

STATE OF MARYLAND

BEFORE THE COMMISSION ON JUDICIAL DISABILITIES

In the Matter of the	*	CJD 2024-033, CJD 2024-034,
HONORABLE MARC KNAPP	*	CJD 2024-035, CJD 2024-040,
Judge of the Orphans' Court for	*	CJD 2024-046, CJD 2024-047,
Anne Arundel County	*	CJD 2024-052 & CJD 2024-068

FINDINGS OF FACT, CONCLUSIONS OF LAW,
ORDER AND RECOMMENDATION

Pursuant to Amended Charges filed by Investigative Counsel in CJD 2024-033, CJD 2024-034, CJD 2024-035, CJD 2024-040, CJD 2024-046, CJD 2024-047, CJD 2024-052, and CJD 2024-068, and the response thereto filed by Judge Marc Knapp (hereinafter “Respondent” or “Judge Knapp”), and prior written notice of hearing to Respondent, a public hearing was conducted in the above-entitled matter (hereinafter “Hearing”), as authorized by Maryland Rules 18-431 and 18-434, on October 14, 29, and 30, 2025 before the Maryland Commission on Judicial Disabilities (hereinafter “Commission”). Tanya C. Bernstein, Esq., Investigative Counsel and Derek A. Bayne, Esq., Deputy Assistant Investigative Counsel, prosecuted the case against Respondent, Judge Marc Knapp. Respondent was present at the Hearing and was represented by counsel, William C. Brennan, Jr., Esq.

The following Commission Members participated in the Hearing: Honorable Anne K. Albright (Chair); Honorable Lisa Hall Johnson (Vice-Chair); Honorable Yolanda A. Tanner, Chaz R. Ball, Esq., Tara A. Barnes, Esq., Kimberly A. Howell, Dr. Alphonsus Korie, Andrea M. Fulton Rhodes, Elizabeth Solar, Marisa A. Trasatti, Esq, and Gerard Young. The eleven 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, and having deliberated in private, the Commission found that the Hearing was conducted according to the rules, statutes, and procedures required by law. The Commission then considered all of the admitted evidence, assessed the reliability and credibility of the admitted evidence, and the arguments of the parties. The Commission has also considered the parties' proposed Findings of Fact and Conclusions of Law, and any amendments the parties submitted.

The Commission hereby issues the following Findings of Fact, Conclusions of Law, Order and Recommendation to the Supreme Court of Maryland as to the imposition of discipline, pursuant to Maryland Rule 18-435(e). All of the following factual findings, including those in the Procedural History and in the Findings of Fact, are made by clear and convincing evidence.

I. PROCEDURAL HISTORY

The investigation in this matter was undertaken following Investigative Counsel's receipt of multiple complaints against Judge Knapp and upon Investigative Counsel's own initiative. In accord with Maryland Rule 18-422(a)(4)(C), Investigative Counsel notified Judge Knapp of the pending investigations. Specifically, Judge Knapp was notified of pending investigations on the following dates:

- On May 21, 2024, Judge Knapp was notified of investigations in the CJD 2024-033, CJD 2024-034, CJD 2024-035, CJD 2024-040, CJD 2024-046, and CJD 2024-047 matters; [IC15].
- On May 30, 2024, Judge Knapp was notified of an investigation in the CJD

2024-052* matter; (*there is a typographical error in the caption listing the case number as CJD 2024-051). [IC15].

- On June 25, 2024, Judge Knapp was notified that the scope of investigations in CJD 2024-033, CJD 2024-034, CJD 2024-035, CJD 2024-040, CJD 2024-046, and CJD 2024-047 was supplemented to include the criminal charges pending against Judge Knapp in D-07-CR-24-006676. [IC15].
- On July 9, 2024, Judge Knapp was notified of an investigation in the CJD 2024-069 matter. Investigative Counsel corrected the case number in this matter to CJD 2024-068 on July 17, 2024. [IC15].¹

With each of these notices, Judge Knapp was reminded of the confidentiality of the investigation(s). Specifically, Judge Knapp was reminded “**[t]his communication and all future communications and information related to this investigation shall be confidential in accordance with Rule 18-407.**” (emphasis in original).

With each new investigation notice, Judge Knapp was reminded of his obligation regarding spoliation of evidence. Specifically, Judge Knapp was reminded of “. . . your

¹ Judge Knapp responded to Investigative Counsel’s investigations as follows:

- On June 14, 2024, Judge Knapp responded to Investigative Counsel’s investigations in the CJD 2024-033, CJD 2024-034, CJD 2024-035, CJD 2024-040, CJD 2024-046, and CJD 2024-047 matters. [IC16].
- On July 7, 2024, Judge Knapp responded to Investigative Counsel’s June 25, 2024 letter. [IC16].
- On July 15, 2024, Judge Knapp responded to Investigative Counsel in the CJD 2024-052 and CJD 2024-069 [068] matters. [IC16].
- On August 5, 2024, Judge Knapp responded to Investigative Counsel’s investigation in CJD 2024-068. [IC16].

obligation to preserve any and all records or evidence that could be relevant to the investigation, including but not limited to . . . notes, files, memoranda, . . . electronic statements, or other materials whether paper, electronic, or otherwise stored.”

While the matters were proceeding through the investigative and disciplinary process, the Supreme Court of Maryland placed Judge Knapp on interim administrative leave, and then interim suspension, all with compensation, all non-disciplinary orders without a determination of sanctionable conduct, and subsequently returned Judge Knapp to judicial service, as follows:

- On July 9, 2024, the Supreme Court of Maryland placed Judge Knapp on interim administrative leave with compensation following receipt of a Statement of Charges and Application for Statement of Charges filed against Respondent in the District Court of Maryland. [IC18].
- On October 8, 2024, the Supreme Court of Maryland rescinded its July 9, 2024 Order and returned Judge Knapp to regular duties as a Judge of the Orphans’ Court of Anne Arundel County.
- On December 19, 2024, the Supreme Court of Maryland placed Judge Knapp on interim suspension with compensation following Judge Knapp’s indictment in the Circuit Court for Anne Arundel County, having been charged with unlawful interception of oral communications and misconduct in office. [IC19].
- On May 9, 2025, the Supreme Court of Maryland rescinded the interim suspension imposed by its December 19, 2024 Order.²

On February 24, 2025, Charges were initiated by Investigative Counsel against Judge Knapp in CJD 2024-033, CJD 2024-034, CJD 2024-035, CJD 2024-040, CJD

² Pursuant to Maryland Rule 5-201(a), the Commission takes judicial notice of the Maryland Supreme Court’s Orders of October 8, 2024 and May 9, 2025.

2024-046, CJD 2024-047, CJD 2024-052, and CJD 2024-068 as directed by the Commission pursuant to Maryland Rule 18-431(a).³

On May 1, 2025, Investigative Counsel amended the Charges. The Amended Charges alleged that Judge Knapp committed sanctionable conduct⁴ in violation of Maryland Rules 18.101.1 (Compliance with the Law); 18-101.2 (Promoting Confidence in the Judiciary); 18-101.3 (Avoiding Lending the Prestige of Judicial Office); 18-102.3 (Bias, Prejudice, and Harassment); 18-102.5 (Competence, Diligence, and Cooperation); 18-102.8 (Decorum, Demeanor, and Communications with Jurors); 18-102.10 (Judicial Statements on Pending and Impending Cases); 18-102.16(b) (Cooperation with Disciplinary Authorities); and 18-103.1(d) & (e) (Extra-Official Activities in General).

After listing the Rules allegedly violated, the Amended Charges specified the alleged conduct that violated the Rules. Thus, the Amended Charges detailed Judge Knapp's (1) Improper Decorum, Interference with the Operations of the Orphans' Court, and Undermining Public Confidence in the Judiciary; (2) Public Comments on Pending Cases; and (3) Breach of Confidentiality of Commission Matters. On June 5, 2025, Judge Knapp filed a Response to the Amended Charges through counsel.

³ On May 12, 2025, through counsel, Judge Knapp filed a Response to the Charges.

⁴ "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 the provisions of the Maryland Code of Judicial Conduct promulgated by Title 18, Chapter 100 may constitute sanctionable conduct." Md. Rule 18-402(m)(1).

At the Hearing, Investigative Counsel called twelve witnesses: Deborah Cheek (Auditor and Assistant Court Administrator for the Anne Arundel County Register of Wills), Hon. David Duba (Former Anne Arundel County Orphans' Court Judge), Corporal Juan Fuentes (Anne Arundel County Police Department), Cody Henson (Security Guard for the Watkins Security Agency stationed at the Anne Arundel County Orphans Court), Georges-Phillipe Hetherington (Former Law Clerk for Anne Arundel County Orphans' Court), Officer Brenden King (Anne Arundel County Police Department), Detective Michael Krok (Forensics Digital Examiner for Anne Arundel County Police Department), Corporal Joseph Mastros (Anne Arundel County Police Department), Eunice Owens (County Administrator for Anne Arundel County Register of Wills), Karen Recinos (Deputy for Anne Arundel County Register of Wills), Tameka Smith (Chief Deputy for Anne Arundel County Register of Wills), and Sergeant Heather (f/k/a Robinson) Whittaker (Anne Arundel County Police Department). Investigative Counsel entered twenty-seven exhibits; they are referred to herein as "[IC_]."

Respondent testified and called two character witnesses: Trevor Kiessling, Esq., and Audrey McFarlane, Professor at the University of Baltimore School of Law. Respondent entered three exhibits; they are referred to herein as "[R _]."

Having been invited to do so by the Commission, the parties each submitted proposed Findings of Fact and Conclusions of Law and were afforded the opportunity to amend their proposed Findings of Fact and Conclusions of Law.

II. FINDINGS OF FACT

The Commission assessed the credibility and reliability of all of the evidence, and considered the arguments of counsel. In general, the Commission found the witnesses credible and the documentary and other physical evidence reliable. Respondent was not entirely candid about his conduct, however. It was apparent that he did not fully appreciate how his conduct affected others. Regarding his deletion of audio recordings he had made of his colleagues without their consent, Respondent was not credible.

The Commission found, by clear and convincing evidence, that Respondent'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 three (3) categories of conduct outlined in the Amended 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, our focus is not on the categories themselves, but the Rules implicated by Respondent's conduct.

Maryland's Orphans Courts are established by Article IV, Section 1, of Maryland's Constitution. Md. Const. art. IV, § Art IV, 1. ("The Judicial power of this State is vested in . . . Orphans' Courts.). Orphans' Courts are Maryland's probate courts, empowered to "[d]irect the conduct of a personal representative[,]” and issue orders “required in the course of the administration of an estate[,]” or “necessary to determine

the value or sources of payment of an elective share,” among other powers. Md. Code Ann., Est. & Trusts (“ET”) § 2-102. The Orphans’ Courts also have jurisdiction over some guardianships and protective proceedings. ET § 13-105.

“Orphans’ Court judges are responsible for approving administration accounts, making sure that only appropriate payments are made from estate assets and that distributions are made to the proper beneficiaries or heirs. Generally, payment of attorney’s fees or personal representative’s commissions made from estate assets must be approved by the Orphans’ Court.”⁵

With exceptions not relevant here,⁶ each Orphans’ Court has three judges. Orphans’ Court judges run for general election every four years. Maryland’s Constitution requires that Orphans’ Court judges be Maryland citizens and residents of their jurisdiction for at least 12 months before their election. In Baltimore City, Baltimore County and Prince George’s County, Orphans’ Court judges must be admitted to the bar in Maryland. That is, they must be Maryland attorneys licensed to practice law in Maryland. In other counties that have a separate Orphans’ Court (including Anne Arundel County), the judges need not be members of the bar in Maryland or otherwise licensed to practice law. Md. Const. art. IV, § 40.

