

STATE OF MICHIGAN
BEFORE THE JUDICIAL TENURE COMMISSION

COMPLAINT AGAINST:

HON. DEMETRIA BRUE
36th District Court
Detroit, Michigan

Docket No. 165049
Formal Complaint No. 105

ORDER OF THE JUDICIAL TENURE COMMISSION

At a session of the Michigan Judicial
Tenure Commission, Detroit, Michigan, on
January 13, 2025,

PRESENT¹:

Hon. Thomas C. Cameron, Vice-Chairperson
Hon. Brian R. Sullivan, Secretary
Mr. James W. Burdick, Esq
Hon. Monte J. Burmeister
Dr. Maxine Hankins Cain
Siham Awada Jaafar
Hon. Qiana D. Lillard

Background

I. Instituting the FCs and Appointing the Master.

Formal Complaint (“FC”) 105 as to Respondent, the Hon. Demetria Brue, was instituted on November 28, 2022. FC 106 as to Respondent, the Hon. Debra Nance, was instituted on December 19, 2022. According to the formal complaints, FC 105 and FC 106 are related insofar as the underlying events giving rise to each complaint arose out of the same incident. The basic incident involved a dispute with the proprietor of a bike rental shop, Mr. Ira Green, over Respondents’ bike rentals on August 20, 2019 during the time the two Respondents were attending a judicial conference on Mackinac Island.

¹ Chairperson Thomas J. Ryan, Esq. and commissioner Judge Pablo Cortes are recused and, accordingly, did not participate in this order.

On March 10, 2023, the Supreme Court entered orders in both FC 105 and FC 106 appointing Hon. Alexander Lipsey as the master (“Master”) to preside over those Formal Complaints (numbers 105 and 106).

II. Competing Motions to Consolidate Versus to Stay or Adjourn.

Disciplinary Counsel filed a “Motion to Consolidate Hearings for FCs 105 & 106” on the ground they were related, including the fact they arose out of the same incident and had overlapping witnesses. Respondents filed competing motions for “Adjournment/Stay” of the proceedings. The Master denied consolidation of FC 105 and FC 106 and granted indefinite adjournments of FC 105 and FC 106, pending the conclusion of a statistical audit of the Commission’s matters being conducted by the National Center for State Courts (NCSC).

III. The Commission Directed the Hearing in FC 106 to Begin.

In FC 106, Respondent Nance filed a motion to dismiss the FC. The Master made an interlocutory recommendation to the Commission under MCR 9.231(B) that it grant the motion. The Commission reviewed the recommendation and rejected it. On September 16, 2024, the Commission issued its “Decision (1) Rejecting Master’s Interlocutory Recommendation to Grant Respondent’s Dispositive Motion; and (2) Directing the Master to Conduct the Public Hearing” (the Commission’s “Decision”) as required by MCR 9.231(A). That Decision provided:

The Commission notes that the Master has both (1) denied consolidation of this matter with FC 105; and (2) stayed both proceedings indefinitely pending the resolution of a separate audit of the Commission. The result is that both FC 105 and 106 are indefinitely paused, which runs afoul of MCR 9.231(A) requiring the Master to “conduct the hearing *within a reasonable period of the date of the petition*” for appointment of the master and to “*establish a date for completion of the hearing procedure.*” (emphasis added). Therefore, pursuant to MCR 9.243, the Commission directs the Master to conduct the public hearing in this matter to commence February 3, 2025, at 9:30 a.m. at Farmington Hills District Court (D47), 31605 W Eleven Mile Rd, Farmington Hills, MI 48336, and continue thereafter until complete, at which evidence is to be taken in support of the charges set forth in the Amended FC consistent with MCR 9.233(A), and to allow for development

of any defenses Respondent may have to the claims made in the Amended FC. The Master shall enter an order to this effect, and the order shall be sent to the Respondent at least 14 days before the hearing. MCR 9.243. (emphasis in original).

IV. Continued Motion Practice Since the Commission’s Decision.

The February 3, 2025, Hearing in FC 106 is approaching and the parties have filed several motions, before both the Master and the Commission. In FC 106, Disciplinary Counsel filed a motion to strike disciplinary counsel attorneys Helland and Weingarden from Respondent Judge Nance’s witness list. Respondent Judge Nance filed three motions, including (1) a renewed motion to stay the proceeding pending the NCSC’s audit; (2) to adjourn the hearing; and (3) a motion *in limine* seeking to exclude certain evidence. In FC 105 and FC 106, Disciplinary Counsel filed a motion to coordinate (as the motion to consolidate had been denied by the Master) the Hearings for FC 105 and FC 106, since FC 106 was scheduled for Hearing on February 3, 2025 pursuant to the Commission’s September 16, 2024, Decision.

