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STATEMENT OF QUESTIONS PRESENTED

- I. WHERE THE JUDICIAL TENURE COMMISSION'S FINDINGS OF JUDICIAL MISCONDUCT WERE MOSTLY BASED ON CRITICISMS THAT JUDGE MORROW MADE ERRONEOUS LEGAL RULINGS WHICH WERE REVIEWABLE ON APPEAL, AND WHERE OTHER FINDINGS WERE OF ACTIONS OF JUDGE MORROW WHICH DO NOT CONSTITUTE JUDICIAL MISCONDUCT, THE HOLDING OF THE MJTC THAT JUDGE MORROW COMMITTED JUDICIAL MISCONDUCT SHOULD BE REVERSED?

- II. WHERE REVIEW OF THIS COURT'S DECISIONS IN JUDICIAL MISCONDUCT CASES SINCE 2005 SHOWS THAT THE MJTC'S RECOMMENDATION IS OUT OF LINE WITH PAST PRECEDENT, ANY DISCIPLINE IMPOSED SHOULD BE LIMITED TO A REPRIMAND?

STATEMENT OF DEFENDANT-APPELLANT REGARDING THE
JURISDICTION OF THE COURT OF APPEALS

IN THE MICHIGAN SUPREME COURT

JUDICIAL TENURE COMMISSION
COMPLAINT AGAINST:

Case No. 146802

Formal Complaint No. 92

HONORABLE BRUCE MORROW,
JUDGE, 3RD CIRCUIT COURT
DETROIT, MICHIGAN

ORAL ARGUMENT SET FOR
MARCH 5, 2014

**NATIONAL LAWYERS GUILD, MICHIGAN/DETROIT CHAPTER (NLG); CRIMINAL
DEFENSE ATTORNEYS OF MICHIGAN (CDAM); and WAYNE COUNTY CRIMINAL
DEFENSE BAR ASSOCIATION (WCCDBA)'S**
MOTION FOR LEAVE TO FILE *AMICI CURIAE* BRIEF

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**NATIONAL LAWYERS GUILD, MICHIGAN/DETROIT CHAPTER (NLG); CRIMINAL DEFENSE ATTORNEYS OF MICHIGAN (CDAM); and WAYNE COUNTY CRIMINAL DEFENSE BAR ASSOCIATION (WCCDBA)'S
MOTION FOR LEAVE TO FILE *AMICI CURIAE* BRIEF**

The National Lawyers Guild, Detroit and Michigan Chapters, (“NLG”) through its counsel; the Criminal Defense Attorneys of Michigan (CDAM); and the Wayne County Criminal Defense Bar Association (WCCDBA); move for leave to submit an *amici curiae* brief in the above-captioned case. In support of this motion, the proposed amici curiae state:

THE PROPOSED *AMICI*

A. The National Lawyers Guild (NLG): The National Lawyers Guild (NLG) was founded in 1937 as the first racially integrated national bar association in the United States. The NLG was founded as an association of progressive lawyers and jurists who believed they had a major role to play in the reconstruction of legal values to emphasize human and civil rights. The NLG is the oldest and most extensive network of public interest and human rights activists working within the legal system in the U.S.

In the 1930s, NLG lawyers helped organize the United Auto Workers (UAW) and the Congress of Industrial Organizations (CIO) and supported the New Deal in the face of determined American Bar Association opposition. NLG lawyers fought racial discrimination in cases such as Hansberry v. Lee, which struck down segregationist Jim Crow laws in Chicago. The Guild was one of the nongovernmental organizations selected by the U.S. government to officially represent the American people at the founding of the United Nations in 1945. NLG Lawyers helped draft the Universal Declaration of Human Rights, and founded one of the first UN-accredited human rights NGOs in 1948, the International Association of Democratic Lawyers (IADL).

