jury trials unless this committee provides a recommendation to you to end the training?” [Id].

Respondent also failed to cooperate with the Honorable Robin Gill Bright, the Judge assigned to observe as the training judge when Respondent presided over civil jury selection in March of 2022. [IC48]. According to Judge Gill Bright in a contemporaneous report submitted to Judge Tillerson Adams as part of the training process, during their second training date, Respondent arrived over an hour late, was unprepared, refused to sit in the courtroom with Judge Gill Bright as required by training protocol, and then did not meet with Judge Gill Bright as requested to discuss the training. [IC48].

On March 22, 2022, Judge Davey scheduled Respondent to sit with him as the training judge to preside over two civil jury selections on March 23, 2022. [IC26A]. Judge Davey joked, “Through no fault of your own, at this rate, we will never get finished with the certification process.” [IC26A]. Respondent complained about not being assigned a criminal trial and stated, “I’ll go to the courtroom[,] but I don’t need you there.” [Id]. Judge Davey explained the requirement that they both be present in the courtroom as “[w]ith training it is even more important so that the senior judge can advise you during the course of the trial. Those are the rules. If you want to do something else, speak to Judge Tillerson Adams.” [Id]. Respondent did involve Judge Tillerson Adams, asking why Judge Davey could not respect social distancing. Judge Tillerson Adams reminded Judge Ademiluyi that there was no longer a social distancing requirement. [Id]. On the morning of March 23, Respondent again questioned the need to conduct civil jury trial training, Judge Tillerson Adams’ authority to enact the training program, and specifically addressed Judge Davey, stating, “I am not interested in your advice throughout the course of the proceeding or anytime concerning any case.” [Id]. Judge Davey cancelled the training and provided a copy of his email exchange with Respondent to Judge Tillerson Adams on behalf of the Training Committee in a Memorandum stating, “The Committee has attempted to complete [Respondent’s]

training as to jury trials and has not received the appropriate and necessary cooperation from [Respondent]. The committee believes that it cannot complete [Respondent's] training without her cooperation. At this time, we cannot certify [Respondent's] preparedness to conduct jury trials." [Id, IC27].

According to both Judges Davey and Tillerson Adams, Respondent's leave schedule interfered with her ability to be assigned criminal jury trials as juries were selected on Mondays. Starting in April 2021, Respondent routinely directed her staff to submit leave for every Monday throughout the year. [IC66, IC90, p. RA0160] [DEPOSITION TESTIMONY OF JUDGE ADEMILUYI, 12/20/2023 at p. 956]. On March 30, 2022, Judge Tillerson Adams wrote to Respondent and noted that on April 4, 2022, ten (10) criminal jury trials were scheduled and "[t]here is a very good likelihood that one of them will go and we can get you trained on the Criminal Jury trials if you give back your leave on Monday, April 4, 2022." [IC28]. Respondent did not reply to this email prior to the April 4, 2022 jury trials.⁶

On May 6, 2022, Respondent replied to Judge Tillerson Adams' March 30, 2022 email with a memorandum detailing her belief that Judge Tillerson Adams had no authority to oversee the orientation program as designed and did not offer to give up any scheduled leave. [IC30]. Respondent also provided a copy of her memorandum and cover letter to Chief Justice Matthew J. Fader on May 6, 2022. [IC31]. Respondent testified that she wrote to Chief Justice Fader in hopes that he would lay out a plan to finish her training. Chief Justice responded by letter dated May 12, 2022, stating, in relevant part:

[F]rom the correspondence you forwarded, it appears that you have not taken the opportunity to complete the jury trial training expected of new judges in the Circuit Court for

⁶ Respondent's delay in responding to Judge Tillerson Adams is in conflict with her testimony that she would have been eager to give up her leave if it meant she could have been scheduled jury trial training. [TESTIMONY OF JUDGE ADEMILUYI, 12/20/2023, Tr. 1167]. We credit the documentary evidence.

Prince George's County. From that correspondence, it appears that opportunities for the completion of that training by sitting on criminal jury trials with experienced judges are available to you if you are willing to come to the courthouse on Mondays when criminal jury trials are scheduled to begin. It is of vital importance that judges receive appropriate training before presiding over jury trials. I trust that you will complete that training in the near future. [IC32].

On May 24, 2022, Respondent agreed to return her leave on Monday, June 6, 2022. [IC33]. Judge Tillerson Adams directed Judge Davey to schedule training on that date. [IC34]. Respondent was assigned to sit with Judge Cathy Serrette as the presiding judge over a criminal jury trial in the matter captioned as *State of Maryland v. Carlos Antonio Lambright*, Case No. CT210423X. Respondent's conduct during the *Lambright* matter is more fully discussed in Section E, *infra*. As described in Section E, Respondent was dismissive of Judge Serrette's advice and took substantive action in the *Lambright* matter without consultation with or even the knowledge of Judge Serrette, including conducting factual *ex parte* research and entering an order contrary to what Respondent had previously ruled while being observed by Judge Serrette.

After receipt of a Memorandum from Judge Serrette [IC52] and the June 16, 2022 Memorandum from the Training Committee [IC63] provided after the *Lambright* matter, Judge Tillerson Adams released the Training Committee from responsibility over Respondent's training and took on the task personally. Judge Tillerson Adams testified that she explained that Respondent was to continue presiding over the *Lambright* matter herself and that Respondent's debriefing with her after the conclusion of the trial was a required step to complete Respondent's training. [IC61]. After the conclusion of the *Lambright* matter, Judge Tillerson Adams made multiple attempts to debrief with Respondent who, by her own admission, repeatedly and curtly refused to meet with Judge Tillerson Adams. In her emails to Judge Tillerson Adams, while refusing to meet with her to discuss the *Lambright* matter, Respondent made disparaging comments about Judges Tillerson Adams and Serrette and blamed them for her own refusal to follow training

protocol; Judge Tillerson Adams had agreed to allow Respondent's staff to attend the meeting, as requested by Respondent, and had assured Respondent that she had no intention of discussing matters Respondent felt were off-limits. [IC59, IC60, IC62].

