

STATE OF MICHIGAN

BEFORE THE MICHIGAN JUDICIAL TENURE COMMISSION

Complaint Against

Hon. Kahlilia Davis
36th District Court
Detroit, Michigan

Formal Complaint No. 101

ANSWER TO COMPLAINT

NOW COMES Respondent, KAHLILIA Y. DAVIS, by and through her counsel, SCHWARTZ, PLLC, who as and for her Answer to the Complaint, states as follows:

1. Admits.
2. Admits.

COUNT I

3. Denies for the reason that the averment, as stated, is untrue. Judge Davis's last day on the business license docket was February 27, 2019.

4. No contest.

5. Admits. However, Respondent was prevented from obtaining a "official record," where such was required, due to the refusal of the 36th District Court's administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings.

6. Denies for the reason that the averment, as stated, is untrue. Respondent was assigned to the 36th District Court Courtroom 340 from in or about September or October, 2018, until January 1, 2020, but was not allowed to engage in presiding over hearings from March 4, 2019 to January 1, 2020, at which time she was assigned to the traffic docket in Courtroom 337.

7. Admits. However, Respondent did not know how to operate the video recording equipment and was not trained how to do so. Respondent's request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court.

8. Nether admits nor denies for the reason that Respondent has insufficient information upon which to form a belief.

9. Denied for the reason that the averment, as stated, is untrue.

10. Neither admits nor denies the allegations in the averment inasmuch as the same being dependent upon each of the five sub-paragraphs listed below, the answers to each of said sub-paragraphs constitute the answer to the averment.

a. *Detroit v Ayache*. Denies that Respondent engaged in judicial misconduct. No record was made for the reason that the case was at a pretrial wherein there was no hearing, the defendant requested a trial, and the court clerk set the trial date for February 27, 2019 without the Judge being in the courtroom. Under these circumstances, inasmuch as the case was simply adjourned for trial which was able to be

approved by the court clerk without the judge having been on the bench, no record was required to be made.

b. *Detroit v Chehab*. Denies that Respondent engaged in judicial misconduct. Defendant pled guilty to a misdemeanor. Respondent was prevented from obtaining an “official record” where such was made impossible due to the refusal of the 36th District Court’s administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent’s request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an “official record” of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a plea on the “official record” and would be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would be any different from that which pertained to the proceeding of January 22, 2019; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration’s failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official

record of proceedings as required, none of the alleged irregularities would have been necessitated.

c. *Detroit v Aboona*. Denies that Respondent engaged in judicial misconduct. Defendant pled guilty to a misdemeanor of operating a laundromat without a license, which was taken under advisement. Respondent was prevented from obtaining an “official record” where such was made impossible due to the refusal of the 36th District Court’s administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent’s request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an “official record” of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a plea on the “official record” and would be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would be any different from that which pertained to the proceeding of January 22, 2019; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration’s failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance

for a video recording device, or provide a court reporter to make an official record of proceedings as required, none of the alleged irregularities would have been necessitated.

d. *Detroit v Griffin*. Denies that Respondent engaged in judicial misconduct. The case was dismissed on motion of the prosecutor. Respondent was prevented from obtaining an “official record” where such was made impossible due to the refusal of the 36th District Court’s administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent’s request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an “official record” of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a plea on the “official record” and would be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would be any different from that which pertained to the proceeding of January 22, 2019; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration’s failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official

record of proceedings as required, none of the alleged irregularities would have been necessitated.

e. *Detroit v Haley*. Denies that Respondent engaged in judicial misconduct. No record was made for the reason that the case was at a pretrial wherein there was no hearing, the defendant requested a trial, and the court clerk set the trial date for February 20, 2019 without the Judge being in the courtroom. Under these circumstances, inasmuch as the case was simply adjourned for trial which was able to be approved by the court clerk without the judge having been on the bench, no record was required to be made.

