

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

COMPLAINT AGAINST:

Hon. Benjamin H. Logan

61st District Court
Kent County Courthouse
180 Ottawa Ave., NW
Grand Rapids, Michigan 49503

Formal Complaint No. 85

COMPLAINT

The Michigan Judicial Tenure Commission (“JTC”) files this complaint against Honorable Benjamin H. Logan (“Respondent”), judge of the 61st District Court, Grand Rapids, Michigan. 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.* The filing of this Complaint has been authorized and directed by resolution of the Commission.

1. Respondent is, and at all material times was, a judge of the 61st District Court in Grand Rapids, Michigan.

2. As a judge, Respondent is subject to all 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 MCR 9.205.

COUNT I

ALLOWING SOCIAL OR OTHER RELATIONSHIPS TO INFLUENCE RELEASE OF A PRISONER ON BOND

3. On June 17, 2008, an altercation took place at the Grand Rapids home of Kent County Commissioner James Vaughn, which involved the Commissioner, Cassandra Mitchell and Ida Cross. As a result of the incident, Ms. Cross required medical treatment.

4. That same day, Commissioner Vaughn was arrested by City of Grand Rapids Police on a probable cause charge of aggravated domestic assault and taken to the county jail. He was booked at approximately 9:26 a.m.

5. A few hours later, Kent County Commissioner Paul Mayhue visited James Vaughn in the Kent County Jail.

6. Respondent and James Vaughn are both prominent public office holders in Kent County. Paul Mayhue served on the Kent County Board of Commissioners, with Commissioner Vaughn, until Mayhue's defeat in the August, 2008 primary.

7. Respondent and Commissioner Mayhue engaged in a series of telephone calls on June 17, 2008, most of which were while Commissioner Vaughn was incarcerated. The identity of the callers and times are as follows:

- (a) Commissioner Mayhue to Respondent at approximately 12:22 p.m.;
- (b) Respondent to Commissioner Mayhue at approximately 1:41 p.m.;
- (c) Respondent to Commissioner Mayhue at approximately 1:48 p.m.;
- (d) Respondent to Commissioner Mayhue at approximately 2:03 p.m.;
- (e) Commissioner Mayhue to Respondent at approximately 2:08 p.m.;
- and
- (f) Respondent to Commissioner Mayhue at approximately 9:15 p.m.;
- (g) Commissioner Mayhue to Respondent at approximately 9:40 p.m.;

8. Respondent was not handling arraignments at the 61st District Court on June 17, 2008.

9. Yet, while Vaughn was incarcerated, Respondent directed his staff to obtain a copy of the initial police report, which was obtained by accessing the Grand Rapids Police Department's computer system from the 61st District Court.

10. At approximately 2:30 p.m., Respondent caused or directed that a fax be sent to the Kent County Jail authorizing Commissioner Vaughn's release on a \$5,000 personal recognizance bond.

11. At 2:50 p.m. Commissioner Vaughn was released from jail. At the time, Vaughn was scheduled for arraignment the following morning on June 18, 2008.

12. Respondent did not contact City of Grand Rapids Police for additional information and, instead, purportedly relied on a preliminary investigation report in determining to authorize bond.

13. Respondent did not inform City of Grand Rapids Police about the bond he had set for Commissioner Vaughn.

14. Commissioner Vaughn was subsequently charged with and convicted of aggravated assault and domestic violence by a jury. Ms. Mitchell was convicted of assault and battery. On April 17, 2009, Commissioner Vaughn was sentenced to a term in the Kent County Jail.

15. The conduct described in paragraphs 3 through 14 constitutes:

- (a) Misconduct in office as defined by the Michigan Constitution of 1963, as amended, Article VI, §30 and MCR 9.205;
- (b) Conduct clearly prejudicial to the administration of justice, as defined by the Michigan Constitution of 1963, as amended, Article VI, §30, and MCR 9.205;
- (c) Failure to establish, maintain, enforce and personally observe high standards of conduct so that the integrity and independence of the judiciary may be preserved, contrary to the Michigan Code of Judicial Conduct (“MCJC”), Canon 1;