In addition to failing to participate in training and adhere to training protocols, Respondent failed to adhere to other established courthouse policies. Respondent failed to adhere to the policies and procedures concerning continuances in family matters in August of 2022 when she continued a matter captioned as *Melissa Richardson v. Jesse Richardson*, Case No. CAD21-10826, beyond the try-by date and without contacting or receiving the approval of Judge Woodall, who served as the Family Coordinating Judge at that time. Both Judges Woodall and Tillerson Adams addressed the matter with Respondent via email. [IC38, IC40, IC41, IC42, IC43]. Respondent denied violating any protocols, citing the time standards in the Family Differentiated Case Management Plan ("DCM Plan") [IC35] in support. [IC37, IC42]. Judge Woodall explained that the continuance policy was a courthouse procedure independent of the DCM Plan. [IC37]. Respondent also questioned the authority of the Administrative Judge to create and enforce policies governing the scheduling of cases and stated that she, Respondent, had the authority to handle her cases as she sees fit based on her interpretation of case law. [IC42]. Respondent then filed a memorandum to counsel in the *Richardson* matter setting forth her position regarding the continuance and noting her disagreement with Judge Woodall. [IC39]. When informed of Respondent's conduct, Judge Tillerson Adams directed Respondent to attend a meeting with her to discuss the issue. [IC42]. Respondent refused to participate unless the meeting was on the record with counsel from the *Richardson* matter. [IC43].

Respondent also failed to comply with notice requirements for sick leave. On August 2, 2022, Respondent advised Judge Tillerson Adams that she would not be able to work the following day. [IC67, p. R4A0222]. On August 3, 2022, Respondent notified LaCresha Buchanan, Director of Human Resources for Prince George's County, of the same. [*Id.* at p. R4A0213-R4A0214]. Respondent was instructed by Ms. Buchanan to

contact Judge Tillerson Adams if she needed to take time off and to keep Ms. Buchanan posted on her status. [Id. at p. R4A0213]. No status was provided to Ms. Buchanan until she emailed Respondent on August 10, 2022. [Id. at p. R4A0216-R4A0217]. Ms. Buchanan advised Respondent to “keep Judge Adams updated on your status.” [Id.]. No status was provided to the Administrative Judge until Judge Tillerson Adams emailed Respondent on August 18, 2022, and indicated that she was unaware that Respondent had been absent from the courthouse since August 3. [Id. at p. R4A0222]. Judge Tillerson Adams reminded Respondent that she was required to communicate her status directly to her. [Id. at p. R4A0226]. Ms. Buchanan advised Respondent that she was not authorized to work remotely without the approval of Judge Tillerson Adams. [Id. at p. R4A0224]. On August 22 and 23, 2022, additional emails were exchanged between Judge Tillerson Adams and Respondent due to Respondent failing to report to work on August 22 as scheduled. [Id. at p. R4A0236-R4A0242]. Respondent returned to court on August 25, 2022.

Based on the above, the Commission finds, by clear and convincing evidence, that Respondent failed to abide by multiple courthouse protocols, including for the training of new trial judges, the continuance of cases, and reporting for work, and that her conduct in doing so at times lacked patience, dignity, and courtesy. The Commission further finds, by clear and convincing evidence, that all such directives were reasonable. Accordingly, the Commission finds, by clear and convincing evidence, that Respondent violated Rules 18-101.1, 18-101.2, 18-102.5, and 18-102.8(b).

E. Misconduct Related to Criminal Jury Trial and Criminal Defendants Generally

(Rules 18-101.1 (Compliance with the Law), 18-101.2 (Promoting Confidence in the Judiciary), 18-102.2(a) (Impartiality and Fairness), 18-102.3 (Bias, Prejudice, and Harassment), 18-102.5 (Competence, Diligence, and Cooperation), 18-102.9 (Ex Parte Communications), 18-102.11(a)(4) and (c) (Disqualification), and 18-104.4 (a), (b), (d) (Political Conduct of a Candidate for Election))

Maryland Rule 18-102.2(a) IMPARTIALITY AND FAIRNESS

- (a) A judge shall uphold and apply the law and shall perform all duties of judicial office impartially and fairly.

Maryland 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 politician 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.

Maryland 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.

Maryland Rule 18-102.11 (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:
 - (4) The judge, while a judge or 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.

The Commission found that Respondent violated Rules 18-101.1, 18-101.2, 18-102.2(a), 18-102.3, 18-102.5, 18-102. 9, 18-102.11(a)(4) and (c), and 18-104.4 (a), (b),

(d) in her handling of the *Lambright* case, a case alleging sexual violence. Thereafter, Respondent continued to display bias against criminal defendants generally and lack of impartiality.

On May 25, 2022, Judge Tillerson Adams emailed Judge Davey re: availability for Judge Ademiluyi to begin criminal jury trial training on June 6, 2022. [IC34]. On June 6, 2022, as part of her criminal jury trial training, Judge Ademiluyi was assigned to preside in *State v. Carlos Antonio Lambright*, CT210423X, Circuit Court for Prince George's County, Maryland. Judge Cathy Serrette was assigned to observe Judge Ademiluyi as the training judge. [IC34][IC52].

Mr. Lambright was charged with first-degree rape and assault, among other charges. [IC52][TESTIMONY OF JUDGE SERRETTE, 12/14/2023 Tr. 506]. Prior to the start of the *Lambright* trial, and given the issues that Judge Ademiluyi raised during her 2020 judicial campaign, Judge Serrette went to Judge Ademiluyi's chambers to discuss Judge Ademiluyi's comfort level in presiding over the trial and whether or not Judge Ademiluyi should recuse herself. Judge Ademiluyi told Judge Serrette that she was comfortable presiding over the trial. [TESTIMONY OF JUDGE SERRETTE, 12/14/2023 Tr. 507-08].

In the *Lambright* trial, Respondent did not recuse herself or disclose to the parties the fact of her 2020 campaign video, blog, and any of the statements she made in her video or blog. The State was represented by Assistant State's Attorney Ellen Opdyke, Esquire ("State"). Mr. Lambright was represented by C.T. Wilson, Esquire. [IC51A-1]. At this time, Mr. Wilson had no knowledge of Judge Ademiluyi's campaign. [TESTIMONY OF MR. WILSON, 12/14/2023 at Tr. 566].