⁵ “Orphans’ Court,” Maryland Courts, <https://www.mdcourts.gov/orphanscourt>, (accessed February 14, 2026).

⁶ Harford, Howard, and Montgomery Counties have no separate Orphans’ Court judges, relying instead on circuit court judges to sit as Orphans’ Court judges. Maryland Code, Estates and Trusts Article, § 2-106.

In counties having a separate Orphans' Court, the number of judges needed to make a decision varies with whether the judges are required to be admitted to the Maryland bar. Where Orphans' Court judges are required to be admitted to the Maryland Bar (Baltimore City, Baltimore County, and Prince George's County), judges preside over cases alone and may make decisions alone. Elsewhere, where Orphans' Court judges are not required to be members of the Maryland bar (Anne Arundel County, for one), judges sit in a panel to hear matters, and at least two judges are required for the Orphans' Court to "act." ET § 2-106(a)(3) ("Two judges shall have full power to do an act which the court is or may be authorized by law to perform, and two of them shall have power to hold court on a day not named in an adjournment, on the application of a person having pressing business in the court, if notice be given to any interested person, and the register records that notice has been given.").

"Some estates proceed smoothly, and, other than seeing the Orphans' Court judge's signature on various estate documents, a personal representative and/or beneficiaries or heirs may have no direct contact with the Orphans' Court judges. In other estates where disputes arise, Orphans' Court judges hold formal hearings on issues such as the validity of a particular Will or Codicil (which is an amendment to the original Will); proper beneficiaries or heirs and/or amounts to be distributed to them; who should be appointed personal representative; whether to remove a personal representative who has not properly carried out his or her duties; or what claims (and amounts) may be paid from the estate. Sometimes there are disputes concerning payments to be made to

the personal representative or estate attorney.”⁷

“In formal hearings, the Orphans’ Court judges – like any other trial court judges – must consider the evidence submitted (including testimony) and apply the appropriate Maryland laws in order to resolve the dispute.”⁸

Pursuant to Section 2-107 of Maryland’s Estates and Trusts Article, the Governor of Maryland must designate and commission one of the Anne Arundel County’s Orphans’ Court judges to serve as Chief Judge. Once designated and commissioned, the Chief Judge has “full power and authority” to “act as chief judge.” ET § 2-107(a).

Anne Arundel County’s Orphans’ Court is located at 2011-E Commerce Park Drive in Annapolis. It shares space with the Register of Wills for Anne Arundel County, with the Register’s offices occupying separate areas of the building, but sharing a public entrance equipped with a magnetometer and security personnel. [IC6A-1] Section 2-3-201 (1985 Code, Art. 4, § 3-102) of the Anne Arundel County Code establishes the hours of operation for the Anne Arundel County Orphans’ Court. Since 1985, this section has provided that the Orphans’ Court “shall sit for the transaction of business from 10:00 am to 3:00 pm.” During all relevant times, the Anne Arundel County Orphans’ Court sat on Tuesdays and Thursdays from 10:00 am to 3:00 pm. [TESTIMONY OF JUDGE DAVID DUBA, Tr., p. 221][TESTIMONY OF JUDGE MARC KNAPP, Tr., p. 612].

⁷ “Orphans' Court," Maryland Courts, <https://www.mdcourts.gov/orphanscourt>, (accessed February 14, 2026).

⁸ *Id.*

A. Improper Decorum, Interference with the Operations of the Orphans’ Court, and Undermining Public Confidence in the Judiciary

Maryland Rules 18-101.1 (Compliance with the Law); 18-101.2 (Promoting Confidence in the Judiciary); 18-102.3 (Bias, Prejudice, and Harassment); 18-102.5 (Competence, Diligence, and Cooperation); 18-102.8(b) (Decorum, Demeanor, and Communications with Jurors); 18-102.16 (Cooperation with Disciplinary Authorities)

Respondent Judge Marc Knapp earned his bachelor’s degree from Brown University in 1966, having majored in history and economics. He subsequently graduated from Columbia University with a master’s degree in business administration, having majored in finance. Judge Knapp worked for almost forty years in the financial industry, at an executive level, on financial risk and contracts. After retiring from the finance industry in 2007, Judge Knapp started law school in 2010 at approximately sixty-six years of age. He passed the Maryland Bar Exam in 2014 and became a licensed attorney. After figuring “no way in hell any reasonable law firm is going to go to hire... this potentially cranky 70-year[-]old associate” and not having the energy to build a law practice, Judge Knapp volunteered his time and experience to assist clients with early-stage businesses in the Small Business Administration’s SCORE program.⁹

[TESTIMONY OF JUDGE MARC KNAPP, Tr., pp. 596-598].

Respondent learned about the Orphans’ Court in Anne Arundel County in 2018 when he received a flyer on an election day. After being told by an election official that

⁹ SCORE is the former Service Corps of Retired Executives program.

one needed a law degree and “50 bucks” to file to run in the election, Judge Knapp subsequently learned “she was wrong. You don’t need a law degree, only 25 bucks, easy. Not a high bar...” [TESTIMONY OF JUDGE MARC KNAPP, Tr., pp. 598-600]. Judge Knapp filed to run in the November 2022 election (the next election) for Orphans’ Court Judge in Anne Arundel County, as he had made “great effort to get a law degree and a law license,” never really used it and didn’t want it to be “a wasted resource.” He was confident he could do the job based on his finance experience and law school courses. He campaigned with David Duba (another candidate for judge of the Orphans’ Court). Together, they took the lead in campaigning as the third candidate, Judge Vickie Gipson, was an incumbent in the position. [TESTIMONY OF JUDGE MARC KNAPP, Tr., p. 601].

Respondent, Judge Duba, and Chief Judge Gipson were successful in the November 2022 election. Neither Judge Duba nor Chief Judge Gipson were admitted to practice law in Maryland. Judge Duba had not attended law school. Chief Judge Gipson was admitted to practice law in the District of Columbia and Pennsylvania.

Chief Judge Gipson and Judge Duba were sworn in on December 1, 2022. Chief Judge Gipson was promptly commissioned as Chief Judge after appointment by the Governor of Maryland. At the time Chief Judge Gipson and Judge Duba were sworn in, Judge Knapp was on vacation in Europe; he was sworn in to office in January 2023. At the time he was elected, Judge Duba was a full-time teacher at Bowie High School in Prince George’s County. Following his swearing-in, Judge Duba did not routinely report

for work at the Orphans' Court during the hours it conducted business (10:00 am to 3:00 pm) until late May or early June 2023. [TESTIMONY OF DAVID DUBA, Tr., pp. 220-223].

Chief Judge Gipson, Judge Duba, and Respondent shared one space for their office Chambers, with each having their own desks. The desks were positioned roughly in a hypotenuse triangle. From one entrance to Chambers, Respondent's desk was to the left, with his desk chair positioned with his left side closest to the left wall. Judge Duba's desk faced the wall across from Respondent's. Judge Duba's chair faced the right wall so that his back was toward Respondent's desk. Chief Judge Gipson's desk was diagonally across the shared space from Respondent's desk. Judge Gipson's desk chair could be positioned to face outward toward Respondent's desk or the rear wall. Adjacent to Chambers was a small kitchenette area. [IC6A-1, IC6A-6 AND IC6A-7].

After "going along" for approximately six to eight weeks, tensions arose between Respondent and Chief Judge Gipson over decisions and drafting opinions. Of Chief Judge Gipson's writing, Respondent said "she uses English words, but they sure are not English sentences." Judge Knapp determined that his task was to take what Chief Judge Gipson wrote and "put it into English." [TESTIMONY OF JUDGE MARC KNAPP, Tr., pp. 616-620]. Respondent characterized changes that Chief Judge Gipson made to orders and decisions that he drafted as "plagiarism." Respondent shared his frustration in this regard with Judge Duba.

In the Spring of 2023, clashes over decisions and writing styles morphed into

shouting loud enough to be heard outside Chambers, drawing “the attention of members of the Register of Wills or the public.” [TESTIMONY OF DAVID DUBA, Tr., p. 146]. At one point, “the Registers came”¹⁰ and told them to “cool it.” [TESTIMONY OF JUDGE MARC KNAPP, Tr., pp. 630-631]. Respondent acknowledged that he and Chief Judge Gipson were told on at least two occasions that they could be heard in the area where staff of the Register of Wills met with the public. In reflecting on the yelling and screaming, Judge Knapp told the Commission “I felt like an asshole...” [TESTIMONY OF JUDGE MARC KNAPP, Tr., p. 633].

To Judge Duba, Respondent’s conduct and manner of interacting with Chief Judge Gipson during this period was rude, antagonistic, and adversarial. [TESTIMONY OF DAVID DUBA, Tr., pp. 146-149]. In one incident in Chambers, Respondent approached Chief Judge Gipson during an argument, leaned over her desk at which she was seated, and stated he did not respect her. [TESTIMONY OF DAVID DUBA, Tr., p. 150]. Judge Duba found Respondent’s behavior so disturbing that he began contemporaneously documenting it.

In the meantime, Respondent also argued with Chief Judge Gipson in public hearings. On April 18, 2023, the Estate of Cemile Marshall, Estate No. 87055, was before the court for a status hearing. [IC13A]. During this hearing, and on the record,

¹⁰ This was a reference to those who worked in the Register of Wills office, which was on the other side of the same floor in the building that the Register of Wills and the Orphans’ Court shared.

Respondent argued with Chief Judge Gipson about whether funds paid to an interested person pursuant to a life insurance policy had to be repaid to the estate.

MS. LATORRE: I guess Jane got a check from the insurance company for my mom. But it was made to her, not to the estate. And that money she used to get the dog.

JUDGE GIPSON: So then, that's not an estate asset.

JUDGE KNAPP: Well, was the check payable to Jane as the –

JUDGE GIPSON: She just said it was paid to Jane.

JUDGE KNAPP: No, she said she got the check.

JUDGE GIPSON: She said it came to Jane.

JUDGE KNAPP: It came to Jane, that's correct. But the check was not necessarily payable to Jane. It just could have been sent to Jane but payable to the estate. If the check was payable – if Jane –

JUDGE GIPSON: Let's ask the question. Was the check payable to Jane?

[IC13A, p. 75, lines 2-22.]

In the Spring of 2023, Respondent's disrespect for Chief Judge Gipson continued. Judge Duba scheduled an internal meeting to better work together and establish office norms. Respondent would not agree to agree to "fundamental things" such as listening to each other, not interrupting and being respectful. [TESTIMONY OF DAVID DUBA, Tr., pp. 151-154]. The session was considered "a flop" as the judges could not agree on the definition of "acting respectful." Although Respondent did his "damndest to deflect," when pressed, he expressed his honest opinion "that Judge Gipson was not a good attorney. At that time, by the way, I still thought she was an attorney. That she

wasn't a good judge, that her writing was woeful, and that she had absolutely zero leadership skills." [TESTIMONY OF JUDGE MARC KNAPP, Tr., p. 646].

Subsequently, Judge Duba suggested that the judges participate in a session at the Anne Arundel Conflict Mediation Center mediation. After cancelling court in order to attend mediation, this session was similarly unsuccessful with Respondent having repeated his criticism of Judge Gipson. Judge Knapp then reached out to Chief Justice Fader's Chambers¹¹ and the Anne Arundel County Human Resources. [TESTIMONY OF JUDGE MARC KNAPP, Tr., pp. 673-675].

From the Fall of 2023 until May of 2024, intermittent "fighting" continued. Respondent refused to agree to respect his fellow judges or to listen to them without interrupting. [TESTIMONY OF DAVID DUBA, Tr., pp. 151-154].