11. Denied for the reason that the averment, as stated, is untrue.

12. Neither admits nor denies the allegations in the averment inasmuch as the same being dependent upon each of the eight sub-paragraphs listed below, the answers to each of said sub-paragraphs constitute the answer to the averment.

a. *Detroit v Amaid Motahar Rifai*. Denies that Respondent engaged in judicial misconduct. The case was dismissed on motion of the prosecutor. Respondent was prevented from obtaining an “official record” where such was made impossible due to the refusal of the 36th District Court’s administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent’s request to the 36th District Court administration

for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an “official record” of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a plea on the “official record” and would be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would be any different from that which pertained to the proceeding of January 23, 2019; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration’s failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required, none of the alleged irregularities would have been necessitated.

b. *Detroit v Motahar Hussin Rifai*. Denies that Respondent engaged in judicial misconduct. The case was dismissed on motion of the prosecutor. Respondent was prevented from obtaining an “official record” where such was made impossible due to the refusal of the 36th District Court’s administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent’s request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was

ignored by the administration of the court. Thus, there was no ability to have an “official record” of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a plea on the “official record” and would be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would be any different from that which pertained to the proceeding of January 23, 2019; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration’s failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required, none of the alleged irregularities would have been necessitated.

c. *State v Environmental Wood.* Denies that Respondent engaged in judicial misconduct. Defendant admitted responsibility for a civil infraction. Respondent was prevented from obtaining an “official record” where such was made impossible due to the refusal of the 36th District Court’s administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent’s request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an “official

record” of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a plea on the “official record” and would be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would be any different from that which pertained to the proceeding of January 23, 2019; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration’s failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required, none of the alleged irregularities would have been necessitated.

d. *State v Early*. Denies that Respondent engaged in judicial misconduct. Defendant admitted responsibility to a civil infraction and that the prosecutor dismissed two other charges. Respondent was prevented from obtaining an “official record” where such was made impossible due to the refusal of the 36th District Court’s administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent’s request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an “official record” of the proceeding. Respondent was under

the dilemma whereby the Defendant could not have a plea on the “official record” and would be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would be any different from that which pertained to the proceeding of January 23, 2019; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration’s failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required, none of the alleged irregularities would have been necessitated.

e. *Detroit v Tisdale*. Denies that Respondent engaged in judicial misconduct. Defendant pled no contest to a misdemeanor. Respondent was prevented from obtaining an “official record” where such was made impossible due to the refusal of the 36th District Court’s administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent’s request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an “official record” of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a plea on the “official record” and would be required to come back to court on

another day, wherein there was no reasonable expectation that the circumstances would be any different from that which pertained to the proceeding of January 23, 2019; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration's failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required, none of the alleged irregularities would have been necessitated.

f. *Detroit v Cruder*. Denies that Respondent engaged in judicial misconduct. The case was dismissed upon failure of police officer to appear in court. Admitted that the case was dismissed on motion of the prosecutor. Respondent was prevented from obtaining an "official record" where such was made impossible due to the refusal of the 36th District Court's administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent's request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an "official record" of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a plea on the "official record" and would be required to come back to court on

another day, wherein there was no reasonable expectation that the circumstances would be any different from that which pertained to the proceeding of January 23, 2019; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration's failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required, none of the alleged irregularities would have been necessitated.

g. *Detroit v Torres*. Denies that Respondent engaged in judicial misconduct. The case was dismissed on motion of the prosecutor. Respondent was prevented from obtaining an "official record" where such was made impossible due to the refusal of the 36th District Court's administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent's request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an "official record" of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a plea on the "official record" and would be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would

be any different from that which pertained to the proceeding of January 23, 2019; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration's failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required, none of the alleged irregularities would have been necessitated.

h. *Detroit v Marquez*. Denies that Respondent engaged in judicial misconduct. The case was dismissed on motion of the prosecutor. Respondent was prevented from obtaining an "official record" where such was made impossible due to the refusal of the 36th District Court's administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent's request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an "official record" of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a plea on the "official record" and would be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would be any different from that which pertained to the proceeding of January 23, 2019; or

Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration's failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required, none of the alleged irregularities would have been necessitated.