In 1964, the NLG was the first national bar association to recruit lawyers to go into the Jim Crow south, and provide legal support to civil rights activists, who were facing illegal racist intimidation, harassment, violence, and murder. This effort was organized and led by two Detroit NLG members who later had distinguished careers as jurists: the Honorable Anna Diggs Taylor; and the Honorable Claudia Morcom.

The instant prosecution of the Honorable Bruce Morrow by the Michigan Judicial Tenure Commission (MJTC), is of extreme significance to the NLG, because it is based exclusively on myriad complaints accumulated by the Wayne County Prosecutor's Office ("WCPO") against Judge Morrow over a period of many years. This Complaint against Judge Morrow represents an abuse of government power by the prosecutor's office, which seeks to make an example of an independent-thinking jurist who is constantly seeking new ways to make the judicial system meaningful and helpful to the citizens of Wayne County. This prosecution of Judge Morrow by the MJTC at the behest of the WCPO represents precisely the type of abuse of governmental power which the NLG has opposed since its founding.

B. Criminal Defense Attorneys of Michigan (CDAM):

Since its founding in 1976, Criminal Defense Attorneys of Michigan [CDAM] has been the statewide association of criminal defense lawyers in Michigan, representing the interests of the state's criminal defense bar in a wide array of matters. CDAM currently has 635 members.

As reflected in its by-laws, CDAM exists to, *inter alia*, "promote expertise in the area of criminal law, constitutional law and procedure and to improve trial, administrative and appellate advocacy", "provide superior training for persons engaged in criminal defense", "educate the bench, bar and public of the need for quality and integrity in defense services and representation" and "guard against erosion of the rights and privileges guaranteed by the United States and Michigan Constitutions and laws". Toward these ends, CDAM regularly conducts training

seminars for criminal defense attorneys, publishes a newsletter with articles on various subjects relating to criminal law and procedure, provides relevant information to the state legislature regarding contemplated changes of laws, engages in other educational activities and participates as an *amicus curiae* in litigation of relevance to the organization's interests.

Per Court Rule, CDAM is one of the few state bar associations which does not have to request permission from the Court to file a brief *amicus curiae*. MCR 7.306(D)(2).

CDAM has a strong, direct institutional interest in this case because of the implications of the Opinion of the Michigan Judicial Tenure Commission on the authority of trial judges to creatively employ policies and procedures designed to insure fairness and due process of law in criminal prosecutions.

C. Wayne County Criminal Defense Bar Association (WCCDBA):

The Wayne County Criminal Defense Bar Association (WCCDBA) is the organization of criminal defense attorneys who practice in the Criminal Division of the Wayne Circuit Court, one of the busiest criminal courts in the country. The WCCDBA currently has 400 members.

The purpose of the WCCDBS is to promote improvements in the administration of justice in the Criminal Division of the Third Circuit Court. The WCCDBA stands guard as an active defense bar that serves as an advocate for the defense attorneys who play critical (and often under-appreciated) roles in the administration of justice. Its policies and practices are inspired by the words of Clarence Darrow:

As long as the world shall last there will be wrongs, and if no man objected and no man rebelled, those wrongs would last forever.

WCCDBA has a strong, direct institutional interest in this case because its members practice before the Honorable Bruce Morrow on a regular basis, and have unique opportunities to observe the administration of justice in his courtroom. The members of WCCDBA uniformly

believe that Judge Bruce Morrow diligently promotes fairness and due process in the cases that come before him, and that he strives to arrive at rulings and judgments that take into account both the punishment and rehabilitation of offenders, as well as the safety of the community.

II. GROUNDS FOR *AMICI* FILING

A. In requesting leave to participate in this matter, the NLG, CDAM, and the WCCDBA seek to advance the interests of their members and the public in general, in guaranteeing that the conduct of judges shall be fairly and even-handedly evaluated according to the Michigan Standards of Judicial Conduct [MCR 9.203](#)) and that the MJTC shall receive a clear message that uneven application of those standards will not be tolerated. The NLG, CDAM and the WCCDBA believe that, in any complaint against a sitting judge, a clear distinction must be drawn between allegations of actual judicial misconduct on the one hand, and incidents of erroneous application of the law and/ or of poor judgment on the other. Most importantly, the NLG, CDAM, and the WCCDBA seek to stand for the principle that a county prosecutor cannot seek relief through the MJTC from a judge's legal decisions that it may disagree with, but that are appropriately addressed to the appellate courts. [MCR 9.203\(B\)](#).