Disagreements over the drafting of opinions continued to the point that the judges brought them to the attention of the Register of Wills. In late August of 2023, the court heard the "Mitchell" case and took it under advisement. Judge Knapp drafted a dissent to be filed with Chief Judge Gipson's majority opinion. In October 2023, following multiple inquiries about the status of the majority opinion, Respondent walked to Chief Judge Gipson's desk and said "Vickie, please stop dicking around." [TESTIMONY OF JUDGE MARC KNAPP, Tr., p. 684]. Chief Judge Gipson responded that she was still

¹¹ Chief Justice Matthew Fader, of the Supreme Court of Maryland, came to the court in early 2023 to meet with the judges. Chief Justice Fader suggested that the judges get in touch with him if they had any problems. [TESTIMONY OF JUDGE MARC KNAPP, Tr., p. 673].

working on it. Respondent described Chief Judge Gipson’s response to his “dicking around” statement as a “metaphorical pearl-clutching moment” and she advised the former Register of Wills that Judge Knapp had cursed at her. When Chief Judge Gipson returned to the Orphans’ Court chambers with the former Register of Wills, Judge Knapp repeated the phrase, to which the former Register “rolled her eyes.” Later that day, Judge Knapp went to the clerk’s office and learned Chief Judge Gipson and Judge Duba signed the Mitchell opinion and Order without notifying him, so he grabbed the document to add his dissent for filing. [TESTIMONY OF JUDGE MARC KNAPP, Tr., pp. 684-688].

Before the Commission, Respondent explained that he did not consider the “dicking around” phrase cursing at someone, acknowledged to the Commission that he could have said ‘[s]top dithering please,’ adding “but we’re not in Victorian England.” [TESTIMONY OF JUDGE MARC KNAPP, Tr., pp. 684-685].

Fueled by his belief that there was a concerted effort to block his ability to issue dissents and to change the court from a three-judge to a one-judge court, Respondent’s failure to cooperate and lack of courtesy continued. On January 9, 2024, the Estate of Marion Wierzbowski, Estate No. 110664, was before the court on Notice of Judicial Probate.¹² After hearing from the litigants, Judge Duba and Judge Knapp agreed that

¹² “Administrative probate” differs from “judicial probate.” *McIntyre v. Smith*, 159 Md. App 19, 29-31 (2004).

The principal difference between the two forms of probate is that the former is an administrative proceeding before the register of wills while the latter

Mr. Wierzbowski would be appointed personal representative and indicated as much from the bench. [IC13B]

JUDGE GIPSON: Excuse me. The very first thing you should open is an estate bank account. But these are all questions that you can ask the deputy, and they can walk you through what the process is. We're a little bit behind schedule. So, do you have any objection to [Mr. Wierzbowski's] appointment?

JUDGE KNAPP: I do not. But –

JUDGE DUBA: I do not.

[IC13B, p. 88, lines 2-12.]

Thereafter, however, Respondent continued, returning to a disagreement he had had with Chief Judge Gipson earlier in the hearing about whether the next step in the estate was to open an estate bank account or wait until there was cash to open the account.

JUDGE KNAPP: -- let me just back up here. I appreciate you [referring to Chief Judge Gipson] like to interrupt, but, no, the first thing is not to open up an estate bank account. There's no cash in the estate. You're going to have to put money in to have a bank account open.

is a judicial proceeding before the orphans' court.

In conducting judicial probate, the orphans' court may hold plenary proceedings, ET § 5–404(b), call witnesses, ET § 2–102(a), and resolve issues of fact, ET § 2–105(a). After doing so, the orphans' court “shall determine the testamentary capacity of the decedent if he died testate,” and “shall appoint one or more personal representatives.” ET § 5–404(a). If appropriate, the court may “revoke, modify, or confirm action taken at the administrative or any prior judicial probate.” *Id.*

McIntyre v. Smyth, 159 Md. App. at 30.

[IC13B]. Respondent continued for what would become six more transcript paragraphs about possible next steps. Chief Judge Gipson then concluded the hearing, indicating that that “we are running very behind” and that Mr. Wierzbowski would be appointed upon the filing of necessary paperwork with the Register of Wills.

At another hearing on January 9, 2024, the Estate of Dorothy Bradford, Estate No. 108738, was before the court on a Notice of Judicial Probate. [IC13C-1 and 13C-2]. One of the issues before the court was whether a copy of a will would be admitted to probate. During the hearing, after Respondent had asked a series of questions about the will, and Chief Judge Gipson questioned whether the parties could come to an agreement on the issue, Respondent was openly hostile to Chief Judge Gipson and responded rudely when Respondent perceived she interrupted his questioning.

JUDGE GIPSON: So, the problem is, is that the copies are defective, significantly so.

MS. LINDA BRADFORD: Okay.

JUDGE GIPSON: So, we need to have an original.

MS. LINDA BRADFORD: Okay.

JUDGE KNAPP: Okay. Excuse me. We have a difference of opinion on the Court as to the admissibility of the copies.

MS. LINDA BRADFORD: Okay.

JUDGE KNAPP: So, that was one judge's opinion. It is not this judge's opinion.

[. . .]

JUDGE KNAPP: Okay. And you have no other siblings?

MS. LINDA BRADFORD: No.

JUDGE KNAPP: Okay.

JUDGE GIPSON: Let me ask a question. So, is there any objection to reaching a family agreement similar to what's in the will? Do you have any objection to that? Is there somehow –

JUDGE KNAPP: Before we get there --

JUDGE GIPSON: No, I -- actually, I asked a question.

JUDGE KNAPP: Yeah, I realize you did, but you --

JUDGE GIPSON: What is --

JUDGE KNAPP: -- you jumped in before I finished my questioning. Thank you, Judge Gipson.

[. . .]

JUDGE GIPSON: So, what I heard you say was that it was a copy of a copy, and I heard the other Ms. Bradford say the same thing, which is significant. So, it's not really a copy of the will, it is a copy of a copy.

MR. BERMAN [Attorney]: That is correct Your Honor.

JUDGE GIPSON: Okay. So on that basis, I would say it's inadmissible. Okay.

JUDGE KNAPP: Okay. Again, one judge's opinion.

[. . .]

JUDGE GIPSON: ... So, I kind of would like for you guys to have some – to take a second and see if you can't have some discussion among yourselves to see if you can reach a conclusion as to how you'd like to handle it. Because I'd rather you come up with a conclusion as to how you'd like to handle it. Because I'd rather you come up with a conclusion that you can live with rather than us

dominating and imposing our decision on you. Would that –

JUDGE KNAPP: Okay – go ahead.

JUDGE GIPSON: Would that be something that you would consider doing?

MS. LINDA BRADFORD: I will take it under consideration.

JUDGE GIPSON: Okay.

JUDGE KNAPP: Okay. I would also just like to point out that, like it or not, I believe my colleague essentially put some pressure on you to come up with an agreement with your sister. And I would urge you to ignore any feelings that you might have that you're doing that for the benefit of the Court because you are not. I understand that you do not care for your sister. That's fine.

MS. LINDA BRADFORD: It's not that I don't care for her. It's just –

JUDGE KNAPP: Whatever it is. Okay. You don't want to have – you don't want to deal with her on this issue. That's fine.

MS. LINDA BRADFORD: Financially. We don't see eye to eye --

JUDGE KNAPP: That's cool.

MS. LINDA BRADFORD: -- financial responsibilities. I love my sister. She's my sister, so –

JUDGE KNAPP: Okay. But you don't want to work with her on this.

[. . .]

JUDGE KNAPP: And before we leave, again I will kind of reiterate what I said before referencing my colleague's sort of paternalistic leaning on you to play nice with your sister. If you do not feel comfortable that you can – that it's going to be effective working with your sister, hold your ground. Do not go along with that simply because my colleague would like you to do that, okay. I mean, it would be one thing, again, if, instead of your sister being co-personal representative, if Mr. Berman were. Now, I mean, that is an alternative that you may want to consider. And again, whether he is willing to do that, don't know. Of course, he

has to get paid. *But again, simply because my colleague has instructed you to play nice with your sister, that is not a legal position. That is not something you necessarily have to do. And if you do not – and if you feel, for whatever reason, that you’re not going to be comfortable in that role, don’t do it.*

[IC13C-1, pp. 95, 99, 100, 103, 105-107, and 111-112] (emphasis added).

During the April 18, 2024 hearing in the Estate of Joan Gale Wright, Estate No. 97829, Respondent undercut Chief Judge Gipson in a frustrated tone when she attempted to question the personal representative, insisting she was violating an agreement to “not take testimony,” even as Chief Judge Gipson was attempting to address preliminary administrative issues. [IC13D].

JUDGE GIPSON: Okay. So, we have a problem because I don’t –

JUDGE KNAPP: Okay. I’m sorry. Judge Gipson, did you not say that we are not taking any testimony because the – Mr. Aaron Wright and/or his counsel are not present?

[IC13D, p. 121, lines 5-10.]

During the Spring of 2024, Respondent directed his use of profanity toward his colleagues and declined to moderate his behavior when asked to do so. Prior to this point, Respondent’s use of profanity (“hell,” “fuck,” “shit”) was in casual conversation and not directed at anyone. [TESTIMONY OF DAVID DUBA, Tr., pp 165-66]. In the Spring of 2024, however, Respondent began to use profane language in Chambers routinely, in casual conversation, towards his fellow judges, and in the presence of staff. [TESTIMONY OF DAVID DUBA, Tr., pp. 165-166][TESTIMONY OF GEORGES-PHILIPPE HETHERINGTON, Tr., p. 305]. Respondent used words such as “picky ass”

and “bullshit.” [TESTIMONY OF DAVID DUBA, Tr., p. 234]. Chief Judge Gipson would say “. . . don’t speak to me that way.” [TESTIMONY OF JUDGE DUBA, Tr., p. 166.]. Nonetheless, Respondent’s discourtesy toward, and lack of respect for, Chief Judge Gipson continued. [TESTIMONY OF GEORGES-PHILLIPE HETHERINGTON, Tr., p. 305].

At one point later in the Spring of 2024, Respondent got very angry, eyes “sort of bulging,” and, for the first time with Judge Duba, got “elevated,” speaking to Judge Duba “like [Judge Duba] had seen [Respondent] speak to [Chief] Judge Gipson.” This was over changes Judge Duba added to an Order Respondent had drafted. Respondent called the changes “picky ass” and criticized Judge Duba for not being a lawyer or having gone to law school. [TESTIMONY OF DAVID DUBA, Tr., pp. 163-164]. Respondent said, “You’re not an attorney, you know you don’t know what the hell you’re doing.” [TESTIMONY OF JUDGE MARC KNAPP, Tr., p. 705].

On April 23, 2024, Chief Judge Gipson emailed Respondent, “[t]o ensure appropriate decorum in the office – please do not curse at the other judges or berate the judges for not having legal training.” Respondent replied, “how about for generally acting like assholes?” [IC 8A][TESTIMONY OF DAVID DUBA, Tr., pp 168-69]. Respondent acknowledged having probably said “I don’t give a shit” “once, maybe twice” in court and “bullshit” more frequently. [TESTIMONY OF RESPONDENT, Tr., p. 429]. He also admitted having said, “quit fucking around” and “picky ass comments” in Chambers. [Respondent’s Proposed Findings of Fact & Conclusions of Law (“R’s

PFFCL”) at 5].

That same day, April 23, 2024, during a hearing recess in which the judges had intended to discuss a legal issue, Respondent and Chief Judge Gipson got into an argument in Chambers in the presence of Mr. Hetherington and Cody Henson, a building security guard Chief Judge Gipson had asked to be present in Chambers. On hearing the argument from an adjacent room, Mr. Hetherington entered Chambers and saw Respondent approaching Chief Judge Gipson, who was seated. Chief Judge Gipson repeatedly asked Respondent to back away from her and not come any closer.