13. Denied for the reason that the averment, as stated, is untrue.

14. Neither admits nor denies the allegations in the averment inasmuch as the same being dependent upon each of the three sub-paragraphs listed below, the answers to each of said sub-paragraphs constitute the answer to the averment.

a. *Detroit v Kassab*. Denies that Respondent engaged in judicial misconduct. Defendant pled guilty to failure to obtain a liquor license. Respondent was prevented from obtaining an "official record" where such was made impossible due to the refusal of the 36th District Court's administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent's request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an "official record" of the proceeding. Respondent was under the dilemma whereby the Defendant could not

have a plea on the “official record” and would be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would be any different from that which pertained to the proceeding of January 24, 2019; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration’s failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required, none of the alleged irregularities would have been necessitated.

b. *Detroit v Smith*. Denies that Respondent engaged in judicial misconduct. Defendant pled guilty to two misdemeanors and one case was dismissed by the prosecutor. Respondent was prevented from obtaining an “official record” where such was made impossible due to the refusal of the 36th District Court’s administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent’s request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an “official record” of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a plea on the “official record” and would

be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would be any different from that which pertained to the proceeding of January 24, 2019; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration's failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required, none of the alleged irregularities would have been necessitated.

c. *Detroit v Christie..* Denies that Respondent engaged in judicial misconduct. No record was made for the reason that the case was at a pretrial wherein there was no hearing, the defendant requested a trial, and the court clerk set the trial date for March 13, 2019, without the Judge being in the courtroom. Under these circumstances, inasmuch as the case was simply set for trial which was able to be approved by the court clerk without the judge having been on the bench, no record was required to be made.

15. Denied for the reason that the averment, as stated, is untrue.

16. *Detroit v Al-Mothafer.* Denies that Respondent engaged in judicial misconduct. The case was dismissed due the non-appearance of the police officer. Respondent was prevented from obtaining an "official record" where such was made impossible due to the refusal of the 36th District Court's administration to provide her with

training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent's request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an "official record" of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a plea on the "official record" and would be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would be any different from that which pertained to the proceeding of January 28, 2019; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration's failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required, none of the alleged irregularities would have been necessitated.

17. Denied for the reason that the averment, as stated, is untrue.

18. Neither admits nor denies the allegations in the averment inasmuch as the same being dependent upon each of the two sub-paragraphs listed below, the answers to each of said sub-paragraphs constitute the answer to the averment.

a. *Detroit v Gulley*. Denies that Respondent engaged in judicial misconduct. The case was dismissed for compliance with a prior order. Respondent was prevented from obtaining an "official record" where such was made impossible due to the refusal of the 36th District Court's administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent's request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an "official record" of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a plea on the "official record" and would be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would be any different from that which pertained to the proceeding of January 28, 2019; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration's failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required, none of the alleged irregularities would have been necessitated.

b. *Detroit v Williams*. Denies that Respondent engaged in judicial misconduct. The case was dismissed due the non-appearance of the police officer. Respondent was prevented from obtaining an “official record” where such was made impossible due to the refusal of the 36th District Court’s administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent’s request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an “official record” of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a plea on the “official record” and would be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would be any different from that which pertained to the proceeding of January 29, 2019; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration’s failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required, none of the alleged irregularities would have been necessitated.

19. Denied for the reason that the averment, as stated, is untrue.

20. Neither admits nor denies the allegations in the averment inasmuch as the same being dependent upon each of the ten sub-paragraphs listed below, the answers to each of said sub-paragraphs constitute the answer to the averment.

a. *Detroit v Basholli*. Denies that Respondent engaged in judicial misconduct. Defendant pled to a civil infraction in one case and the second case was dismissed by the prosecutor. Respondent was prevented from obtaining an “official record” where such was made impossible due to the refusal of the 36th District Court’s administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent’s request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an “official record” of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a plea on the “official record” and would be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would be any different from that which pertained to the proceeding of February 6, 2019; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration’s failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a

court reporter to make an official record of proceedings as required, none of the alleged irregularities would have been necessitated.

b. *State v Rizzo*. Denies that Respondent engaged in judicial misconduct. Defendant pled to a civil infraction and a second case was dismissed by the prosecutor. Respondent was prevented from obtaining an “official record” where such was made impossible due to the refusal of the 36th District Court’s administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent’s request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an “official record” of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a plea on the “official record” and would be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would be any different from that which pertained to the proceeding of February 6, 2019; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration’s failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a

court reporter to make an official record of proceedings as required, none of the alleged irregularities would have been necessitated.

