

STATE OF MARYLAND

BEFORE THE COMMISSION ON JUDICIAL DISABILITIES

IN THE MATTER OF:

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CJD 2023-005

JUDGE APRIL T. ADEMILUYI

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**JUDGE ADEMILUYI'S RESPONSE TO THE STATEMENT OF CHARGES**

Judge April T. Ademiluyi, by undersigned counsel, hereby responds to the Statement of Charges filed by Investigative Counsel.

*General Denial*

This matter stems from personal interactions between Judge Ademiluyi and Judge [REDACTED], who is not the Complainant herein. It began with Judge [REDACTED] making sexual advances towards Judge Ademiluyi. After she rejected [REDACTED] advances, [REDACTED] became hostile towards her and her staff. Judge [REDACTED] is not the victim here. Judge [REDACTED] created the toxic workplace and then blamed Judge Ademiluyi, trivialized her rape, and challenged her mental state and motives. Such conduct violates all social and workplace norms and is meant to deter women from reporting misconduct.

By way of background, in 2012, Judge Ademiluyi was drugged and raped by colleagues at a National Bar Association Conference in Tampa Florida. She was drugged in the hotel room of the President of the National Bar Association. She reported the incident to the Tampa Police, where evidence in their custody was destroyed to cover up the rape. The male attorneys involved in drugging and raping her are well liked by many lawyers and Judges. Since her first day on the bench, she has been met with extreme hostility from her judicial colleagues because of her complaints against these men and speaking out about it in her campaign.

The Charges herein are rooted in the Court's disdain for Judge Ademiluyi's election to the bench. Her journey to the bench, including her campaign, caused her to experience discrimination, disdain, and hostility from her judicial colleagues from the first day of her judgeship. Judge Ademiluyi faced particularly hostile and antagonistic behavior from [REDACTED] Judge [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

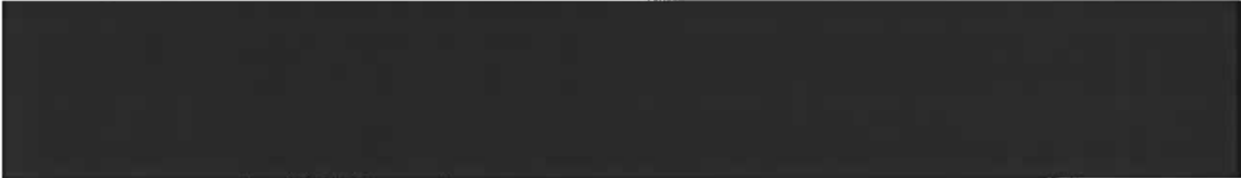
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



*Responses to the Specific Allegations in the Statement of Charges*

1. Admit.
2. Based upon information and belief, Judge [REDACTED] provided information to Investigative Counsel that opened an investigation regarding Judge Ademiluyi’s alleged conduct.
3. Judge Ademiluyi denies that she engaged in repeated, non-consensual, harassing communications with Judge [REDACTED] wrongfully disclosed any confidential information to Judge [REDACTED] or any other judicial colleague, or used threatening language in her communications with Judge [REDACTED]. Judge Ademiluyi admits that she believes Judge [REDACTED] made false statements to the Commission in retaliation for her rejecting [REDACTED] sexual advances. As alleged in *Ademiluyi v. [REDACTED] et al.*, Case No. 8:23-CV-03526-LKG, Judge Ademiluyi contends the Judges made false statements to investigative counsel to retaliate against

Judge Ademiluyi for filings complaints against Judges [REDACTED] and [REDACTED]. Judge Ademiluyi denies she improperly disclosed any confidential materials in the pending lawsuit. She further denies her conduct violated any of the rules: specifically, 18-101.1, 18-101.2, 18-102.3, 18-102.8(b), 18-102.16(b), and 18-103.1.

4. Judge Ademiluyi denies that the allegations contained in Paragraph 4 constitute misconduct. Many of her messages are taken out of context, and the allegations omit and mischaracterize many interactions Judge Ademiluyi had with Judge [REDACTED]. Judge Ademiluyi admits that she filed a Complaint and an Amended Complaint in *Ademiluyi v. [REDACTED]* but denies that she engaged in sanctionable misconduct by filing her Complaint and her Amended Complaint.