[TESTIMONY OF DAVID DUBA, Tr., pp. 170-174]. Respondent ignored her, stood over Chief Judge Gipson, and got “in her face.” [TESTIMONY OF GEORGES-PHILLIPE HETHERINGTON, Tr., pp. 306-309]. Mr. Henson saw Respondent approach Chief Judge Gipson being “extremely like loud, over the top, you know.” [Tr., p. 170; & TESTIMONY OF CODY HENSON, Tr., pp. 277-278]. When Respondent asked Chief Judge Gipson if she was afraid of him, and Chief Judge Gipson responded “yes,” Respondent then stated to Mr. Henson, “If I hit her, you can shoot me.” [TESTIMONY OF RESPONDENT, Tr., p. 713].

Before the Commission, Respondent attempted to minimize the incident, both as to how close he was to Chief Judge Gipson and as to what he said to Mr. Henson. “And so I walked over and, you know, leaned over the table, you know, in [Chief Judge Gipson’s] general proximity... And then she said, ‘Get away,’ you know, something. ‘Go away.’ You know, and I rolled my eyes and said something like, you know, ‘Why? Are

you afraid of me?’ You know, and she said yes. And so, I, you know, straightened up, you know, as rapidly as I could, which is none too rapid at all. You know, and as I backed away, I said to the guard in a totally facetious, sarcastic manner, you know, ‘If I touch her, you can shoot me.’” [TESTIMONY OF JUDGE MARC KNAPP, Tr., p. 713].

Contentious hearings on the record continued. According to Mr. Henson, who was in the courtroom during hearings, Respondent was unprofessional and addressed Chief Judge Gipson in an insulting way “almost every time” he was in the courtroom. [TESTIMONY OF CODY HENSON, Tr., pp. 288-89]. Mr. Hetherington described similar behavior, and Judge Duba stated at times he could see the reactions of members of the public upon witnessing Respondent’s behavior. [TESTIMONY OF DAVID DUBA, Tr., pp. 159-160].

On May 2, 2024, Respondent was rude and unprofessional both on the bench and in Chambers. In court, the judges heard two cases, Estate of Emma Izzard, Estate No. 90447 and Estate of Shirley D. Allen, Estate No. 111278.¹³

In Estate of Emma Izzard, Respondent suggested that Chief Judge Gipson did not care about the outcome of an issue that was before the court and suggested that the court would not be able to return to the case in the future if that was needed. The matter was before the court on a petition for Rose Carter to be able to purchase real property and related issues. Chief Judge Gipson and Judge Duba agreed to approve Ms. Carter’s

¹³ Judge Duba was not initially present and did not deliberate this case.

purchase. Respondent disagreed with the decision, indicating that the court should have permitted a purchase by anyone who wanted to purchase the property, not limited to Ms. Carter.

JUDGE GIPSON: So, to add clarity to what Judge Knapp has shared, the petition is on behalf of Ms. Rose Carter, and that's what we are approving. Should it become necessary at some point in the future to sell it to someone else for whatever the reason where Ms. Rose Carter is not part of that transaction, we will consider that at that time. You can just write a line or something like that and we'll take that into consideration. It's not a big deal. But I think that, out of respect for the fact that she submitted the petition, that the approval should be for the purchase for her.

JUDGE KNAPP: Okay. It may not be a big deal to Judge Gipson, but in the event that there is an offer and there is a time-is-of-the essence thing, you won't necessarily get a, you know, a timely answer from the Court, you know. Things get caught up here and -- which is why, again, I would give you the latitude to act, you know, without the Court's permission.

[IC13E, p. 137, line 6 to p. 138, line 5.] (emphasis added).¹⁴

In Estate of Shirley D. Allen, Estate No. 111278, Respondent also undermined the court. That matter was before the court on a Notice of Judicial Probate and related issues. After hearing from the parties, Chief Judge Gibson suggested they try to settle their dispute. In explaining his disagreement with this suggestion, Respondent said, “[a]nd again, this is Judge Gipson's unofficial position. It is not the position of the Court if we say the Court consists of both of us, okay.” [IC13F, p. 148, lines 10-13.]

Off the bench, Respondent’s anger over his disagreements with Judge Gipson and

¹⁴ Thereafter, Chief Judge Gipson indicated that the court could act on an emergency request for further relief on an expedited basis.

Judge Duba spilled over onto others. Security Guard Cody Henson, who was stationed in Chambers, saw Respondent “pacing back and forth, was using a little bit of profanity, and it was intense to a point where [Mr. Henson] said – let [Respondent] know that [Mr. Henson] had to write a report about it and everything.” Respondent then proceeded to invade the personal space of Mr. Henson, pointed his finger at Mr. Henson, and “barely touched him.” Chief Judge Gipson told Respondent to “back away.” [TESTIMONY OF CODY HENSON, Tr., pp. 284-286].

Respondent minimized this incident in his testimony before the Commission, describing his behavior toward Mr. Henson as “polite” and saying that they were “about arm’s length apart.”

JUDGE KNAPP: Okay. So he was there. And I characterized something. And I'm not sure if I characterized what -- something that was said by one of my colleagues as bullshit or something that was said by, you know, somebody who was giving testimony as bullshit. And I hope I'm not offending you all. I mean, it's a nice terse, get-to-the-point word. And so, the guard -- I think that was Cody Henson. He said, ‘I'm going to have to write you up.’... So, I went over to Cody and I said, you know, politely, you know, ‘I'd like to see the -- your report once you write it up.’... You know, we were relatively close to each other, as he previously testified back in, I don't know, October of '24. We were about arm's length apart.”

[TESTIMONY OF JUDGE MARC KNAPP, Tr., pp. 714-716].

Thereafter, Respondent refused to work in Chambers with a security guard present, and instead worked in the courtroom. Prior to upcoming hearings, Respondent was asked multiple times to leave the courtroom so that the judges could enter together as a group but he would not do so. On May 16, 2024, Respondent remained on the bench

and refused to accede to Chief Judge Gipson's request that he not work on the bench before and between hearings. The argument between Respondent and Chief Judge Gipson was so loud that several people in the Register of Wills offices could hear it, including Deputy Register of Wills Karen Recinos, who heard the argument as she sat at her desk assisting the public. [VIDEO TESTIMONY OF KAREN RECINOS, Tr., pp. 391-393] Respondent's refusal to leave the bench prompted Chief Judge Gipson to direct that a 9-1-1 call be placed from the courthouse to the Anne Arundel County police. [TESTIMONY OF DAVID DUBA, Tr., pp. 184-185].

Corporal Brian Cross and Officer Brenden King of the Anne Arundel County Police Department arrived and entered the courtroom to speak with Respondent after conferring with the other judges in Chambers. Both were wearing and using body worn cameras. The officers attempted to mediate the situation. Corporal Cross offered to move a chair into the conference room so that Respondent could work there. [IC 6B-1, pp. 17-18]. They reminded Respondent that "when you're a judge, you're in the public eye[.]" Judge Knapp said to the officers, "I'm perfectly ok with the public catching on to the crap that goes on in this court... Is there a statute that I have to walk in with others?... this court is non-functioning." He also acknowledged being aware of Chief Judge Gipson's complaints against him, stating he hadn't yet done something, but "now is the time." [IC6B-1, pp. 24, 25, 39 and 48].

As the situation continued, a supervisory officer, Anne Arundel County Police Lieutenant Cox, arrived. He was there "[b]ecause of the nature of this because we're

dealing with judges I need to be here as a supervisor. So, we've got plenty of other calls for service that I could be on right now. I'm here." [IC 6B-1, p. 45, lines 11-15].

Respondent was frustrated, angry, and aggressive. [IC 6B-1, p. 47, lines 5-17]. After confirming with Respondent that he had a hearing and was supposed to be on the bench, Lt. Cox encouraged Respondent to "move forward" with the hearing. Lieutenant Cox asked whether the judges had tried mediation. Officer King reminded Respondent that his position as a judge is "one of the most professional occupations" in the county [IC6B-1, p. 42, lines 1-2], before they oversaw the three judges proceed into the courtroom to sit on the bench together.

Later, Respondent would repeatedly minimize the May 16, 2024 incident. On May 20, 2024, when describing the incident during direct testimony under oath,¹⁵ Respondent mentioned why he was working in the courtroom but failed to fully describe his role in the standoff or that the police had been called.

JUDGE KNAPP: The discussion I had with that I had with that attorney was I was sitting in there, the attorney came in, and I just explained to him that, that there was a guard in the other room made me [sic] uncomfortable. And so I was sitting in there. And then Judge Duba, Judge Gipson came in, we conducted business, and that was that.

[IC1, p. 120, lines 9-14].

In deposition before the Commission, Respondent further minimized the May 16, 2024 incident, failing to mention his comment to the attorney about why Respondent was

¹⁵ Respondent gave this testimony during a hearing on Chief Judge Gipson's Petition for a Temporary Peace Order. That hearing is discussed below.

working from the courtroom.

[IC]: And at some point, did any litigants for that hearing enter the courtroom?

[JUDGE KNAPP]: Before I entered the courtroom, an attorney was admitted into the courtroom. I mean, that was unusual, sort of improper, because usually, you know, they're not let in until the judges are ready to go in. So, this was you know, well before that time. So he was sitting there. I walked in, sat down, and that was it...

[IC]: Did you speak with him at all?

[IC]: I may have said hello, but that was about it.

[Tr., pp. 447-448].

When, at the Hearing before the Commission, Respondent was questioned about the May 16, 2024 incident, Respondent continued not to mention the breadth of his comments to the attorney in the courtroom.

[MR. BRENNAN]: Was any members of the public, any litigants or people appearing before the Orphans' Court in there while you were doing this work?

[JUDGE KNAPP]: When the time came for – we had two hearings that day. When the time rolled around for the first hearing to start, for some reason or other, somebody let the litigant, who was an attorney, in. He had to be let into the courtroom. It's a locked door. So, somebody let this individual in. And, you know, he came in there and he sat down. And he saw me at the bench and, you know, he said, 'Good morning,' and I said, 'Good morning.' I mean such pleasantries, and that was that.

[TESTIMONY OF JUDGE MARC KNAPP, Tr., p. 699].

On May 20, 2024, Chief Judge Gipson petitioned the District Court for Anne Arundel County for a peace order. A hearing was held on May 21, 2024. Orphans' Court hearings were again cancelled for that day. [TESTIMONY OF DAVID DUBA,

Tr., p. 216]. All three judges testified at the May 21, 2024 hearing. [IC2] [IC1-Redacted Transcript].

During the May 21, 2024 hearing, Judge Knapp made it clear he would not obey what he perceived as an order from Chief Judge Gipson. Concerning the incidents in which he approached Chief Judge Gipson and was asked to back away, Respondent admitted he refused to do so, characterizing the requests as “orders” that he refused to follow:

THE COURT: Well, you were talking about being asked to leave on the – I think it was the 13th.

JUDGE KNAPP: Overall, again, this is an issue of Judge Gipson feeling she has authority to order me around. The testimony was when I approached her, it wasn't that she asked me to not come close to her. She ordered me to come -- not come close to her. She testified that --

THE COURT: I mean, whether it was asking or ordering, I mean, don't you think at that point you want to stop approaching her?

JUDGE KNAPP: It doesn't --

THE COURT: Doesn't she have a right to her personal space?

THE WITNESS: Your Honor, it's gotten to the point where I am so sensitive to her ordering me to do things because of her high handedness, because of the way that she deals with me, and deals with my work, that it's a touch point, and it's a flash point. And so am I going to do anything to her physically? No. Am I going to obey what I perceive as an order from her? No.

[IC1, pp. 124-125]. Respondent also repeatedly and pointedly criticized his fellow judges, and in particular Chief Judge Gipson, her abilities as a judge, use of her role as Chief Judge, and her leadership of the court. [IC1, pp. 125- 132].

