

**STATE OF MICHIGAN**  
**IN THE SUPREME COURT**

**COMPLAINT AGAINST:**

**Hon. Sylvia A. James**  
**22<sup>nd</sup> District Court**  
**27331 S. River Park Drive**  
**Inkster, MI 48141**

**Docket No. 143942**  
**Formal Complaint No. 88**

**RESPONSE TO PETITION FOR INTERIM SUSPENSION**

Respondent Judge Sylvia A. James by her attorneys Philip J. Thomas and Sharon McPhail, responds to the Petition for Interim Suspension as follows<sup>1</sup>:

**PRELIMINARY STATEMENT**

This Court violated Judge James' constitutional rights and usurped the authority of the JTC. Article 6, Sec. 30 of the Michigan Constitution provides that this Court may only take action to suspend/remove a judge upon recommendation from the JTC. This Court was goaded into imposing what is essentially a disciplinary suspension, under the guise of an administrative leave because of a few slanderous news stories published in 2010 and earlier this year. The stories described millions of dollars of 22<sup>nd</sup> District Court monies allegedly "missing," *i.e.*, misappropriated/stolen. The news stories were completely and utterly false.

On August 23, 2011, Judge James' counsel wrote to this Court asking that she be returned to her duties. They challenged the unconstitutionality of the action taken against her as follows:

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<sup>1</sup> Judge James has filed a motion to disqualify the Chief Justice and all Justices of the Michigan Supreme Court. Judge James requests that her motion for disqualification be decided before the Court considers the Judicial Tenure Commission's petition for interim suspension.

The administrative leave Judge James has been subjected to violates her due process rights. The Michigan Constitution, as amended in 1963 created the Judicial Tenure Commission (JTC) and vested that agency with the authority to investigate and prosecute judges and to present its recommendations to this Court regarding a judge's fitness to serve. This Court was also granted authority by the Constitution to implement rules governing the JTC proceedings. MCR 9.200 *et seq.* sets forth detailed procedures the JTC must follow in its investigations, rules that must be followed before formal/public action is taken against a judge, and rules that must be followed when the JTC makes its recommendation to this Court. One of the most important safeguards afforded a judge in protecting his/her rights is MCR 9.207(D) which provides:

Before filing a complaint or taking action under subrule (B)(5), the commission **must give written notice to the judge who is the subject of a request for investigation. The purpose of the notice is to afford the judge an opportunity to apprise the commission, in writing within 28 days, of such matters as a judge may choose, including information about the factual aspects of the allegations and other relevant issues.** . (emphasis added).

Only **after** the above notice has been provided, can the JTC initiate formal disciplinary proceedings against a judge pursuant to MCR 9.209. Upon the filing of a formal complaint, the JTC must provide a respondent judge with notice and public hearings pursuant to MCR 9.210. At the conclusion of the hearing phase, briefing is carried out before the JTC and both sides are afforded oral argument. It is only after all of these safeguards have been followed, that the JTC may present its recommendation to the Supreme Court concerning whether the respondent judge should be censured, suspended or removed. Significantly, Chapter 9.200 *et seq* provides for interim suspensions in situations **where the JTC** believes a judge should be removed prior to completion of its investigative procedures. None of those rules were followed in regards to Judge James.

This Court does not have authority to remove/suspend a judge from his/her duties without receiving a "recommendation" from the JTC. This separation of powers is manifest in MCR 9.200 *et seq.* Furthermore, Article 6, § 4 of the Michigan Constitution of 1963 as cited in this Court's Order of April 13th, restrains this Court's ability to remove a respondent judge and specifically states:

The supreme court shall have general superintending control over all courts; power to issue, hear and determine prerogative and remedial writs; and appellate jurisdiction as provided by rules of the supreme court. The supreme court **shall not** have the power to remove a judge (emphasis added).

Judge James has been denied the procedural safeguards afforded to a respondent judge under the Constitution of this state and applicable court rules. Judge James was essentially removed from her duties as judge under the guise of an administrative leave. If the Court's superintending control authority can be used to suspend/remove Judge James, then this Court could arguably do the same to any judge serving on any bench throughout this state.

(see Attachment 1, emphasis added). Significantly, Judge James received no reply to the correspondence.

The Inkster Ministerial Alliance is outraged over the actions taken by this Court in regard to Judge James and, similarly, wrote to this Court to express their concerns. The group stated:

The Inkster Ministerial Alliance and Vicinity have voted unanimously to write this letter of protest concerning the Michigan Supreme Court's placement of Judge Sylvia A. James on administrative leave. The administrative leave that Judge James was placed on, according to our understanding, violated her due process rights and is an outrage to our group as well as the citizens we represent in our various congregations.

Article 6, section 30 of the Michigan constitution of 1963 specifically provides that the Supreme Court may only censure, suspend or remove a judge "on recommendation of the Judicial Tenure Commission..." The rules governing the Judicial Tenure Commission require that before it can make a recommendation to the Supreme Court, the following due process safeguards must be followed:

1. The Commission must conduct an investigation, which includes an opportunity for the judge to answer the allegations being made.
2. After the investigation is complete, if the commission finds that sufficient evidence exists to support the allegations, a public complaint must be filed and the judge has the right to file a public answer.
3. The Supreme Court appoints a "master" to take evidence on the complaint.
4. Public hearings are held before the master.
5. The judge has a right to appear with counsel and cross examine witnesses called against him/her.
6. The judge also has the right to subpoena witnesses he/she wants to call.
7. The master's decision is reviewable by the commission itself and eventually reviewable by the Supreme Court.

None of the procedural safeguards discussed above were afforded Judge James. Based upon our research, Judge James was treated as no Michigan Judge was ever treated in the past. Certain elected city officials of Inkster ran a smear campaign

against Judge James in the media accusing her of literally misappropriating/stealing court monies. **The news stories run by Channel 7 were horrible, but, we recognized them for what they were-falsehoods. Now that all of the monies moved from the accounts formerly managed by the city have been accounted for, Judge James” [sic] 23 years of unblemished service is being fly-specked in order to come up with something to justify the Supreme Court’s actions. The members of the Inkster Ministerial Alliance and Vicinity are outraged by these events. We feel that if this can be done to an honest person such as Judge Sylvia James our city administrators can do the same thing to anyone.**

We request an answer to the following question in the hopes that each of you will reflect on the facts discussed in the preceding paragraphs before answering. **Since the Supreme Court (which is charged with accepting a recommendation from the Commission) has already decided this matter, how can Judge James-and the citizens of Inkster expect a fair hearing on the allegations being made against her? Further, how can we expect a fair decision from the Commission when the Supreme Court has already usurped the Commission’s authority?**

We fear that the unprecedented action taken by the Court in this matter stems from the fact that the court was dealing with an African American judge from a city that is predominantly African American. What other conclusion can logically be drawn. We believe, as does the Association of Black Judges of Michigan, that Judge James must be restored to her duties. Any further investigation regarding Judge James must be carried out by independent counsel. Who can operate free from the prejudice and bias already exhibited towards Judge Sylvia James. The citizens of Inkster elected Judge James. They are entitled to have her serve as judge unless and until she is properly suspended or removed. We have had a visiting judge who is not from Inkster serving at the court since Judge James had her duties removed in April of this year. This is an untenable situation and several of our members are considering whether we should organize rallies to protest the Court’s actions. We do not intend to sit idly by while this atrocity continues.

