

FJE

JUDICIAL COUNCIL OF THE SIXTH CIRCUIT

MICHIGAN-OHIO-KENTUCKY-TENNESSEE

In re:
Complaint of Judicial Misconduct

*
*
* No. 93-6-372-14
*
*
*

MEMORANDUM

A complaint was filed with the Judicial Council of the Sixth Circuit pursuant to the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980, P.L. 96-458, and the Rules Governing Complaints of Judicial Misconduct or Disability adopted by the Judicial Council of the Sixth Circuit. The complaint was filed by a former secretary to a judge. The complainant alleged that the judge had engaged in a pattern of sexual harassment against her by creating a sexually hostile work environment. Following preliminary review by the Chief Judge of the Circuit pursuant to 28 U.S.C. § 372(c) and Rule 4(b) of the Rules Governing Complaints of Judicial Misconduct or Disability, the Chief Judge certified the complaint to the Special Investigating Committee of the Sixth Circuit Judicial Council pursuant to 28 U.S.C. § 372(c)(4) and Rules 4(e) and 9(d) of the Rules Governing Complaints of Judicial Misconduct or Disability.

On September 15, 1993, the Special Investigating Committee conducted a hearing on the complaint in the city of residence of the complainant and the respondent judge. The Committee received testimony from fourteen witnesses. Both the complainant and the respondent judge were represented by counsel at the hearing, and the Committee gave the complainant the opportunity to participate in the hearing, including presentation of her evidence through direct examination by her counsel and cross examination of the respondent judge.

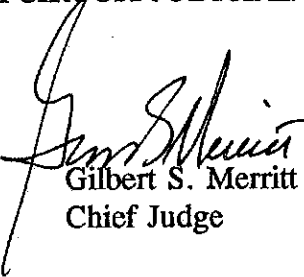
The Special Investigating Committee filed its findings and report with the Judicial Council on October 15, 1993. In both its general findings and its findings on each of the specific allegations of the complaint, the Committee found that the allegations of sexual harassment were not supported by clear and convincing evidence. The Committee unanimously recommended the dismissal of the complaint.

The findings and report were considered by the Council at a meeting on November 1, 1993. The Council unanimously accepted the findings of the Special Investigating Committee and approved its recommendation that the complaint be dismissed in its entirety.

Complaint No. 93-6-372-14
November 10, 1993
Page 2

In light of the disposition of this complaint, the Council recommends to the Director of the Administrative Office of the United States Courts, pursuant to 28 U.S.C. § 372(16) and Rule 14(h) of the Rules Governing Complaints of Judicial Misconduct or Disability, that the Director award reimbursement from funds appropriated from the judiciary for those reasonable expenses, including attorneys' fees, incurred by the respondent judge during the investigation of this complaint which would not have been incurred but for the requirements of 28 U.S.C. § 372(c) and the Complaint Rules.

FOR THE SIXTH CIRCUIT JUDICIAL COUNCIL



Gilbert S. Merritt
Chief Judge

Date: November 10, 1993