

STATE OF MARYLAND

BEFORE THE COMMISSION ON JUDICIAL DISABILITIES

IN THE MATTER OF:

JUDGE AMY LEIGH NICKERSON

*
*
*
*

CJD 2018-033

AMENDED CHARGES

TAKE NOTICE that the Commission on Judicial Disabilities (hereinafter “Commission”) caused to be made and completed an investigation, through its Investigative Counsel, Tanya C. Bernstein, Esq., (“Investigative Counsel”), of Judge Amy Leigh Nickerson (hereinafter sometimes referred to as “Judge”), who was, at all pertinent times, a Judge of the Orphan’s Court of Kent County, Maryland. The Commission notified Judge Nickerson of the nature of the investigation and afforded the Judge an opportunity to present information bearing on the subject of the investigation. Thereafter, having received and considered information from the investigation, the Commission found probable cause to believe Judge Nickerson has committed sanctionable conduct and directed that Investigative Counsel initiate formal proceedings against Judge Nickerson pursuant to former Rule 18-407(a).

Investigative Counsel filed Charges against Judge Nickerson as directed on October 25, 2018. Judge Nickerson filed a Response to the Charges on December 13, 2018. The Commission issued a notice for a public hearing on the Charges to be held on April 12, 2019. The hearing was stayed until the Commission rescheduled the hearing on Charges for December 5, 2019.

The rescheduled hearing was also cancelled as Judge Nickerson and the Commission entered into an agreement for corrective or remedial action (“Agreement”) pursuant to Rule 18-426 on November 20, 2019. Investigative Counsel was charged with monitoring compliance with

the Agreement. The contents of the Agreement are confidential pursuant to Rule 18-426(d).

Investigative Counsel monitored Judge Nickerson's compliance with the Agreement as directed and presented information relative to Judge Nickerson's compliance to the Commission by Memoranda dated March 2 and 10, 2020.

The Commission determined that Judge Nickerson failed to comply with the Agreement and revoked the same on April 27, 2020. The Commission directed Investigative Counsel to proceed with the Charges as filed on October 25, 2018 and further directed Investigative Counsel to Amend those Charges pursuant to Rule 18-431(g) to include an additional potential violation of Rule 18-102.16, Cooperation with Disciplinary Authorities.

Investigative Counsel therefore respectfully requests that the Charges in this matter be Amended by supplementation to include the following after Paragraph 7:

8. Judge Nickerson's conduct was also in violation of Rule 18-102.16, Cooperation with Disciplinary Authorities. The pertinent provision of this Rule provides as follows:

Rule 18-102.16(a) COOPERATION WITH DISCIPLINARY AUTHORITIES

(a) A judge shall cooperate and be candid and honest with judicial and attorney disciplinary agencies.

9. On November 20, 2019, Judge Nickerson entered into an agreement for corrective or remedial action with the Commission. The contents of this agreement are confidential.

The agreement required Judge Nickerson to take specific actions and to notify Investigative Counsel of the same pursuant to certain deadlines outlined in the Agreement. Judge Nickerson failed to meet these deadlines.

Investigative Counsel provided a brief extension of the first deadline from

January 20, 2020 until January 31, 2020, to allow Judge Nickerson further opportunity to complete the required actions. Judge Nickerson failed to meet this deadline as well. Investigative Counsel notified Judge Nickerson of her failure to comply with a condition of the Agreement and invited her to provide a response on or before February 19, 2020. A response was not received from Judge Nickerson until February 27, 2020.

The second deadline of February 20, 2020 was the first of a series of ongoing deadlines for Judge Nickerson to provide proof of the completion of certain actions. Judge Nickerson failed to meet this deadline. By letter dated February 21, 2020, Investigative Counsel notified Judge Nickerson of her failure to comply with a condition of the Agreement and invited her to provide a response on or before March 9, 2020. On February 25 and 27, 2020, Judge Nickerson provided documentation to Investigative Counsel that failed to comply with the terms of the Agreement. By letter dated March 3, 2020, Investigative Counsel advised Judge Nickerson that the documentation provided did not satisfy the requirements of the Agreement and allowed her to remedy the same on or before March 9, 2020. Judge Nickerson failed to provide a response.

Pursuant to her duty to monitor compliance with the Agreement, Investigative Counsel reported to the Commission Judge Nickerson's failure to meet the terms of the Agreement by Memoranda dated March 2 and 10, 2020.

On April 27, 2020, the Commission determined that Judge Nickerson's actions failed to comply with the terms of the Agreement and revoked the same.

10. In addition to constituting a revocation of the Agreement, Judge Nickerson's failure to comply with the terms of the Agreement and the reasonable deadlines and directives of Investigative Counsel acting as monitor on behalf of the Commission constitutes a failure to cooperate with judicial disciplinary agencies.

Other than the addition of Paragraphs 8 through 10 above, the Charges filed on October 25, 2018 remain unaltered and unchanged. These Amended Charges are issued by Investigative Counsel at the direction of the Commission on Judicial Disabilities.

COMMISSION ON JUDICIAL DISABILITIES

Date: 6.8.2020

Tanya C. Bernstein
Director/Investigative Counsel

Date: 6/8/20

Derek A. Bayne
Assistant Investigative Counsel

Date: 6.8.20

Tamara S. Dowd
Assistant Investigative Counsel

NOTICE: YOU HAVE THE RIGHT, PURSUANT TO RULE 18-431(d) OF THE MARYLAND RULES, TO FILE A WRITTEN RESPONSE WITHIN THIRTY (30) DAYS AFTER SERVICE OF THESE CHARGES. YOU MUST FILE EITHER AN ORIGINAL AND ELEVEN (11) COPIES OF THE RESPONSE OR AN ELECTRONIC COPY PURSUANT TO RULE 18-404. THE RESPONSE SHOULD BE FILED WITH THE COMMISSION ON JUDICIAL DISABILITIES.