(see Attachment 2, emphasis added)

In addition to counsel for Judge James and the Inkster Ministerial Alliance, the Association of Black Judges of Michigan (ABJM) have also written to this Court to challenge the unconstitutionality of the mandated administrative leave. ABJM stated:

The Association of Black Judges of Michigan (ABJM) is aware that the attorneys representing Judge James have sent correspondence to the Court. In support of

their efforts, this letter is meant to bring attention and protest to the Michigan Supreme Court's decision and treatment of Judge Sylvia A. James, 22<sup>nd</sup> District Court, Inkster, Michigan. The primary concern is that the action by the Court of placing Judge James on administrative leave is perceived by the ABJM as disciplinary in nature, premature and ill conceived. All available evidence indicates that the Court's decision was motivated by and based only on groundless accusation and actions instigated by unsubstantiated media hype and dissatisfied Inkster politicians.

ABJM envisions a Supreme Court and a system of justice that promotes a fair administration of justice and does not bend and bow to the whims of "politics". Yet, the administrative leave (which is tantamount to an interim suspension) of Judge James seems to be predicated upon reckless or intentional misstatements and misrepresentation of facts, and acted on without any structured preliminary investigation by the Supreme Court or the Judicial Tenure Commission (JTC). ABJM proffers that the administrative leave contravenes the procedural rules specifically designated to guide and govern the Supreme Court's decision. A barebones application of modest procedural due process cannot explain or justify the administrative leave.

(see Attachment 3).

Interestingly, ABJM did receive a response from the state court administrator. State Court Administrator, Chad Schmucker, stated:

. . . Your letter, however, is premised on the assumption that when the Court exercised its superintending control power to place Judge James on administrative leave, it failed to provide Judge James with any procedural due process. Please allow me to correct your mistaken assumption.

After serious problems were discovered in an audit, Judge James was given the opportunity to respond to our concerns. The Supreme Court took into account the responses from Judge James, and only after carefully examining them and cautiously deliberating did the Court take action to place Judge James on administrative leave. In addition, the State Court Administrative Office referred this matter to the Judicial Tenure Commission, and we are waiting for them to complete their investigation.

(see Attachment 4).

The plain truth is that the state court administrator's comment that Judge James received due process is untrue.

Judge James was sent a letter on Thursday afternoon, April 7, 2011, by the State Court Administrator's Office (SCAO). A copy of the letter is appended as attachment 5. Judge James was only given two business days to respond, *i.e.* by Monday April 11, 2011. The letter did not indicate that disciplinary action or a leave of any type was being contemplated by this Court. On that same day, April 7<sup>th</sup>, Judge James wrote to this Court asking to be heard in person. Her request was denied. She sat down (without counsel) and prepared a brief response to SCAO. Two days later, on April 13, 2011, this Court took action that constituted an "interim suspension." All constitutional safeguards set forth in the Michigan Constitution and MCR 9.200 *et seq.* which govern such suspensions were circumvented. The JTC had no involvement, as mandated by Michigan's constitution and had not even issued a request for investigation at that point. This Court, in the middle of a political firestorm of false allegations took action that legitimized the political attack on Judge James.

When Judge James left the 22<sup>nd</sup> District Court on the afternoon of April 13, 2011, she had not even been given the opportunity to pack her personal papers and belongings. The next day locks were changed at the court. After 23 years of dedicated service, she was literally evicted from her office, put out on the street and told not to have any contact with anyone from her office.

Judge James' records and personal belongings were ransacked and despite repeated requests for her belongings, she was not allowed access to them until July 14, 2011. Then and only then, was Judge James given one hour to visit the court and obtain as much of her belongings and records as she could carry. Attachment 6 is a letter reflecting protests to Judge Valdemar Washington's (whom this Court appointed to act as interim judge of the 22<sup>nd</sup> District Court) unreasonable one hour time limit for retrieving necessary records and her personal

belongings. When Judge James and her counsel arrived at the court (after business hours as directed) they found that Judge James' personal safe (which had been kept in her office) had been dismantled and broken into. Screws for the lock were on the floor and most of the contents of the safe had disappeared. Judge James filed a police report with the Inkster police department (see Attachment 7). Her personal papers and records were thrown into garbage bags and placed in the boiler room of the courthouse. A photograph depicting the garbage bags and the condition of the personal safe is appended as Attachment 8. To say that Judge James has been treated unfairly would be an understatement. She has had her rights trampled upon by this Court which has flagrantly disregarded our state Constitution as adopted in 1963. In an effort to correct or legitimize this Court's action, the JTC has now filed the instant petition for interim suspension. The JTC's petition is a sham. Judge James is not performing her duties, she has had her duties taken away from her.

The petition for interim suspension is devoid of merit and relies primarily upon the Complaint, which is 51 pages in length. The Commission appended a copy of the Complaint as its first attachment to the Petition. The Complaint contains unsubstantiated allegations which should not even be considered by this Court. The Complaint deals with eleven (11) issues, but it details them as if there were 192 separate charges of misconduct. For the purpose of focusing all of the stakeholders in this matter, the 11 issues are:

- The existence of a Community Service Program ("CSP") at the 22<sup>nd</sup> District Court.
- The administration of the CSP, including the use of funds and staff.
- The attendance and funding of two trips for court employees and the Judge to official drug court conferences, designed to obtain a grant for the 22<sup>nd</sup> District Court.
- The payment of court bills directly by the court when the funding authority declined to pay certain bills, including the transfer of the funds to a different bank.
- Bar Association travel payments, advanced by the funding unit, which is inaccurately referred to as "reimbursements" throughout the RI and Complaint.
- Payment of attorneys' fees for defense of the court in matters involving the administration of the court as Chief Judge, with a verbal, but not written, retainer

agreement, including a suggestion that the documentation for the fees was somehow unknown to Judge James.