One of the State's witnesses during the *Lambright* trial was Rebekah Solomon, the nurse that performed a forensic examination on the alleged victim. Through Ms. Solomon, the State attempted to introduce photographs taken with what was described as a Cortextflo camera, a device that purportedly could show marks from strangulation that are not visible to the naked eye. [IC51D-2 at 3-136 and 3-137]. Mr. Lambright's counsel

objected to admission of the photographs on several grounds, including that the State had not disclosed in discovery that a Cortexflo camera was used to generate the photographs and that the Cortexflo camera was based on a “novel scientific principle that is yet to be accepted by in court [sic] or the scientific community in general.” [IC51D-2 at 3-137-138].

After hearing argument, and conferring with Judge Serrette, Judge Ademiluyi sustained Mr. Lambright’s objection, ruling “ . . . from what I can see, it is a novel technique that is used to detect bruises and other issues on the skin in domestic violence cases and I can’t assess it’s [sic] reliability without a *Daubert* hearing. So at this time, since it’s only being brought up at the 11th hour, there’s no time for it, I’m not going to let it in.” [IC51D-2 at 3-159](footnote added). Thereafter, Ms. Solomon continued, and then concluded, her testimony. [IC51D-2 at 3-212]. The State then called its next witness. Neither party requested reconsideration of Judge Ademiluyi’s ruling.

That night, Thursday, June 9, 2022, Judge Ademiluyi initiated her own research about the evidence she had declined to admit that day. She located an unreported Tennessee case and said of the case that “forensic lighting [was used] to show bruising under the skin on the neck in a rape case in 2011[.]” She went on to say that “The case does not discuss admissibility but it clearly shows that its [sic] not a novel technique.” She directed her staff to provide it to counsel and “[t]ell [them] to be prepared to address this issue again.” [IC53].

That next day, Friday, June 10, 2022, Judge Ademiluyi returned to the admissibility of the photographs taken with the Cortexflo camera and the Tennessee case she had found. After hearing argument from counsel, Judge Ademiluyi affirmed her prior ruling excluding the photographs. [IC51E, pp. 5-17]. The State rested. Mr. Lambright then testified in the defense case and denied having raped or assaulted the alleged victim. He concluded his testimony that day. After reviewing the parties’ verdict sheet with them, Judge Ademiluyi adjourned. Neither party had requested that Judge Ademiluyi revisit her ruling(s) about the photographs she had declined to admit.

That evening, Judge Ademiluyi continued her research about the Cortexflo camera. She emailed her Law Clerk, stating “I can take judicial notice sua sponte of the publications that show the camera is widely known and used. I need all the scientific publications you found on it.” [IC54].

The next morning, Saturday, June 11, 2022, Judge Ademiluyi’s Law Clerk replied to Judge Ademiluyi about the information she had found overnight. The Law Clerk indicated that according to a journal article she found, the technology that the Cortexflo camera uses appears to be old. She added that according to another paper, the Cortexflo camera “takes a regular picture and then digitally alters it.” [IC54].

Two days later, Monday, June 13, 2022, Judge Ademiluyi took the bench, without Judge Serrette, ordered that the trial be suspended and that a *Daubert* hearing be scheduled regarding the photographs taken with the Cortexflo camera. [IC51F, pg. 3]. Judge Serrette entered the courtroom as Judge Ademiluyi was explaining her ruling. [IC51F, pg. 4].

Judge Ademiluyi continued, explaining her research about the Cortexflo technology. Judge Ademiluyi said, “Friday morning, the Court emailed caselaw to both sides advising them to be prepared to address this technology that has been used in hospitals for the same purpose in other states,” apparently referring to the unreported opinion from Tennessee. [IC51F, pg. 4]. Regarding her research, Judge Ademiluyi later added, “The Court now takes this opportunity to clarify to Counsel that the Court has the authority to do its own research and to sua sponte provide evidentiary rulings.” [IC51F, p 5].

Judge Ademiluyi concluded her ruling by saying, “[t]he Court has no bias in favor or against either party.” She added that “. . . to ensure a fair trial, the Court must suspend the trial and hold a *Daubert* hearing.” [IC51F, p. 6]. Judge Ademiluyi made the decision to revisit the admissibility of the photographs during the defense case, and before the State started its rebuttal case. [IC51F, pp 9-10].

Judge Serrette believed Judge Ademiluyi’s decision to revisit the admissibility of the photographs after Mr. Lambright had testified but before the State raised the matter on rebuttal was prejudicial, inappropriate, violative of Mr. Lambright’s rights, and gave

the appearance of partiality. [TESTIMONY OF JUDGE SERRETTE, 12/14/2023, Tr. 521-22].

Regarding whether Judge Ademiluyi discussed with Judge Serrette the matter of returning to the admissibility of the photographs, the Commission credits Judge Serrette's testimony. Judge Serrette attempted to discuss the matter with Judge Ademiluyi and explain her concerns, but Respondent bluntly told Judge Serrette that she did not need or want her advice and she viewed Judge Serrette merely as a resource she no longer intended to use. [TESTIMONY OF JUDGE SERRETTE, 12/14/2023 Tr. 526-27]. Judge Ademiluyi's testimony on this matter was evasive. When asked whether she discussed the matter with Judge Serrette, Judge Ademiluyi testified before the Commission that she did not remember discussing it with Judge Serrette, but offered that she discussed it with Judge Coderre. When asked whether she was assigned to train with Judge Serrette, Judge Ademiluyi responded that she and Judge Serrette were sitting together but that all the Judges trained her. Ultimately, Judge Ademiluyi admitted that Judge Serrette was assigned to be the training judge and that she had not discussed the matter with Judge Serrette. [TESTIMONY OF JUDGE ADEMILUYI, 12/21/2023 at pp. 1333-1334, 1338]. As to when she had talked with Judge Coderre, Judge Ademiluyi admitted in deposition before the Commission that it was "[a]fter I made the ruling and decided to change it." [DEPOSITION TESTIMONY OF JUDGE ADEMILUYI, cited on 12/20/2023 at p. 972].