On January 6, 2025, the Master held a hearing on these motions and issued five (5) Orders in FC 106. The Master (1) denied Respondent Nance’s motion to stay pending the NCSC Audit; (2) denied Respondent Nance’s motion to adjourn the February 3, 2025, Hearing; (3) granted Disciplinary Counsel’s motion to strike disciplinary counsel lawyers from Respondent’s witness list; (4) granted in part and denied in part Respondent Nance’s motion *in limine*, and held that “Disciplinary Counsel’s proofs will be limited to establishing Respondent Nance’s statements and/or conduct at the time of the event on Mackinac Island conflict or contradict her testimony given during the subsequent investigation,” and “[t]o the extent the proofs extend beyond evidence of her statements and/or conduct, Respondent’s Objections are SUSTAINED;” and (5) ordered the Hearing to commence on February 3, 2025, as directed by the Commission.

Disciplinary Counsel filed before the Commission a motion entitled “Emergency Motion

to Compel Compliance With the Commission’s September 16, 2024 Decision.” Respondents in both FC 105 and FC 106 filed objections and responses to this motion, which included Respondent Nance’s affirmative requests for “relief pursuant to MCR 9.211(D)” and “reconsideration of stay pending NCSC Audit.”

Authority of the Commission

A quorum of the Judicial Tenure Commission of the State of Michigan convened on January 13, 2025 and pursuant to the authority of the Commission under Article 6, § 30 of the Michigan Constitution of 1963, as amended, MCR 9.231(A)-(B), MCR 9.233(A) and (C), and MCR 9.243, concludes:

ORDER

The Commission, having reviewed all of the briefing on the motions that the Master considered at the January 6, 2025, hearing, the transcript of that hearing, the Master’s Orders that followed the January 6, 2025, hearing, Disciplinary Counsel’s Emergency Motion to Compel Compliance With the Commission’s September 16, 2024 Decision, and the responses and objections to that motion filed by Respondents in both FC 105 and FC 106, including Respondent Nance’s requests for affirmative relief, and the Commission being otherwise fully advised in the premises, the Commission hereby ORDERS:

1. All requests for affirmative relief made by any party to the Commission are DENIED. *See* MCR 9.231(B).
2. The Commission, on its own initiative, pursuant to MCR 9.243, directs the Master to conduct the public hearing in FC 105 with respect to Respondent Judge Brue in accordance with MCR 9.233, to commence April 7, 2025, at 9:30 a.m. at Farmington Hills District Court (D47), 31605 W Eleven Mile Rd, Farmington Hills, MI 48336, and continue thereafter until complete, at

which time and place evidence is to be taken in support of the charges set forth in the operative FC, as amended, consistent with MCR 9.233(A), and to allow for development of any defenses Respondent may have to the claims made in the operative FC, as amended.

3. The Hearings in both FC 105 and FC 106 shall, in all respects, be conducted as required under MCR 9.200, *et seq.*, including, but not limited to, “[t]he proceedings at the hearing must be recorded by stenographic or mechanical means” and, “[i]f the master declines to admit evidence, *a separate record shall be made so that the commission and/or the court may consider that evidence and determine whether to include it in the record.*” MCR 9.233(C) (emphasis added).

4. To the extent that any existing decision or order of the Master conflicts with this Order, this Order controls.

IT IS HEREBY ORDERED BY:

JUDICIAL TENURE COMMISSION

/s/ Hon. Thomas C. Cameron
HON. THOMAS C. CAMERON
Vice-Chairperson

/s/ Hon. Brian R. Sullivan
HON. BRIAN R. SULLIVAN
Secretary

/s/ James W. Burdick
JAMES W. BURDICK, ESQ

/s/ Hon. Monte J. Burmeister
HON. MONTE J. BURMEISTER

/s/ Dr. Maxine Hankins Cain
DR. MAXINE HANKINS CAIN

/s/ Siham Awada Jaafar
SIHAM AWADA JAAFAR

/s/ Hon. Qiana D. Lillard
HON. QIANA D. LILLARD