

STATE OF MARYLAND

BEFORE THE COMMISSION ON JUDICIAL DISABILITIES

IN THE MATTER OF:

JUDGE MARC KNAPP

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CJD 2024-033, CJD 2024-034,
CJD 2024-035, CJD 2024-040,
CJD 2024-046, CJD 2024-047,
CJD 2024-052, CJD 2024-068

To: JUDGE MARC KNAPP
ORPHANS' COURT FOR ANNE ARUNDEL COUNTY

AMENDED CHARGES

TAKE NOTICE that the Commission on Judicial Disabilities (hereinafter "Commission") has caused to be made and completed multiple investigations, through its Investigative Counsel, Tanya C. Bernstein, Esq., of Judge Marc Knapp (hereinafter sometimes referred to as "the judge"), who was, at all pertinent times, a Judge of the Orphans' Court for Anne Arundel County ("Orphans' Court"). The Commission notified Judge Knapp of the nature of the investigations and afforded the judge an opportunity to present information bearing on the subject of the investigations.

The Commission has received and considered information from the investigations, including, but not limited to: the complaints and, where applicable, their attachments; correspondence from Judge Knapp and others; audio recordings of proceedings and various filings in the Orphans' Court and the District Court of Maryland for Anne Arundel County; media articles and related materials; the judge's responses to the investigations; the report and recommendation of Investigative Counsel; and the Report of the Judicial Inquiry Board.

In consideration of the foregoing and a finding by the Commission of probable cause to believe that Judge Knapp has committed sanctionable conduct, the Commission directed

Investigative Counsel to initiate formal proceedings against Judge Knapp pursuant to Rule 18-431(a). The Commission will conduct a public hearing on these charges pursuant to Rule 18-434.

The Commission states as follows in support of its probable cause determination:

1. Judge Knapp has been a judge of the Orphans' Court for Anne Arundel County since December of 2022 and continues to so serve.
2. Based upon complaints received, the Commission's Investigative Counsel opened investigations regarding Judge Knapp's conduct.
3. The investigations revealed sanctionable conduct by Judge Knapp. The nature of the sanctionable conduct that is the subject of these charges includes a persistent course of unprofessional conduct unbecoming of a judicial officer arising out of his interpersonal conflict with a fellow Judge of the Orphans' Court ("Judicial Officer A"). This conduct includes, but is not limited to, public conduct and statements that have undermined public confidence in the judiciary, interference with the operations of the Orphans' Court and the independence of its judicial officers, and disregard for the confidentiality provisions concerning matters before the Commission. Judge Knapp failed to exhibit proper decorum and demeanor in his dealings with Judicial Officer A, another fellow Judge of the Orphans' Court ("Judicial Officer B"), and court staff in the course of his official duties both on and off the bench. Judge Knapp also failed to acknowledge his conduct or express remorse for his conduct; failed to comply with the law; made comments and exhibited demeanor that demonstrated impermissible bias on the basis of race, gender, and/or national origin; and otherwise engaged in behavior unbecoming a judicial officer and in direct contravention of his responsibility to

promote confidence in the judiciary and to maintain the dignity of judicial office.

When Judicial Officer A sought administrative, disciplinary, and legal recourse regarding Judge Knapp, he escalated his conduct by accusing judicial colleagues and staff of wrongdoing for seeking assistance, cooperating with the Commission, and/or testifying or being available to testify in civil and criminal proceedings against Judge Knapp in a manner that was retaliatory and coercive.

4. Judge Knapp's conduct was in violation of 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 Communication with Jurors), 18-102.10 (Judicial Statements on Pending and Impending Cases), 18-102.16 (Cooperation with Disciplinary Authorities), and 18-103.1 (d) & (e) (Extra-Official Activities in General).

The pertinent provisions of the Rules provide as follows:

RULE 18-101.1. COMPLIANCE WITH THE LAW

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

RULE 18-101.2. PROMOTING CONFIDENCE IN THE JUDICIARY

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

RULE 18-101.3. AVOIDING LENDING THE PRESTIGE OF JUDICIAL OFFICE.

A judge shall not lend the prestige of judicial office to advance the personal or economic interest of the judge or others, or allow others to do so.

RULE 18-102.3. BIAS, PREJUDICE, AND HARASSMENT

- (a) A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice.
- (b) In the performance of judicial duties, a judge shall not, by words or conduct, manifest bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation. A judge shall require attorneys in proceedings before the court, court staff, court officials, and others subject to the judge's direction and control to refrain from similar conduct.
- (c) The restrictions of section (b) of this Rule do not preclude judges or attorneys from making legitimate references to the listed factors, or similar factors, when they are relevant to an issue in a proceeding.

