

STATE OF MARYLAND

BEFORE THE COMMISSION ON JUDICIAL DISABILITIES

IN THE MATTER OF:

\*

CJD 2016-083

JUDGE PAUL G. GOETZKE

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To: JUDGE PAUL G. GOETZKE  
CIRCUIT COURT OF MARYLAND FOR ANNE ARUNDEL COUNTY  
FIFTH JUDICIAL CIRCUIT

**CHARGES**

**TAKE NOTICE** that the Commission on Judicial Disabilities (hereinafter the “Commission”) has caused to be made and completed an investigation, through its Investigative Counsel, Carol A. Crawford, of Judge Paul G. Goetzke (hereinafter sometimes referred to as “Judge”), who was, at all pertinent times, a Judge of the Circuit Court of Maryland for Anne Arundel County. The Commission notified Judge Goetzke of the nature of the investigation, and afforded the Judge an opportunity to present information bearing on the subject of the investigation.

The Commission has received and considered information from the investigation, including, but not limited to: complaint and attachments filed by the complainant, supplemental materials submitted by the complainant, audio recording of the underlying court hearing, the Judge’s responses, the recommendation of Investigative Counsel, the Report of the Judicial Inquiry Board, and the Judge’s Objections to the Report of the Judicial Inquiry Board. In consideration of the foregoing and a finding by the Commission of probable cause to believe that Judge Goetzke has committed sanctionable conduct, the Commission directed that Investigative Counsel initiate formal proceedings, pursuant to Maryland Rule 18-407(a) against

Judge Goetzke.

The Commission will conduct a public hearing on these charges pursuant to Maryland Rule 18-407. The following facts form the basis for these charges and the Commission's probable cause determination:

1. Judge Goetzke has served as a Judge of the Circuit Court of Maryland for Anne Arundel County since 2005.
2. Based upon formal complaint received by Marietta B. Warren, Esq. on June 15, 2016, and supplemental materials provided by letter dated August 8, 2016, the Commission's Investigative Counsel opened an investigation regarding Judge Goetzke's conduct while he was sitting in the Circuit Court for Anne Arundel County in the matter of Elizabeth Myers v. Norman D. Sears, Jr., Case No. 02-C-12-169803 (hereinafter sometimes referred to as the "Myers case"). The investigation was focused on Judge Goetzke's behavior during open court proceedings on March 29 and July 29, 2016; specifically, that Judge Goetzke was generally unprofessional in his demeanor and interactions with Ms. Warren in the legal proceedings at issue.
3. Investigative Counsel obtained and reviewed audio recordings of the aforementioned hearings in their totality. In addition, the complaint filed by Ms. Warren, including attachments, supplemental information submitted by Ms. Warren, written responses submitted by Judge Goetzke, on his own behalf and through counsel, dated February 9, 2017 and April 10, 2017, and the Objections to the Report of Judicial Inquiry Board filed by Judge Goetzke, through counsel, dated August 9, 2017, were reviewed and considered as part of this investigation.

4. The investigation revealed sanctionable conduct by Judge Goetzke with regard to his disrespectful and unprofessional demeanor during the July 29, 2016 hearing. Judge Goetzke engaged in a persistent course of conduct against Ms. Warren, including, but not limited to, his chastising her and badgering her about the complaint that she filed with the Commission; his subjecting her to *ex parte* questioning on the record for almost one hour; and his using a demeaning and sarcastic tone.
5. Judge Goetzke's conduct was in violation of Rules 18-101.1 (Compliance with the Law), 18-101.2 (Promoting Confidence in the Judiciary), 18-102.2 (Impartiality and Fairness), 18-102.3(a) (Bias, Prejudice, and Harassment), 18-102.8 (Decorum, Demeanor, and Communication with Jurors), 18-102.9 (Ex Parte Communications), and 18-100.4 (Preamble) of the Maryland Code of Judicial Conduct. The pertinent provisions of the Rules provide as follows:

**Rule 18-101.1. COMPLIANCE WITH THE LAW**

A judge shall comply with the law, including this Code of Judicial Conduct.

**Rule 18-101.2. PROMOTING CONFIDENCE IN THE JUDICIARY**

(a) A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary.

(b) A judge shall avoid conduct that would create in reasonable minds a perception of impropriety.

**Rule 18-102.2. IMPARTIALITY AND FAIRNESS**

A judge shall uphold and apply the law and shall perform all duties of judicial office impartially and fairly.

**Rule 18-102.3. BIAS, PREJUDICE, AND HARASSMENT**

(a) A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice.

**Rule 18-102.8. DECORUM, Demeanor, AND COMMUNICATION WITH JURORS**

(b) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's direction and control.