B. As explained in the proposed *amicus curiae* brief, attached as Exhibit 1 to this motion, the Special Master's failure to properly apply the applicable standards resulted in an erroneous finding of judicial misconduct against Judge Morrow in two cases, People v Hill and People v McGee. The MJTC exacerbated these errors by inappropriately rejecting the Special Master's carefully considered findings and recommendations with respect to six additional cases, and imposing discipline based upon purported findings of judicial misconduct in a total of eight cases. This blatant disregard of the careful findings of the Special Master leaves the whole process open to skeptical questioning by the public, members of which will likely conclude that

the actions of the MJTC were motivated by considerations of Judge Morrow's race.

C. The NLG, CDAM, and the WCCDBA believe that their participation as *amici curiae* will afford this Court the benefit of arguments that address the issues presented in this case from a broader perspective, distinct and different from that of the parties.

D. This Court has the authority to accept this motion and proposed *amici curiae* brief for filing pursuant to MCR 7.306(D)(1).

III. RELIEF

For the foregoing reasons, as well as those set forth in the attached brief, the NLG, CDAM, and the WCCDBA request that this Court grant their motion to submit the attached *amici curiae* brief in the above-referenced matter.

Respectfully submitted,

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EXHIBIT I

IN THE MICHIGAN SUPREME COURT

JUDICIAL TENURE COMMISSION
COMPLAINT AGAINST:

Case No. 146802

Formal Complaint No. 92

HONORABLE BRUCE MORROW,
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**NATIONAL LAWYERS GUILD, MICHIGAN/DETROIT CHAPTER; CRIMINAL
DEFENSE ATTORNEYS OF MICHIGAN (CDAM); and WAYNE COUNTY CRIMINAL
DEFENSE BAR ASSOCIATION (WCCDBA)'S *AMICI CURIAE* BRIEF
SUPPORTING JUDGE BRUCE MORROW'S PETITION TO REJECT AND/OR
MODIFY THE JUDICIAL TENURE COMMISSION'S RECOMMENDATIONS**

The National Lawyers Guild, Michigan/Detroit Chapter, the Criminal Defense Attorneys of Michigan (CDAM), and the Wayne County Criminal Defense Bar Association (WCCDBA), by their undersigned representatives, hereby file this amici curiae brief in support of the Petition of the Honorable Bruce Morrow.

Introduction

The NLG, CDAM, and the WCCDBA incorporate herein by reference the "Grounds for Amici Filing" which is contained as Section II of the attached Motion for Leave to File *Amici Curiae* Brief.

STATEMENT OF FACTS AND PROCEEDINGS

Judge Morrow is an African-American native of Detroit. He earned his undergraduate degree at Eastern Michigan University and his J.D at Howard University. Since 1992, he has served as a Judge of the criminal division of the Wayne Circuit Court (formerly the Recorder's Court for the City of Detroit). He was reelected in 1998, 2004, and again in 2010.

Just before the 2000 presidential election, the British Broadcasting Company ("BBC") quoted him as saying, "I'm here to change things, not to rubber-stamp them and say let's go on with business as usual." <http://news.bbc.co.uk/2/hi/americas/1005701.stm>.

Among the reforms Judge Morrow wanted to make was the way in which probation decisions are made, in part because of the public cost of the high numbers of technical probation revocations. No one will dispute that Judge Morrow came into the court with an explicit agenda to improve the services provided by the court, both to accused individuals and to the general public.

Judge Morrow was also quoted in 2000 as saying, "[t]here is a little feeling of 'wow' when I first got the job, that I didn't want to be a part of the same system that singled out people for persecution just based on colour, (sic) or race, or nationality." <http://news.bbc.co.uk/2/hi/americas/1005701.stm>.