RULE 18-102.5. COMPETENCE, DILIGENCE, AND COOPERATION

- (a) A judge shall perform judicial and administrative duties competently, diligently, promptly, and without favoritism or nepotism.
- (b) A judge shall cooperate with other judges and court officials in the administration of court business.
- (c) A judge shall not willfully fail to comply with administrative rules or reasonable directives of a judge with supervisory authority.

RULE 18-102.8. DECORUM, Demeanor, AND COMMUNICATIONS WITH JURORS

- (a) A judge shall require order and decorum in proceedings before the court.
- (b) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, attorneys, court staff, court officials, and others with whom the judge deals in an official capacity, and shall require similar conduct of attorneys, court staff, court officials, and others subject to the judge's direction and control.

RULE 18-102.10. JUDICIAL STATEMENTS ON PENDING AND IMPENDING CASES.

- (a) A judge shall abstain from public comment that relates to a proceeding pending or

impending in any court and that might reasonably be expected to affect the outcome or impair the fairness of that proceeding and shall require similar abstention on the part of court personnel subject to the judge's direction and control. This Rule does not prohibit a judge from making public statements in the course of official duties or from explaining for public information the procedures of the court.

- (b) With respect to a case, controversy, or issue that is likely to come before the court, a judge shall not make a commitment, pledge, or promise that is inconsistent with the impartial performance of the adjudicative duties of the office.
- (c) Notwithstanding the restrictions in sections (a) and (b) of this Rule, a judge may make public statements in the course of official duties, may explain court procedures, and may comment on any proceeding in which the judge is a litigant in a non-judicial capacity.

RULE 18-102.16. COOPERATION WITH DISCIPLINARY AUTHORITIES

- (a) A judge shall cooperate and be candid and honest with judicial and attorney disciplinary agencies.
- (b) A judge shall not retaliate, directly or indirectly, against a person known or suspected to have assisted or cooperated with an investigation of a judge or an attorney.

RULE 18-103.1 (d) & (e). EXTRA-OFFICIAL ACTIVITIES IN GENERAL

Except as prohibited by law or this Code, a judge may engage in extrajudicial activities.

When engaging in extrajudicial activities, a judge shall not:

- (d) engage in conduct that would appear to a reasonable person to be coercive; or
- (e) make inappropriate use of court premises, staff, stationery, equipment, or other resources.

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

- (i) *Improper Decorum, Interference with the Operations of the Orphans' Court, and Undermining Public Confidence in the Judiciary*

Judge Knapp became an Associate Judge of the Orphans' Court in December of 2022 along with Judicial Officer B. Shortly thereafter, Judicial Officer A was appointed Chief Judge. The Orphans' Court sits two days per week, Tuesday and Thursday, and the judges sit together as a panel.

While the working relationship between the three judges was initially professional and cordial, acrimony developed between Judge Knapp and Judicial Officer A beginning in late February or early March of 2023. From approximately that time to the present, Judge Knapp has engaged in repeated verbal altercations with Judicial Officer A in chambers, including during periods the Orphans' Court was open to the public. These altercations were at times mutual, with both Judge Knapp and Judicial Officer A exhibiting unprofessional behavior to varying degrees and would inhibit the court's judicial deliberations and cause courthouse staff present in or near chambers to be uncomfortable. However, Judge Knapp was the primary aggressor in these confrontations and would act in a hostile, aggressive, disrespectful, and unprofessional manner towards Judicial Officer A, routinely using profanity and invading Judicial Officer A's personal space and that of other court staff who would attempt to intervene or who Judge Knapp seemed to believe were aligned with Judicial Officer A. For example, during an altercation in spring of 2023, Judge Knapp approached Judicial Officer A in an aggressive manner and entered Judicial Officer A's personal space while speaking in an elevated voice and, when asked multiple times by Judicial Officer A to back away, stated that if he were to strike Judicial Officer A security personnel present in the room would intervene. Shortly thereafter, during another incident, Judge

Knapp aggressively approached security personnel who had intervened in a dispute between Judge Knapp and Judicial Officer A while pointing his finger at or into the security officer's chest and questioning the security officer's authority.

On more than one occasion, courthouse staff could hear Judge Knapp addressing Judicial Officer A in a raised voice inside chambers from areas of the Orphans' Court that were open to the public, including when members of the public were present. Judge Knapp would also engage in this confrontational behavior on the bench during proceedings of the Orphans' Court, where he exhibited an improper demeanor, undercut the authority and directives of Judicial Officer A, provided contradictory instructions to litigants and other members of the public, and otherwise acted in an unprofessional manner. These proceedings include but are not limited to hearings on April 18, 2023, and January 9, April 18, and May 2, 2024.

