

MICHIGAN SUPREME COURT

In re Hon. Julie A. McDonald

No. SC: 159161, Michigan Supreme Court (April 25, 2019)

SUMMARY

Michigan Supreme Court ordered a 45-day suspension without pay for 6th Circuit Judge Julie A. McDonald, who consented to the sanction after being arrested for driving while intoxicated and littering while a judicial candidate. The Court adopted stipulated findings that her conduct violated judicial canons and Michigan Court Rules, applying the standards from **In re Brown** (2000) to evaluate the seriousness of the misconduct. The suspension was based on a settlement agreement with the Judicial Tenure Commission, reflecting that the misconduct occurred off the bench but involved a pattern of impaired driving and undermined public confidence in the judiciary.

CASE DETAILS

COURT	Michigan Supreme Court
WRITING FOR THE COURT	Bridget M. McCormack; David F. Viviano; Stephen J. Markman; Brian K. Zahra; Richard H. Bernstein; Elizabeth T. Clement; Megan K. Cavanagh
JURISDICTION	Michigan
DECIDED	April 25, 2019
DOCKET	SC: 159161
DISPOSITION	other
PROCEDURAL POSTURE	Review of Judicial Tenure Commission recommendation and settlement agreement in judicial discipline proceeding
STANDARD OF REVIEW	De novo review of Judicial Tenure Commission findings and recommendation
PRECEDENTIAL VALUE	Published

TOPICS

judicial review of agency action

administrative law

appellate procedure

standard of review

civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the respondent's conduct constitutes judicial misconduct under the Michigan Constitution and Code of Judicial Conduct
2. Whether a 45-day suspension without pay is an appropriate sanction

HOLDINGS

1. The respondent's conduct constitutes misconduct in office, violation of judicial canons, and warrants a 45-day suspension without pay.

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.” (at 2)

FACTUAL BACKGROUND

On September 8, 2018, respondent, then a judicial candidate, was arrested for driving while intoxicated and littering after throwing a cigarette butt from her car and speeding. She had a blood alcohol content of .102% on a preliminary breath test and later .08% on Datamaster tests. She pleaded guilty to disorderly conduct – littering, with a delayed sentence, and the OWI charge was dismissed. She was elected circuit judge on November 6, 2018. She has no prior criminal record, cooperated with police, and voluntarily undertook alcohol monitoring and drug screens with negative results.

PROCEDURAL HISTORY

The Judicial Tenure Commission issued a Decision and Recommendation finding that respondent's conduct constituted judicial misconduct and recommended a sanction. Respondent consented to the findings and to a sanction no greater than a 45-day suspension without pay. The Michigan Supreme Court reviewed the recommendation and settlement agreement de novo.

DISPOSITION

other

CASES CITED

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

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