5. Judge Ademiluyi denies the allegations set forth in Paragraph 6.<sup>1</sup>

6. Judge Ademiluyi denies the allegations set forth in Paragraph 7.

7. Judge Ademiluyi denies the allegations set forth in Paragraph 8.

***Judge Ademiluyi's Factual Statement Regarding Her Interactions with Judge [REDACTED]***

Judge [REDACTED] made sexual advances towards Judge Ademiluyi on more than one occasion. Judge Ademiluyi rejected [REDACTED] sexual advances, and [REDACTED] became hostile towards her and her staff. For example, after Judge Ademiluyi's staff informed Judge [REDACTED] that Judge Ademiluyi had difficulty logging onto Zoom for a hearing, Judge [REDACTED], after the hearing, sent an email, where [REDACTED] berated, belittled, and disrespected her in front of her colleagues simply because she rejected [REDACTED] sexual advances.

Judge [REDACTED] also sent Judge Ademiluyi an email stating the issue was brought to her attention. She did not believe Judge Ademiluyi had technical difficulties, calling them "alleged." She wrote that she would track when Judge Ademiluyi signed onto other hearings.

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<sup>1</sup> The Amended Statement of Charges omits Paragraph 5.

Judge [REDACTED] disrespectful and retaliatory behavior continued. [REDACTED] was hostile towards Judge Ademiluyi's female staff members. Judge Ademiluyi therefore avoided interacting with Judge [REDACTED] for many months, notwithstanding Judge [REDACTED] efforts to communicate with her.

Despite her concerns, Judge Ademiluyi recognized the benefit in trying to rebuild a positive, amicable relationship. She attempted to pacify the situation.

It was at this point that Judge Ademiluyi sent friendly text messages to Judge [REDACTED]. Her first message, dated September 25, 2022, read:

Hey [REDACTED] Every time I see you or your name, all I think about is that long crazy email you sent. It was too long and emotional. It sounds like a [REDACTED] drafted that email. And now you act like you never sent it. Whenever you're ready to stop playing games, you can call me anytime.

I think you'll make a good juvenile judge.

Judge Ademiluyi clarified in her next message that she was not referring to male versus female attributes. Rather, she was referring to Judge [REDACTED] who she suspected drafted the email. Judge Ademiluyi simply did not want to name Judge [REDACTED] in the text message.

Judge Ademiluyi's communications with Judge [REDACTED] were driven by her well-founded concerns that Judge [REDACTED] Judge [REDACTED] and the men who drugged and raped her working together to retaliate against her. Judge Ademiluyi feared that Judge [REDACTED] would assist because she rejected [REDACTED]. As it turned out, she was right.

Judge Ademiluyi confronted Judge [REDACTED] about [REDACTED] sexually harassing behavior in her email, writing:

"There was a time when you gave me a lot of attention and I gave you NO ATTENTION. Then you sent me this long nasty email that you find difficult to remember. You now go out of your way to show me you don't like me."

This email was followed by another email in which Judge Ademiluyi shared with Judge [REDACTED] that she was drugged and raped by men, and she is still being harassed by these men.

Judge Ademiluyi denies any improper contact with Judge [REDACTED]. Judge Ademiluyi feared the men who were involved in drugging and raping her would be near her chambers because of their close relationship with a newly appointed judge. The new judge was going to be placed in the office next to Judge Ademiluyi. A vacant judge's chambers was available next to Judge [REDACTED] chambers. Judge Ademiluyi reached out to other judges for assistance without success, and therefore had limited interactions with Judge [REDACTED] solely for assistance with moving her chambers to avoid interactions with men involved in drugging and raping her. Judge Ademiluyi's conduct is neither harassment nor sanctionable.

Judge [REDACTED] alleged fear that Judge Ademiluyi may file a rape complaint against [REDACTED] is not credible. Judge [REDACTED] actions are meant to intimidate a whistle-blower; demonstrate [REDACTED] insensitivity towards rape; and victim-blame Judge Ademiluyi for her extremely traumatic experience of being drugged and raped by [REDACTED].

Judge Ademiluyi did not insist on any personal interactions with Judge [REDACTED]. Her intention was only to be able to move her chambers [REDACTED].

