

IN THE MARYLAND COMMISSION ON JUDICIAL DISABILITIES

IN THE MATTER	*	CASE NOS.
OF	*	CJD 2013-124
JUDGE NANCY C. PHELPS	*	CJD 2014-070

TO: Judge Nancy Phelps, Chief Judge, Orphans' Court of Anne Arundel County, Maryland

PRIVATE REPRIMAND

PLEASE TAKE NOTICE that the Maryland Commission on Judicial Disabilities ("Commission") hereby issues a Private Reprimand to Judge Nancy C. Phelps ("Judge Phelps"), pursuant to Maryland Rule 16-807(b), and for cause states as follows:

1. At all times relevant to this case, Judge Phelps was, and is, a Judge, and Chief Judge since October 1, 2009, of the Orphans' Court of Anne Arundel County, Maryland.
2. The Commission received a complaint from Michael G. Morin, Esq., and Investigative Counsel conducted a separate inquiry, regarding allegations that Judge Phelps received commissions as a real estate agent involving real estate included in estates being supervised by the Orphans' Court of Anne Arundel County.
3. In accordance with Maryland Rule 16-805, the Commission's Investigative Counsel undertook an investigation of the complaint and inquiry regarding Judge Phelps. The Commission's Judicial Inquiry Board ("Board") reviewed the Investigative Counsel's Memoranda, including recommendations and attachments, and thereafter filed with the Commission the Board Reports, including recommendations.
4. Based upon the facts of the above-captioned cases, the Commission has concluded that:

Judge Phelps committed sanctionable conduct, pursuant to Maryland Rule 16-803(k), by violating Rules 1.1, 1.2(a) & (b), and 2.11 and 3.12 of the Maryland Code of Judicial Conduct, Maryland Rule 16-813; such sanctionable conduct warrants some form of discipline; such conduct does not warrant formal proceedings because Judge Phelps appeared to Investigative Counsel to appreciate what was wrong with her conduct and she stated that she would never do it again; and a Private Reprimand, with waiver of confidentiality, pursuant to Maryland Rule 16-810(b)(1), so that the Private Reprimand can be made public, given the available disposition options available to the Commission under the Maryland Rules, is the appropriate disposition under the circumstances.

5. Judge Phelps agrees that the facts of the above-captioned cases support the Commission's conclusion that Judge Phelps violated Rules 1.1, 1.2(a) & (b), 2.11, and 3.12 of the Maryland Code of Judicial Conduct, Maryland Rule 16-813, thereby constituting sanctionable conduct, pursuant to Maryland Rule 16-803(k).

6. The Commission intends for this Private Reprimand to serve as a warning that any further such conduct by Judge Phelps may result in possible future discipline. Upon the issuance of this Private Reprimand, the Commission shall notify the complainant of that disposition, pursuant to Maryland Rule 16-807(b)(2).

7. Judge Phelps, by her consent: (i) waives her right to a hearing before the Commission and subsequent proceedings before the Court of Appeals; (ii) waives her right to challenge the findings and conclusions that serve as the basis for this Private Reprimand; (iii) agrees that this Private Reprimand may be admitted in any subsequent disciplinary proceeding against her to the extent that it is relevant to the charges at issue or the sanction to be imposed; and (iv) expressly waives her right to confidentiality under Maryland Rule 16-810(a), as it relates to this Private

Reprimand and permits the Commission, in its discretion, to release the contents of this Private Reprimand pursuant to such waiver; and (v) agrees to sign and date her signature on this Private Reprimand and shall forward this Private Reprimand immediately thereafter to Carol A. Crawford, Investigative Counsel.


Maryland Commission on Judicial Disabilities

November 6, 2015
Date


By: 
The Honorable Alexander Wright, Jr., Chair

Agreed and Consented to:

11/3/15
Date


Judge Nancy C. Phelps

Nov 3 2015
Date


Benjamin J. Woolery, Esq.
Counsel to Judge Nancy C. Phelps