c. *Detroit v Bostic*. Denies that Respondent engaged in judicial misconduct. Defendant pleaded guilty to one offense and two other cases were dismissed by the prosecutor. Respondent was prevented from obtaining an “official record” where such was made impossible due to the refusal of the 36th District Court’s administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent’s request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an “official record” of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a plea on the “official record” and would be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would be any different from that which pertained to the proceeding of February 6, 2019; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration’s failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a

court reporter to make an official record of proceedings as required, none of the alleged irregularities would have been necessitated.

d. *Detroit v Goboyeaux*. Denies that Respondent engaged in judicial misconduct. Defendant pleaded no contest to one offense and another case was dismissed by the prosecutor. Respondent was prevented from obtaining an “official record” where such was made impossible due to the refusal of the 36th District Court’s administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent’s request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an “official record” of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a plea on the “official record” and would be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would be any different from that which pertained to the proceeding of February 6, 2019; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration’s failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a

court reporter to make an official record of proceedings as required, none of the alleged irregularities would have been necessitated.

e. *Detroit v Qonja*. Denies that Respondent engaged in judicial misconduct. Defendant pleaded guilty to a misdemeanor. Respondent was prevented from obtaining an “official record” where such was made impossible due to the refusal of the 36th District Court’s administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent’s request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an “official record” of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a plea on the “official record” and would be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would be any different from that which pertained to the proceeding of February 6, 2019; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration’s failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required, none of the alleged irregularities would have been necessitated.

f. *Detroit v Jany*. Denies that Respondent engaged in judicial misconduct. Defendant pleaded guilty to a misdemeanor. Respondent was prevented from obtaining an “official record” where such was made impossible due to the refusal of the 36th District Court’s administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent’s request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an “official record” of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a plea on the “official record” and would be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would be any different from that which pertained to the proceeding of February 6, 2019; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration’s failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required, none of the alleged irregularities would have been necessitated.

g. *State v Alouane* . Denies that Respondent engaged in judicial misconduct. Defendant's case was dismissed due to the non-appearance of the police officer. Respondent was prevented from obtaining an "official record" where such was made impossible due to the refusal of the 36th District Court's administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent's request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an "official record" of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a plea on the "official record" and would be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would be any different from that which pertained to the proceeding of February 6, 2019; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration's failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required, none of the alleged irregularities would have been necessitated.

h. *State v Green for Life*. Denies that Respondent engaged in judicial misconduct. Defendant's case was dismissed due to the non-appearance of the police officer. Respondent was prevented from obtaining an "official record" where such was made impossible due to the refusal of the 36th District Court's administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent's request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an "official record" of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a plea on the "official record" and would be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would be any different from that which pertained to the proceeding of February 6, 2019; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration's failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required, none of the alleged irregularities would have been necessitated.

i. *State v Phelps*. Denies that Respondent engaged in judicial misconduct. Defendant pled responsible to a civil infraction. Respondent was prevented from obtaining an "official record" where such was made impossible due to the refusal of the 36th District Court's administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent's request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an "official record" of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a plea on the "official record" and would be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would be any different from that which pertained to the proceeding of February 6, 2019; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration's failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required, none of the alleged irregularities would have been necessitated.

j. *State v Nijjar*. Denies that Respondent engaged in judicial misconduct. Defendant pled responsible to a civil infraction. Respondent was prevented from obtaining an “official record” where such was made impossible due to the refusal of the 36th District Court’s administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent’s request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an “official record” of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a plea on the “official record” and would be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would be any different from that which pertained to the proceeding of February 6, 2019; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration’s failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required, none of the alleged irregularities would have been necessitated.