**Rule 18-102.9. EX PARTE COMMUNICATIONS**

(a) A judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge out of the presence of the parties or their attorneys, considering a pending or impending matter...

**Rule 18-100.4. PREAMBLE**

(a) Importance of Independent, Fair, Competent, Impartial Judiciary. An independent, fair, competent, and impartial judiciary composed of men and women of integrity who will interpret and apply the law that governs our society is indispensable to our system of justice. Thus, the judiciary plays a central role in preserving the principles of justice and the rule of law. Inherent in all the Rules contained in this Code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system.

(b) Dignity of Judicial Office. Judges should maintain the dignity of judicial office at all times, and avoid both impropriety and the appearance of impropriety in their professional and personal lives. They should aspire at all times to conduct that ensures the greatest possible public confidence in their independence, impartiality, integrity, and competence.

(c) Function of Code of Judicial Conduct. This Code of Judicial Conduct establishes standards for the ethical conduct of judges and judicial candidates. It is not intended as an exhaustive guide for the conduct of judges and judicial candidates, who are governed in their judicial and personal conduct by general ethical standards as well as by this Code. This Code is intended, however, to provide guidance and assist judges in

maintaining the highest standards of judicial and personal conduct, and to provide a basis for regulating their conduct through disciplinary agencies.

6. The investigation specifically revealed the following facts upon which the charges are based:

Ms. Warren represented the defendant in a custody matter. On July 29, 2016, Ms. Warren appeared with her client before Judge Goetzke for a hearing on Ms. Warren's motion to revise an order issued by Judge Goetzke following a hearing on March 29, 2016. The plaintiff was not present. No opposition having been filed, Ms. Warren submitted on the papers and the matter concluded.

Shortly thereafter, the matter was recalled. Ms. Warren was present at the direction of Judge Goetzke. Judge Goetzke excused both the defendant and the self-represented plaintiff from appearing. An ex parte hearing commenced.

Judge Goetzke instructed Ms. Warren, "Take your motion out. We're going to go through it." He stated, "On paragraph four, you accuse me of violating the Code of Judicial Conduct. Let me hear you on that." Ms. Warren repeated that she would submit on her written motion and stated that she did not feel "at liberty to discuss" her complaint with the Commission on Judicial Disabilities. Judge Goetzke asked, "You filed a claim against me?...I want you to tell me here in court where you're appearing to tell me what you believe would justify that accusation."

Ms. Warren argued the points in her written motion. Judge Goetzke took offense with most of Ms. Warren's arguments and questioned her as to each for the

remainder of the hearing. He repeatedly pressed Ms. Warren regarding her complaint with the Commission. He asked, "So, I violated the Code of Judicial Conduct. Correct? Are you alleging that?" After Ms. Warren's response, he admonished, "You can disagree [with me]. You don't accuse a judge of violating the rules of judicial conduct." Ms. Warren repeated that she was uncomfortable having a hearing on her complaint with the Commission, to which Judge Goetzke stated, "Then don't allege it." Later, he asked her, "What is it? Am I an abusive judge? Am I an understanding judge?"

The hearing lasted for approximately 55 minutes. At the conclusion of the hearing, Judge Goetzke took the matter under advisement. He later issued a Memorandum Opinion and Order denying the motion to revise.

7. Judge Goetzke was disrespectful and unprofessional to Ms. Warren during the July 29, 2016 hearing in the Myers case, and his tone was rude, condescending, and sarcastic.
  
8. Judge Goetzke's behavior provides evidence that Judge Goetzke engaged in conduct that was prejudicial to the proper administration of justice in Maryland Courts, pursuant to the Maryland Constitution, Article IV, Section 4B(b)(1).

These charges are issued by Investigative Counsel at the direction of the Commission on Judicial Disabilities.

**COMMISSION ON JUDICIAL DISABILITIES**

Date: 10/10/17

Carol A. Crawford  
Investigative Counsel

Date: 10.10.17

Tanya C. Bernstein  
Deputy Assistant Investigative Counsel

Date: 10/10/17

Derek A. Bayne  
Assistant Investigative Counsel

**NOTICE:** YOU HAVE THE RIGHT, PURSUANT TO RULE 18-407(c) OF THE MARYLAND RULES, TO FILE A WRITTEN RESPONSE TO THIS COMPLAINT WITHIN THIRTY (30) DAYS AFTER SERVICE OF THIS NOTICE UPON YOU. AN ORIGINAL AND ELEVEN (11) LEGIBLE COPIES OF THE RESPONSE ARE REQUIRED. THE RESPONSE SHOULD BE PROVIDED TO THE COMMISSION ON JUDICIAL DISABILITIES.