- Employment of Nicole James, Kevin Dokes and Jeffrey Bowdich.
- Use of leave days and time taken for “lunch”.
- The “timely” disposition of cases.
- Answers to the RI and other statements which are characterized by the JTC as “misrepresentations”, when (in fact) the underlying statements by Judge James simply represent differences of opinion with the characterizations of the drafter of the RI, and not an attempt to mislead.
- The implementation of a “business attire policy” for the 22<sup>nd</sup> District Court.

In view of the continuing contact that Judge James had with the Regional Court Administrator Deborah Green, and Ms. Green’s direction to do many of the things that are now being converted to “wrongdoing” (which is discussed in more detail in her answer to Complaint appended below), Judge James is compelled to ask respectfully that this Court consider the political nature of the process, in addition to the allegations made against her.

SCAO has gone on record, in a memorandum, dated December 1, 2010, as describing these events as political in nature. In that memo, Ms. Green stated the following:

**. . . I believe the issue is more political than substantive and believe it has a high likelihood of being resolved without further mediation or litigation.**

**Relationships between this Court and its funding unit have been contentious for some time. This conflict came to a head a year or so ago when the Mayor proposed a charter amendment that would have invested his office with a great deal more power than it currently holds. Judge James publicly opposed the charter amendment and it was soundly defeated by the voters. The Mayor is resentful that the Judge apparently has more indirect power in the city than he does and has, in essence, declared war on the Court.**

(see Attachment 9, emphasis added).

Also attached is a statement provided by Milton Spokojny who served as the Inkster City attorney for nearly three decades. He states as follows:

. . . I proudly served as the City Attorney for 29 years. Prior to my involvement with the city of Inkster, I also served on the legal staff for the city of Southfield as an assistant city attorney. I have known Judge James for the entire 23 years of her

judgeship. I have appeared before her countless times and have the utmost respect for her as a person and jurist. Judge James is knowledgeable, ethical, honest and has been an invaluable asset to the City and our bar. She is dedicated to the Court and most importantly to the citizens of the city of Inkster.

I believe that the events that led up to Judge James having her duties removed by the Michigan Supreme Court were politically motivated by the mayor and other members of city government. I base my belief on the history of Judge James interaction with city officials on various matters which include but are not limited to the following:

In 2005/2006 there was a proposal to amend the Inkster City Charter. This charter would have required an affirmative vote of the electorate of the City of Inkster in order to pass. The proposal was significant in many respects. One of the most significant aspects of the proposal was changes that would have dramatically increased the powers of the mayor. Essentially, the mayor would have gone from being a weak mayor to a strong mayor who could hire/fire top level city employees including the city manager, city clerk and city attorney, *i.e.*, my position. Judge James actively opposed the proposal and in fact, she sent out a letter opposing the proposal to all city residents. Judge James' input had an impact on the charter revision which was ultimately not approved by the voters. I even recall an incident where during jury selection in a criminal case that I was prosecuting, a prospective juror thanked Judge James for her letter and for speaking up and enlightening the public on the subject. **This current attack on Judge James is a political witch hunt – nothing more and nothing less.**

Judge James' more recent conflict concern the plans for a new police station versus a justice center which would house a new facility for the 22<sup>nd</sup> district court. The mayor and his colleagues do not feel a new court facility is necessary. She has made enemies including the mayor and some of the members of city council regarding this issue. She has fought long and hard for a new court facility to be included in a justice center. As a result of these issues, her political enemies have taken the opportunity in an attempt to destroy her. I find this situation extremely disturbing.

(See Attachment 10, emphasis added).

Judge James' political enemies, which include the Mayor of Inkster and several city council members, have been relentless in their efforts to destroy her. DeArtriss Richardson former Inkster City Council member, describes the mayor's efforts against Judge James as follows:

I believe that the events that have led to Judge James being placed on administrative leave were generated by Mayor Hampton. It is his style. He comes up with false allegations and leaks them to the media. His goal is to get individuals out of his way regardless of whether they have done anything wrong. It is the public airing of his allegations that leads to what he perceives as prevailing over someone he considers a political enemy.

Mayor Hampton does not want the Court being moved to a justice center with the police department station. I along with many other residents of Inkster believe the Mayor wants to consolidate the Inkster Court with a court in one of the neighboring cities like Garden City or Dearborn Heights. I feel that the residents of those cities are entitled to their own court and that Inkster and its residents are entitled to a court with a judge elected by us.

Mayor Hampton has brought the City of Inkster to the brink of financial ruin. The City is facing drastic layoffs as a result of a multi-million dollar deficit and the Mayor's political cronyism.

Mayor Hampton has engaged in numerous conflicts of interest which have included his private company performing security services for the City. Mayor Hampton, whose full time job is in management at Wayne County Sheriff's Office, also was instrumental in the Inkster Police Department's hiring of the Wayne County Sheriff's brother as Deputy Police Chief of the Inkster Police Department. The Sheriff's brother had no prior experience with the Inkster Police Department and his hiring created morale problems and will probably result in civil lawsuits from those within the Department.

I believe that Mayor Hampton wants Judge James out of his way so that he can continue to run the city as he sees fit – where he is the only true ruler and king of the City.

(see Attachment 11).

Current Inkster City Council Member, Timothy Williams provided an affidavit describing the mayor's efforts against Judge James as follows:

Mayor Hilliard Hampton was elected to the position of mayor in 1999.

Prior to the time that I was elected to council in 2007, Mayor Hampton made his feelings towards Judge Sylvia James known to the public. He did not like her and would repeatedly comment on the fact that he thought Judge James had too much power and needed to be "put in her place."

In 2006, the mayor campaigned to revise the Inkster City charter which would have greatly increased his authority. Judge James openly opposed the revisions. In a letter sent to Inkster residents, she urged that they vote against the proposal in the November 2006 election. **Mayor Hampton held her involvement in this matter against her and began what I believe was a personal vendetta to destroy her.**

Tensions between Mayor Hampton and Judge James worsened in 2010 when Mayor Hampton and his supporters began questioning Judge James' operation of the court, specifically the court's finances. At that time, the former City Manager Ann Capela changed the court's longstanding practice of abiding by a bottom line budget to a line item budget.

A few council members, along with myself met with Judge James regarding the court's finances. I attended several meetings with Judge James and members of council at which time Judge James openly invited us to come back and look at the books anytime. Judge James was always cooperative and never exhibited any signs of someone who had anything to hide.