A Temporary Peace Order was granted in favor of Chief Judge Gipson against

Respondent, the District Court finding that it had “reasonable grounds to believe” that Respondent had harassed Chief Judge Gipson. Effective through June 3, 2024, the Order identified Respondent and Chief Judge Gipson as Maryland judges, “petitioner and respondent are both elected officials who serve together as judges on the [O]rphan[']s [C]ourt for [A]nne [A]rundel [C]ounty.” The Order restricted Respondent’s and Chief Judge Gipson’s contact with each other, including during deliberations. Thus, the Court ordered that

[a]ll contact between petitioner and respondent shall be lawful and limited to the performance of their official duties, including presiding over[] court sessions and deliberating on decisions or opin[io]ns. No in person contact between petitioner and respondent shall occur without third parties present which may include facility security.

[IC2](all caps removed from original). Respondent was also ordered not to harass Chief Judge Gipson, or commit acts of “misuse of telephone facilities and equipment,” or “misuse of electronic communication or interactive computer service[,]” among other standard provisions in the Order.¹⁶

After the Temporary Peace Order hearing, Respondent refused to speak with

¹⁶ The Order was in effect until June 3, 2024, and later extended. Among the Order’s standard provisions were orders that “Respondent SHALL NOT commit or threaten to commit any of the following acts against the person for whom relief is sought: an act which causes serious bodily harm; an act that places the person for whom relief is sought in fear of imminent serious bodily harm; assault; false imprisonment; harassment; stalking; trespass; malicious destruction of property; or interactive computer service; revenge porn; or visual surveillance[,]” and further, that “Respondent shall not enter the residence of the person for whom relief sought [at undisclosed location for reasons of safety. (Residence includes yard, grounds, outbuildings, and common areas surrounding the dwelling.)”

Judge Duba and Mr. Hetherington because they had been present for the hearing and willing to testify. Specifically, Respondent told them “well, seeing as how the two of you are prepared to testify against me and want to send me to jail, there’s now a barbed wire fence in between us, you’re on one side, I’m on the other, you’re my enemy now, don’t talk to me.” [TESTIMONY OF DAVID DUBA, Tr., pp. 189-190].

On May 21, and 30, 2024, Investigative Counsel sent Judge Knapp Notice of Investigation Letters and reminded him of his preservation and confidentiality obligations. In this regard, Respondent was told “[p]lease also consider this a formal reminder of your obligation to preserve any and all records or evidence that could be relevant to this investigation, including but not limited to any documents, notes, files, memoranda, correspondence, photographs, statements, electronic records, emails, text messages, or other materials whether paper, electronic or otherwise stored. **This communication and all future communications and information related to this investigation shall be confidential in accordance with Rule 18-407.** [IC15] (emphasis in original).

On June 3, 2024, the Temporary Peace Order was extended through June 24, 2024, and Final Protective Order hearing scheduled for June 24, 2024. [IC4]. Thereafter, Respondent continued making sarcastic comments at the Orphans’ Court about Judge Duba and Chief Judge Gipson’s contentions at the peace order hearing. On June 4, 2024, for example, Respondent said, “I hope I’m not too close to you and that you don’t feel threatened by me standing near your desk.” [TESTIMONY OF DAVID DUBA, Tr., pp.

191-192].

On June 4, 2024, and despite having been ordered not to harass Chief Judge Gipson or misuse telephone facilities or electronic communication, Respondent started using his cell phone to record the court's confidential judicial deliberations between him, Chief Judge Gipson and Judge Duba. Respondent did not obtain prior consent from the individuals present during the deliberation before recording them on his cell phone, as required by Md. Code Ann., Cts. & Jud. Proc. §10-402 (2025). For these deliberations, Ms. Cheek and Mr. Hetherington were also present and did not consent to be recorded. [TESTIMONY OF DAVID DUBA, Tr., p. 199]. [TESTIMONY OF GEORGES-PHILLIPE HETHERINGTON, Tr., p. 314]. [TESTIMONY OF EUNICE OWENS, Tr., p. 332]. [TESTIMONY OF DEBORAH CHEEK, Tr., p. 336]. Respondent recorded the following deliberation on his cell phone:

**SEALED AS CONFIDENTIAL JUDICIAL DELIBERATIONS
OF THE ORPHANS' COURT FOR ANNE ARUNDEL COUNTY
PLEASE REFER TO SEALED EXHIBIT APPENDED HERETO**

[IC6A-8]. Chief Judge Gipson, Judge Duba, Ms. Cheek, and Mr. Hetherington did not consent to being recorded. This June 4 recording was deleted by Judge Knapp in the presence of Anne Arundel County police officers on June 20, 2024; the officers were at the Court to seize Respondent's phone due to a complaint(s) that he was recording individuals without their consent, detailed *infra*. The deleted recording was recovered by Anne Arundel County Police Detective Michael Krok, who testified as an expert witness for Investigative Counsel.

On June 11, 2024, Respondent told Chief Judge Gipson and Judge Duba that he was making recordings of them in Chambers and held out his phone to show them.¹⁷ The other judges told him that they did not consent to being recorded. Judge Duba believed, at that point, that Respondent did stop recording. [TESTIMONY OF DAVID DUBA, Tr., pp. 195-97][Tr., pp. 199, 200, 201, 314, 336].

On June 13, 2024, Assistant Attorney General Mark H. Weisner told Respondent via email that recording conversations without the express consent of all involved was illegal, and to “refrain” from doing so.

“Good evening, Judge Knapp –
It has come to my attention that you have attempted to record several conversations while in the Orphans’ Court/Register of Wills offices. Please be advised that in Maryland it is illegal to record a conversation without the express consent of all individuals involved. Md. Code Ann., Cts. & Jud. Proc. § 10-402(c)(3).
In the future, please refrain from recording any conversation unless every party to the conversation has consented. If an individual asks you to stop recording, please honor that request. Thank you.
Mark”

[IC8D]. [TESTIMONY OF DAVID DUBA, Tr., pp. 201-203].

Respondent continued to record. On June 18 and 20, 2024, Respondent stated ‘I’m recording while I’m speaking, don’t talk while I’m speaking, and I’ll pause the recording when it’s your turn to talk.’ [TESTIMONY OF DAVID DUBA, Tr., pp. 204-

¹⁷ According to Judge Duba, Respondent’s purpose in making the recordings was that “he thought we were twisting his words and that he wanted to record himself speaking in particular to capture his own words so they couldn’t be twisted or used against him.” [Tr., p. 201].

205]. [TESTIMONY OF MARC KNAPP, Tr., pp. 755-756].

On June 20, 2024, Chief Judge Gipson placed a second 9-1-1 call, this time to report that Respondent had violated the Temporary Peace Order by recording conversations on his cell phone without consent. [TESTIMONY OF DAVID DUBA, Tr., pp. 206-208][TESTIMONY OF CORPORAL JOSEPH MASTROS, Tr., pp. 46-48; TESTIMONY OF SERGEANT HEATHER WHITTAKER, Tr., p. 73]. Cpl. Joseph Mastros, Sgt. Heather Whittaker (f/k/a Robinson), and Corporal Juan Fuentes of the Anne Arundel County Police Department responded to the Orphans' Court, and interviewed Respondent, among others. [TESTIMONY OF CORPORAL JOSEPH MASTROS, Tr., pp. 46-48; TESTIMONY OF SERGEANT HEATHER WHITTAKER, Tr., p. 73]. All three officers were wearing, and using, body worn cameras.

Thereafter, Respondent, in the presence of the police, knowingly and intentionally deleted from his cell phone the recordings he had made of his colleagues. Initially, to Corporal Mastros, Respondent minimized the significance of the recordings, telling Corporal Mastros that he had recordings on his phone that predated his being told he could not record, that the recordings were of himself, and that when he stopped talking, he paused or stopped the recording.

JUDGE KNAPP: I get it. I understand. And actually -- and I have those recordings.

CPL. MASTROS: Okay.

JUDGE KNAPP: So, and what I'm recording is me.

CPL. MASTROS: Gotcha.

JUDGE KNAPP: And I advise them that I'm -- because they said they don't want to be recorded --

CPL. MASTROS: Mm-hmm.

JUDGE KNAPP: -- or at least Judge Gipson. And so, I advise them when I'm talking. I'm clear about it. When I stop talking, I pause the or stop the recording; I'm not sure what I'm doing, but turning it off...

[IC6A-7].

When Corporal Mastros told Respondent that his cell phone was going to be seized, Respondent told him he could not do so, and said the “allegation was absolutely nonsense[.]”

CPL. MASTROS: Basically, with, like, the allegations, though, I am going to have to seize the phone. All right.

JUDGE KNAPP: Seize my phone?

CPL. MASTROS: Yes.

JUDGE KNAPP: No, you can't...

CPL. MASTROS: But it's just with this allegation and everything like that, we have to handle it as strict to policy as possible, okay.

JUDGE KNAPP: Okay. Yeah. Again, I mean, there are recordings on here, before I was advised that I cannot record, okay...

CPL. MASTROS: All right. If you want to talk to my sergeant about why we're seizing it, that's fine.

JUDGE KNAPP: Yeah, yeah. Again, because, you know, I would be more than happy to play the recordings that were done. You know, that's fine. And, you know, and so maybe that'll help. But, you know, this *allegation is absolutely nonsense...*

[. . .]

CPL. MASTROS: So, I'll get my sergeant to come in here. That way --

JUDGE KNAPP: Yeah. Okay. Yeah. Because, again, these are -- you know, there's an accusation of doing this, which is it's flat-out not true.

[IC6A-7](emphasis added).

While awaiting the arrival of Corporal Mastros' Sergeant, Respondent suggested the charge was "false," suggested that the seizure of his phone could be avoided, and that he had "nothing to hide."

JUDGE KNAPP: You know, this is -- you know, we're talking about a, you know, a serious, serious level of inconvenience --...

JUDGE KNAPP: -- because of a false charge, okay...

JUDGE KNAPP: Maybe then we can avoid the phone seizure stuff, okay...

JUDGE KNAPP: Nothing to hide here.

[IC6A-7].

Once Sgt. Whittaker arrived to address the phone seizure, Respondent admitted to having "a whole bunch of recordings[,] " suggested that the recordings "in question would be the ones from today," and that one from June 11 "didn't count."

JUDGE KNAPP: Okay. *Yeah. I mean, there are a whole bunch of recordings on here.*

SGT. WHITTAKER: Okay.

JUDGE KNAPP: *I mean, the ones in question now would be the ones today, right? So, this one over here, the 11th, that doesn't count. Okay. That was --*

SGT. WHITTAKER: So --

JUDGE KNAPP: -- that was before anybody said, "You can't record." So, today's recordings, just so that we can -- because you guys take this phone away and I'm really going to be screwed, so --

SGT. WHITTAKER: Okay. So, let me stop you right there. Are you willing to let us look through all of these recordings?

JUDGE KNAPP: Yeah. Oh yeah. Absolutely.

[IC6A-7](emphasis added).

After Sgt. Whittaker planned next steps, she told Judge Knapp that the recordings she needed to see were not limited to that day. Judge Knapp then admitted he had a recording from June 4.

JUDGE KNAPP: Yeah. And again, there's a series of recordings today.

SGT. WHITTAKER: So, it isn't just going to be today, sir, because the issue is, is that, regardless of whether or not someone said you were okay with them being recorded, it's still against the law to film or record someone without their consent.

JUDGE KNAPP: Okay.

SGT. WHITTAKER: So, if you didn't ask them their consent prior to today's date, it's still unlawful. So, we need to look at all the recordings, I believe --

JUDGE KNAPP: That's fine.

SGT. WHITTAKER: -- starting from the week of the 11th.