On June 13, 2022, neither party had requested a *Daubert* hearing or were prepared to address it. When asked whether she was prepared to proceed with a *Daubert* that day, the State responded, "No, Your Honor. I had no idea this was coming." [IC51F at pg. 6]. Mr. Lambright's counsel "object[ed] to the Court's injecting themselves in as a party to this case. Obviously, to say that this is not biased, flies in the face of what we just heard about doing the research to try to support the State's evidence. And no motion has or is pending, as such, both parties are again surprised that there has been a legal argument that we have to be prepared for. So obviously I object to this entire event – these entire

proceedings and the Court's injecting themselves into my client's case." [IC51F, pp 6-8].

After scheduling the hearing for June 21, 2022, Judge Ademiluyi confirmed that one issue was "the novelty of the science used[.]" [IC51F, p 11-12].

Judge Serrette notified Judge Tillerson Adams of her concerns about how Judge Ademiluyi had handled the *Lambright* trial. [IC52]. Judge Tillerson Adams then assigned the *Lambright* trial solely to Judge Ademiluyi and instructed her to meet with Judge Tillerson Adams after the trial was over to debrief.

The next day, Tuesday, June 14, 2022, Judge Ademiluyi continued to investigate the Cortexflo camera herself. Specifically, Judge Ademiluyi emailed the Deputy Director of Prince George's County Family Justice Center ("FJC"), Saran Myers-Martin, asking to speak to her. [TESTIMONY OF MS. MYERS-MARTIN, 12/14/2023 Tr. 622-24]. Judge Ademiluyi spoke to Ms. Myers-Martin and wanted some information about the Cortexflo camera that the FJC had in house. In deposition before the Commission, Judge Ademiluyi said she asked the FJC for the presentation it had just given to new trial judges so that she could give it to the trial judges. [DEPOSITION TESTIMONY OF JUDGE ADEMILUYI, cited on 12/20/2023, Tr. 983]. Within a few hours, Ms. Myers-Martin emailed Judge Ademiluyi "literature" that explained the camera's technology and features, along with several sample pictures taken by a manager at the Family Justice Center who was familiar with the device. [TESTIMONY OF MS. MYERS-MARTIN, 12/14/2023 Tr. 628-31].

The day before the case was set to resume, Judge Ademiluyi told her Law Clerk that the technology of the Cortexflo camera was reliable. Specifically, Judge Ademiluyi told her Law Clerk, "I don't want the case coming back on direct appeal or post conviction over this stupid issue. It's a ridiculous objection. The technology is reliable[,] but I need to make a finding on the record." [IC56B].

That evening, the State notified Judge Ademiluyi, via a courtesy copy of a motion the State intended to file the next day, that the State objected to holding a *Daubert*

hearing the next day. [IC56B].

That next day, Tuesday, June 21, 2022, neither party wanted a *Daubert* hearing. The State told Judge Ademiluyi that it had not had enough time to get together everything it “ . . . would need to successfully put on everything that’s needed for a *Daubert* hearing.” [IC51G-1 at p. 5-6]. When the State told Judge Ademiluyi that “*Daubert* has 10 factors that are supposed to be considered[,]” Judge Ademiluyi asked the State to identify which factors it was having difficulty with.

So I’m not required to consider all the factors here. I have discretion here to determine which factors I deem relevant in order to make a finding of reliability. So which factors are you pointing to that I must consider that are giving you a difficult time in gathering the necessary evidence for me to make that determination? [IC51G-1 at p. 6].

As the State continued to argue against having a *Daubert* hearing, Judge Ademiluyi continued to press the State. The State told Judge Ademiluyi that this was the first *Daubert* hearing on this technology in Maryland, and that it wanted to present evidence of every *Daubert* factor lest it make “bad law.” [*Id.* at p. 6-7]. Judge Ademiluyi asked the State about how widespread use of the camera is, how many hospitals are using the Cortexflo camera in this country, and whether there are other versions of the camera out there. Judge Ademiluyi told the State that she could “ . . . take judicial notice that “ . . . [the use of a contrast filter is] broadly and generally accepted as a way of taking photographs of bruising that you can’t see with the naked eye.”[IC51G-1 at p. 9]. As the State continued to explain why “ . . . it didn’t have anyone to explain” the technology behind the Cortexflo camera, Judge Ademiluyi said that she could “ . . . take judicial notice of scientific publications, because I actually have one on the histogram method that’s maybe about 40 years old.” [*Id.* at p. 15].

When Judge Ademiluyi said that she was not raising *Daubert sua sponte*, Mr. Lambright’s counsel reminded Judge Ademiluyi that he had not requested a *Daubert* hearing either, and that it was the Court that had requested it. [*Id.* at p. 20].

During the parties’ arguments, Judge Ademiluyi mentioned her contact with the

Family Justice Center but not the fact that she had initiated the contact or the extent of what she had learned from the Center. Specifically, Judge Ademiluyi said:

I actually just recently discovered that the Family Justice Center across the street uses the camera, and all new trial judges actually get an orientation in the Family Justice Center and the camera is one of the things that they give us as an orientation on. So this thing is being used. [*Id.* at p. 9-10].

Of the Family Justice Center, Judge Ademiluyi later said:

So – and I’m looking at the training that they give new trial judges on the Cortextflo camera at the Family Justice Center. [*Id.* at p. 53].

To this, Mr. Lambright’s counsel responded that “Your Honor, my argument, I wasn’t even privy to the information you have.” [*Id.* at p. 53].

Ultimately, Judge Ademiluyi allowed the photographs into evidence, taking judicial notice “ . . . of the fact that this camera is – this camera has widespread use throughout this State and other states, so I do find the technology is reliability [sic]. ” [*Id.* at p. 62]. At the time, there was no other evidence before the Court as to the camera’s widespread use or the reliability of the camera’s technology.

