

IN THE MATTER OF:	*	BEFORE THE MARYLAND
THE HONORABLE WILLIAM O. CARR	*	COMMISSION ON
	*	JUDICIAL DISABILITIES
	*	CJD 2015-033
*	*	*

MEMORANDUM AND ORDER

On March 2, 2015, Mr. Michael Worsham lodged a complaint against the Honorable William O. Carr (“Judge Carr”). In a letter dated June 30, 2015, Judge Carr was provided notice of Mr. Worsham’s complaint. On September 7, 2015, Investigative Counsel made a recommendation to the Judicial Inquiry Board (“the Board”) regarding charges. Investigative Counsel then supplemented the recommendation on January 10, 2016. On February 12, 2016, the Board issued its report to the Commission on Judicial Disabilities (“the Commission”), recommending charges, and charges were filed on May 12, 2016.

Judge Carr filed a motion to dismiss, due to alleged “material non-compliance with the Maryland Rules” by Investigative Counsel that resulted in the “denial of due process.” In opposition to Judge Carr’s motion, Investigative Counsel disputed Judge Carr’s “unsubstantiated claim that Investigative Counsel’s conduct was ‘dilatory’ and ‘improper’” and argued that Judge Carr “was afforded [his] due process rights as prescribed by the Maryland Rules” Judge Carr requested a hearing on this motion. A hearing was held on December 15, 2016, at which time the Commission heard argument on the motion to dismiss.

The Commission issued an Interim Order on December 23, 2016, accepting Investigative Counsel’s offer to submit, within ten days of this order, a timeline of the proceedings with supporting documentation, including all relevant dates regarding the investigation, submission of

recommendations, transmission of reports, and any requests for extensions as well as the outcome of those requests.

Investigative Counsel, pursuant to Md. Rules 18-407(g)(3), 2-403(a), and 18-409(a)(4), moved the Chair of the Commission to enter a protective order directing that the timeline and supporting documentation submitted to the Commission simultaneously herewith be kept under seal and protected from disclosure to any person other than the members of the Commission. That motion was granted.

Upon consideration of Judge Carr's motion to dismiss, the opposition filed by Investigative Counsel, and the timeline of the proceedings, with supporting documentation, the Commission, by unanimous vote of a duly constituted quorum pursuant to Md. Rule 18-402(e), issued an Order, dated January 10, 2017, granting Judge Carr's Motion to Dismiss. Subsequently, Investigative Counsel filed a "Request to Alter or Amend Order," and Judge Carr filed an opposition thereto.¹ In consideration thereof, the Commission issues this amended Order granting Judge Carr's Motion to Dismiss.

Dated this 24 day of January, 2017.

Maryland Commission on Judicial Disabilities

By:


The Honorable Alexander Wright, Jr., Chair

¹ In the "Request to Alter or Amend Order," Investigative Counsel argued, in part, that "the Commission's decision to dismiss the charges in this matter... was based on confidential information from the investigative process" and that reference to said information in the Order "would violate Maryland Rule 18-409(a)." Judge Carr opposed this request on the grounds that "[t]he disposition of the Charges should be as clear, complete, and publicly available as possible..." Thus, to the extent that information in this herein amended Order is confidential, it is being released pursuant to Md. Rule 18-409(b)(1), as Judge Carr's Opposition to Investigative Counsel's Motion to Alter or Amend Order is a waiver.