JUDGE KNAPP: Okay. That's fine. *Okay. So, the ones here dated June 4th you don't care about, right?*

SGT. WHITTAKER: Well, are they here and are you recording people without their consent, would be my question.

JUDGE KNAPP: These were recorded here, but June -- again, these were -- the county attorney --

SGT. WHITTAKER: Maybe we should start with that. Okay.

JUDGE KNAPP: -- the county attorney sent me a memo. I forget the date of it. We could --

SGT. WHITTAKER: June 13th.

JUDGE KNAPP: June 13th, okay. Whatever it was. And after that memo, receipt of that memo --

SGT. WHITTAKER: Okay.

JUDGE KNAPP: -- then, you know, okay, I was advised that, you know, recording people before that, not allowed. I'm not totally sure what these recordings are. You know, but if this is a private matter, get rid of them.

[IC6A-7](emphasis added).

Judge Knapp then admitted that he understood that under the Temporary Peace Order, he was prohibited from using "electronic stuff."

SGT. WHITTAKER: So, when was your peace order served against you, sir?

JUDGE KNAPP: Yeah, I know. And --

SGT. WHITTAKER: No, no, no, I asked you. When was it served?

JUDGE KNAPP: When was it?

SGT. WHITTAKER: Yeah.

JUDGE KNAPP: Oh, I don't know. I'd have to --

SGT. WHITTAKER: We can look it up. Hang on one second. I'll tell you.

JUDGE KNAPP: -- look at a calendar. June 6th, maybe? It was like a Monday or Tuesday.

CPL. MASTROS: 6/3.

SGT. WHITTAKER: So, June 3rd.

JUDGE KNAPP: June 3rd.

SGT. WHITTAKER: So, we would be interested in any recordings from June 3rd on because the peace order stipulates that you can't use -- what's the word?

JUDGE KNAPP: Electronic stuff.

SGT. WHITTAKER: Yeah, the electronic stuff. So, anything --

JUDGE KNAPP: Okay.

SGT. WHITTAKER: -- from June 3rd on is what we would be interested in. So, if you're willing to play all those videos for us, that would be great.

JUDGE KNAPP: Yeah. Let's do it.

[. . .]

SGT. WHITTAKER: And that will be evidence for us.

JUDGE KNAPP: Okay. Let's do it. I mean, these are audio.

SGT. WHITTAKER: Okay. So, if you don't mind just setting your phone down so we can view what you're looking at?

JUDGE KNAPP: Okay. Here. These are phone calls, right.

SGT. WHITTAKER: Right.

JUDGE KNAPP: Okay. How do we do this?

SGT. WHITTAKER: How long are these recordings?

JUDGE KNAPP: I don't know. They're short. These are today, right?

SGT. WHITTAKER: Not just today, though, you understand?

[IC6A-7](emphasis added).

After Sergeant Whittaker had clarified that she wanted all recordings, Judge Knapp admitted to having deleted some.

JUDGE KNAPP: I -- you know, recordings from before today I got rid of, okay, so -- because, you know, I was told "You can't do it," so I didn't do it because I got rid of them, okay. So, I don't have those.

[. . .]

SGT. WHITTAKER: Okay. Do you mind if I scroll through these?
Because –

JUDGE KNAPP: No.

SGT. WHITTAKER: Okay.

SGT. WHITTAKER: Because you literally just had videos on here from --

JUDGE KNAPP: No, no, no. These are all recordings, only audio.

SGT. WHITTAKER: I don't mean videos, I'm sorry.

JUDGE KNAPP: Audio.

SGT. WHITTAKER: I mean audio recordings from different days other than today. You just said --

JUDGE KNAPP: Yeah.

SGT. WHITTAKER: -- the 6th, the 3rd. So, what happened to those? Like, in the last couple minutes, what happened to those?

JUDGE KNAPP: I might have deleted those. You know.

SGT. WHITTAKER: Like just now, while you're talking to us, you deleted them?

JUDGE KNAPP: Yeah, yeah. I mean, these are --

SGT. WHITTAKER: Okay. So, we're going to take your phone.

CPL. MASTROS: Yeah.¹⁸

SGT. WHITTAKER: And I'm sorry, but you can't delete evidence while we're sitting here talking --

[IC6A-7](emphasis added).

On June 21, 2024, when Respondent was served the search warrant for his cell phone and the statement of charges by the Anne Arundel County Police Department, he admitted that he had “got rid of five recordings,” suggesting that he could show them to police because they were “in the recycle bin.”

JUDGE KNAPP: Robinson. Okay. So, I got rid of five recordings, right. And I could show them to you because they're in the recycle bin, of course. They're not gone. Three of them, zero length. One of them four seconds, one of them five. These are just crap things.

[IC 6A-10]. Respondent later admitted that after the June 20, 2024 seizure of his cell phone, and while it was in police custody, he attempted to access its contents remotely.

Respondent's statements and testimony about the extent to which he had deleted the recordings made before June 20, 2024 (including June 4 and June 18) were not credible, varying from admissions that he had deleted recordings, to denials that those recordings contained anything but “mere seconds of silence,” or were “material or relevant,” to denials of having destroyed evidence at all. To the police on June 20, 2024, Respondent admitted deleting recordings he had made before June 20, 2024 while police were interviewing him about the recordings. Respondent's Exhibit 1A, a screenshot from

¹⁸ At this point, Sergeant Whittaker handed Judge Knapp's cell phone to Cpl. Mastros. [IC6A-7].

July 12, 2024 entitled “Recently Deleted,” confirmed as much, at least with respect to five recordings from June 18, 2024. [R1A].

But Respondent’s Exhibit 1B suggested that audio recordings from June 18, 2024 had been “modified” on July 18, 2024. [R1B]. After playing from the witness stand what he contended were the calls from June 18, 2024 (and June 20, 2024), Respondent later said, in his Proposed Findings of Fact and Conclusions of Law, that he “did not destroy evidence from his cell phone” of recordings made on July 18, 2024. [R’s PFFCL at 9].

Respondent’s deletions of, or attempts to delete, audio recordings from his cell phone also constituted a failure to cooperate with Investigative Counsel. Before he deleted, or attempted to delete, audio recordings from his cell phone, Respondent had been repeatedly reminded by Investigative Counsel of “. . . your obligation to preserve any and all records or evidence that could be relevant to the investigation, including but not limited to . . . notes, files, memoranda, . . . electronic statements, or other materials whether paper, electronic, or otherwise stored.” In that they demonstrated whether Respondent violated the law by recording his colleagues without their permission, whether he violated the Temporary Peace Order, and how he interacted with his colleagues to carry out the business of the court, Respondent’s audio recordings were relevant to Investigative Counsel’s investigation. Thus, by deleting or attempting to delete audio recordings from his cell phone, Respondent failed to abide by his obligation to preserve the recordings, and thereby failed to cooperate with Investigative Counsel.

During his tenure, Respondent exhibited racial and gender bias, particularly toward women of color, as well as bias towards those of other nationalities. This included Chief Judge Gipson, a woman of color. [TESTIMONY OF DAVID DUBA, Tr., p. 261]. Towards Chief Judge Gipson, Respondent was “rude”, “intentionally divisive”, “seeking conflict”, and “deriding.” [TESTIMONY OF DAVID DUBA, Tr., pp. 261-262]. Referring to Chief Judge Gipson, “[s]ometimes [Respondent] would flat-out say, I don’t respect you.” [TESTIMONY OF GEORGES-PHILLIPE HETHERINGTON, Tr., p. 305]. Respondent told Judge Duba that the Diversity, Equity, and Inclusion training offered by the Judiciary was not relevant to their jobs on the Orphans’ Court. [TESTIMONY OF DAVID DUBA, Tr., p. 215].

On June 20, 2024, after his phone had been seized, Respondent denigrated the Orphans’ Court, Chief Judge Gipson, and those other nationalities to Anne Arundel County Corporal Fuentes.

JUDGE KNAPP: Is there, like, an incident number on this or we don’t know that yet.

CPL. FUENTES: Yeah, we’ll give you all that information at the end. That’s an interesting cup you have there.

JUDGE KNAPP: That? Oh yeah. From Prague, Czech Republic. I used to work there. I lived there for a while...

JUDGE KNAPP: ...But, I mean, one of the things that was true in the Czech Republic, true in Slovakia, that was true in Russia, but I don’t know, like, their language skills are not great. And by that I mean, in this country, you hear somebody speaking English but, you know, they don’t really – haven’t nailed it. You know, maybe it could be somewhat our country, you know, maybe, you know some guy that grew up in, you know, some ghetto area, whatever, where, you

know, there are immigrants. But you can figure it out. And I think people here are kind of used to that, at least the, you know, people that I've encountered. And so, you know, they deal with people whose English is not top of the line.

CPL. FUENTES: Mm-hmm.

JUDGE KNAPP: Over there, if you don't say something absolutely perfectly, it's like they don't know what it is that you mean. You know, the word for vodka over there is written out V-O-D-K-A.

CPL. FUENTES: Okay.

JUDGE KNAPP: Okay? Just as it is here...

JUDGE KNAPP: You know, we spend more time signing things than we actually spend hearing things. *And most of the things that we sign we don't even read.* You know, so this one, I'm not even sure why I'm bothering to read it because it has two signatures on it already and that's what it needs, so. I could just sign it, read it, or whatever. Just -- you know how the court system here works... *Just so you know, for what it's worth, so, so far this month I've signed 269 things, of which I read 32.*

CORPORAL FUENTES: 269 documents?

JUDGE KNAPP: And it's, like, similar numbers every month. *You know, it's a system which makes, really, no sense.*

[. . .]

JUDGE KNAPP: You know what this is all about is Judge Gipson wants me off the court. So, it's -- all this is just her effort to do that. And so, she filed complaints against me at the District Court, she filed complaints against me at some judicial thing... But again, this is just her trying to get me off the court. And, you know, she thinks that she has the authority to order me around, which, you know, we're all elected to the same position. And so, that's one of her, you know, big issues, is that she orders me around and I basically say screw yourself, I'm not gonna. Anyway. That's what this is all about.

[IC6A-1, pp. 3, 6-7, and 10-13].

Respondent's "demeanor" was observed to "change[]" when he was dealing with or

interacting with people of color.” Specifically, “[Respondent] would choose to get along with some and then chose to be more in a state of conflict or disagreement with people of color.” [TESTIMONY OF DAVID DUBA, Tr., pp. 262]. According to Assistant Chief Deputy Register of Wills Tameka Smith, a woman of color, “no encounter with [Respondent] was pleasant.” On one occasion, Respondent introduced himself to Ms. Smith, having forgotten that they had previously met. Respondent then made insulting remarks to Ms. Smith about her then superior at the Register of Wills. On another occasion, when Ms. Smith had agreed to serve temporarily as interim Chief Deputy Register of Wills, Respondent approached her and, upon learning of Ms. Smith’s interim service, asked, “How does it feel to finally be important?” Ms. Smith was hurt, felt disrespected and responded that she had “always been important.” [TESTIMONY OF TAMEKA SMITH, Tr., pp. 318-321]. Before the Commission, Respondent minimized Ms. Smith’s statement that no encounter with him was pleasant by suggesting that “There is no requirement that a judge be pleasant.” [R’s PFFCL at 10].

Respondent’s behavior was not limited to women of color. Respondent questioned the authority of Security Guard Henson, a man of color. Returning to the incident in Chambers on May 2, 2024, after Respondent approached Mr. Henson, and pointed a finger at him, Chief Judge Gipson told Respondent to back away. Respondent then asked Mr. Henson “Can you give me a list of words, you know, that you are going to find offensive so that I don’t utter them in your presence again?” Respondent then mentioned George Carlin, and asked Mr. Henson if those were the words Mr. Henson

would find offensive” and questioned whether Mr. Henson was too young to remember George Carlin. [TESTIMONY OF CODY HENSON, Tr., pp. 284-286]; [TESTIMONY OF JUDGE MARC KNAPP, Tr., pp. 714-716].