21. Denies for the reason that the averment, as stated, is untrue.

22. Neither admits nor denies the allegations in the averment inasmuch as the same being dependent upon each of the thirteen sub-paragraphs listed below, the answers to each of said sub-paragraphs constitute the answer to the averment.

a. *State v Youth Transit Alliance*. Denies that Respondent engaged in judicial misconduct. Defendant pled responsible to six civil infractions. Respondent was prevented from obtaining an “official record” where such was made impossible due to the refusal of the 36th District Court’s administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent’s request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an “official record” of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a plea on the “official record” and would be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would be any different from that which pertained to the proceeding of February 13, 2019; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration’s failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official

record of proceedings as required, none of the alleged irregularities would have been necessitated.

b. *State v Al-Battat*. Denies that Respondent engaged in judicial misconduct. Defendant's case was dismissed due to the non-appearance of the police officer. Respondent was prevented from obtaining an "official record" where such was made impossible due to the refusal of the 36th District Court's administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent's request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an "official record" of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a plea on the "official record" and would be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would be any different from that which pertained to the proceeding of February 13, 2019; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration's failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to

make an official record of proceedings as required, none of the alleged irregularities would have been necessitated.

c. *State v Drakeford*. Denies that Respondent engaged in judicial misconduct. Defendant's case was dismissed due to the non-appearance of the police officer. Respondent was prevented from obtaining an "official record" where such was made impossible due to the refusal of the 36th District Court's administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent's request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an "official record" of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a plea on the "official record" and would be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would be any different from that which pertained to the proceeding of February 13, 2019; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration's failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to

make an official record of proceedings as required, none of the alleged irregularities would have been necessitated.

d. *Detroit v Martinez*. Denies that Respondent engaged in judicial misconduct. Defendant's pled guilty to a misdemeanor. Respondent was prevented from obtaining an "official record" where such was made impossible due to the refusal of the 36th District Court's administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent's request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an "official record" of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a plea on the "official record" and would be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would be any different from that which pertained to the proceeding of February 13, 2019; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration's failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official

record of proceedings as required, none of the alleged irregularities would have been necessitated.

e *Detroit v Wilson*. Denies that Respondent engaged in judicial misconduct. Defendant's sentence was amended upon review. Respondent was prevented from obtaining an "official record" where such was made impossible due to the refusal of the 36th District Court's administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent's request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an "official record" of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a plea on the "official record" and would be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would be any different from that which pertained to the proceeding of February 6, 2019; or 13 Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration's failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official

record of proceedings as required, none of the alleged irregularities would have been necessitated.

f. *Detroit v Semey*. Denies that Respondent engaged in judicial misconduct. Defendant's case was dismissed due to the non-appearance of the police officer. Respondent was prevented from obtaining an "official record" where such was made impossible due to the refusal of the 36th District Court's administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent's request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an "official record" of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a plea on the "official record" and would be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would be any different from that which pertained to the proceeding of February 13, 2019; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration's failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to

make an official record of proceedings as required, none of the alleged irregularities would have been necessitated.

g. *Detroit v Triumph*. Denies that Respondent engaged in judicial misconduct. Defendant's case was dismissed by the prosecutor. Respondent was prevented from obtaining an "official record" where such was made impossible due to the refusal of the 36th District Court's administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent's request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an "official record" of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a plea on the "official record" and would be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would be any different from that which pertained to the proceeding of February 13, 2019; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration's failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official

record of proceedings as required, none of the alleged irregularities would have been necessitated.

h. *Detroit v Salmo*. Denies that Respondent engaged in judicial misconduct. Defendant's case was dismissed by the prosecutor. Respondent was prevented from obtaining an "official record" where such was made impossible due to the refusal of the 36th District Court's administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent's request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an "official record" of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a plea on the "official record" and would be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would be any different from that which pertained to the proceeding of February 13, 2019; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration's failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official

record of proceedings as required, none of the alleged irregularities would have been necessitated.

i. *Detroit v Butris* . Denies that Respondent engaged in judicial misconduct. Defendant's case was dismissed by the prosecutor. Respondent was prevented from obtaining an "official record" where such was made impossible due to the refusal of the 36th District Court's administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent's request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an "official record" of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a plea on the "official record" and would be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would be any different from that which pertained to the proceeding of February 13, 2019; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration's failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official

record of proceedings as required, none of the alleged irregularities would have been necessitated.

