

**STATE OF MARYLAND
BEFORE THE COMMISSION ON JUDICIAL DISABILITIES**

IN THE MATTER OF:

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* **CJD 2023-042**

JUDGE KEVIN M. WILSON

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RESPONSE OF JUDGE KEVIN M. WILSON TO CHARGES

The Honorable Kevin M. Wilson (“Judge Wilson”), by and through undersigned counsel, and pursuant to Md. Rule 18–431(d), submits his Response to the charges filed by Investigative Counsel in this matter on January 31, 2024, and states the following:

GENERAL RESPONSE

After graduating from The University of Miami School of Law, Judge Wilson started practicing law in 2000 as an Assistant State’s Attorney in Baltimore City. In 2013, Governor Martin O’Malley appointed Judge Wilson as an Associate Judge for the District Court for Baltimore City (District One). Throughout his time on the bench, Judge Wilson has earned a reputation for being fair, respectful, and welcoming to all litigants and attorneys that appear before him. Outside of the courtroom, Judge Wilson serves as a single father to two children, a son and a daughter, who are both currently enrolled in college.

On May 18, 2023, the Bar Association of Baltimore City held a CLE event named “Join Our District Court Judges for Practice Tips on Tap” (the “Event”) at The Maryland Club in Baltimore, Maryland. The Event was intended to create a “casual” environment where lawyers could “mix and mingle” and ask questions about courtroom practices to the judicial panel. Judge Wilson was asked to serve on the Event’s judicial panel, but he declined and agreed to attend the Event to support his judicial colleagues on the panel.

Judge Wilson met Individual 1, for the first time, at the Event. During the Event, Judge Wilson and Individual 1 participated in which Judge Wilson genuinely perceived as reciprocal flirtation. After the conclusion of the Event, Judge Wilson and several other attendees, including members of the judicial panel, were invited privately by a Maryland Club member and the host of the Event to attend a social dinner at a different location within The Maryland Club. This was not part of the Event. During the meal, Judge Wilson and Individual 1 continued flirting with each other which ultimately led to Judge Wilson touching Individual 1's ankle, calf and lower hamstring. Contrary to allegations in the charges, at no point during that evening did Judge Wilson touch Individual 1's buttocks.

Based on his perception of Individual 1's behavior throughout the evening, Judge Wilson formed a genuine belief that their interactions were mutual and welcomed. Nonetheless, based on Individual 1's statement obtained during Investigative Counsel's investigation of this matter, Judge Wilson realizes and acknowledges that his honest belief was incorrect, and his touching made her feel uncomfortable, which he sincerely apologizes for and deeply regrets.

Judge Wilson has taken proactive steps to guarantee that he never again puts someone in a similar position. To that end, in August 2023, Judge Wilson voluntarily began meeting with a female counselor twice a month to improve his interpersonal skills, better recognize power dynamics, and avoid similar situations in the future. Judge Wilson's commitment has already led to significant progress and growth. Importantly, Judge Wilson intends to continue to participate in these sessions. He is dedicated and committed to learning from this experience and rectifying his mistakes.

SPECIFIC RESPONSES

Judge Wilson responds to the numbered paragraphs of the charges as follows:

1. Judge Wilson denies the allegations set forth in paragraph 1 of the charges. He has served as a Judge of the District Court of Maryland for Baltimore City since September 2013.

2. Judge Wilson is not in a position to admit or deny who opened an investigation regarding his conduct.

3. Judge Wilson generally denies the allegations set forth in paragraph 3 of the charges.

4. Judge Wilson denies that his conduct was in violation of Maryland Rules 18–101.1; 18–101.2; 18–102.3; 18–102.8; or 18–103.1.