Judge [REDACTED] own statements to Investigative Counsel show conduct that is emotionally abusive toward Judge Ademiluyi and insensitive towards violence against Judge Ademiluyi.

#### ***Judge Ademiluyi's Legal Defense of Retaliation***

It is not sanctionable to right a wrong through protected whistle blower activity or by exercising a First Amendment right to file a lawsuit. Judge Ademiluyi alleges Judges [REDACTED], [REDACTED], and [REDACTED] are the ones who have acted inappropriately, and Judge Ademiluyi merely



seeks to hold them responsible and improve her work environment. Accountability is hardly intimidation or retaliation, and it is telling that Investigative Counsel has failed to allege the basis for these claims or how Judge Ademiluyi is attempting to dissuade anyone from cooperating in this case.

Filing a lawsuit is a constitutionally protected right of the First Amendment. *Colombo v. O'Connell*, 310 F.3d 115, 118 (2d Cir.2002) (“[T]he right of a private individual to sue and defend in the courts is protected by the First Amendment because it is the right conservative of all other rights [which] lies at the foundation of orderly government.”). Moreover, it is well-settled that adverse employment actions in retaliation for filing a civil rights lawsuit against an employer is prohibited.<sup>2</sup> Investigative Counsel is the one seeking to intimidate and retaliate against the judge for exercising her rights.

#### ***Judge Ademiluyi’s Disclosure Was Not Prohibited by the Md. Rules***

The plain language of the rules does not prevent Judge Ademiluyi from releasing material related to complaints against her. She is the one who controls what can and should be released. Md. Rule 18-407(b)(1) applies to the Commission, not Judge Ademiluyi. *Compare* Md. Rule 18-407 and Md. Rule 19-707 which by its plain language is much broader and applies to the

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<sup>2</sup> E.g. *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973); *Foster v. Univ. of Md.-E. Shore*, 787 F.3d 243 (4th Cir. 2015); *Everitt v. DeMarco*, 704 F. Supp. 2d 122, 132 (D. Conn. 2010) (denying Defendants’ Motion for Summary Judgment in a First Amendment Retaliation case) among others. The cases holding that it is improper to retaliate against an employee for engaging in protected activity are too numerous to cite. Maryland also has a number of statutes which protect whistleblowers including the [Maryland Fair Employment Practices Act](#), the [Maryland Occupational Safety and Health Act](#), the [State Contractor Employees’ Whistleblower Protection](#), the [Executive Employees Whistleblower Protection Act](#), the [Public School Employee Whistleblower Protection Act](#), and the [Health Care Workers Whistleblowers Protection Act](#). While not all of the statutes apply to the instant case, there is no question that Maryland prohibits retaliation for persons engaging in protected activity.

respondent attorney and Bar Counsel. As stated in *In re White*, 458 Md. 60, 84 (2018), the reason for confidentiality is to protect the judge who is the subject of the proceeding, not anyone else.

Judge Ademiluyi filed a Md. Rule 18-407 (b)(1) written waiver with the Commission prior to filing the lawsuit. Thus, she gave the Commission permission to release to the public the witness statements and exculpatory materials.

Maryland Rule 18-407(a)(4) is the only prohibition under the rules that limit Judge Ademiluyi's authority to direct the Commission to release documents created prior to her being charged. And none of the exceptions under Md. Rule 18-407(a)(4) apply here.

To the extent that charges are based on releasing exculpatory materials containing materials related to complaints filed against other Judges, it cannot be confidential because the rules are not designed to assist in punishing whistleblowers. *See* Md. Rule 18-105.16 (a judge shall not retaliate directly or indirectly against a judge who files a complaint with the Commission). Md. Rule 19-433 eliminates confidentiality of all exculpatory material. The Judges waived their rights to confidentiality when they filed the retaliatory complaints against Judge Ademiluyi. More importantly, Judge Ademiluyi has a First Amendment and due process rights to defend herself publicly.

Respectfully submitted,

/s/

Craig S. Brodsky (AIS # 9512120087)  
George S. Mahaffey, Jr.  
Goodell, DeVries, Leech & Dann, LLP  
One South Street, 20th Floor  
Baltimore, Maryland 21202  
410-783-4000  
410-783-4040 (fax)  
[csb@gdldlaw.com](mailto:csb@gdldlaw.com)  
*Attorneys for Judge Ademiluyi*