j. *Detroit v Jabor*. Denies that Respondent engaged in judicial misconduct. Defendant's five cases were dismissed by the prosecutor. Respondent was prevented from obtaining an "official record" where such was made impossible due to the refusal of the 36th District Court's administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent's request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an "official record" of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a plea on the "official record" and would be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would be any different from that which pertained to the proceeding of February 13, 2019; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration's failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official

record of proceedings as required, none of the alleged irregularities would have been necessitated.

k. *Detroit v Reed*. Denies that Respondent engaged in judicial misconduct. Defendant's five cases were dismissed due to the non-appearance of the police officer. Respondent was prevented from obtaining an "official record" where such was made impossible due to the refusal of the 36th District Court's administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent's request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an "official record" of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a plea on the "official record" and would be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would be any different from that which pertained to the proceeding of February 13, 2019; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration's failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a

court reporter to make an official record of proceedings as required, none of the alleged irregularities would have been necessitated.

1. *Detroit v Patel*. Denies that Respondent engaged in judicial misconduct. Defendant's case was closed on review. Respondent was prevented from obtaining an "official record" where such was made impossible due to the refusal of the 36th District Court's administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent's request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an "official record" of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a plea on the "official record" and would be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would be any different from that which pertained to the proceeding of February 13, 2019; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration's failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official

record of proceedings as required, none of the alleged irregularities would have been necessitated.

m. *Detroit v Inniss*. Denies that Respondent engaged in judicial misconduct. Defendant's case was dismissed due to the non-appearance of the police officer. Respondent was prevented from obtaining an "official record" where such was made impossible due to the refusal of the 36th District Court's administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent's request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an "official record" of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a plea on the "official record" and would be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would be any different from that which pertained to the proceeding of February 13, 2019; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration's failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to

make an official record of proceedings as required, none of the alleged irregularities would have been necessitated.

n. *State v Payne*. Denies that Respondent engaged in judicial misconduct. Defendant's case was dismissed due to the non-appearance of the police officer. Respondent was prevented from obtaining an "official record" where such was made impossible due to the refusal of the 36th District Court's administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent's request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an "official record" of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a plea on the "official record" and would be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would be any different from that which pertained to the proceeding of February 13, 2019; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration's failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to

make an official record of proceedings as required, none of the alleged irregularities would have been necessitated.

23. Admits that no “official record” was made because Respondent was prevented from obtaining an “official record” where such was made impossible due to the refusal of the 36th District Court’s administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required. Respondent’s request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an “official record” of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a disposition on the “official record” and would be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would be any different from that which had occurred.; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration’s failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required, none of the alleged irregularities would have been necessitated.

24. Neither admits nor denies for the reason that Respondent has insufficient information upon which to form a belief.

Unnumbered Paragraph.

- a. Denies for the reason that the averment, as stated, is untrue.
- b. Denies for the reason that the averment, as stated, is untrue.
- c. Denies for the reason that the averment, as stated, is untrue.
- d. Denies for the reason that the averment, as stated, is untrue.
- e. Denies for the reason that the averment, as stated, is untrue.
- f. Denies for the reason that the averment, as stated, is untrue.
- g. Denies for the reason that the averment, as stated, is untrue.

25. Admits.

26. Admits as to the first sentence. Denies as to the second sentence for the reason that the averment, as stated, is untrue.

27. Admits as to the first sentence. Denies as to the second sentence for the reason that the averment, as stated, is untrue.

28. Admits as to the first sentence. Denies as to the second sentence for the reason that the averment, as stated, is untrue.

29. The averment contains two different sentences referring to two different communications between Respondent and staff. As such, the averment is not in conformity with MCR 2.113(B)(2).

However, in the spirit of cooperation, the Answer, dated June 24, 2019, to Paragraph 6 of the communication, dated May 3, 2019, from the Judicial Tenure Commission, speaks for itself and stated as follows:

No; Judge Davis never told her court clerk, Dionne Drew, that beginning on January 22, 2019, that she was not going to use the video equipment to record hearings over which Judge Davis presided in Courtroom 340, **as both Judge Davis and the court clerk, Dionne Drew, did not know how to even operate the video equipment. Therefore, there was no choice but to not utilize the equipment. Accordingly, Judge Davis daily requested her court clerk, Dionne Drew, to request a court reporter.** [Emphasis supplied.]