Judge Morrow has made it his business to insure that the people brought before him face a Court whose integrity and fairness could be trusted. As summarized in the Report of the Special Master:

The facts established that...[d]uring his 21 year tenure, Respondent [Judge Morrow] has presided over literally hundreds, if not thousands, of criminal matters. Witnesses described him as hardworking and punctual. Respondent was also described as fair and as a Judge who runs a user-friendly courtroom. He is described as someone who reaches to defendants and tries to encourage them to change their ways. He has a reputation for "hands on approach" often shaking hands with jurors, defendants, defendant's families; he communicates with

probationers in a motivational way.
Report of the Special Master, pp. 4-5.

It is not surprising that Judge Morrow incurred the displeasure of the Wayne County Prosecutor's Office (WCPO). After two decades of faithful service to the citizens of Wayne County, during which he has treated all parties with respect, and communicated with probationers "in a motivational way," Judge Morrow has now been attacked by the disgruntled WCPO. The WCPO filed a Formal Complaint with the Judicial Tenure Commission against the judge, involving ten cases that spanned the six years from 2005 through 2010. There is no complainant other than the WCPO. During the hearing before the Special Master, there were no witnesses against the judge other than employees of the WCPO. In reviewing the complaint, the Special Master investigated nothing other than "evidence" brought forward by the WCPO.

The specific incidents of conduct complained of by the WCPO each fall into one of three categories:

Conduct of Judge Morrow which was obviously intended by him to bring about improved, progressive changes which he reasonably and bravely believed would bring about improved delivery of justice by the court;

Legal decisions made by Judge Morrow which, while possibly erroneous, are within the purview of the Court of Appeals and of this Court, through the appellate process; and

Behavior which, while possibly unwise or inappropriate, should not be considered as judicial misconduct because it cannot be called "persistent."

None of the behaviors complained of in the complaint in this case constitutes judicial misconduct, or a pattern of misconduct warranting discipline.

ARGUMENTS

I. WHERE THE JUDICIAL TENURE COMMISSION’S FINDINGS OF JUDICIAL MISCONDUCT WERE LARGELY BASED ON CRITICISMS THAT JUDGE MORROW MADE ERRONEOUS LEGAL RULINGS WHICH WERE REVIEWABLE ON APPEAL, AND WHERE OTHER FINDINGS WERE OF ACTIONS OF JUDGE MORROW WHICH DO NOT CONSTITUTE JUDICIAL MISCONDUCT, THE HOLDING OF THE MJTC THAT JUDGE MORROW COMMITTED JUDICIAL MISCONDUCT SHOULD BE REVERSED.

“The [Judicial Tenure] commission may not function as an appellate court to review the decision of a court or to exercise superintending or administrative control of a court ... An erroneous decision by a judge made in good faith and with due diligence is not judicial misconduct.” MCR 9.203 (B)

Following is a summary of the cases in which the MJTC found judicial misconduct, which it held were deserving of the harsh discipline recommended, together with the position of amici as to whether the findings of judicial misconduct in each instance were appropriate:

A. P. v Orlewicz:

Here, Judge Morrow closed his courtroom during a post-conviction motion for new trial. At the request of defense counsel, he excluded the parents of the decedent and ordered the court reporter not to prepare transcript.

The Court of Appeals (“COA”) asked Judge Morrow to articulate his basis for closing courtroom, which he did, specifying concern for effect of media coverage and revelation of suppressed evidence on a new trial if the court were open to the media and the public.

The COA disagreed and ordered the courtroom open.

Judge Morrow granted the defendant a new trial based on the improper suppression of psychiatric evidence in support of the defendant, but the COA reversed that decision, finding no reversible error.

The Master found no judicial misconduct, and specifically noted:

A reading of his [Judge Morrow's] thinking process indicates he was most concerned about insuring a fair trial to Defendant should he prevail, to limit excluded or suppressed information from public exposure, and to minimize tainting a potential jury pool.