Before the Commission, Judge Ademiluyi’s testimony as to whether she had told the *Lambright* parties that she had spoken to the Family Justice Center was not credible. Asked whether she “explicitly [said] to them that [she] contacted and/or spoke with anyone at the Family Justice Center?[,]” Judge Ademiluyi said it was “implicit” in what she told them. Asked whether she “explicitly state[d] it, yes or no?[,]” Judge Ademiluyi responded “Not here. No.” Asked “where did you state it?[,]” Judge Ademiluyi admitted that it was not in the trial transcript, and repeated that it was “implicit in what [she was] saying.” [TESTIMONY OF JUDGE ADEMILUYI, 12/21/2023, Tr. 1327-28].

Before the Commission, Judge Ademiluyi admitted that she did not provide the parties the materials she had received from the Family Justice Center. On this point, Judge Ademiluyi said that when she mentioned “training” to the parties, she was talking about “the brochure” that she got from the FJC. [TESTIMONY OF JUDGE

ADEMILUYI, 12/21/23, Tr. 1325-26]. She assumed that the brochure she received from the FJC was the same as the document entered into evidence by the State during the hearing, but she did not review the documents closely or compare the State's documents to the ones she had received. She admitted that Mr. Lambright's counsel would not have been privy to the brochure she received from the FJC. [TESTIMONY OF JUDGE ADEMILUYI, 12/21/2023, Tr. 1328].

After the verdict,⁷ Judge Ademiluyi called Aisha Braveboy, Esquire, the State's Attorney for Prince George's County, and complained about the Assistant State's Attorney who had tried the *Lambright* case. Ms. Braveboy investigated and had no concerns about the Assistant's performance. [TESTIMONY OF MS. BRAVEBOY, 12/14/2023, Tr. 642, 650].

Six (6) days after the verdict, Judge Ademiluyi emailed Judges Coderre and Judge Gibbs that she was "... still stuck on that DV jury trial!" She asked about amending the *Allen* charge, one of Maryland's Criminal Pattern Jury Instructions. Judge Ademiluyi said that she thought this jury instruction encouraged jurors to acquit so they could "get out of jury service." After Judge Coderre cautioned against amending the instructions, Judge Ademiluyi stated, "Interesting, thanks. You got to learn your power as a judge!" Before the Commission, Judge Ademiluyi first claimed that this email was about a post-conviction case she was working on but later admitted that she had not mentioned a post-conviction in her email to Judges Coderre and Gibbs and that she had sent the email after the *Lambright* trial. [TESTIMONY OF JUDGE ADEMILUYI, 12/20/2023, 12/20/2023, Tr. 1199; 12/21/2023, Tr. 1357].

After this email exchange, Judge Gibbs notified Judge Tillerson Adams about Judge Ademiluyi's possible bias. Judge Gibbs said, "it is troubling that Judge Ademiluyi is being assigned criminal jury trials with this mindset. It appears that she may be biased

⁷ Mr. Lambright was acquitted of all charges by the jury.

and this caused me concern.” [IC86].

About two (2) months later, Judge Ademiluyi continued to display bias and partiality against criminal defendants, this time in communications with her Law Clerk about motions by incarcerated defendants for drug and alcohol abuse evaluations. Judge Ademiluyi told her Law Clerk, “You will see drug and alcohol evaluations request [sic] frequently. It’s a way to get out of prison! Assess procedural and substantive grounds to deny the motion. . . I don’t allow inmates to turn me into a means to avoid the parole board. I have yet to release anyone from prison. Most of the motions are filed pro se and I deny them.” [IC87].

The Commission finds, by clear and convincing evidence, that Respondent displayed bias and a lack of impartiality in her handling of the *Lambright* case and thereafter. Respondent’s 2020 campaign statements could reasonably have been perceived as promising or committing to a particular result or rule in cases alleging sexual violence such as the *Lambright* case. Nonetheless, Respondent did not recuse herself from the *Lambright* case or disclose to the parties that she had made the above statements during her campaign. By independently investigating the reliability of the Cortexflo camera, failing to disclose same to the parties, deciding to revisit her evidentiary rulings (in the absence of her training judge) after the defendant had testified, and then taking judicial notice of the camera’s reliability (over objection), Respondent lacked impartiality and acted in a manner that was biased against the defendant. Her bias and lack of impartiality continued thereafter. Accordingly, the Commission finds, by clear and convincing evidence, that Respondent violated Rules 18-101.1, 18-101.2, 18-102.2(a), 18-102.3, 18-102.5, 18-102. 9, 18-102.11(a)(4) and (c), and 18-104.4 (a), (b), and (d).

In an attempt to overcome these findings of Rules violations, Judge Ademiluyi argues that her handling of the *Lambright* case was not sanctionable because *Daubert* may be raised *sua sponte* by the Court. This argument fails if for no other reason than during the *Lambright* trial itself, Judge Ademiluyi denied having raised *Daubert* as an issue.

Specifically, Judge Ademiluyi said, “No, I’m not raising *Daubert sua sponte*.” [IC 51G-1, p. 20, ll. 4-5]. The Commission fails to see how Judge Ademiluyi can now argue that she raised *Daubert sua sponte* and that her doing so is not sanctionable when her comment during the *Lambright* trial itself was to the contrary.

But even if Judge Ademiluyi had raised *Daubert sua sponte* (certainly the position of the *Lambright* parties), the conduct at issue here was not limited to this one decision. Instead, Judge Ademiluyi engaged in a pattern of decisions finding that the Cortextflo camera’s technology was reliable. These decisions included revisiting evidentiary rulings when neither party requested same, revisiting evidentiary rulings unfavorable to the State after the Defendant testified and denied the allegations, deciding to revisit evidentiary rulings when her training judge was absent from the courtroom, deciding to suspend a jury trial, independently investigating an adjudicative fact, failing to disclose her independent investigation of the adjudicative fact on the record to the parties, suggesting that she would consider fewer than all of the factors necessary to make a ruling of admissibility in order to make that ruling, and finding that technology was reliable based only on judicial notice of what her independent investigation had revealed. Taken together, these decisions are those of a judge bound to reach the result she wanted, not merely one legal ruling, whether correct or not.⁸