Despite Judge James' cooperation, such a meeting never took place because the City Manager suggested scheduling meetings during court hours, *i.e.* when Judge James was clearly unavailable.

Judge James' relationship with Mayor Hampton was further aggravated by Judge James' proactive stance on the development of a new hall of justice which would also house a new court as well as a police station. Mayor Hampton wanted free reign on issues related to the justice center and resented Judge James' involvement with the matter.

**During my service with the City of Inkster, I have found Mayor Hampton to be deceitful and vindictive. I also believe he is determined to ruin Judge James. I have always believed that Mayor Hampton was jealous of Judge James and the respect she earned from members of our community.**

**Mayor Hampton is and has always been the type of individual that may not do anything directly to hurt you, but, will instead direct others to do so. That is what he has done with Judge James.**

**Mayor Hampton specifically asked our former City Attorney Milton Spokojny to go after Judge James. When Mr. Spokojny informed the mayor and council of the fact that he did not believe that Judge James was doing anything improper with the court's finances, the mayor convinced a majority of council to retain the services of another law firm to conduct the investigation of the court's finances**

Mayor Hampton did not want Mr. Spokojny to conduct the investigation of Judge James because he wanted a "puppet" he could control and direct at all times. Significantly, Mr. Spokojny was fired from his employment as Inkster City Attorney, this summer.

I firmly believe that the decision to terminate Mr. Spokojny was made in retaliation for his refusal to go after Judge James. **On one occasion, when the mayor and I spoke to each other about matters related to Judge James and Mr. Spokojny, the mayor scolded me for not seeing things his way and accused me of being too busy with trying to protect Judge James and Mr. Spokojny.**

**I personally never believed that Judge James was doing anything dishonest or improper. I have always believed that the events which lead to Judge James being placed on administrative leave by the Supreme Court were the direct result of the obvious personality dispute between Judge James and the mayor. There was never any evidence that Judge James took any money from the court.**

(see Attachment 12, emphasis added).

If the events described above can happen to Judge James, they can happen to any judge serving in this state. Such is particularly troubling when one considers that all of these allegations arise from a political vendetta being waged against Judge James by local politicians.

Judge James is a hard-working, honest judge. As a result of the fact that the 22<sup>nd</sup> District Court is a “one judge” court, she also served as Chief Judge and carried out all necessary administrative duties. It is critical to note that the 22<sup>nd</sup> District Court has the heaviest “per judge” caseload in the state (see Attachment 13). In fact, in approximately 2003, this Court determined that the 22<sup>nd</sup> District Court needed 1.85 judges to manage its caseload. The fact that the 22<sup>nd</sup> District Court needed a second judge was well known to SCAO and common knowledge in the community and dates as far back as January, 1992. In an article which ran in the Inkster Ledger Star on January 30, 1992, former councilwoman Sheila Green made the following statements in support of a second judgeship:

“Our civil case load is comparable to several communities that have two judges, namely, Westland, Romulus, and Plymouth. In fact, it’s greater than cities of Redford, Dearborn Heights, Allen Park, Lincoln Park, and Trenton where they have a two-judge system.”

Greene explained that the city “actually has as much as four to six times as many cases as some cities that have only one judge: River Rouge, Ecorse, Wyandotte, Riverview and neighboring Wayne.

“And that,” Greene stressed, “is just our civil caseload.”

In terms of criminal cases, Inkster has the second highest criminal case load in Wayne County outside of the city of Inkster, Greene says. She offered the

following figures to support her claims: Westland with 4,857 criminal cases as compared to Inkster with 4,721.

“We have the third highest felony case load in the county outside Detroit – Taylor has 1185; Highland Park has 650 and Inkster has 605,” Greene continued.

Westland, Taylor, and Highland Park each have two district judges.

(see Attachment 14).

Nearly 16 years later, the 22<sup>nd</sup> District Court’s disproportionate caseload was also addressed in an article which ran in the Garden City Observer newspaper, which discussed the possible merging of Garden City’s 21<sup>st</sup> District Court with a neighboring court. The following statistics were noted in that article:

Based on 2004 figures – the most recent figures available through the State Court administrator – Judge Richard Hammer Jr. and the court handled 7,491 cases. By comparison, **Inkster’s 22<sup>nd</sup> District Court Judge Sylvia James and a magistrate handled 56, 540 cases.** Each of the cities has a population just over 30,000.

(see Attachment 15, emphasis added).

Furthermore, the article also provided a graph of district court caseload summaries (prepared by SCAO in 2004) which evidenced that the 22<sup>nd</sup> District Court’s total case load in 2004 was 56,540, second only to the 34<sup>th</sup> Romulus District Court’s statistics of 61,316. However, the Romulus District Court had three judges (see Attachment 15).

The statistics available at that time showed that Judge James’ had a caseload approximately eight times higher than Judge Richard Hammer of the 21<sup>st</sup> District Court. Despite the evident need for a second judge at the 22<sup>nd</sup> District Court, and her request for a second judgeship for the court, Judge James’ request was denied (see Attachment 16). In the Management Assistance Plan (MAP) prepared by SCAO in 2000, SCAO noted the 22<sup>nd</sup> District

Court's "unusually large caseload for a single-judge court." At page 5 of that report, SCAO stated the following:

When conducting a management assistance project, the State Court Administrative Office selects courts with similar size caseloads in order to draw comparisons between the project court and other courts. Due to its **unusually large caseload for a single-judge court**, the 22<sup>nd</sup> District court was compared with three single-judge and three two-judge district courts in Region 1. The courts used for comparison purposes are D21 in Garden City, D28 in Southgate, and D29 in Wayne, all single-judge courts, and D18 in Westland, D20 in Dearborn Heights, and D23 in Taylor, all two-judge courts.

(see Attachment 17, emphasis added).

In support of her request for a second judgeship, Judge James prepared a Status Report for a meeting with the State Court Administrator and Region 1 Administrator in September of 2002. In that report, Judge James provided the following statistics in support of the fact that the 22<sup>nd</sup> District Court should have been approved for an additional judge:

- In 1997 and 1998, the 22<sup>nd</sup> District Court disposed of 13, 234 and 15, 419 cases respectively. In 1997, the statewide average number of dispositions per judge was 12, 617. The 22<sup>nd</sup> District Court exceeded that average by 1,067 cases in 1997 and 3,252 in 1998.
- In 2001, the 22<sup>nd</sup> District Court resolved 21, 542 cases, approximately 8,000 more than the state average per judge.
- In 2001, the 22<sup>nd</sup> District Court's new filings reached an unprecedented 20, 803 as compared to the state average of 12, 604 in 2000.