After Mr. Hetherington, a man of color, had drafted some proceeding notes for the Orphans’ Court. Respondent critiqued his writing, once suggesting a change that, in Respondent’s words, would make Mr. Hetherington’s writing appear “more like an English speaker.” Mr. Hetherington testified, “I consider myself to be an English speaker, although I am bilingual.” [TESTIMONY OF GEORGES-PHILLIPE HETHERINGTON, Tr., pp. 312-313]. Of Respondent, Mr. Hetherington said, “I’ve never experienced, and I’ve worked with a few Judges before and I’ve never really seen that in the judiciary in Maryland...” [TESTIMONY OF GEORGES-PHILLIPE HETHERINGTON, Tr., p. 305].

Based on the foregoing factual findings, the Commission found by clear and convincing evidence that Respondent engaged in sanctionable conduct in violation of Maryland Rules 18-101.1, 18-101.2, 18-102.3, 18-102.5, 18-102.8(b), and 18-102.16.

B. Public Comments on Pending Cases

Maryland Rules 18-101.1 (Compliance with the Law); 18-101.2 (Promoting Confidence in the Judiciary)

and

C. Breach of Confidentiality of Commission Matters

Maryland Constitution, Article IV, Section 4B(b)(1)(Conduct Prejudicial to the Proper Administration of Justice) and

Maryland Rule 18-407 (Confidentiality)

On May 21, 2024, May 30, 2024, and July 9, 2024, Respondent was reminded of his obligation to maintain Investigative Counsel’s investigation of the complaints against him confidential. Specifically, Respondent was told, “[t]his communication and all future communications and information related to this investigation shall be confidential in accordance with Rule 18-407.”

On July 26, 2024, the Baltimore Banner ran a column by Rick Hutzell entitled “Orphans [sic] court ugliness is a sign that Maryland needs to abolish it.” The column stated:

Even standing outside an Annapolis courtroom for a hearing on a protective order that chief Orphans Court Judge Vickie Gipson sought against him, Knapp was defiant that she was the problem. He accused her of being incompetent, combative and in cahoots with the others who filed complaints. ‘I signed up to do this job,’ he said. ‘Judge Gipson doesn’t want me to. Screw her.’

[IC20 at IC JMK001051].

Before the Commission,¹⁹ Respondent admitted making the statements attributed to him in Mr. Hutzell’s column.

“[IC]: This document, Bates-numbered JMK 1050-59, is by Rick Hutzell for the Baltimore Banner. ‘Orphans’ Court ugliness is a sign that Maryland needs to abolish it,’ dated July 26th, 2024.

“[JUDGE KNAPP]: Uh-huh.

“[IC]: Your Honor, I ask you to turn to the second page in that. It’s labeled

¹⁹ Respondent’s admission was made during Investigative Counsel’s August 25, 2025 deposition of Respondent. At the Commission Hearing, portions of that deposition were admitted and read.

1051. At the bottom of that page, it's – Mr. Hutzell says you accused Judge Gipson of being incompetent, combative, and in cahoots with the others who had filed complaints against you. Is that an accurate characterization of something you had said to Mr. Hutzell or in his presence? The next-to-last paragraph.

“[JUDGE KNAPP]: Yeah, yeah. When was this? This would have been July 26th, so yeah. If Hutzell were there after the hearing when the first peace order was dismissed, then yeah, I might have said something to him on the way out after that.

“[IC]: And then, the last paragraph on that page, he has a quote: ‘I signed up to do this job. Judge Gipson doesn't want me to. Screw her.’ Is that a statement you would have made and Mr. Parker would have overheard?”

“[JUDGE KNAPP]: You know, I can't say specifically – recall that specifically, but I'll stand by that statement.”

“[IC]: Do you deny having said that?”

“[JUDGE KNAPP]: No. I neither deny nor specifically confirm it, but I trust that – you know, I don't know for sure, but I have every expectation that Rick Hutzell is an honest reporter and that he is, you know, reporting. If he said I said it or he took notes, okay.

[Tr., pp. 479-481].

On September 18, 2024, the Capital Gazette ran an article by Luke Parker entitled “Second criminal case dropped against Anne Arundel Orphans' Court judge.” The article stated

On Tuesday, after his case was dropped, Knapp said he suspects the three judges' relationship will be strained if he returns to the probate court. However, he said allowing dissents would ‘get rid of a lot of tension.’

[IC20 at JMK 001079].

Before the Commission,²⁰ Respondent did not deny having made the statement attributed to him by Mr. Parker.

[IC]: I understand. Let me have this marked as Deposition Exhibit 9, please.

[IC]: And Your Honor, this is a document entitled, ‘Second criminal case dropped against Anne Arundel Orphans’ Court judge.’

[. . .]

[IC]: Your Honor, I’d ask if you could turn to the last page of that document? Here again, referring to a hearing that occurred in September of 2024, Mr. Parker quotes you as saying, ‘On Tuesday, after his case was dropped, Knapp said he suspects the three judges’ relationship will be strained if he returns to the probate court. However, he said allowing dissents would ‘get rid of a lot of tension.’[’][].

[JUDGE KNAPP]: Uh-huh.

[IC]: Is that a statement you made to Mr. Parker or in his presence?

[JUDGE KNAPP]: I don’t recall.

[IC]: Do you deny having made those statements?

[IC]: And then the next –

[JUDGE KNAPP]: Wait a minute. This is after – I don’t recall there actually being a hearing on September 17th.

[IC]: I don’t necessarily know that there was a hearing, Your Honor. This is after the –

[JUDGE KNAPP]: I know. So there –

[IC]: -- criminal case, Your Honor.

²⁰ Respondent’s admission was made during Investigative Counsel’s August 25, 2025 deposition of Respondent. At the Commission Hearing, portions of that deposition were admitted and read.

[JUDGE KNAPP]: -- there was supposed to be a hearing, and it was nol pros at the last minute.

[IC]: Right. I think that's what he's referring to.

[JUDGE KNAPP]: Yeah. So, again, some of this stuff, I mean, do I recall talking to Luke Parker on that? I do not. Is he picking up stuff which was said back in May? Could be.

[IC]: He says here that you said that that day, on Tuesday, the day the case was dropped.

[JUDGE KNAPP]: Then, okay, again, could have. In that case, he would have called me.

[IC]: Okay. He would have called you?

[JUDGE KNAPP]: Yeah.

[IC]: So, you don't deny making that statement?

[JUDGE KNAPP]: I don't.

[Tr., pp. 482-485].

The Commission found by clear and convincing evidence that by making the above statements to the media, Respondent violated Md. Rules 18-101.1 (Compliance with the Law) and 18-101.2 (Promoting Confidence in the Judiciary). "A judge shall act at all times in a manner that promotes public confidence in the independence integrity, and impartiality of the judiciary." Md. Rule 18-101.2(a). Respondent undermined public confidence in the judiciary with his statements. Specifically, by sharing negative information about the court, and questioning the competence of the Chief Judge, Respondent described what could be a significant problem for the Orphans' Court for

Anne Arundel County, a court that requires the assent of at least two judges to “act.” Amidst a feud between the judges, the public could lose confidence in the court’s ability to act, particularly when the third judge, Judge Duba, was not fully available.

To be sure, “. . . a judge . . . may comment on any proceeding in which the judge is a litigant in a non-judicial capacity.” Md. Rule 18-102.10(c); Md. Rule 18-102.10, Comment [2] provides “This Rule does not prohibit a judge from commenting on proceedings in which the judge is a litigant in a personal capacity.” Respondent’s comments about proceedings in which he was appearing in his personal capacity, such as Respondent’s statements surrounding the Temporary Peace Order proceeding, were not found by the Commission violative of the Code of Judicial Conduct under the circumstances.

However, in making the statements outlined above, Respondent went beyond his personal capacity. With these statements, Respondent referred to the court, his judicial capacity on the court, the court’s Chief Judge, others who worked at the court, and the operations of the court. In so doing, Respondent’s public comments failed to promote confidence in the judiciary.

The Commission found by clear and convincing evidence that Respondent stated to Reporter Hutzell that Chief Judge Gipson was “in cahoots with the others who filed complaints[,]” On July 26, 2024, the facts that complaints had been filed against Judge Knapp, that those complaints were filed by Chief Judge Gipson, and that complaints had been filed by others that Chief Judge Gipson knew, were facts that were

all confidential, public charges having not been filed until 2025. Judge Knapp's disclosure of these facts to Mr. Hutzell, particularly as it mentioned complaints from the Chief Judge of the court on which Judge Knapp sat, and particularly as it was coupled with the negative "in cahoots with[,]" violated Rule 18-407, failed to promote confidence in the integrity of the judiciary, and was prejudicial to the administration of justice.

The Commission found there was insufficient evidence to conclude by clear and convincing evidence that Judge Knapp's conduct violated Maryland Rules 18-101.3, 18-102.10, or 18-103.1.

III. CONCLUSIONS OF LAW

A. The Commission has both subject matter jurisdiction over the above-entitled case and personal jurisdiction over Judge Marc Knapp, all pursuant to Md. Const., Art. 4, §4A and §4B. Judge Knapp was, at all relevant times, a judge of the Orphans' Court for Anne Arundel County. Therefore, Respondent was and still 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).

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 Maryland Code of Judicial Conduct, as set forth in the Findings of Fact, *supra*, the Commission finds by clear and convincing evidence that Judge Marc Knapp has

committed sanctionable conduct, as defined by Maryland Rule 18-402(m)(1), specifically misconduct while in office, the persistent failure to perform the duties of the judge's office, and conduct prejudicial to the proper administration of justice, by violating the Rules of the Maryland Code of Judicial Conduct as follows:

1. By engaging in loud arguments with a judicial colleague that were heard by Register of Wills staff and the public; being rude and confrontational to a judicial colleague during hearings before the public and in chambers; making disparaging statements about the judiciary, Orphans' Court and a judicial colleague to the public, law enforcement, and the media; violated a Temporary Peace Order; breaching the confidentiality of judicial deliberations by recording them; recording judicial colleagues and staff without their knowledge and/or consent; deleting and attempting to delete recordings related to an investigation(s), and doing so in front of law enforcement officers; failing to cooperate during the Commission's investigative process; making negative comments, some very demeaning and with a raised voice, to staff and judicial colleagues, including mocking others' work product, educational level, competence, and intelligence; engaging in aggressive behavior, including invading personal space and refusing to retreat upon request; using unprofessional language, including profanity, in the courthouse as well as written communication; and failing to cooperate with colleagues to promote public confidence in the judiciary, Respondent violated Rules 18-101.1 and 18-101.2.

2. By telling a judicial colleague that implicit bias does not apply to the

Orphans' Court; minimizing the education and abilities of judicial colleagues to serve on the Orphans' Court; critiquing English language skills of individuals, including suggesting a law clerk's writing with should be "more like an English speaker;" by being "in a state of conflict" with people of color; demeaning people of color; exhibiting aggressive and intentionally divisive conduct to a judicial colleague, which stemmed, in part, from implicit and explicit bias against her due to her status as a woman and a person of color, Respondent violated Rules 18-101.1 and 18-102.3.

3. By using inappropriate language, including profanity, in the presence of judicial colleagues and staff in oral and written communications; not trying to find common ground or cooperate with his judicial colleagues; failing to competently perform administrative duties, including signing court documents without reading them; willfully failing to comply with reasonable directives of a judge with supervisory authority; refusing to cooperate in the preparation or review of orders; refusing to leave the courtroom prior to a hearing so the judges could enter together; breaching the confidentiality of deliberations by recording them; recording judicial colleagues and staff without their knowledge and/or consent; constructively preventing or discouraging judicial colleagues from deliberating by telling them that they would be recorded if they spoke; failing to fully and meaningfully participate in deliberations; and engaging in loud arguments with a judicial colleague that were heard by Register of Wills staff and the public, Respondent violated Rules 18-101.1 and 18-102.5.