Judge Ademiluyi also argues that email exchanges with her Law Clerk should not have come into evidence because they are protected by the judicial deliberative privilege. “ ‘A party raising a claim of judicial privilege has the burden of demonstrating that the

⁸ To be sure, “[w]hen applying and interpreting the law, a judge sometimes may make good-faith errors of fact or law. Errors of this kind do not violate this Rule.” Md. Rule 18-102.2, Comment 3. Judge Ademiluyi does not contend that the decision to revisit *Daubert* was an error. Comment 2 also states “Although each judge comes to the bench with a unique background and personal philosophy, a judge must interpret and apply the law without regard to whether the judge approves or disapproves of the law in question. *Id.*

matters under inquiry fall within the confines of the privilege.” *Adams v. Comm. on Judicial Conduct & Disability*, 165 F. Supp. 3d 911, 925 (N.D. Cal. 2016)(omitting citations).⁹ Here, Judge Ademiluyi provides no authority for the proposition that the judicial deliberative privilege protects a judge’s communications when he or she is the subject of a judicial misconduct proceeding in which those communications are pertinent. Accordingly, because Judge Ademiluyi has failed to meet her burden to demonstrate the applicability of the privilege, her argument fails.

Judge Ademiluyi makes several other arguments, but these are contradicted by the evidence. First, she points to Maryland Rule 18-102.9(a)(4) and argues that her consultation with the Family Justice Center was permitted because she took judicial notice of the Cortexflo brochure. This argument fails because Judge Ademiluyi did not take judicial notice of the brochure. Instead, Judge Ademiluyi said, “the Court takes judicial notice of the fact that this camera is – this camera has widespread use throughout this State and other states, so I do find the technology is reliability [sic].” [IC51G-1, p. 62]. She made no mention of the brochure or receiving it.

Second, Judge Ademiluyi argues that “the brochure is not an adjudicative fact as the rule requires.” This argument is contradicted by the evidence, as well. The day before the *Lambricht* trial resumed, Judge Ademiluyi identified the reliability of the Cortexflo camera’s technology as the adjudicative fact that she was independently investigating. Specifically, Judge Ademiluyi told her Law Clerk “[t]he technology is

⁹ *Adams* did not involve a claim of judicial deliberative privilege by a judge charged with judicial misconduct. Instead, in *Adams*, plaintiffs, who were members of the press, sued the Committee on Judicial Conduct and Disability (the federal counterpart of this Commission), alleging that the Committee had acted unlawfully in failing to release emails written by a judge under investigation. The U.S. District Court for the Northern District of California concluded that the subject emails were not covered by judicial deliberative privilege. Nonetheless, the Court declined to require disclosure of the emails, concluding that Committee investigatory proceedings were confidential by statute and that plaintiffs had failed to demonstrate a First Amendment right to disclosure of the emails. *Adams*, 165 F. Supp. 3d at 930-31.

reliable[,] but I need to make a finding on the record.” [IC56B]. Judge Ademiluyi consulted the brochure as part of her *ex parte* investigation of the camera. Because Judge Ademiluyi failed to disclose her having consulted the brochure to the *Lambright* parties, she violated Rules 18-102.9(b) and (c). “Conduct that compromises or appears to compromise the independence, integrity, and impartiality of a judge undermines public confidence in the judiciary.” Md. Rule 18-101.2(b), Comment 3.

F. The Commission found there was insufficient evidence to conclude Judge Ademiluyi’s conduct violated Maryland Rule 18-102.4 (External Influences on Judicial Conduct), Rule 18-102.7 (Responsibility to Decide), Rule 18-102.12(a) (Supervisory Duties) or Rule 18-103.1 (Extra-Official Activities in General).

III. CONCLUSIONS OF LAW

A. The Commission has both subject matter jurisdiction over the above-entitled case and personal jurisdiction over Judge April T. Ademiluyi, all pursuant to Article 4, Sections 4A and 4B of the Maryland Constitution and Maryland Rules 18-101.1 *et seq.*

B. The Commission is guided by the clear and convincing evidence standard in determining whether a judge has committed sanctionable conduct per Maryland Rule 18-406. Based upon the Commission’s findings as to the specific facts and violations of the Canons of the Maryland Code of Judicial Conduct, as set forth in the Findings of Fact, *supra*, the Commission finds by clear and convincing evidence that Judge April T. Ademiluyi has committed sanctionable conduct, as defined by Maryland Rule 18-402(m)(1), specifically misconduct in office and conduct prejudicial to the proper administration of justice, by violating the following Canons of the Maryland Code of Judicial Conduct:

1. The factual findings by the Commission as to the conduct of Respondent with regard to her lack of cooperation and candor with disciplinary authorities, are proof of, and constitute, violations of the Maryland Code of Judicial Conduct, specifically Rules: 18-101.1 (Compliance with the Law), 18-101.2 (Promoting Confidence in the

Judiciary), and 18-102.16(a) (Cooperation with Disciplinary Authorities).

2. The factual findings by the Commission as to the conduct of Respondent with regard to her conduct as a candidate for election, are proof of, and constitute, violations of the Maryland Code of Judicial Conduct, specifically Rules: 18-101.1 (Compliance with the Law), 18-101.2 (Promoting Confidence in the Judiciary), and 18-104.4 (a), (b), (d) (Political Conduct of a Candidate for Election). With specific regard to Rule 18-104.4, Respondent was a “candidate for election” during the 2020 campaign for the Circuit Court as defined in Rule 18-104.1(c)(1)(A). As an attorney during the election, Rule 18-104.6(a) required Respondent to comply with Rule 19-308.2 which specifically adopts the language of Rule 18-104.4(d)(4) and prohibits a judicial candidate from making “a commitment, pledge, or promise that is inconsistent with the impartial performance of adjudicative duties of the office.” As a successful candidate for election, Respondent is subject to judicial discipline for campaign conduct pursuant to Rule 18-104.6(b).