Report of the Special Master, at 13.

The MJTC found misconduct, based on MCR 8.116(D)(1), which restricts the court from limiting public access to the courtroom

These are all issues that can be, and were, subject to appellate review; they cannot be properly subject to discipline. MCR 9.203(B).

B P. v Fletcher:

Judge Morrow sentenced the defendant to 5 years' probation with a jail sentence to be determined later, where 30 days jail time was required by MCL 257.625 (9)

The Special Master found no judicial misconduct because there was no Evidence of "bad faith" by Judge Morrow. (Master's Report at 17).

The MJTC found misconduct

This is an issue that is subject to appellate review, and cannot therefore be properly subject to discipline. MCR 9.203(B).

Judge Morrow continued defendant on bond after he was convicted of 1st degree Criminal Sexual Contact with a Person under 13; allegedly in violation of MCL 770.9b (1)

On the prosecutor's motion for superintending control, the COA found that Judge Morrow had violated his legal duty to detain defendant.

Judge Morrow granted a new trial based on prosecutorial misconduct, which ruling was reversed by the COA.

The Special Master found judicial misconduct

The MJTC found "Respondent's handling of this case shows a blatant disregard for the law."

However, the record is clear that Judge Morrow was concerned about the prosecutorial misconduct which had taken place during the trial, and wanted

to review that issue before incarcerating the Defendant. He acted in good faith, out of a desire to not incarcerate a person who may not have received a fair trial.

More importantly, this is an issue that is subject to appellate review, and cannot therefore be properly subject to discipline. MCR 9.203(B).

D. P. Wilder:

The judge accepted a plea under advisement, and then conducted a review as to why the police officers did not appear when the case had previously been scheduled for trial. After finding that the police had no valid reason for failing to appear, he dismissed the charges.

The Special Master found no misconduct, stating that: “Respondent was not motivated to favor the defendant *but to protect the integrity of the justice system*” (Emphasis added.)(Special Master’s Report, at 28).

The MJTC found judicial misconduct,

The judge’s actions were entirely proper and defensible. He has every right to insist that all witnesses respect the subpoena powers of the court. More importantly, this is an issue that is subject to appellate review, and cannot therefore be properly subject to discipline. MCR 9.203(B).

E. P. Boismier:

Judge Morrow granted defendant’s motion for a new trial based on the prosecutor’s violation of an order made at a sidebar forbidding the prosecutor from inquiring about the defendant’s unverified admission to having “consensual” sex with a victim below the age of consent

COA vacated the grant of a new trial, with two separate concurring opinions and one dissent

The Master found no misconduct, and opined that:

Respondent’s “pattern” of judging is to proactively prevent legally wrongful results. *Though his methods are sometimes unorthodox*, “his heart is in the right place” ensuring in his mind, that justice prevails in the criminal justice system.” (Emphasis added.)(Report of the Special Master, at 38).

The MJTC found judicial misconduct, holding that the judge never made a record of

his order prohibiting the prosecutor for asking about the alleged admission. Thus, the MJTC appears to be impugning the veracity of the judge's recitation of the facts -- that is, making a determination with no basis in evidence.

Further, it is not unusual for trial attorneys and/or the trial judge to forget or neglect to place the proceedings during a sidebar conference on the record. No case has ever suggested that the failure to do so constitutes judicial misconduct.

It is not misconduct to fail to make a record of discussions held at a sidebar conference. More importantly, this is an issue that is subject to appellate review, and cannot therefore be properly subject to discipline. MCR 9.203(B).

F. P. v Redding:

Here Judge Morrow shook a defendant's hand and handed some documents (consisting of the defendant's son's school records) to defense counsel. The Special Master specifically found that the jury was not present when these events transpired. (Special Master Report, at 42). Judge Morrow stated on the record he never read the documents, and when the prosecutor objected, she was permitted to see them.