(see Attachment 18).

Furthermore, Judge James also provided a chart which set forth the trend for new filings and dispositions per judge. The following chart sets forth how the 22<sup>nd</sup> District Court compared to statewide average in each category of filings:

<b>Filings Per Judge</b>	<b>Statewide</b>	<b>22<sup>nd</sup> District Court</b>
<b>Criminal Felony</b>	<b>276</b>	<b>337</b>
<b>Criminal Misdemeanors</b>	<b>1,208</b>	<b>2,399</b>
<b>Criminal Civil</b>	<b>68</b>	<b>0</b>
<b>Traffic Misdemeanor</b>	<b>1,757</b>	<b>1,325</b>

<b>Traffic Civil</b>	<b>7,246</b>	<b>5,263</b>
<b>Felony OUIL</b>	<b>24</b>	<b>13</b>
<b>Misdemeanor</b>	<b>222</b>	<b>244</b>
<b>General Civil</b>	<b>717</b>	<b>1,027</b>
<b>Small Claims</b>	<b>379</b>	<b>107</b>
<b>Summary</b>	<b>708</b>	<b>2,066</b>
<b>Total</b>	<b>12,604</b>	<b>12,781</b>

(See Attachment 19, emphasis added).

The above-referenced statistics clearly prove that Judge James was overseeing the busiest docket per judge of any district court in the state. While she was doing so, people who considered Judge James as their enemy were trying to destroy her. They leaked false information to the media which goaded this Court into imposing what is essentially a disciplinary suspension. The JTC has filed the petition for interim suspension in an effort to legitimize the actions of this Court, relying upon the unsubstantiated allegations of misconduct contained in the Complaint. The Court should not be again goaded in to doing something that is wrong. The Court should do what is right and deny the petition as being moot. The Court should then appoint special counsel to investigate the constitutional rights violations Judge James has suffered in this matter.

**ANSWERS TO ALLEGATIONS IN THE PETITION FOR INTERIM  
SUSPENSION**

1. Judge James admits this paragraph in part and denies it in part. Judge James admits that the Commission filed Formal Complaint No. 88 on October 26, 2011. However, Judge James adamantly denies that the Complaint supports its Petition. A copy of Judge James' answer to the Complaint is appended as Attachment 20.
2. Judge James admits that the Complaint contains allegations regarding her and the administration of the Community Service Program (CSP) account. Judge James would

add that the allegations of misconduct are false and without merit. Judge James administered the CSP in good faith for the purpose of serving the needs of the court, defendant participants and the community.

3. Judge James denies this paragraph in the form stated. The CSP was funded from the fees that participants paid to cover oversight fees.
4. Judge James denies this paragraph. The CSP funds were not funded by the fines, costs, penalties, assessments, probation or parole supervision fees subject to the referenced statutes. The program was self funding and was not part of the Court's budgetary matters and did not use court funds appropriated by the funding unit. Judge James administered the program in good faith for the purposes of serving the needs of the court, defendant participants and the community. More importantly, when the funding authority managed and oversaw the CSP account prior to 2007, the funding authority never disbursed the funds in the manner provided for in the referenced statutes. Judge James would further add that after the court began administering the CSP account in 2006/2007, she continued to administer the account in a manner consistent with the practice established by the funding authority during the prior 16 or 17 years.
5. MCL 775.22 and MCL 780.766a are statutes which speak for themselves. Judge James incorporates by reference her answer to paragraph 4 above.
6. Judge James incorporates by reference her answer to paragraph 5 above.
7. MCL 775.22 and MCL 780.766a are statutes which speak for themselves. Judge James incorporates by reference her answer to paragraph 4 above.

8. Judge James neither admits nor denies this paragraph. The CSP funds were accumulated from participants' oversight fees and were generally and historically used to fund the program. That was and remains Judge James' perception of the CSP funds.
9. Judge James denies this paragraph as untrue. Judge James never "diverted" any funds. The CSP funds were at all times used for purposes of advancing the interests of the CSP, the 22<sup>nd</sup> District Court, and the public which she serves.
10. Judge James denies this paragraph as untrue. Judge James never "diverted" any funds. Funds that were spent on advertisements with various charitable, educational, civic and fraternal organizations were for the purposes of advertising/promoting the CSP. Judge James derived no personal benefit from the issuance of these funds.
11. Judge James denies this paragraph as untrue. The Judicial Leave Reports were prepared by court administrators and presented to her for her signature. The reports were submitted to SCAO by her court administrator. Judge James would further add that there were many occasions when Judge James was scheduled off and was later required to work because of the court's heavy caseload. Judge James annually carried over and lost unused vacation leave. Moreover, she often came to work sick and rarely used sick time. Although 22<sup>nd</sup> District Court employees received 12 sick days per year,<sup>2</sup> and Michigan court rules recognize that judges are likewise entitled to reasonable sick leave, Judge James very rarely took sick leave and probably did not use a total of 59 sick days in her entire 23 years on the bench.
12. Judge James denies this paragraph as untrue. Further, the use of the word routinely is unconstitutionally vague. Judge James oftentimes worked first thing in the morning in her office conducting pre-trials. Therefore, the fact that she may not have been on the

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<sup>2</sup> By analogy, Judge James could have taken 276 days off (within the last 23 years) for sick time.

bench at 9:00 a.m. cannot be taken to mean she was not at the court. Judge James took the bench in the morning when her staff told her that cases were ready to be called. Judge James was often compelled to take abbreviated lunches or none at all. Judge James averaged 50-60 hours of work per week. On numerous occasions she was awakened during the middle of the night to sign search warrants.

If certain cases were not disposed of in a timely manner, this would have been the result of the fact that for years Judge James was handling the workload of 2 judges because SCAO's failure to recommend additional judicial resources. Judge James always had a crushing caseload that involved "weighted" cases, i.e. more serious and time intense cases. In addition to sheer numbers, the caseload mix at the 22<sup>nd</sup> District Court by SCAO's own admission necessitated more judge time than in other district courts where a majority of their cases were civil infractions or of a summary nature.