3. The factual findings by the Commission as to the conduct of Respondent with regard to her failure to exercise appropriate decorum and demeanor, are proof of, and constitute, violations of the Maryland Code of Judicial Conduct, specifically Rules: 18-101.1 (Compliance with the Law), 18-101.2 (Promoting Confidence in the Judiciary), 18-102.2(a) (Impartiality and Fairness), 18-102.5 (Competence, Diligence, and Cooperation), and 18-102.8(b) (Decorum, Demeanor, and Communication with Jurors).

4. The factual findings by the Commission as to the conduct of Respondent with regard to her refusal to comply with reasonable directives and established protocols and procedures, are proof of, and constitute, violations of the Maryland Code of Judicial Conduct, specifically Rules: 18-101.1 (Compliance with the Law), 18-101.2 (Promoting Confidence in the Judiciary), 18-102.5 (Competence, Diligence, and Cooperation) and

18-102.8(b) (Decorum, Demeanor, and Communication with Jurors).¹⁰

5. The factual findings by the Commission as to the conduct of Respondent with regard to her conduct related to *State v. Lambright* and criminal defendants generally, are proof of, and constitute, violations of the Maryland Code of Judicial Conduct, specifically Rules: 18-101.1 (Compliance with the Law), 18-101.2 (Promoting Confidence in the Judiciary), 18-102.2(a) (Impartiality and Fairness), 18-102.3 (Bias, Prejudice, and Harassment), 18-102.5 (Competence, Diligence, and Cooperation), 18-102.9 (Ex Parte Communications), 18-102.11(a)(4) and (c)(Disqualification), and 18-104.4 (a), (b), (d) (Political Conduct of a Candidate for Election). With specific regard to Rules 18-102.11 and 18-104.4, Respondent was a “candidate for election” during the 2020 campaign for the Circuit Court as defined in Rule 18-104.1(c)(1)(A). As an attorney during the election, Rule 18-104.6(a) required Respondent to comply with Rule 19-308.2 which specifically adopts the language of Rule 18-104.4(d)(4) and prohibits a judicial candidate from making “a commitment, pledge, or promise that is inconsistent with the impartial performance of adjudicative duties of the office.” Rule 18-102.11(a)(4) requires a judge to disqualify herself from a proceeding when her impartiality might reasonably be questioned if the judge “while a judge or 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

¹⁰ Before the Commission (and in emails to Judge Tillerson Adams), Respondent relied upon the holding of *St. Joseph Med. Ctr., Inc. v. Turnbull*, 432 Md. 259 (2013), for her position that Judge Tillerson Adams did not have the authority to implement the various protocols and procedures Respondent is accused of violating. *Turnbull*, however, stands for the proposition that an Administrative Judge lacks the authority to vacate and overturn a decision of a trial judge affecting the substantive rights of the litigants. *Id.* at 280. Further, while Respondent cites to *Turnbull* in support of her position that training judges have no authority over the ultimate decisions of judges-in-training, *Turnbull* in fact affirms the broad authority of Administrative Judges to assign matters to specific judges who then have inherent authority over the matter. *Id.* at 280–81. Judge Tillerson Adams testified that matters were assigned to training judges, not judges-in-training.

or controversy.” As a successful candidate for election, Respondent is subject to judicial discipline for campaign conduct pursuant to Rule 18-104.6(b).

IV. CONSIDERATIONS REGARDING THE IMPOSITION OF DISCIPLINE

The Preamble to the Maryland Rules governing judicial discipline provides as follows:

Rule 18-100.4. PREAMBLE.

(a) Importance of Independent, Fair, Competent, Impartial Judiciary. An independent, fair, competent, and impartial judiciary composed of men and women of integrity who will interpret and apply the law that governs our society is indispensable to our system of justice. Thus, the judiciary plays a central role in preserving the principles of justice and the rule of law. Inherent in all the Rules contained in this Code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system.

(b) Dignity of Judicial Office. Judges should maintain the dignity of judicial office at all times, and avoid both impropriety and the appearance of impropriety in their professional and personal lives. They should aspire at all times to conduct that ensures the greatest possible public confidence in their *independence, impartiality, integrity, and competence*. [emphasis added]

(c) Function of Code of Judicial Conduct. This Code of Judicial Conduct establishes standards for the ethical conduct of judges and judicial candidates. It is not intended as an exhaustive guide for the conduct of judges and judicial candidates, who are governed in their judicial and personal conduct by general ethical standards as well as by this Code. This Code is intended, however, to provide guidance and assist judges in maintaining the highest standards of judicial and personal conduct, and to

provide a basis for regulating their conduct through disciplinary agencies.

A. As to the appropriate discipline in a judicial conduct case, the Commission is guided by the General Provisions of the Maryland Code of Judicial Conduct, Maryland Rule 18-100.1 (b)(1)(B), which provides:

Whether discipline should be imposed should be determined through a reasonable and reasoned application of the Rules and should depend upon factors such as the seriousness of the transgression, the facts and circumstances at the time of the transgression, the extent of any pattern of improper activity, whether there have been previous violations, and the effect of the improper activity upon the judicial system or others.

The Commission is also bound by the Supreme Court of Maryland, which has stated that “a sanction must inform the public that we recognize that there has been judicial misconduct, must be sufficient to deter the offending judge from repeating the conduct in the future, and must be sufficient to deter others from engaging in similar conduct and to assure the public that the Judiciary will not condone judicial misconduct. Judicial discipline is not to punish.” *In the Matter of Bruce S. Lamdin*, 404 Md. 631, 653 (2008). *See also In re Turney*, 311 Md. 246, 257 (1987) (observing that “[t]he objective[] of [judicial disciplinary] proceedings, and of any sanction we may impose, are the maintenance of the honor and dignity of the judiciary and the proper administration of justice rather than the punishment of the individual[]”).

Subsequent to the Hearing, the Commission reviewed proposed Findings of Fact and Conclusions of Law submitted by Investigative Counsel and counsel for Judge Ademiluyi. Investigative Counsel recommended Judge Ademiluyi receive a Censure by the Supreme Court of Maryland as well as a three (3) month suspension; Judge Ademiluyi requested that the Commission find no sanctionable conduct.

