

SUPREME COURT OF MICHIGAN

In re The Honorable Steven Ford

674 N.W.2d 147 (Mich. 2004) · No. 124553 · Decided January 23, 2004

SUMMARY

The Michigan Supreme Court reviewed and adopted the Judicial Tenure Commission's findings concerning former Judge Steven Ford's misconduct, including unwanted physical contact with a court employee and use of court equipment to access sexually explicit websites. Because Ford had resigned, agreed not to serve as a judge or seek judicial office, and consented to the sanction, the court ordered public censure as the maximum available discipline.

CASE DETAILS

COURT	Supreme Court of Michigan
JURISDICTION	Michigan
DECIDED	January 23, 2004
DOCKET	124553
DISPOSITION	other
PROCEDURAL POSTURE	The Michigan Judicial Tenure Commission recommended public censure of a former district judge pursuant to a settlement and plea agreement. The Michigan Supreme Court reviewed the recommendation de novo.
STANDARD OF REVIEW	De novo review
PRECEDENTIAL VALUE	Published Michigan Supreme Court per curiam disciplinary opinion

TOPICS

administrative law judicial review of agency action constitutional law remedies

PRACTICE AREAS

judicial discipline administrative law constitutional law judicial ethics remedies

QUESTIONS PRESENTED

- Whether the admitted conduct constituted judicial misconduct under the Michigan Constitution, Michigan court rules, and the Code of Judicial Conduct.

2. Whether public censure was the appropriate and available sanction after respondent's resignation and consent to the disciplinary recommendation.

HOLDINGS

1. The admitted conduct constituted judicial misconduct, including misconduct in office, conduct clearly prejudicial to the administration of justice, gender-based discourteous or disrespectful treatment, violations of the Code of Judicial Conduct, and violations of MCR 9.104.
2. Public censure was the appropriate and most severe sanction available because Ford had resigned, agreed not to serve in a judicial capacity, and consented to the sanction.

KEY QUOTATIONS

“Everything else being equal: (1) misconduct that is part of a pattern or practice is more serious than an isolated instance of misconduct; (2) misconduct on the bench is usually more serious than the same misconduct off the bench; (3) misconduct that is prejudicial to the actual administration of justice is more serious than misconduct that is prejudicial only to the appearance of propriety; (4) misconduct that does not implicate the actual administration of justice, or its appearance of impropriety, is less serious than misconduct that does; (5) misconduct that occurs spontaneously is less serious than misconduct that is premeditated or deliberated; (6) misconduct that undermines the ability of the justice system to discover the truth of what occurred in a legal controversy, or to reach the most just result in such a case, is more serious than misconduct that merely delays such discovery; (7) misconduct that involves the unequal application of justice on the basis of such considerations as race, color, ethnic background, gender, or religion are more serious than breaches of justice that do not disparage the integrity of the system on the basis of a class of citizenship.” (674 N.W.2d at 147-148)

“After reviewing the recommendation of the Judicial Tenure Commission, the settlement and plea agreement, the standards set forth in Brown, and the above findings and conclusions, we accept the recommendation of the commission and order that former Judge Steven Ford be publicly censured.” (674 N.W.2d at 151)

FACTUAL BACKGROUND

While serving as a judge of Michigan's 92nd District Court, Steven Ford forcibly kissed a female court employee and rubbed her breasts without invitation or consent. He also used a court computer during working hours to access sexually explicit websites. Ford pleaded no contest to an amended charge of aggravated assault, resigned his judicial position, agreed never to serve as a visiting judge or seek a Michigan judicial position, and consented to public censure.

PROCEDURAL HISTORY

The Judicial Tenure Commission filed Formal Complaint No. 74 against Steven Ford. Ford denied that the allegations constituted misconduct, later pleaded no contest to an amended criminal charge of aggravated assault, resigned as a district judge, and entered a settlement and plea agreement resolving the disciplinary matter. The Commission recommended public censure and dismissal of the remaining allegations; the Supreme Court reviewed and adopted the Commission's findings and conclusions and accepted its recommendation.

DISPOSITION

other

CASES CITED

- In re Brown, 461 Mich. 1292, 625 N.W.2d 744 (1999)
- In re Brown (After Remand), 464 Mich. 135, 626 N.W.2d 403 (2001)

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