Respondent was not refusing to operate the video machine out of spite or for other inappropriate reasons. Her utilizing the video recording machine because not only was she incapable of operating it due to the 36th District Court's administration failure to provide her with instructions and actual demonstration on said usage, but Respondent was not, and still is not, properly trained to operate such machine. See SCAO Michigan Trial Court Standards for Courtroom Technology [hereinafter referred to as "SCAO Standards,"] §1, Chapter 3, ¶B(1)(c).

Moreover, pursuant to MCR 8.109(B), the 36th District Court, as a trial court "that use audio or video recording equipment, whether digital or analog, **must adhere to the audio and video recording operating standards published by the State Court Administrative Office.** [Emphasis supplied.]

Clearly, the 36th District Court's administration violated MCR 8.109(B) and if Judge Davis did refuse to act as a video operator for the video recording system in Courtroom 340, she would have been acting in an appropriate manner by refusing to violate the rules promulgated by the Michigan Supreme Court and by refusing to violate the Code of Judicial Conduct, Canon 2(B) and Canon 3(A)(1).

30. Admits as to the first sentence. Denies as to the second sentence for the reason that the averment, as stated, is untrue.

31. Denies for the reason that the averment, as stated, is untrue. The September 27, 2019 answer listed three persons in response to the communication of the Judicial Tenure Commission, dated August 20, 2019, ¶8(b). Respondent had observed that each of the persons identified in the Answer were in her courtroom at some time during proceedings and that she concluded that they most likely should have been able to have witnessed her giving advice to parties that there was no record of the proceeding, although possibly they were otherwise involved in some other work or and did not pay attention to what was being said. Respondent did not give such advice to every party who appeared and thus it is possible that Respondent had thought that the three persons had witnessed such advice having been made.

32. Denies for the reason that the averment, as stated, is untrue. Respondent did tell Ms. Mullins that there was no record on January 24, 2019, and that there was no record because the 36th District Court administration refused to provide her with a court

reporter and she was not knowledgeable as to how to operate the video recorder. The one word response by Respondent's former counsel was incorrect and Respondent did not notice the error.

33. No contest inasmuch as the response to ¶17 of the Judicial Tenure Commission's communication of August 20, 2019 was a two-letter word, to wit : "No." However, Respondent herein denies that she stated to Shannon Walker that she personally disconnected the video recording equipment

34. Admits as to the first sentence. Denies as to the second sentence for the reason that the averment, as stated, is untrue.

Unnumbered Averment.

- a. Denies for the reason that the averment, as stated, is untrue.
- b. Denies for the reason that the averment, as stated, is untrue.
- c. Denies for the reason that the averment, as stated, is untrue.
- d. Denies for the reason that the averment, as stated, is untrue.
- e. Denies for the reason that the averment, as stated, is untrue.

35. No contest.

36. Admits that no "official record" was made because Respondent was prevented from obtaining an "official record" where such was made impossible due to the refusal of the 36th District Court's administration to provide her with training on how to record proceedings on a video recording device, provide proper maintenance for a video

recording device, or provide a court reporter to make an official record of proceedings as required. Respondent's request to the 36th District Court administration for a court reporter to produce official records of the proceedings in her courtroom was ignored by the administration of the court. Thus, there was no ability to have an "official record" of the proceeding. Respondent was under the dilemma whereby the Defendant could not have a disposition on the "official record" and would be required to come back to court on another day, wherein there was no reasonable expectation that the circumstances would be any different from that which had occurred.; or Respondent could utilize what other method could be employed to make a recording of the proceedings. But for the 36th District Court administration's failure and/or refusal training on how to record proceedings on a video recording device, provide proper maintenance for a video recording device, or provide a court reporter to make an official record of proceedings as required, none of the alleged irregularities would have been necessitated.

37. Denies for the reason that the averment, as stated, is untrue.

Unnumbered paragraph.