In mitigation or defense of the instant charges, the Commission also considered Respondent’s assertion that she was acting as a “whistleblower,” and that “[i]t violates

public policy to punish whistleblowers.” The Commission did not find the forgery allegations, hence the “whistleblower” defense, credible.

The Commission considered other mitigating factors from the evidence and character testimony at the Hearing in determining its recommendation as to the appropriate discipline. The Commission notes that some of the misconduct occurred during a period of time when the world, the United States and the State of Maryland were in the throes of the COVID-19 epidemic and the Maryland Judiciary was operating at a significantly reduced capacity with delays and some operational challenges. Nonetheless, the Code of Judicial Conduct was not suspended during the pandemic, and all judges, new and old, are obligated to engage in conduct *at all times* that does not defy the Code.

The Commission considered that there was no prior discipline of the Respondent, but the Respondent previously received a Letter of Cautionary Advice and was cautioned to adhere to the reasonable directives of judges with supervisory authority and to conduct designated dockets so that the public was not negatively affected, and advised against future sanctionable conduct.

The Commission also recognized Judge Ademiluyi became fully certified to conduct all hearings on February 1, 2023. [R26]. It also considered Ms. Hurey’s testimony that Judge Ademiluyi interacted appropriately with recent staff members and bailiffs. The Commission also considered Mr. Joynes’ testimony that Judge Ademiluyi is compassionate, supportive, and responsible.

After consideration of the Facts, Conclusions of Law, and the Considerations Regarding the Imposition of Discipline, the Commission concludes that its recommendations of a Censure and Suspension with conditions is justified. In the present case, Judge Ademiluyi’s behavior is certainly serious, as she engaged in a course of conduct where she did not improve her conduct/behavior after being cautioned to cooperate and comply with reasonable directives from those with supervisory authority, failed to fully cooperate with Investigative Counsel during the investigation of the current matter, refused to comply with reasonable directives and established protocols and

procedures, displayed inappropriate demeanor and decorum to colleagues and courthouse staff, conducted an independent investigation of adjudicative facts in a matter before the court, engaged in *ex parte* communications, displayed partiality and bias in matters before the court, and, prior to her successful judicial election, advertised campaign materials that did not comport with the impartial performance of adjudicative duties of the office.

Accordingly, upon consideration of the actions of Judge Ademiluyi, the violation of Maryland Rules 18-402(m), 18-101.1, 18-101.2, 18-102.2(a), 18-102.5, 18-102.8(b), 18-102.9, 18-102.11(a)(1), (a)(4), & (c), 18-102.16(a), and 18-104.4(b), (d)(1) and (d)(3), the seriousness of the transgressions, and the record as a whole, the Commission found that it was in the best interest of the public and judicial system for Judge Ademiluyi to be censured, suspended without pay, and placed on probation with conditions as set forth below.

B. The Commission hereby refers this matter to the Supreme Court of Maryland with a recommendation to impose the discipline set forth in Paragraph V, F, *infra*. In the Commission's view, the imposition of a reprimand is not commensurate with the serious violations of misconduct in office committed by Judge Ademiluyi and does not reassure the public, and the judiciary that Judge Ademiluyi is fit to sit as a Circuit Court judge. Respondent's conduct raised a substantial question as to the judge's fitness for office. The Commission concludes that Judge Ademiluyi's conduct requires the imposition of a sanction.

As such, the Commission issues these Findings of Fact and Conclusions of Law and refers this matter to the Supreme Court of Maryland for expedited consideration.

**V. ORDER, RECOMMENDATIONS, AND REFERRAL TO THE
SUPREME COURT OF MARYLAND**

IT IS HEREBY **ORDERED** that:

A. The Chair is authorized by all the Commission Members to sign this decision for all those Commission Members present at the Hearing. The signature pages for the Commission Members shall be retained in the Commission file.

B. The Executive Counsel of the Commission is to take all necessary steps to file with the Supreme Court of Maryland the entire hearing record, which shall be certified by the Chair of the Commission and shall include the transcript of the proceedings, all exhibits, and other papers filed or marked for identification in the proceeding, as required by Maryland Rule 18-435(e)(4). The entire hearing record shall be provided to Judge Ademiluyi.

C. The Executive Counsel is, pursuant to Maryland Rule 18-404(b), to promptly serve Judge Ademiluyi, via electronic mail, the notice of the filing of the record and a copy of the Findings of Fact, Conclusions of Law, Order and Recommendations by the Commission in this matter.

D. This document, all exhibits introduced into evidence, and the transcript are hereby entered into the record in the name of the Commission.

E. The Commission, by unanimous vote, found by clear and convincing evidence that Judge Ademiluyi has committed sanctionable conduct, as defined by current Maryland Rule 18-402(m), by violating the Canons of the Maryland Code of Judicial Conduct, as set forth above.

F. The Commission, by unanimous vote, hereby refers the above-captioned matter to the Supreme Court of Maryland with its recommendations as follows:

1. The Censure of Judge April T. Ademiluyi as a Circuit Court Judge in Prince George's County Maryland for violations committed in CJD 2022-079; and
2. Six (6) consecutive months' suspension from work without pay; two (2) consecutive months shall be served immediately. The remaining four (4) months

shall be suspended subject to Judge Ademiluyi's compliance with the following conditions:

- a. placement on, and successful completion of, one (1) year probation, to begin after completion of the above two (2) months suspension without pay;
- b. engagement and cooperation with a mentor judge assigned by the Supreme Court of Maryland or Commission who will provide monthly reports to the Commission;
- c. cooperation with a probation monitor assigned by Supreme Court of Maryland or Commission who will report monthly to the Commission;
- d. submit to a health care evaluation, to be performed by a qualified health care professional(s) who is acceptable to the Commission and/or the Supreme Court, for a complete emotional, behavioral and prosocial assessment;
- e. fully cooperate in the health care evaluation and comply with the recommended course of treatment, including counselling, if any; and
- f. attend and timely complete any and all Maryland judiciary trainings as well as educational and ethics trainings designated by the Commission during the probationary period.

Dated this 15th day of February, 2024.

Maryland Commission on Judicial Disabilities

By:

Judge Anne Albright

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