13. Judge James denies this paragraph as untrue. The affidavit of Charlene McLemore does not substantiate the allegations against Judge James. Judge James would add that every check referenced in paragraphs 13(a) – 13(z)(gg) below discloses that the CSP funds were used for the purposes of promoting the interests of the court, the CSP and the public. She gained no personal benefit from the issuance of the checks referenced below.

a. Judge James admits that she authorized<sup>3</sup> issuance of this check to the Basketball Legends of Inkster. Judge James would further add that the funding unit had previously authorized expenditures of this type. One of the purposes of the CSP was to assist community service organizations and/or community based programs. The court's participation with the referenced

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<sup>3</sup> Judge James approved the expenditures which were issued by her court administrator.

basketball camp was a service to the community and instilled good will and community respect for the court and the services it provides to the community. Furthermore, Judge James believed that the court's participation with the organization could open doors in the future for non-violent offenders who could perform volunteer work with the organization in some capacity.

- b. Judge James admits that she authorized issuance of this check to the Basketball Legends of Inkster. Judge James incorporates by reference her answer to paragraph 13(a) above.
- c. Judge James can neither admit nor deny this allegation. She has not been able to locate and or has not been given access to documents necessary to answer this paragraph.
- d. Judge James admits that she authorized issuance of this check to the Khamalaw White Foundation. Judge James would further add that that when the funding unit administered the CSP account prior to 2006/2007, the city also issued checks in similar amounts to the Khamalaw White Foundation and never questioned the propriety of doing so. The CSP's continued participation with this organization was a service to the community, instilled good will and community respect for the court and the services it provides to the community. Judge James believed that the advertisements for the CSP would make people aware of the program and provided a name and telephone number to call if anyone was interested in benefiting from the program's services.

- e. Judge James can neither admit nor deny this allegation. She has not been able to locate and or has not been given access to documents necessary to answer this paragraph.
- f. Judge James admits that she authorized issuance of this check to the Booker & Flora Dozier Memorial Scholarship organization. The check was issued for purposes of advertising/promoting the CSP. Judge James would further add that checks issued to the Booker & Flora Dozier Memorial Scholarship had also been issued every year by the funding from the CSP account prior to 2006/2007. The CSP's participation with this organization instilled good will and community respect for the court and the services it provides for the community. The advertisements for the CSP were intended to make people aware of the program and provided a name and telephone number to call if anyone was interested in benefiting from the program's services.
- g. Judge James can neither admit nor deny this allegation. She has not been able to locate and or has not been given access to documents necessary to answer this paragraph.
- h. Judge James admits that she authorized issuance of this check to the Michigan Municipal League for the purpose of advertising/promoting the CSP and the services it provided. The program's participation with this organization instilled good will and community respect for the court and the services it provides to the community. The check was written for an advertisement that ran when the Michigan Municipal League held its conference in Inkster. City council members attended the conference and were well aware of the

advertisement. To the best of Judge James' recollection, this ad purchase would have been solicited by a member of city council.

- i. Judge James can neither admit nor deny this allegation. She has not been able to locate and or has not been given access to documents necessary to answer this paragraph.
- j. Judge James can neither admit nor deny this allegation. She has not been able to locate and or has not been given access to documents necessary to answer this paragraph.
- k. Judge James admits that she authorized issuance of this check to the Inkster Goodfellows organization for the purpose of advertising/promoting the CSP and the services it provided. This check was written for an advertisement to be placed in "No Child Without Christmas" paper which was distributed every year by the community service workers. When the city's funding unit administered the CSP account prior to 2006/2007, the city also issued checks in similar amounts to Goodfellows of Inkster. The program's participation with this organization instilled good will and community respect for the court and the services it provides to the community. The program's participation with this organization was directly related to the operation of the program in that the community service workers distributed the Goodfellows' "No Child Without Christmas" paper every year.
- i. Judge James can neither admit nor deny this allegation. She has not been able to locate and or has not been given access to documents necessary to answer this paragraph.

- m. Judge James admits that she authorized this check to the Inkster Summer Music Festival for purposes of advertising and promoting the CSP. When the funding unit administered the CSP account, the city's funding unit also issued checks in similar amounts to the Inkster Summerfest and never questioned the propriety for doing so. Judge James adamantly denies that the Inkster Summer Music Festival has no relationship to the purpose or objectives of the CSP. The Inkster Summer Music Festival is a City of Inkster sponsored weekend festival in which the community service workers of the CSP provide clean up services both during and after the Inkster Jazz Fest. City officials would annually solicit the services of community service workers for assistance with the festival.
- n. Judge James can neither admit nor deny this allegation. She has not been able to locate and or has not been given access to documents necessary to answer this paragraph.
- o. Judge James can neither admit nor deny this allegation. She has not been able to locate and or has not been given access to documents necessary to answer this paragraph.
- p. Judge James can neither admit nor deny this allegation. She has not been able to locate and or has not been given access to documents necessary to answer this paragraph.
- q. Judge James admits that she authorized issuance of this check to the Inkster Police Auxiliary. The Inkster Police Auxiliary has provided occasional security at the 22<sup>nd</sup> District Court for absent officers. Additionally, they also

provided back up security for the court's weekly felony dockets and Law Day Programs. If a vacancy ever occurred in the community service supervisor position, a replacement was usually selected from this organization. The program's participation with this organization instilled good will and community respect for the court and the services it provides to the community. Based upon Judge James' recollection, this disbursement had been made historically by the funding unit from the CSP account prior to 2007.

- r. Judge James admits that she authorized issuance of this check to Inkster High School for purposes of advertising and promoting the CSP. The program's participation with this organization was a community service, it instilled good will and community respect for the court and the services it provides to the community. The check was written for an advertisement promoting the program and provided the name and number of the person to contact if there was ever a need to utilize the program.
- s. Judge James admits that she authorized issuance of this check to Delta Sigma Theta Sorority for purposes of advertising and promoting the CSP. The program's participation with this organization instilled good will and community respect for the court and the services it provides to the community.
- t. Judge James admits that she authorized issuance of this check to Eta Iota Omega Chapter Alpha Kappa Alpha Sorority for purposes of advertising and promoting the CSP. The program's participation with this organization

instilled good will and community respect for the court and the services it provides to the community.