The Special Master found no misconduct.

JTC found misconduct, based on breaching the appearance of impartiality

This finding by the MJTC is not logically a basis for any finding of misconduct, since the conduct occurred outside the presence of the jury. The judge was acting according to his pattern of creating a welcoming atmosphere. There was no breach of the appearance of impartiality. More importantly, this is an issue that is subject to appellate review, and cannot therefore be properly subject to discipline. MCR 9.203(B).

G. P. v Moore:

Sua sponte, and after entry and acceptance of a guilty plea, Judge Morrow said he had obtained the defendant's medical records, which showed that the robbery victims had severely beaten the defendant after disarming him.

The Special Master found no misconduct, and stated that:

Respondent was concerned about the treatment of defendant during his apprehension. The brutal treatment of defendant, while not excusing his crime, was totally improper.

(Report of the Special Master, at 44).

The MJTC found misconduct, based on a conclusion that Judge Morrow was acting as an advocate for the defense.

The judge was acting to expose vigilantism, not to give preferential treatment to or excuse the defendant. There was a perfectly legitimate basis for Judge Morrow's investigation. Moreover, this is an issue that is subject to appellate review, and cannot therefore be properly subject to discipline. MCR 9.203(B).

H. P. v Hill:

The Wayne County Sheriff failed to provide security officers to Judge Morrow's courtroom. Judge Morrow waited patiently for some time, but the defense attorney had to leave to attend to a matter in another Court. Judge Morrow, together with defense counsel, removed the prisoner from the courtroom lockup, brought him into the courtroom, and proceeded to conduct the Sentencing Hearing. Judge Morrow then returned the prisoner to the lockup after the Sentencing Hearing was concluded, again without security, and without incident.

The Special Master found this did constitute misconduct.

JTC found misconduct, based on a belief, which is completely without an foundation in the record, that Judge Morrow endangered the people in the courtroom

The record of the hearing before the Special Master demonstrates that Judge Morrow becomes personally acquainted with the defendants whose cases are before him throughout the course of the court proceedings. Clearly, both he

and the defense attorney were convinced that this defendant posed no danger; and they were right. Not every incarcerated defendant represents a security threat. They are each human beings, who should be treated as individuals. Judge Morrow acted according to his commitment to the efficient running of his courtroom, clearly believing he was not creating any danger; and he didn't create any danger.

Judge Morrow could possibly be criticized for acting in violation of court policies; but not every violation of court policies constitutes judicial misconduct. It defies reason and common sense to consider this incident an example of judicial misconduct. And it clearly does not represent a persistent pattern of conduct, as it was a one-time incident.

None of the incidents which took place during any of these cases individually rises to the level of judicial misconduct. Even examined collectively, they do not form any sort of pattern. The vast majority involved rulings and actions by Judge Morrow which are subject to appellate review, and therefore are not appropriate subjects for discipline. MCR 9.203(B). The other allegations represent actions by Judge Morrow which were intended to improve the efficiency, fairness, and integrity of the Court. He may have failed in some of these incidents accomplish these goals, but it cannot reasonably be judicial misconduct to make the attempt.

For these reasons, the holdings of the Judicial Tenure Commission that the above incidents constituted judicial misconduct should be reversed, and all the charges against Judge Morrow should be dismissed.

II. WHERE REVIEW OF THIS COURT'S DECISIONS IN JUDICIAL MISCONDUCT CASES SINCE 2005 SHOWS THAT THE MJTC'S RECOMMENDATION IN THIS CASE IS OUT OF LINE WITH PAST PRECEDENT, ANY DISCIPLINE IMPOSED SHOULD BE LIMITED TO A REPRIMAND.

In the case of In re: Catherine Steenland, 482 Mich 1202, N.W.2d 254 (2008) (Docket No. 137511, Dec. 8, 2008), this Court approved public censure and a 90-day suspension as the punishment for a judge *convicted of* driving while intoxicated. Here, the MJTC recommends the same discipline for Judge Morrow as it agreed was appropriate for a judge who clearly and obviously put the general public at serious risk through her negligent behavior.