5. Judge Wilson admits that: (i) “on or about May 18, 2023, Judge Wilson attended an event sponsored by the Bar Association of Baltimore City at a venue in Baltimore;” (ii) “various attorneys and other judges from the District Court of Maryland for Baltimore City were also present at the event;” (iii) “during the event, Judge Wilson conversed with other attendees, including a female attorney seated near him (“Individual 1”);” (iv) “following the event, a small group of attendees went to another area at the venue and were seated together at a large round table;” (v) “included in this small group were Judge Wilson, another judge from the District Court of Maryland for Baltimore City, Individual 1, and several other attorneys;” and (vi) “on her way out, Individual 1 stopped at the head of the table and was standing in between Judge Wilson and the other judge.” Judge Wilson denies the remaining allegations set forth in paragraph 5 of the charges.

Judge Wilson observed the Event from a couch located within the event space. Individual 1 sat in a chair directly to the left of Judge Wilson. Prior to the Event, Judge Wilson had never been introduced to or spoken with Individual 1. Yet, due to their proximity, they began to converse and created an instant positive connection. Their interactions began in a friendly manner, but quickly evolved, and continued throughout the two hour event and after, into what Judge Wilson

genuinely believed was reciprocal flirtatious behavior between two consenting adults. Judge Wilson's honest belief, in part, was the result of express statements made by Individual 1 during the Event, including:

- Judge Wilson complimented Individual 1's footwear. Individual 1 responded by saying she liked wearing her "sexy heels" when she goes out because she does not go out often and does not get dressed up to go to work. Judge Wilson and Individual 1 both laughed at her response.
- Towards the end of the Event, a lawyer asked the panel about their views on loss of consortium damage claims. After the panel answered, Judge Wilson was asked his views on the subject. Judge Wilson answered that he only had one case dealing with a loss of consortium damage claim and awarded a large amount of money in that case. When he sat back down Individual 1 said under her breath softly, "I would get a lot of money if I were in front of you."

When the Event concluded, Judge Wilson, the Honorable Nicole E. Taylor ("Judge Taylor") and several other Event attendees were invited to have dinner at a restaurant in The Maryland Club – the Charles Street Grill. The dinner attendees sat at a C-shaped table – Judge Wilson sat at one end of the table and Individual 1 sat across the table from him. During the meal, they continued to exchange flirtatious glances.

After approximately one hour at the Charles Street Grill, the attendees were informed that they would have to leave because The Maryland Club was closing. Judge Wilson stayed seated because he was still talking to the individual seated directly next to him. While he was engaged in that conversation, Individual 1 left her seat at the table and stood directly next to and extremely close to Judge Wilson. Individual 1 stood so close to Judge Wilson that her leg brushed against his leg. Misperceiving Individual 1's close proximity and the touching of their legs, Judge Wilson placed his hand on Individual 1's ankle, calf and then on the lower portion of her hamstring. An individual seated next to Judge Wilson, who is a friend of Individual 1, observed Judge Wilson touching Individual 1's lower hamstring and whispered, "I can see you touching her leg." After a few seconds, Judge Wilson removed his hand from Individual 1's leg. After several minutes, Judge

Wilson left the venue with Judge Taylor. Contrary to the allegation in the charges, none of the meal attendees told Judge Wilson that his conduct was inappropriate or directed him to stop.

Although it does not excuse his behavior, Judge Wilson's genuine perception of the interactions was bolstered by what he genuinely perceived as Individual 1's continued participation in the flirting throughout the night. With that being said, Judge Wilson now understands that his touching was unwelcome and should not have occurred. With the help of a trained professional, Judge Wilson is working diligently to learn and grow from this experience.

6. No response to paragraph 6 of the charges is required since it merely alleges statements of opinion. To the extent a response is required, Judge Wilson denies the allegations contained in paragraph 6 of the charges.

7. Judge Wilson denies that his behavior provides evidence that he engaged in conduct prejudicial to the proper administration of justice in Maryland Courts, pursuant to the Maryland Constitution, Article IV, Section 4B(b)(1).

Date: January 31, 2024

Respectfully submitted,

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