

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

COMPLAINT AGAINST

Hon. Bruce Morrow
3rd Circuit Court
Wayne County, MI

FC 102

_____ /

COMPLAINT

The Judicial Tenure Commission (“Commission”) has authorized this complaint against Honorable Bruce Morrow (“respondent”), judge of the Third Circuit Court, County of Wayne, State of Michigan, and directed that it be filed. This action is taken pursuant to Article 6, Section 30 of the Michigan Constitution of 1963, as amended, and MCR 9.200 *et seq.*

**COUNT ONE
INAPPROPRIATE USE OF SEXUALLY GRAPHIC LANGUAGE**

1. Respondent is, and since January 1992 has been, a judge of the Recorder’s Court and Third Circuit Court, County of Wayne, State of Michigan.
2. As a judge, respondent has been, and still is, subject to the duties and responsibilities imposed on him by the Michigan Supreme Court, and is subject to the standards for discipline set forth in MCR 9.104 and 9.202.
3. On June 10 through June 12, 2019, respondent presided over a homicide jury trial, *People v James Edward Matthews*, case number 18-7023-01-FC.

4. Two female assistant prosecuting attorneys tried the case on behalf of Wayne County, and will be referred to herein as “APA A” and “APA B.”
5. During a break in the proceedings on June 11, 2019, APA A asked respondent for feedback about her direct examination of the medical examiner.
6. Respondent told APA A he was going to come down from the bench to talk to her personally because what he was going to say to her would make her “blush.”
7. Respondent came down from the bench and sat at the prosecutor’s table next to APA A, who was seated in the middle of the table. The officer in charge was seated to APA A’s left and respondent took the seat to her right.
8. Respondent positioned himself very close to APA A, with his head very close to her head.
9. Respondent asked APA A words to the effect of “so when a man and a woman are close, they start by holding hands, rubbing elbows, kissing, foreplay, then that leads to sex?”
10. Respondent asked APA A words to the effect of “would you want foreplay before or after sex?”
11. Respondent said to APA A words to the effect of “You want the foreplay before the sexual intercourse. That’s what we call cuddling. No, you start with holding hands.”

12. Respondent made an analogy for APA A to the effect “that the climax of sex is akin to getting the medical examiner to state the cause and manner of death after getting the details of his examination of the body.”
13. Respondent told APA A words to the effect of “You start with all the information from the report, all the testimony crescendos to the cause and manner of death, which is the sex of the testimony.”
14. Respondent told APA A words to the effect of “you want to tease the jury with the details of the examination.”
15. Respondent told APA A words to the effect of “you want to lead them to the climax of the manner and cause of death.”
16. Respondent’s discussion with APA A caused her to feel “frozen” and afraid to move.
17. Respondent’s conduct described in this count violated Michigan Code of Judicial Conduct:
 - a. Canon 1, which requires that a judge should personally observe high standards of conduct;
 - b. Canons 2(B) and 3(A)(14), which require that a judge treat every person with courtesy and respect;
 - c. Canon 3(A)(3), which requires that a judge be dignified and courteous to lawyers.

COUNT TWO
INAPPROPRIATE USE OF SEXUALLY GRAPHIC LANGUAGE

18. Paragraphs one through sixteen are incorporated in this count.
19. On June 11, 2019, while the jury in *People v Matthews* was deliberating, respondent invited counsel for both sides to join him in chambers. Both assistant prosecutors and defense counsel joined respondent in chambers.
20. Respondent discussed with APA B her reasons for having presented evidence that the defendant's DNA was found in the deceased victim's vaginal swab.
21. Respondent disagreed with APA B's reasons for having presented that evidence, and said words to the effect of "all you did was show they fucked!"
22. Respondent made fun of the defendant's testimony that he and the deceased did not have sex the way they normally did because the deceased was pregnant and he did not want to hurt the baby and cause a miscarriage.
23. Respondent said words to the effect of "how big does this guy think he is?"
24. Respondent said words to the effect of "does he think his dick is so big that he would hurt that baby?"
25. Respondent said words to the effect of "this guy must feel real good about himself to think his dick is that big."
26. During the in-chambers discussion, respondent criticized some of APA B's voir dire. During the critique respondent said to her words to the effect of "if I want to have sex with a woman on the first date, how would I figure that out? I

wouldn't ask her if she wants family or children or what she does, I would ask her 'have you had sex on a first date before?' Would you sleep with me on a first date?"

27. During the in-chambers discussion, in response to APA B's statement that defendant claimed he and the victim had "non-traditional" sex, respondent spoke with APA B about what her definition is of "non-traditional" sex. When APA B answered "not intercourse," respondent told her that her view was shaped by her own bias and that most people did not define "non-traditional" sex the way she does.

28. Respondent's conduct described in this count violated Michigan Code of Judicial Conduct:

- a. Canon 1, which requires that a judge should personally observe high standards of conduct;
- b. Canons 2(B) and 3(A)(14), which require that a judge treat every person with courtesy and respect;
- c. Canon 3(A)(3), which requires that a judge be dignified and courteous to lawyers.

COUNT THREE
VIOLATION OF CANONS 2(A), 2(B), 3(A)(3) & 3(A)(14) BY
QUESTIONING FEMALE ATTORNEYS WHO APPEARED BEFORE HIM
ABOUT THEIR PHYSICAL APPEARANCE

29. Paragraphs one through sixteen and nineteen through twenty-seven are incorporated in this count.

30. After the jury in *People v Matthews* was excused for the day on June 11, 2019, respondent approached the prosecutors' table and asked APA B how tall she was and how much she weighed.

31. After the jury was excused for the day on June 11, respondent asked APA A whether she weighed 115 pounds.

32. When APA A responded with respect to her weight, respondent said words to the effect of "Well, I haven't assessed your muscle mass yet."

33. While respondent was having this conversation with APAs A and B, he was overtly eyeing both of their bodies.

34. Respondent's conduct described in this count violated:

- a. MCR 9.202(B)(1)(D), which forbids treating a person discourteously because of the person's gender;
- b. Michigan Code of Judicial Conduct Canon 2(A), which states a judge must avoid all impropriety or appearance of impropriety;
- c. Michigan Code of Judicial Conduct Canons 2(B) and 3(A)(14), which require a judge to treat every person with courtesy and respect;

d. Michigan Code of Judicial Conduct Canon 3(A)(3), which requires a judge to be dignified and courteous to lawyers.

35. Respondent's conduct as described in Counts One through Three was a persistent failure to treat APAs A and B fairly and courteously, in violation of MCR 9.202(B)(1)(c).

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 of the complaint upon respondent. Such answer must contain a full and fair disclosure of all facts and circumstances pertaining to the allegations. Willful concealment, misrepresentation, or failure to file an answer and disclosure are additional grounds for disciplinary action.

JUDICIAL TENURE COMMISSION
OF THE STATE OF MICHIGAN

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