

# MICHIGAN SUPREME COURT



## *Office of Public Information*

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### **INKSTER JUDGE'S ETHICS CASE TO BE HEARD BY MICHIGAN SUPREME COURT ON JULY 18**

LANSING, MI, July 12, 2012 – The Michigan Supreme Court will hear oral arguments next week in the case of an Inkster judge accused of violating judicial ethics rules.

The Judicial Tenure Commission, which investigates and prosecutes judicial misconduct charges, maintains that Judge Sylvia A. James should be removed from office, in part because she allegedly used funds from a court community service program for inappropriate purposes, such as travel expenses and to pay for advertising that promoted the judge. The judge maintains that she did not violate any rules or laws, and that she acted in good faith and not for personal benefit.

The Court will hear the oral argument in its courtroom on the sixth floor of the Michigan Hall of Justice on **July 18** starting at **10 a.m.** The Court's oral arguments are open to the public. The arguments will also be broadcast on Michigan Government Television ([mgtv.org](http://mgtv.org)).

*Please note: The summary that follows is a brief account of the case and may not reflect the way 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 the case. Briefs are available 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.*

#### **IN RE HONORABLE SYLVIA A. JAMES (case no. [143942](#))**

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

**Attorneys for respondent 22<sup>nd</sup> District Court Judge Sylvia A. James:** Mayer

Morganroth/(248) 864-4000, Sharon McPhail/(586) 552-0335

**Lower tribunal:** Judicial Tenure Commission

**At issue:** Did the Judicial Tenure Commissioner properly find that Judge Sylvia A. James committed judicial misconduct, including misuse of funds from a community service program? Should the Supreme Court remove the judge from office, as the JTC recommends? Is the JTC entitled to recover the costs of the proceedings?

**Background:** Judge Sylvia A. James, a judge of the 22<sup>nd</sup> District Court in Inkster since 1988, was placed on administrative leave on April 13, 2011 by the Michigan Supreme Court, following a State Court Administrative Office audit of the court's community service program fund. On October 26, 2011, the Judicial Tenure Commission filed a formal complaint that charged the judge with four counts of judicial misconduct, alleging that the judge:

- Engaged in financial improprieties. The JTC alleged that the judge used money from a community service program for travel expenses, to benefit organizations that were not

related to the program, to pay for advertising that promoted the judge, and to benefit her niece, a co-director of the community service program, even after her niece resigned from that position. The JTC also claimed that the judge caused the court's bank accounts to be switched to a different bank when Inkster city officials tried to view the accounts. The JTC claims that these actions amount to embezzlement and obtaining money by false pretenses.

- Violated employment rules for courts by hiring, and giving pay raises to, her niece. The JTC also claims that the judge improperly appointed a magistrate who was not a registered elector in the city of Inkster, and who signed, in error, over 15,000 bench warrants, which later had to be re-issued by a judge.
- Committed administrative improprieties, including imposing an unreasonable dress code.
- Was untruthful in her responses to the JTC, including her denial that that she received any benefit from the community service program disbursements.

On December 15, 2011, the Michigan Supreme Court suspended the judge from office with pay, pending the outcome of the JTC proceeding. After a seven-week hearing, a special master appointed by the Supreme Court concluded that the judge did misappropriate community service program funds, using the program as her "publicly funded private foundation." The master found, among other things, that the judge had assessed excessive oversight fees against defendants as part of their sentences and improperly applied those fees to the community service program first, instead of allocating them as required by state law. The master also determined that the judge had violated the Supreme Court's anti-nepotism employment policy and that she improperly required a magistrate to sign bench warrants. With regard to Count III, the master found that the JTC did not prove most of the allegations, but did find that the judge imposed an unreasonable dress code. As to Count IV, the master concluded that the judge made several misrepresentations during the hearing, including her testimony that she was not put on notice that she needed to have a budget prepared for the community service program account.

The JTC agreed with the master's findings. The JTC asks the Supreme Court to remove the judge from office, and to order her to pay over \$81,000 for the costs of the hearing.

The judge responds that she did not take any court funds for her personal benefit, but instead used the community service program fund to benefit the community. There is no evidence that the judge knowingly misallocated funds or violated auditing standards, the judge asserts; moreover, the master did not find that any funds were missing or unaccounted for, the judge notes. As to the employment improprieties claim, the judge asserts that she employed her niece in the good-faith belief that her niece was grandfathered in and not subject to the anti-nepotism policy. As to Count III, the judge states that her court dress code was consistent with judicial ethics rules, and that any problems arose from overzealous enforcement of the dress code by court employees. The judge also maintains that she did not make any misrepresentations, either in her answer to the JTC complaint or during the hearing before the master. The JTC complaint was prompted by political conflicts between her and the mayor of Inkster, not by any real problems with her conduct, the judge claims. She asserts that, at the most, the Supreme Court should only give her a private reprimand; she acted in good faith, did not violate any rule or law, and did not do anything to undermine the administration of justice, the judge states. Removal from office is unwarranted, especially when she has already been suspended from service since April 2011, the judge adds.

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