- u. Judge James admits that she authorized issuance of this check to the Inkster High School Class of 1970 Reunion, Loretta Walker for purposes of advertising and promoting the CSP. The programs participation with this organization instilled good will and community respect for the court and the services it provides to the community.
- v. Judge James admits that she authorized issuance of this check to the Inkster High School. The check was issued for a donation to Inkster High School to purchase cheerleader uniforms. Such donations were routinely made to similar organizations in the past from the CSP account when the city issued the checks prior to 2007. The programs participation with this organization instilled good will and community respect for the court and the services it provides to the community.
- w. Judge James cannot admit nor deny this allegation. She has not been able to locate and or has not been given access to documents necessary to answer this paragraph.
- x. Judge James can neither admit nor deny this paragraph. She has not been able to locate and/or has not been given access to documents necessary to answer this paragraph and cannot comment to the specific seven checks issued between April and July of 2008. However, Judge James would note that the Law Day Program was a huge annual success and the Court received city support and encouragement for the Law Day activities. This program was

designed to foster respect for the rule of law, and educate the public regarding the system of justice, etc. SCAO and the Michigan Supreme Court were sent information related to the program and even invited to participate in such activities. Any checks authorized by Judge James during the referenced time period were issued for legitimate expenses associated with the event. From its inception the CSP was designed to not only provide constructive punishment and rehabilitation for non-violent offenders but also to assist community service organizations, sororities, block clubs, and fund the court's Law Day Program. The annual Law Day Program educated the public and promoted knowledge and respect for the law. The Law Day program was a community service and a positive outreach which fostered respect for courts in general and the 22<sup>nd</sup> District Court.

- i. Judge James can neither admit nor deny this paragraph. She has not been able to locate and/or has not been given access to documents necessary to answer this paragraph. Judge James incorporates by reference her answer to paragraph 13(x) above.
- ii. Judge James can neither admit nor deny this paragraph. She has not been able to locate and/or has not been given access to documents necessary to answer this paragraph. Judge James incorporates by reference her answer to paragraph 13(x) above.
- iii. Judge James can neither admit nor deny this paragraph. She has not been able to locate and/or has not been given access to

documents necessary to answer this paragraph. Judge James incorporates by reference her answer to paragraph 13(x) above.

iv. Judge James can neither admit nor deny this paragraph. She has not been able to locate and/or has not been given access to documents necessary to answer this paragraph. Judge James incorporates by reference her answer to paragraph 13(x) above.

v. Judge James can neither admit nor deny this paragraph. She has not been able to locate and/or has not been given access to documents necessary to answer this paragraph. Judge James incorporates by reference her answer to paragraph 13(x) above.

vi. Judge James can neither admit nor deny this paragraph. She has not been able to locate and/or has not been given access to documents necessary to answer this paragraph. Judge James incorporates by reference her answer to paragraph 13(x) above.

vii. Judge James can neither admit nor deny this paragraph. She has not been able to locate and/or has not been given access to documents necessary to answer this paragraph. Judge James incorporates by reference her answer to paragraph 13(x) above.

y. Judge James can neither admit nor deny this paragraph. She has not been able to locate and/or has not been given access to documents necessary to answer this paragraph and cannot comment with regard to all of the referenced checks issued between May 15, 2009 and June 22, 2009. However, Judge James would add that any checks authorized by her during the referenced time

period would have been issued for legitimate expenses associated with the event. For the past 19 years, the court has held its annual Law Day program at Inkster High for the entire student body. In May of 2009, approximately 35 students came to the court for Law Day program and lunch was provided at the court. Judge James also incorporates by reference her answer to paragraph 13(x) above.

- i. Judge James can neither admit nor deny this paragraph. Judge has not been able to locate and/or has not been given access to documents necessary to answer this paragraph. Judge James incorporates by reference her answers to paragraphs 13(x) and 13(y) above.
- ii. Judge James admits that she authorized the issuance of check no. 1277 in the amount of \$500.00 to Stardust Catering. The check was issued to cover the catering costs for the court's annual law day program. Judge James incorporates by reference her answers to paragraphs 13(x) and 13(y) above.
- iii. Judge James can neither admit nor deny this paragraph. Judge James has not been able to locate and/or has not been given access to documents necessary to answer this paragraph. Judge James incorporates by reference her answers to paragraphs 13(x) and 13(y) above.
- iv. Judge James can neither admit nor deny this paragraph. Judge James has not been able to locate and/or has not been given access

to documents necessary to answer this paragraph. Judge James incorporates by reference her answers to paragraphs 13(x) and 13(y) above.

z. Judge James can neither admit nor deny this paragraph. She has not been able to locate and/or has not been given access to documents necessary to answer this paragraph and cannot comment with regard to all of the referenced checks issued between April 22, 2010 and June 11, 2010. However, Judge James does admit that a Law Day event did take place in 2010. In 2010, the court had a Law Day Program entitled “Getting your House in Order” where Inkster high school students and the public attended an informal seminar on areas such as guardianships, wills and trust. Judge James would further add that any checks authorized by Judge James during the referenced time period would have been issued for legitimate expenses associated with the event. Judge James also incorporates by reference her answers to paragraphs 13(x) and 13(y) above.

i. Judge James can neither admit nor deny this paragraph. She has not been able to locate and/or has not been given access to documents necessary to answer this paragraph. Judge James incorporates by reference her answers to paragraphs 13(x), 13(y), and 13(z) above.

ii. Judge James can neither admit nor deny this paragraph. She has not been able to locate and/or has not been given access to documents necessary to answer this paragraph. Judge James incorporates by reference her answers to paragraphs 13(x), 13(y), and 13(z) above.

- iii. Judge James admits that she authorized the issuance of check no. 1376 to Stardust Catering. The check was issued to cover the catering costs of the court's annual law day program. Judge James incorporates by reference her answers to paragraphs 13(x), 13(y), and 13(z) above.
- iv. Judge James can neither admit nor deny this paragraph. She has not been able to locate and/or has not been given access to documents necessary to answer this paragraph. Judge James incorporates by reference her answers to paragraphs 13(x), 13(y), and 13(z) above.
- v. Judge James admits that she authorized the issuance of check no. 1387 in the amount of \$180.00 to Dawson Photo Studios. The check was written for the production of photographs of the Law Day Committee. The photos were published in the local newspaper, the Detroit Legal News, and a copy is also distributed to each committee member. There were photographs in which Judge James appeared and many in which she did not appear. The photos were made for the purpose of promoting the court's Law Day Program which was historically funded by the CSP.
- aa. Judge James can neither admit nor deny this paragraph. She has not been able to locate and/or has not been given access to documents necessary to answer this paragraph and cannot comment to the referenced three checks issued between March 4, 2011 and March 18, 2011. However, Judge James would add that any check authorized by her during the referenced time period would have been issued for legitimate expenses associated with the event. Judge

James incorporates by reference her answers to paragraphs 13(x), 13(y), and 13(z) above.