4. By engaging in loud arguments with a judicial colleague that were heard by

Register of Wills staff and the public; being rude and confrontational to a judicial colleague during hearings before the public and in chambers; disparaging the court and judicial colleagues; invading personal space and ignoring requests to retreat; recording judicial colleagues and staff without their knowledge and/or consent; making negative comments, some very demeaning, to staff and judicial colleagues; and using unprofessional language, including profanity, in the courthouse as well as written communication, Respondent violated Rules 18-101.1 and 18-102.8(b) of the Maryland Code of Judicial Conduct. Rule 18-102.8(b) requires that a judge “. . . patient, dignified, and courteous to . . . court officials and others with whom the judge deals in an official capacity.” For judges who are members of a multi-judge panel, there is no separate or different rule. Respondent, as an independently elected Judge of the Orphans’ Court, was not required to agree with Chief Judge Gipson (or Judge Duba) regarding legal rulings in cases before the court. Nor was he required to refrain from stating his opinion on the record in order to avoid the appearance of disagreement. But, Respondent was required, whether he agreed or disagreed with Chief Judge Gipson and Judge Duba, to remain patient, dignified, and courteous which he repeatedly failed to do.

5. By deleting and attempting to delete recordings that were the subject of an investigation by the Commission after being reminded in correspondence from Investigative Counsel of his “obligation to preserve any and all records or evidence that could be relevant to this investigation, including but not limited to any documents, notes, files, memoranda, correspondence, photographs, statements, electronic records, emails,

text messages, or other materials whether paper, electronic or otherwise stored[.]” and retaliating against a judicial colleague and staff member Respondent knew or suspected had assisted or cooperated in an investigation, Respondent violated Rules 18-101.1 and 18-102.16. of the Maryland Code of Judicial Conduct.

The above factual findings by the Commission as to the conduct of Respondent are proof of, and constitute, violations of the Maryland Code of Judicial Conduct, specifically Maryland Rules 18-101.1, 18-101.2, 18-102.3, 18-102.5, 18-102.8(b), and 18-102.16.

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 Supreme Court of Maryland has provided guidance for imposing judicial discipline:

It is the constitutional responsibility of this Court to fashion judicial discipline in a manner that preserves the integrity and independence of the Judiciary and reaffirms, maintains and restores public confidence in the administration of justice. Any sanction must be designed to discourage 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. The goal of the canons of judicial conduct “is to hold the office of judge above

suspicion of abuse of power.” Judicial discipline is “not for purposes of vengeance or retribution, but to instruct the public and all judges, ourselves included, of the importance of the function performed by judges in a free society.” As we have stated repeatedly, both in judicial discipline matters, as well as attorney discipline matters, our considerations are “the maintenance of the honor and dignity of the judiciary and the proper administration of justice rather than the punishment of the individual.” The 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. (Internal citations omitted.)

In re Lamdin, 404 Md. 631, 652–53 (2008)

The public bestows the highest level of respect to our judges; in turn, we expect our judges to hold themselves to high standards, personally and professionally at all times. Unfortunately, Judge Marc Knapp did not meet those standards in his pattern of conduct over an extended period of time. Upon consideration of the actions of Judge Knapp, the violation of Maryland Rules 18-402(m), 18-101.1, 18-101.2, 18-102.3, 18-102.5, 18-102.8(b), and 18-102.16, the seriousness of the misconduct, the extended period of the misconduct, statements rendered by Judge Knapp in his testimony regarding the misconduct, and the impact of the misconduct on the public and judiciary, the Commission found it was in the best interest of the public and judicial system for Judge Knapp to be removed from judicial office.

Judge Knapp was dismissive of the Orphans’ Court position before seeking judicial office, indicating it was “only 25 bucks” to apply; his dismissiveness continued throughout his tenure on the bench, diminishing the Orphans’ Court, fellow judges and staff. Respondent’s conduct reflected poorly on the Maryland Judiciary. The

Commission notes that Respondent's misconduct began shortly after joining the bench and went from loud arguments to disrespectful demeanor on and off the bench to insulting staff to recording others without permission to deleting recordings in front of law enforcement. It is particularly noteworthy that, following two periods of temporary removal from the bench (administrative leave and interim suspension) by the Supreme Court of Maryland, Charges by the Commission, and a public hearing, Judge Knapp is undeterred, exclaiming that he is the "leader" and will not subject himself to the current supervisory judge of the Orphans' Court of Anne Arundel County.

Despite the workplace conflict or interpersonal issues, judges are always obligated to engage in conduct that does not defy the Code. Cooperation among a panel of judges is critical. Judge Knapp's intent is to set all of the boundaries with a refusal to budge. Judge Knapp is not amenable to adjust his conduct, borne out by the fact that the only recommended disposition put forward was for Respondent to attend Implicit Bias training. Judge Knapp's attendance at such a training is wholly insufficient to address the myriad of concerns/misconduct he has exhibited. It should be noted Respondent has previously participated in training sessions, an internal meeting to establish office norms. mediation, and a meeting with the Chief Justice of Maryland.

Respondent had eight complaints with substantive concerns in two years prior to the filing of charges by the Commission. His actions adversely affect the citizens of Anne Arundel County and betray the trust they provided when they elected him to judicial office in November of 2022.

Judge Knapp's misconduct was egregious. His refusal to cooperate with the reasonable directives of the Chief Judge, i.e., the judge with designated supervisory authority over the court, was so substantial that he acted unprofessionally in a number of ways, to the point of open disrespect and hostility, including recording his colleagues without their permission, and then deleting those recordings just as police were attempting to investigate. His behavior spilled well beyond chambers, apparent to others at the court, members of the public who appeared at the Register of Wills and before the Orphans' Court, and law enforcement. Respondent then made public comment about the situation to the media.

Respondent's misconduct was not one isolated incident. It began shortly after (i.e., six to eight weeks) after he joined the bench and persisted into 2024. Since he was sworn in in January 2023, Respondent has participated in meetings and mediation, been notified that he was being investigated on eight substantive misconduct complaints (before charges were filed), been placed on administrative leave and suspended on an interim basis by the Supreme Court of Maryland, had a Temporary Peace Order issued against him after a hearing in the District Court, and had a public hearing before the Commission.

Nonetheless, Respondent does not appear to have developed any insight into how his behavior affects others. At the end of the public hearing, when asked by his counsel about what he could have done differently, Respondent did not outline a meaningful path for change:

Q.: My question, Judge, is this: Now that you've had a chance to reflect upon everything that's occurred and contrasting what occurred in 2023 with how things have been going in 2025, do you think you could have done something different back in 2023 when this first started?

A.: Back in 2023 at the very beginning, I think the best thing that I could have done would have been to set boundaries right at the beginning. Tell Judge Gipson when she handed me something which was, you know, word salad, you know, 'I'm not reading this thing until you fix it'...

Q.: Have you learned from the experiences of 2023 and applied them in 2025?

A.: Yeah, yeah. I mean, absolutely. You know, I don't know, really, how, you know, I managed to get sucked into that morass in 2023. You know, I -- it was not like anything that I had ever experienced, you know in my career before. And again, you know, I think I, in a way, allowed myself to do that. You know, I should have, again, realized, you know, sooner that Judge Gipson, you know, was more like the Wizard of Oz and... then not continued to kowtow to her. And then, you know, I think it would have been better between us, again, had a boundary been established.

[Tr., pp. 809-811].

Respondent's response to a Commission Member's question was equally telling.

[COMMISSIONER]: Judge Knapp, you indicated that you were getting along well with the judge that's currently assigned.

[JUDGE KNAPP]: Judge Scott, yeah.

[COMMISSIONER]: And you made a statement that when a third person comes back you're not sure what's going to happen. What do you think your responsibility is in trying to ensure that the citizens of Anne Arundel County have three Orphans' Court judges that work well together?

[JUDGE KNAPP]: I think at this point it is my responsibility to be the leader in that court, okay. Vickie Gipson was decidedly not a leader.

[COMMISSIONER]: But you don't get to make that decision.

[JUDGE KNAPP]: No. Yeah, actually, you get to make that decision. You

just step up and you do it.

Nominally, she has – will continue to be the Chief Judge. And so, nominally, she will have some authority over administrative things. But when it comes to being a leader in terms of day-to-day operations of that court, you know, how it works, no, she does not have the leadership skills.

I've got the leadership skills. I – you know, I wasn't planning on doing it. But I'm doing it now and I'm going to continue doing it. If someone else were to step in there, you know, not Judge Gipson, who had leadership skills, great. Let them take over and do it.

* * *

[TESTIMONY OF JUDGE MARC KNAPP, Tr., pp. 833-834].

Regarding how Respondent's behavior has affected others, Judge Knapp is a member of a court that cannot act without the assent of at least two of its three judges. His unwillingness to adjust his behavior could threaten the court's ability to function. Although Judge Knapp suggested that he attend training on implicit and actual bias, that suggestion (though beneficial), is wholly insufficient to address the problems found here.

The Commission considered the following mitigating factors from the evidence and character testimony at the Hearing in determining its recommendation as to the appropriate discipline:

- Judge Knapp may have had some legitimate concerns about Chief Judge Gipson and Judge Duba.
- There was no prior discipline of Judge Knapp.
- The testimony of Trevor Kiessling, Esq. indicated that Judge Knapp interacted appropriately with Chief Judge Gipson in his presence, and that he appeared to be a

diligent and conscientious judge.

- The testimony of Professor Audrey McFarlane expressing, that she was able to amicably discuss legal disagreements with Judge Knapp when he was a student in her class while at the University of Baltimore School of Law.
- Judge Knapp's willingness to attend a training concerning bias.

These mitigating factors do not justify or outweigh Respondent's sanctionable conduct. Respondent's misconduct was pervasive and severe. It occurred on the bench, off the bench, to court staff, and to judicial colleagues. It was witnessed by, and impacted, the public. Among other things, Respondent destroyed evidence, exhibited bias, failed to cooperate with law enforcement as well as the Commission, refused (and refuses) to adjust his conduct, was not fully credible before the Commission, and regularly used profanity and other unprofessional language during his testimony. All of this embarrasses the Maryland judiciary and diminishes the public's trust in the Anne Arundel County Orphans' Court.

After consideration of the Findings of Facts, Conclusions of Law, and the Considerations Regarding the Imposition of Discipline, it is the Commission's unanimous view that the imposition of a suspension, reprimand or censure is not commensurate with the gravity of Judge Knapp's misconduct. Nor would such lesser discipline reassure the public, and the judiciary, that Judge Knapp is fit to sit as an Orphans' Court judge. The Commission concludes that Judge Knapp's conduct requires the imposition of the most serious sanction. Accordingly, by a unanimous vote of the

Commission Members, the Commission recommends that Respondent be removed from Judicial Office.

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.

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, RECOMMENDATION, AND REFERRAL TO THE SUPREME COURT OF MARYLAND

IT IS HEREBY **ORDERED** that:

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

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

The removal of Judge Marc Knapp as an Orphans' Court Judge for Anne Arundel County Maryland for violations committed in CJD 2024-033, CJD 2024-034, CJD 2024-035, CJD 2024-040, CJD 2024-046, CJD 2024-047, CJD 2024-052, and CJD 2024-068.

C. 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.

D. 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 the judge.

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

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

Dated this 9th day of March, 2026.

Maryland Commission on Judicial Disabilities

By: *Anne Albright*

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