

**STATE OF MICHIGAN
BEFORE THE MICHIGAN JUDICIAL TENURE COMMISSION**

COMPLAINT AGAINST

Hon. Kahlilia Y. Davis
36th District Court
Detroit, MI

Complaint No. 101

COMPLAINT

The Michigan Judicial Tenure Commission (“Commission”) has authorized this complaint against Honorable Kahlilia Y. Davis (“respondent”), judge of the 36th District Court, City of Detroit, County of Wayne, State of Michigan, and directed that it be filed. This action is taken pursuant to the authority of the Commission under Article 6, Section 30 of the Michigan Constitution of 1963, as amended, and MCR 9.200 *et seq.*

1. Respondent is, and since January 1, 2017, has been, a judge of the 36th District Court, City of Detroit, County of Wayne, State of Michigan.
2. As a judge, respondent has been, and still is, subject to duties and responsibilities imposed on her by the Michigan Supreme Court, and is subject to the standards for discipline set forth in MCR 9.104 and 9.202.

COUNT I – KNOWINGLY CONDUCTING PROCEEDINGS WITHOUT AN OFFICIAL RECORD

3. On Tuesday, January 22, 2019, respondent began to preside over the 36th District Court business license docket, and did so through February 13, 2019.
4. MCLA 600.8331 requires that “[a]ll proceedings in the district court, except as otherwise provided by law or supreme court rule, shall be recorded.” There is no law or court rule that exempts business license docket cases from the recording requirement.
5. At all relevant times respondent well knew the law required an official record of the business license docket proceedings over which she presided.
6. Respondent was assigned to 36th District Court Courtroom 340 from January 22 through February 13, 2019.
7. Respondent well knew, during that period, that Courtroom 340 was provided video recording equipment with which to make an official record of court proceedings.
8. At all relevant times respondent well knew that 36th District Court courtrooms equipped with video recording equipment were not provided a live court reporter for the purpose of making an official record of court proceedings, except in unusual circumstances.

9. On about January 22, 2019, respondent disconnected, damaged, disabled, did not activate, or otherwise rendered inoperative, the video recording equipment in Courtroom 340.
10. On January 22, 2019, respondent presided over hearings in the following five cases in Courtroom 340 without using the video equipment or causing it to be used, knowing that the video equipment was not operating and that there was not a live court reporter present:
 - a. *Detroit v Ayache*, V10508918, V10509018 and V10509118
 - b. *Detroit v Chehab*, U45097818
 - c. *Detroit v Aboona*, V10508618
 - d. *Detroit v Griffin*, SP8644772
 - e. *Detroit v Haley*, V10703118.
11. On about January 23, 2019, respondent disconnected, damaged, disabled, did not activate, or otherwise rendered inoperative, the video recording equipment in Courtroom 340.

12. On January 23, 2019, respondent presided over hearings in the following eight cases in Courtroom 340 without using the video equipment or causing it to be used, knowing that the video equipment was not operating and that there was not a live court reporter present:
 - a. *Detroit v Amaid Motahar Rifai*, V10280116
 - b. *Detroit v Motahar Hussin Rifai*, V11351918, V11352018 and V11352118
 - c. *State v Environmental Wood*, C0218321
 - d. *State v Early*, C10210051, C10210052 and C10210053
 - e. *Detroit v Tisdale*, V11113418 and V11113528
 - f. *Detroit v Simpson Cruder*, U47120018
 - g. *Detroit v Torres*, U48715518
 - h. *Detroit v Marquez*, U48715618
13. On about January 24, 2019, respondent disconnected, damaged, disabled, did not activate, or otherwise rendered inoperative, the video recording equipment in Courtroom 340.

14. On January 24, 2019, respondent presided over hearings in the following three cases in Courtroom 340 without using the video equipment or causing it to be used, knowing that the video equipment was not operating and that there was not a live court reporter present:
 - a. *Detroit v Kassab*, U45073818
 - b. *Detroit v Smith*, V10274918, V11098018 and V11119418
 - c. *Detroit v Christie*, U45089718
15. On about January 28, 2019, respondent disconnected, damaged, disabled, did not activate, or otherwise rendered inoperative, the video recording equipment in Courtroom 340.
16. On January 28, 2019, respondent presided over a hearing in *Detroit v Al-Mohtafeer*, V11049818, in Courtroom 340 without using the video equipment or causing it to be used, knowing that she was not using the video equipment and that there was not a live court reporter present.
17. On about January 29, 2019, respondent disconnected, damaged, disabled, did not activate, or otherwise rendered inoperative, the video recording equipment in Courtroom 340.