In the case of In re: Norene Redmond, 480 Mich 1227, 758 NW2d 254 (Docket No. 134481, February 6, 2008), this Court upheld a sanction of ONLY public censure for judicial misconduct in three separate cases, all involving setting bonds which were excessive and clearly punitive, *and incarcerating defendants who ought not to have been incarcerated*. In one case, the Judge publicly and on the record humiliated a defendant in a noise case, calling the defendant and her friends “punks”, describing the defendant’s home as a flophouse, and said she would be “livid” if a resident in *her* neighborhood held loud parties—the judge then set bail in a clearly excessive amount, thereby clearly demonstrating her bias against the defendant.

In another case, the judge flagrantly abused her judicial authority by retaliating against a defendant when she learned that the defendant’s 16-year-old son (who was the complainant in the case) had used a slur against the Judge (out of her presence) by raising the defendant’s bail without notice from \$5,000 to \$25,000.

Finally, in a case that was sure to (and indeed did) end in a plea agreement with probation, she set bail for one defendant at \$750,000 and the other at one million dollars, putting release out of reach. Judge Redmond’s misuse of her authority to set bail showed a clear pattern of bias and

abuse, not present in any of the cases cited against Judge Morrow.

In stark contrast, there is only one case here in which Judge Morrow is accused of bias. It arises out of a single instance in which he shook the hand of a defendant at the beginning of a trial, outside the presence of the jury. The Special Master found that Judge Morrow was known to be a friendly, welcoming judge who sought to create an atmosphere of fairness and to acknowledge the human dignity of the people brought before him. Here, the MJTC recommends censure and a 90-day suspension.

Other recent cases in which this Court approved a sanction of simple public censure, without a suspension, involved the following types of misconduct: (1) judges who, without good reason, adjourned multiple cases multiple times. In re Marion Moore, 472 Mich 1207, 692 NW2d 834 (2005); In re Barglind, 482 Mich 1202, ___ NW2d ___ (No 136881, September 17, 2008); In re Halloran, 486 Mich 1054, 783 NW2d 709 (2010). (2) wrote a letter in support of a friend's candidacy for judge with extreme accusations against her opponent. In re Fortinberry, 474 Mich 1203 (2006); moved out of the district and made pornographic doodles on notes to court staff. In re Serras, 484 Mich 634, 774 NW2d 46 (2009). And made false statements concerning his assignment of a personal recognizance bond for a friend. In re Logan, 486 Mich 1050, 783 NW2d 705 (2010).

The misconduct of the judges in the above cited cases was more serious and more detrimental to the administration of justice than anything Judge Morrow is accused of. Even if this Court should find Judge Morrow responsible for misconduct based on the accusations at issue here, he should not be disciplined more severely than the judges in the above cases.

RELIEF REQUESTED

For the reasons set forth above, *Amici Curiae*, the National Lawyers Guild, Michigan/Detroit Chapter; the Criminal Defense Attorneys of Michigan (CDAM); and the Wayne County Criminal Defense Bar Association (WCCDBA); respectfully urge this Honorable Court to either dismiss all the remaining

charges against Judge Morrow; or impose discipline no more severe than a reprimand; or impose such other relief as justice requires.

Respectfully submitted,

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Dated: March 4, 2014

MEMO

To Dee: The three pages that need to be signed are on your keyboard. Susan Reed is an African-American woman who will pull up in front of the Bldg. Between 8:30 and 9:00 and will call you to come down. Ask her what type of car she is in.

After she signs, call Val Newman at SADO in Penobscot and ask when you can bring them over for her to sign. I am still working on some minor corrections tonight and into the morning; but I should be through by 11:00 easy and you can then make the copies.

Make sure we send a check with the package to the Mich. Sup. Ct. And make sure we hand deliver copies to the attys. For the Judicial Tenure Commission. I plan to be at the office by 9:00 or so. John