Denies for the reason that the averment, as stated, is untrue.

Affirmative Defenses

A. Respondent was perfectly within her rights as a judge not to violate the Michigan Court Rules and the Code of Judicial Conduct as promulgated by the Michigan Supreme Court..

B. Respondent is not culpable of judicial misconduct when the alleged misconduct consists of refusing to violate Canon 2(B) and Canon 3(A)(1) the Code of Judicial Conduct.

C. Respondent was not refusing to operate the video machine out of spite or for other inappropriate reasons. Her not utilizing the video recording machine was not only because she was incapable of operating it due to the 36th District Court administration's failure to provide her with instructions and actual demonstration on said usage, but Respondent was not, and still is not, properly trained to operate such machine. See SCAO Michigan Trial Court Standards for Courtroom Technology [hereinafter referred to as "SCAO Standards,"] §1, Chapter 3, ¶B(1)(c). Moreover, pursuant to MCR 8.109(B), the 36th District Court, as a trial court "that use audio or video recording equipment, whether digital or analog, **must adhere to the audio and video recording operating standards published by the State Court Administrative Office.** [Emphasis supplied.]

D. As a matter of law, Respondent was not allowed to operate the video recording system.

The video operator **must receive** initial hands-on start-up training **and** follow-up training from the digital recording vendors and court staff on start-up procedures and advanced features of the system. [Emphasis supplied.]

The video operator should also be trained by court personnel on courtroom procedures and storage responsibilities, including: 1) logging procedures; and 2) basic training on

microphone use and placement, equipment set-up, operation and maintenance, failure recovery, troubleshooting, backup and restore procedures, and routine inspection procedures.

In some courts, the video operator may also be responsible for transcript processing and should be trained as such.

SCAO Standard §1, Chapter 3, ¶B(2)(c).

Respondent was not trained as required by the SCAO Standards, §1, Chapter 3, ¶B(2)(c) and MCR 8.109 and thus should not have been compelled to operate a machine in violation of the SCAO Standards and the Michigan Court Rules.

Additionally, under SCAO Standards, §1, Chapter 3, ¶C, Respondent would be required to undertake certain responsibilities which are not compatible with her duties and responsibilities as a judge. For example, under SCAO Standard, §1, Chapter 3, ¶G, the following is mandated:

The video operator must produce the clearest possible recording of proceedings and must keep a written (handwritten, typed, or system generated) log of events in the proceeding. In general, log notes serve three purposes: 1) to locate a specific proceeding, 2) to locate a specific portion of the proceeding, and 3) to aid the transcriber in preparing the transcript.

There are a number of other duties and responsibilities of a video operator that are not compatible with a judge's responsibilities and duties. See SCAO Standard, §1, Chapter 3, ¶G, *supra*.

E. Respondent did not engage in conduct clearly prejudicial to the administration of justice in that all proceedings conducted by her were in accord with

proper adjudication of matters before her except where she was prevented from having an “official record” made due to the 36th District Court administration’s failure and/or refusal to provide her with appropriate training to operate video recording equipment and/or providing court reporter to take down proceedings.

F. Respondent did not engage in making misleading statements to the Judicial Tenure Commission.

G. Respondent did not engage in improper or irresponsible conduct.

H. The Complaint fails to state a cause of action upon which relief may be granted.

I. The SCAO Michigan Trial Court Standards for Courtroom Technology prohibit Respondent from operating a video recording system in a courtroom.

J. Respondent reserves the right to amend these Affirmative Defenses.

WHEREFORE, it is requested that the Complaint be dismissed, with prejudice, in its entirety and that Respondent be awarded such other and further relief as may be deemed appropriate.

Dated: May 19, 2020

By: SCHWARTZ, PLLC
/s/ Michael Alan Schwartz
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(248) 932-0100
phrog@schwartzlawyer.com

STATE OF MICHIGAN)
)ss.:
COUNTY OF OAKLAND)

Kahlilia Yvette Davis does hereby state, under oath, that the Answers to the Complaint in the above-captioned matter are true to the best of her knowledge and belief.


KAHLILIA YVETTE DAVIS

Subscribed and sworn to before
me this 19th day of May, 2020.