18. On January 29, 2019, respondent presided over hearings in the following two cases in Courtroom 340 without using the video equipment or causing it to be used, knowing that the video equipment was not operating and that there was not a live court reporter present:
 - a. *Detroit v Gulley*, U47200218
 - b. *Detroit v Williams*, V10444517
19. On about February 6, 2019, respondent disconnected, damaged, disabled, did not activate, or otherwise rendered inoperative, the video recording equipment in Courtroom 340.
20. On February 6, 2019, respondent presided over hearings in the following ten cases in Courtroom 340 without using the video equipment or causing it to be used, knowing that the video equipment was not operating and that there was not a live court reporter present:
 - a. *Detroit v Basholli*, SP625571 and SP625671
 - b. *State v Rizzo*, C0210061 and C0210062
 - c. *Detroit v Bostic*, U44767518, U44767718 and U460000918
 - d. *Detroit v Giboyeaux*, U44960518 and U45026818
 - e. *Detroit Qonja*, U45088318
 - f. *Detroit v Jany*, U45088518
 - g. *State v Alouane*, SX34385461

- h. *State v Green for Life*, SX34399851
 - i. *State v Phelps*, C0218341
 - j. *State v Nijjar*, SX34470941
21. On about February 13, 2019, respondent disconnected, damaged, disabled, did not activate, or otherwise rendered inoperative, the video recording equipment in Courtroom 340.
22. On February 13, 2019, respondent presided over hearings in the following fourteen cases in Courtroom 340 without using the video equipment or causing it to be used, knowing that the video equipment was not operating and that there was not a live court reporter present:
- a. *State v Youth Transit Alliance*, SX33637711, SX33637712, SX33637713, SX33637721, SX33637722 and SX33637723
 - b. *State v Al-Battat*, SX34203561
 - c. *State v Drakeford*, SX34344681 and SX34344682
 - d. *Detroit v Martinez*, U45040518
 - e. *Detroit v Wilson*, SP8859832, SP8859833 and SP8859841
 - f. *Detroit v Semey*, SP9443371
 - g. *State v Triumph*, SX34546861
 - h. *Detroit v Salmo*, U45058318
 - i. *Detroit v Butris*, V10050316

- j. *Detroit v Jaber*, V10076018, V10076118, V10076218, V11027818 and V11027918
 - k. *Detroit v Reed*, V10531618, V10531718, V11107818, V11107918 and V11108018.
 - l. *Detroit v Patel*, V11119718
 - m. *Detroit v Inniss*, Z8069501
 - n. *State v Payne*, SX34563251
23. On each date listed above, respondent presided over proceedings when she well knew that an official record of those proceedings was not being made by either a live court reporter or the use of the video recording equipment located in the courtroom.
24. On each date listed above, respondent did not inform any of the parties who appeared before her that an official record of those proceedings was not being made by either a live court reporter or the use of the video recording equipment located in the courtroom.

Respondent's actions described in paragraphs three through twenty-four, above, were:

- a. Misconduct in office and persistent failure to perform judicial duties, in violation of Michigan Constitution Article 6, Section 30(2), and MCR 9.202(B);

- b. Conduct clearly prejudicial to the administration of justice, in violation of Michigan Constitution Article 6, Section 30(2), MCR 9.202(B), MCR 9.104(1), and Michigan Rule of Professional Conduct 8.4(c);
- c. Persistent incompetence in the performance of judicial duties, contrary to MCR 9.205(B)(1);
- d. Irresponsible and improper conduct, in violation of Michigan Code of Judicial Conduct (MCJC) Canon 2(A);
- e. Conduct that failed to promote public confidence in the integrity of the judiciary, contrary to MCJC Canon 2(B);
- f. Conduct that exposed the legal profession and the courts to obloquy, contempt, censure, or reproach, contrary to MCR 9.104(2);
- g. Failure to be faithful to MCLA 600.8331, in violation of MCJC Canon 3(A)(1).

COUNT II – MISREPRESENTATIONS

- 25. On about June 24 and September 27, 2019, respondent sent or caused to be sent, to the Judicial Tenure Commission, answers to certain questions.
- 26. Respondent's June 24 answer 14a included a denial that she ever personally disconnected, damaged, disabled or in any way rendered the video recording equipment in Courtroom 340 inoperative, such that it would be unavailable to make an official record of court proceedings. This denial was false and misleading, and she knew it was false and misleading at the time she provided it, in that on one or more dates between January 22 and February 13, 2019, she did personally disconnect, damage, disable, or in some other way render the video recording equipment in Courtroom 340 inoperative.