- (d) Conduct involving impropriety and the appearance of impropriety, which erodes public confidence in the judiciary, in violation of MCJC, Canon 2A;
- (e) Failure to respect and observe the law and to conduct yourself at all times in a manner which would enhance the public's confidence in the integrity and impartiality of the judiciary, contrary to MCJC, Canon 2B;
- (f) Allowing family, social, or other relationships to influence judicial conduct or judgment, in violation of MCJC, Canon 2C;
- (g) Conduct prejudicial to the proper administration of justice, in violation of MCR 9.104(A)(1);
- (h) Conduct that exposes the legal profession or courts to obloquy, contempt, censure, or reproach, contrary to MCR 9.104(A)(2);
- (i) Conduct contrary to justice, ethics, honesty or good morals, in violation of MCR 9.104(A)(3); and
- (j) Conduct that violates the standards or rules of professional responsibility adopted by the Supreme Court, contrary to MCR 9.104(A)(4).

COUNT II

FALSE STATEMENTS TO THE COMMISSION

16. In replying to a February 12, 2009 inquiry by the Commission, Respondent's letter of February 27, 2009 categorically denied having any conversations, in person or by telephone, with Kent County Commissioner Paul Mayhue on June 17, 2008. Respondent further denied having any knowledge

Commissioner Mayhue intended to visit Commissioner Vaughn in jail and denied that Commissioner Mayhue had acted as an intermediary in communicating with Commissioner Vaughn about his impending release from jail on Commissioner Mayhue's visit at that facility.

17. In Respondent's May 5, 2009 answer to the Commission's 28-day letter of April 8, 2009, Respondent again denied having any conversations with Commissioner Paul Mayhue on June 17, 2008 concerning Commissioner Vaughn. Respondent further denied instructing or advising Commissioner Mayhue to contact Commissioner Vaughn and disclaimed any knowledge Commissioner Mayhue intended to visit Commissioner Vaughn at the jail. Respondent also claimed prior statements, in his February 27, 2009 letter to the Commission, were "absolutely true," and that there were "no" false statements in that correspondence.

18. Respondent's denials of telephonic contact with Commissioner Mayhue on June 17, 2008 and other denials referenced in paragraphs 16 and 17 were false, willfully so, intended to mislead the Commission, and constituted a breach of Respondent's duty to cooperate with the Commission.

19. The conduct described in paragraphs 16 through 18 constitutes:

- (a) Misconduct in office as defined by the Michigan Constitution of 1963, as amended, Article VI, §30 and MCR 9.205;
- (b) Conduct clearly prejudicial to the administration of justice, as defined by the Michigan Constitution of 1963, as amended, Article VI, §30, and MCR 9.205;

- (c) Conduct involving impropriety and the appearance of impropriety, which erodes public confidence in the judiciary, in violation of the Michigan Code of Judicial Conduct (“MCJC”), Canon 2A;
- (d) Conduct prejudicial to the proper administration of justice, in violation of MCR 9.104(A)(1);
- (e) Conduct that exposes the legal profession or courts to obloquy, contempt, censure, or reproach, contrary to MCR 9.104(A)(2);
- (f) Conduct contrary to justice, ethics, honesty or good morals, in violation of MCR 9.104(A)(3);
- (g) Conduct that violates the standards or rules of professional responsibility adopted by the Supreme Court, contrary to MCR 9.104(A)(4); and
- (h) Failure to cooperate with a reasonable request for assistance by the Commission, contrary to MCR 9.208(B), as to paragraphs 16 and 17.

Pursuant to MCR 9.209, Respondent is advised that 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 shall be in a form similar to the answer in a civil action in a circuit court and shall contain a full and fair disclosure of all the facts and circumstances pertaining to Respondent’s alleged misconduct. The willful concealment, misrepresentation, or failure to file such answer and disclosure shall be additional grounds for disciplinary action under the complaint.

JUDICIAL TENURE COMMISSION
OF THE STATE OF MICHIGAN

3034 W. Grand Boulevard, Suite 8-450
Detroit, MI 48202

By: _____
Paul J. Fischer (P 35454)
Examiner

Thomas L. Prowse (P19121)
Associate Examiner

Dated: August 24, 2009

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