- i. Judge James can neither admit nor deny this paragraph. She has not been able to locate and/or has not been given access to documents necessary to answer this paragraph. Judge James incorporates by reference her answers to paragraphs 13(x), 13(y), 13(z) and 13(aa) above.
  - ii. Judge James can neither admit nor deny this paragraph. She has not been able to locate and/or has not been given access to documents necessary to answer this paragraph. Judge James incorporates by reference her answers to paragraphs 13(x), 13(y), 13(z) and 13(aa) above.
  - iii. Judge James can neither admit nor deny this paragraph. She has not been able to locate and/or has not been given access to documents necessary to answer this paragraph. Judge James incorporates by reference her answers to paragraphs 13(x), 13(y), 13(z) and 13(aa) above.
- bb. Judge James admits that she authorized issuance of this check to the Smith Chapel African Methodist Episcopal Church for purposes of advertising and promoting the CSP. The programs participation with this organization instilled good will and community respect for the court and the services it provides to the community. Furthermore, these types of ads made people

aware of the services available to seniors and community organizations. Calls for help were necessary to deploy CSP workers.

cc. Judge James admits that she authorized issuance of this check to Face to Face International Church Fellowship for purposes of advertising and promoting the CSP. The programs participation with this organization instilled good will and community respect for the court and the services it provides to the community.

dd. Judge James denies this paragraph in the form stated. Judge James approved the expenditures which were authorized by the court administrator. The funding unit had previously authorized expenditures of this type prior to 2007 when it was administered the CSP account. The referenced three checks were issued to cover the costs of a float which highlighted the CSP in the Inkster Memorial Day Parade which is a city sponsored event. Throughout the years, community service workers at the request of the city have provided clean up services both during and after this city sponsored event. Promoting the CSP at such an event would have opened doors for the program's participation in other city sponsored events and/or local community organizations. The referenced checks were written for purposes of advertising the existence of the CSP. The 22<sup>nd</sup> District Court CSP received ample recognition and in fact won first prize in the float competition.

i. Judge James admits that she authorized issuance of check no. 1275 in the amount of \$500.00 to Kenneth Burney. The check was written for costs associated with the 2009 Memorial Day Parade float for purposes

of advertising the CSP. We incorporate by reference our answer to paragraph 13(dd) above.

- ii. Judge James admits that she authorized issuance of check no. 1282 in the amount of \$100.00 to Kenneth Burney. Judge James incorporates by reference her answers to paragraphs 13(dd) and 13(dd)(i) above.
  - iii. Judge James admits that she authorized issuance of check no. 1279 in the amount of \$100.00 to Nicole James. The check was written to reimburse the cost of decorations for the trailer onto which the float was built. Judge James incorporates by reference her answers to paragraphs 13(dd) and 13(dd)(i) above.
- ee. Judge James admits that she authorized issuance of a check in May of 2009 to HDR Embroidery. The check was issued to purchase shirts for the 22<sup>nd</sup> District Court employees in the Inkster Memorial Day parade. The shirts were also worn by court employees at TIFA meetings where Judge James strongly advocated the court's need for a new judicial center. Judge James perceived such action as being beneficial, in that the shirts could be worn again at other city functions and provided an excellent manner of advertising the court and the CSP,( not her name). Furthermore, the funding unit had approved such expenditures in the past. Judge James never personally benefited from the issuance of this check. Judge James can neither admit nor deny whether she issued a second check to HDR Embroidery in May of 2009. Judge James has not been able to locate and/or has not been given access to documents necessary to answer this paragraph with regard to a second check.

- i. Judge James admits that she authorized check no. 1276 in the amount of \$161.00 to HDR Embroidery. The check was issued to purchase shirts for the 22<sup>nd</sup> District Court employees in the Inkster Memorial Day Parade. Judge James incorporates by reference her answer to paragraph 13(ee) above.
  - ii. Judge James can neither admit nor deny this paragraph. She has not been able to locate and/or has not been given access to documents necessary to answer this paragraph. Judge James incorporates by reference her answers to paragraphs 13(ee) and 13(ee)(i) above.
- ff. Judge James denies this paragraph in the form stated. Judge James approved the expenditures which were authorized by the court administrator. Judge James authorized the issuance of two checks to HDR Embroidery to purchase shirts for the 22<sup>nd</sup> District Court employees in the Inkster Memorial Day parade. The shirts were also worn by court employees at TIFA meetings. Judge James incorporates by reference her answers to paragraphs 13(ee) and 13(ee)(i) above.
  - i. Judge James admits that she authorized check no. 1389 in the amount of \$150.00 to HDR Embroidery. The check was issued to purchase shirts for the 22<sup>nd</sup> District Court employees in the Inkster Memorial Day Parade. Judge James incorporates by reference her answers to paragraphs 13(ee) and 13(ff) above.
  - ii. Judge James admits that she authorized check no. 1390 in the amount of \$139.00 to HDR Embroidery. The check was issued to purchase shirts for the 22<sup>nd</sup> District Court employees in the Inkster Memorial Day Parade. Judge

James incorporates by reference her answers to paragraphs 13(ee) and 13(ff) above.


gg. Judge James admits that she authorized check no. 2323 in the amount of \$225.50 to London Luggage as payment for ten journals presented to the TIFA Board Members for their work on the new justice center. The proposed construction of a new justice center would have included the 22<sup>nd</sup> District Court would have clearly provided a direct benefit to the CSP, the court and the public which it serves.

14. Judge James denies this paragraph as untrue. Judge James has not exposed the legal system to ridicule and scorn. Judge James has been mauled in the media and thrown off a cliff by this state's highest court. Once Judge James' political enemies put together meritless allegations against her, they funneled everything to the media. By February, 2011 Channel 7 newsman Bill Proctor was airing stories on bank account monies being "missing." One of Mr. Proctor's stories showed a picture of the courthouse with dollar signs flying out of the windows. Worst of all is the fact that the this Court obviously felt pressured to the point that it circumvented and usurped the authority of the JTC by taking action that is tantamount to a suspension of Judge James' duties without affording Judge James that level of due process provided in MCR 9.200 *et seq.*

15. Judge James denies this paragraph in the form stated. The allegations contained in the Complaint are politically motivated and without merit. Judge Sylvia James has always strived to preserve the integrity of the judiciary throughout her 23 tenure as a judge. Judge James is a hard-working jurist and a faithful and caring member of her community. Judge James administered the CSP in good faith for the purposes of serving needs of the court, defendant participants and the community.

WHEREFORE, Judge James requests that the Examiner's petition for interim suspension be denied as moot and appoint a special counsel to investigate the constitutional rights violations Judge James has suffered in this matter.

Respectfully Submitted By,

  
Philip J. Thomas, P31298

  
Sharon McPhail, P26922

Dated: November 9, 2011