27. Respondent's June 24 answers 16b, 17b, 18, 19, 20b, 21b, and 22b all asserted that on the date identified in each answer, she did not cause the video equipment not to be used to make an official record of court proceedings. These denials were false and misleading, and respondent knew they were false and misleading at the time she provided them, in that on each of those dates she did cause the video equipment not to be used to record the proceedings.
28. Respondent's June 24 answers 16f, 17f, 20f, 21f and 22f all asserted that from January 22 to February 13, 2019, she typically, albeit not in every instance, advised the parties appearing before her that there was no record of the proceedings because the 36th District Court administration would not provide her courtroom with a court reporter to record or transcribe the proceedings. These statements were false and misleading, and respondent knew they were false and misleading at the time she made them, in that she did not inform any party or attorney appearing before her during this time that the proceedings were not being recorded.
29. Respondent's June 24 answer 26 asserted that she never told Dionne Drew words to the effect that beginning on January 22, 2019, she was not going to use the video equipment to record hearings over which she presided in Courtroom 340. Respondent's September 27 answer 6 denied that she told Dionne Drew and JoAnna Powell words to the effect that she would not use the

video recording equipment. These denials were false and misleading, and respondent knew they were false and misleading at the time she provided them, in that respondent did tell Dionne Drew and JoAnna Powell words to that effect on about January 22, 2019.

30. Respondent's June 24 answer 35 asserted that the reason she did not turn on the video equipment was because she did not know how to turn it on or operate it. This statement was false and misleading, and respondent knew it was false and misleading at the time she provided it, in that the reasons she did not turn on the video recording equipment were other than any difficulty she may have had operating the equipment or finding someone else to operate it.
31. Respondent's September 27 answer 8 identified Elizabeth Mullins, Shannon Walker, and Dionne Drew as witnesses to her advising parties "typically, albeit not in every instance," that there was no record of the proceeding. This answer was false and misleading, and respondent knew it was false and misleading when she made it, in that, as she well knew, none of these people ever witnessed her informing any party that there was no record of the proceeding.
32. Respondent's September 27 answer 16c asserted that at or near the end of a hearing, she advised attorney Elizabeth Mullins words to the effect that there was no record because the 36th District Court administration refused to provide respondent with a court reporter. This answer was false and misleading, and

respondent knew it was false and misleading when she made it, in that she never so advised Ms. Mullins.

33. Respondent's September 27 answer 17 denied that, in connection with proceedings over which she presided in January and February 2019, she told Shannon Walker words to the effect that she had personally disconnected the video recording equipment in Courtroom 340. This answer was false and misleading, and respondent knew it was false and misleading when she made it, in that in January and February of 2019, she did tell Ms. Walker words to this effect.

34. Respondent's September 27 answer 18 explained that after being informed of Shannon Walker's objection to not recording the proceedings over which respondent presided, respondent did not reconsider whether to use the video recording equipment because she did not know how to use the equipment and had not been trained on how to use it. This answer was false and misleading, and respondent knew it was false and misleading when she made it, in that she deliberately refused to use the equipment for reasons other than any inability to operate the equipment or for lack of training.

Each of the false statements described in paragraphs twenty-six through thirty-four were:

- a. Conduct clearly prejudicial to the administration of justice, in violation of Michigan Constitution Article 6, Section 30(2), MCR 9.202(B), MCR 9.104(1), and Michigan Rule of Professional Conduct 8.4(c);
- b. Misleading statements to the Judicial Tenure Commission, in violation of MCR 9.202(B);
- c. Irresponsible or improper conduct in violation of MCJC Canon 2(A);
- d. An undermining of public confidence in the integrity of the judiciary, in violation of MCJC Canon 2(B); and
- e. Conduct involving dishonesty, deceit, or misrepresentation that reflects adversely on respondent's honesty, trustworthiness, or fitness as a lawyer, in violation of Michigan Rule of Professional Conduct 8.4(b).

COUNT III – UNAUTHORIZED RECORDING AND PUBLICATION OF COURT PROCEEDINGS

35. Michigan Code of Judicial Conduct Canon 3(A)(11) states that “[a] judge should prohibit broadcasting, televising, recording, or taking of photographs in or out of the courtroom during sessions of court or recesses between sessions except as authorized by the Supreme Court.”
36. In January and February of 2019 respondent recorded on her cell phone 32 hearings over which she was presiding, without authorization as required by Canon 3(A)(11).

37. In January and February of 2019 respondent published on the internet some or all of the hearings over which she presided during that time, without authorization as required by Canon 3(A)(11).

Respondent's unauthorized recording and publishing of court proceedings as described in paragraphs thirty-six and thirty seven violated MCJC Canon 3(A)(11).

Pursuant to MCR 9.230(B), an original verified answer to the foregoing complaint, and nine copies thereof, must be filed with the Commission within 14 days after service upon respondent of the complaint. Such answer must be in a form similar to an answer in a civil action in the circuit court and must contain a full and fair disclosure of all facts and circumstances pertaining to the allegations regarding the respondent. Willful concealment, misrepresentation, or failure to file an answer and disclosure are additional grounds for disciplinary action under the complaint.

JUDICIAL TENURE COMMISSION
OF THE STATE OF MICHIGAN

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