

MICHIGAN SUPREME COURT

In re Hon. Elizabeth Biolette Church

499 Mich. 936 (2016) · No. SC: 152830 · Decided May 25, 2016

SUMMARY

The Michigan Supreme Court publicly censured and suspended Judge Elizabeth Biolette Church for 120 days without pay based on stipulated findings of judicial misconduct. The misconduct included unauthorized dismissal or modification of criminal and ticket cases, ex parte communications, improper handling of disqualification matters, and failure to appoint a translator when required. The Court adopted the Judicial Tenure Commission's findings and conclusions and deferred to its recommended sanction in light of the judge's medical condition and acceptance of responsibility.

CASE DETAILS

COURT	Michigan Supreme Court
WRITING FOR THE COURT	Per Curiam; Robert P. Young, Jr.; Stephen J. Markman; Brian K. Zahra; Bridget M. McCormack; David F. Viviano; Richard H. Bernstein; Joan L. Larsen
JURISDICTION	Michigan
DECIDED	May 25, 2016
DOCKET	SC: 152830
DISPOSITION	other
PROCEDURAL POSTURE	The Judicial Tenure Commission issued a decision and recommendation concerning respondent Judge Elizabeth Biolette Church. Church consented to the findings and recommended discipline, waived her rights, and agreed to a sanction no greater than public censure and a 120-day suspension without pay. The Michigan Supreme Court conducted de novo review and entered its disciplinary order.
STANDARD OF REVIEW	De novo review
PRECEDENTIAL VALUE	Published Michigan Supreme Court disciplinary order

TOPICS

administrative law

constitutional law

criminal procedure

judicial review of agency action

PRACTICE AREAS

judicial discipline

judicial ethics

administrative law

constitutional law

QUESTIONS PRESENTED

1. Whether the Judicial Tenure Commission's stipulated factual findings and legal conclusions established judicial misconduct, conduct prejudicial to the administration of justice, impropriety, improper ex parte communications, and related violations of judicial conduct standards.
2. Whether public censure and a 120-day suspension without pay were an appropriate sanction under the circumstances.

HOLDINGS

1. The Supreme Court adopted the Judicial Tenure Commission's stipulated findings of fact and legal conclusions as its own following de novo review and held that Judge Church's conduct constituted misconduct in office, conduct clearly prejudicial to the administration of justice, conduct involving impropriety and the appearance of impropriety, failure to be faithful to the law and maintain professional competence, improper ex parte communications, and failure to use the usual and accepted methods of doing justice.
2. The Supreme Court publicly censured Judge Church and suspended her without pay for 120 days.

KEY QUOTATIONS

“During the period of suspension, Judge Church shall not enter any courthouse in Chippewa County or initiate communication with the staff of any courthouse in Chippewa County unless she has a personal matter pending in any of those courts and then only to the extent that any other member of the public would have access to the court or the court staff.” (at 7)

FACTUAL BACKGROUND

Judge Elizabeth Biolette Church served on the Chippewa County Probate and District Court. Over several years, she reduced, dismissed, or modified sentences in at least 20 criminal cases and dismissed at least 32 ticket cases without hearings and without explicit prosecutorial authority. She also engaged in undisclosed ex parte communications, including a meeting with a criminal defendant and communications with another judge about a pending case, and declined to appoint a translator when required.

PROCEDURAL HISTORY

The Judicial Tenure Commission determined that Judge Church committed multiple forms of judicial misconduct, including unauthorized disposition of criminal and ticket cases, ex parte communications, improper contacts concerning a pending case, and failure to appoint a translator when required. The Commission recommended public censure and a 120-day unpaid suspension under a settlement agreement. The Supreme Court adopted the Commission's stipulated factual findings and legal conclusions after de novo review, deferred to the recommended sanction because of Church's serious medical condition and acceptance of responsibility, and imposed the recommended discipline.

DISPOSITION

other

CASES CITED

- In re Brown, 461 Mich. 1291, 1292-1293 (2000)

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