

SUPREME COURT OF MICHIGAN

In re Hon. Christopher Brown, 464 Mich. 135

626 N.W.2d 403 (2001) · No. 111840 · Decided May 30, 2001

SUMMARY

The Michigan Supreme Court reviewed a Judicial Tenure Commission recommendation concerning Judge Christopher C. Brown’s statements to police officers after an automobile accident. The Court concluded that the conduct created an appearance of impropriety and, considering the judge’s prior admonitions and the spontaneous, off-bench nature of the remarks, adopted a fifteen-day suspension without pay; the chief justice dissented.

CASE DETAILS

COURT	Supreme Court of Michigan
WRITING FOR THE COURT	Michael F. Cavanagh; Marilyn J. Kelly; Taylor; Young; Markman; Weaver; Corrigan
JURISDICTION	Michigan
DECIDED	May 30, 2001
DOCKET	111840
DISPOSITION	other
PROCEDURAL POSTURE	Judicial disciplinary matter returned to the Michigan Supreme Court after remand to the Judicial Tenure Commission for articulation and application of disciplinary standards.
STANDARD OF REVIEW	The Supreme Court reviewed the JTC's decision and recommendation, adopting the JTC's factual findings for purposes of the per curiam opinion and independently applying the previously articulated disciplinary factors. The dissent stated that the Court reviews the record de novo but should defer to the master's credibility determinations.
PRECEDENTIAL VALUE	Published Michigan Supreme Court per curiam opinion; precedential.

TOPICS

- administrative law
- agency adjudication
- judicial review of agency action
- appellate procedure
- standard of review

PRACTICE AREAS

judicial discipline

administrative law

appellate procedure

QUESTIONS PRESENTED

1. Whether Judge Brown's statements and requests to police officers following an automobile accident constituted judicial misconduct clearly prejudicial to the administration of justice.
2. Whether the Judicial Tenure Commission's recommended fifteen-day suspension should be adopted after application of the previously articulated judicial-discipline factors.

HOLDINGS

1. Respondent's statements to police officers, including his request that the other driver's name be run through LEIN and that she be ticketed, constituted sufficient judicial misconduct because the conduct invoked his judicial status in a manner that created an appearance of impropriety and was clearly prejudicial to the administration of justice.
2. A suspension from the discharge of all judicial and administrative duties without pay for fifteen days was appropriate.

KEY QUOTATIONS

“Upon review, we hereby adopt the JTC's recommended sanction of suspension from the discharge of all judicial and administrative duties without pay for a period of fifteen days.” (at 404)

“Thus, we hold that respondent be suspended from the discharge of all judicial and administrative duties without pay for a period of fifteen days.” (at 406)

FACTUAL BACKGROUND

Judge Christopher Brown was involved in an automobile accident with Sue Lambouris. Brown knew one of the responding police officers, told the officers that Lambouris was traveling at eighty-five miles per hour, and requested that her name be run through the Law Enforcement Information Network and that she be ticketed. The Supreme Court concluded that these statements, considered together with Brown's four prior JTC admonitions, created an appearance of impropriety and warranted discipline.

PROCEDURAL HISTORY

The Judicial Tenure Commission filed a complaint against Judge Christopher Brown concerning statements he made to police officers after an automobile accident. After an evidentiary hearing, the master concluded that respondent had not abused his office, but the JTC rejected that conclusion in part, found that respondent attempted to use the prestige of his office for personal advantage, and recommended a fifteen-day suspension. The Supreme Court previously remanded the matter for the JTC to articulate and apply disciplinary standards. On remand, the JTC renewed its recommendation, and the Supreme Court adopted it.

DISPOSITION

other

CASES CITED

- In re Brown, 461 Mich. 1291, 625 N.W.2d 744 (2000)
- In re Loyd, 424 Mich. 514, 384 N.W.2d 9 (1986)
- In re Mikesell, 396 Mich. 517, 243 N.W.2d 86 (1976)

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