Judge Knapp also behaved in an improper manner towards Judicial Officer B as well as court staff, including but not limited to making inappropriate and unprofessional remarks concerning an individual's ethnic background and/or national origin, questioning individuals' abilities or authority to do their jobs, mocking individuals' work product, and otherwise exhibiting hostile and unprofessional conduct.

Judicial Officer A took several actions in an attempt to limit the confrontations with Judge Knapp, including changes to the deliberative process of the judges of the Orphans' Court, seeking the assistance of mediators and other outside entities, and filing multiple Petitions for Peace Orders against Judge

Knapp. In response, Judge Knapp escalated his behavior towards Judicial Officer A to the point of engaging in what could reasonably be described as harassment and covertly recording the conversations and deliberations of other judges in chambers. Additionally, when law enforcement responded to requests for assistance following discovery of said covert recordings, Judge Knapp intentionally and knowingly deleted, erased, and otherwise removed recordings from the device on which the same were stored in the presence of law enforcement officials. These actions occurred after Judge Knapp received the initial notice of investigation related to these Charges. These actions had the effect of limiting his fellow judges' judicial independence, inhibiting the operations of the Orphans' Court, and impugning the dignity and integrity of his judicial office. Judge Knapp has also made public derogatory comments regarding Judicial Officer A and discussed and complained about the Orphans' Court's in-chambers deliberative process, including but not limited to during a hearing in Case No. D-07-CV-24-000422 in the District Court of Maryland for Anne Arundel County on May 21, 2024, and as quoted in an articles published in the Baltimore Banner on or about May 21 and July 26, 2024, and the Baltimore Sun/Capital Gazette on or about July 16, 2024.

(ii) Public Comments on Pending Cases

Judge Knapp made numerous public statements about various cases pending in the District Court of Maryland for Anne Arundel County involving himself and Judicial Officer A. The content and tone of his comments implied that he intended and/or was aware that these comments could affect the outcome of

the proceedings. Judge Knapp was quoted as discussing various court proceedings in articles published in the Baltimore Banner and Capital Gazette/Baltimore Sun, including but not limited to articles published on or about May 21, June 21, July 16, July 26, and September 18, 2024. Judge Knapp also made comments concerning these matters and that were critical of the Maryland Judiciary and the Commission to a reporter from the Baltimore Banner. His comments as reported in these articles and by this reporter were also critical of the Orphans' Court, Maryland Judiciary, Commission, and other aspects of the legal system in a manner that served to undercut public confidence in the judiciary. Ultimately, the reporter with whom Judge Knapp spoke authored an article in the Baltimore Banner on or about July 26, 2024, that was highly critical of the Orphans' Court and called for its abolishment.

(iii) Breach of Confidentiality of Commission Matters

In a conversation with a reporter from the Baltimore Banner, Judge Knapp described or referenced confidential matters allegedly pending before the Commission in violation of Rule 18-407. Judge Knapp was quoted as claiming to have knowledge of confidential Commission proceedings, specifically complaints allegedly filed by himself and others against another judge or judges.

6. Judge Knapp's behavior provides evidence that he engaged in conduct prejudicial to the proper administration of justice in Maryland Courts, pursuant to the Maryland Constitution, Article IV, Section 4B(b)(1).

These charges are issued by Investigative Counsel at the direction of the Commission on Judicial Disabilities.

COMMISSION ON JUDICIAL DISABILITIES

Date: 5/1/25



Tanya C. Bernstein
Director/Investigative Counsel

Date: 5/1/25



Derek A. Bayne
Deputy Assistant Investigative Counsel

Date: 5/1/25



Tamara S. Dowd
Assistant Investigative Counsel

NOTICE: YOU HAVE THE RIGHT, PURSUANT TO RULE 18-431(d) OF THE MARYLAND RULES, TO FILE A WRITTEN RESPONSE WITHIN THIRTY (30) DAYS AFTER SERVICE OF THESE CHARGES. YOU MUST FILE EITHER AN ORIGINAL AND ELEVEN (11) COPIES OF THE RESPONSE OR AN ELECTRONIC COPY PURSUANT TO RULE 18-404. THE RESPONSE SHOULD BE FILED WITH THE COMMISSION ON JUDICIAL DISABILITIES WITH A COPY TO INVESTIGATIVE COUNSEL.