

# MICHIGAN SUPREME COURT



## *Office of Public Information*

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### **JUDICIAL MISCONDUCT ALLEGATIONS AT ISSUE IN CASE TO BE ARGUED BEFORE MICHIGAN SUPREME COURT NEXT WEEK**

**Ingham County judge should be removed from office, Judicial Tenure Commission argues; judge disputes allegations, denies wrongdoing**

LANSING, MI, June 3, 2008 – An Ingham County judge who opposes the Judicial Tenure Commission’s recommendation that she be removed from office will have her case heard by the Michigan Supreme Court next week.

In *In re Nettles-Nickerson*, the Judicial Tenure Commission – the state agency that investigates and prosecutes judicial misconduct complaints – concluded that the judge “made false statements under oath” in her divorce case, made and solicited other false statements while not under oath, and allowed a social relationship to influence her decision to release a criminal defendant from probation, in addition to committing other violations of judicial conduct rules. The judge denies any wrongdoing.

Court will be held on **June 11** in the Supreme Court’s courtroom on the sixth floor of the Michigan Hall of Justice in Lansing. Oral argument will begin at **9:30 a.m.**

*(Please note: The summary that follows is a brief account and may not reflect the way in which some or all of the Court’s seven Justices view the case. The attorneys may also disagree about the facts, the issues, the procedural history, or the significance of their case. Briefs in the cases argued before the Michigan Supreme Court are on the Court’s web site at [http://www.courts.michigan.gov/supremecourt/Clerk/msc\\_orals.htm](http://www.courts.michigan.gov/supremecourt/Clerk/msc_orals.htm). For further details about the case, please contact the attorneys.)*

**Wednesday, June 11**  
***Morning Session Only***

**IN RE NETTLES-NICKERSON (case no. 133929)**

**Attorney for petitioner Judicial Tenure Commission:** Paul J. Fischer/(313) 875-5110

**Attorney for respondent Judge Beverley Nettles-Nickerson:** Philip J. Thomas/(313) 821-2600

**Link to briefs:**

<http://www.courts.michigan.gov/supremecourt/Clerk/06-08/133929-Index.html>

**At issue:** A judge is accused of a number of judicial ethics violations, including lying under oath in connection with her divorce case and releasing a criminal defendant from probation

because of a social relationship with a court employee. She disputes the charges. Should she be removed from office?

**Background:** Judge Beverley Nettles-Nickerson is a judge of the Ingham County Circuit Court. On May 16, 2007, the Judicial Tenure Commission filed a ten-count complaint charging the judge with misconduct on and off the bench. The counts included allegations that the judge committed perjury in filing a divorce complaint in Kent County when, the JTC alleges, she and her then-husband were living in Ingham County. The JTC also charges that the judge was excessively tardy or absent, fabricated an e-mail regarding her vacation, recklessly flaunted her judicial office, and acted improperly in a probation-discharge request involving a court employee's boyfriend. The judge also violated judicial ethics rules by pressuring court employees to place cases on a "no progress" docket and made unsubstantiated claims of racism against her court's chief judge, the JTC charges. The judge denies these allegations, arguing in part that she is being subjected to disparate treatment because of her race and because she complained of racism to the Michigan Civil Rights Commission; in her defenses to the JTC action, she claims abridgement of her First Amendment rights, violation of Elliott-Larsen Civil Rights Act, and race discrimination. After the JTC filed its complaint, it also asked the Michigan Supreme Court to temporarily suspend the judge from the bench, which the Court did on June 6, 2007.

In a February 12, 2008 report, a special master found that seven of the ten JTC counts were supported by the evidence. A majority of the Judicial Tenure Commission board adopted his findings as to six counts; the JTC recommended that the judge be removed from office and pay over \$128,000 in costs. The majority also recommended that the judge – who faces re-election in November 2008 – “be suspended without pay, conditionally, for a period of six years commencing on January 1, 2009....” The judge opposes the JTC's recommendations.

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