STATE OF MICHIGAN BEFORE THE
MICHIGAN JUDICIAL TENURE COMMISSION

IN THE MATTER OF:

FORMAL COMPLAINT NO. 72

HON. M.T. THOMPSON, Jr.
Judge 70th District Court
111 S. Michigan Avenue
Saginaw, Michigan 48602

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RESPONDENT'S PROPOSED FINDINGS OF FACT

AND CONCLUSIONS OF LAW

Respondent, Hon. M.T. Thompson, Jr. provides the following findings of facts and conclusions of law, by paragraphs corresponding to those set forth in the Formal Complaint.

1) The factual allegations of paragraph 1 were admitted by Judge Thompson in his answer to the Formal Complaint. Further, the entitlement of the document circulated to the educators was captioned "A Proposal for the Establishment of a Middle School Crime Prevention Initiative."

2) The factual allegations of paragraph 2 were admitted by Judge Thompson in his answer to the Formal Complaint. However, at the hearing, the Master struck the words "for which he obtained copyrights" from paragraph 2.

3) The factual allegations of paragraph 3 were admitted by Judge Thompson in his answer to the Formal Complaint.

4) The factual allegations of paragraph 4 were admitted by Judge Thompson in his answer to the Formal Complaint, with a correction to reflect that the "Bullyproof" materials were completed in July, 2001.

5) The factual allegations of paragraph 5 were admitted by Judge Thompson in his answer to the Formal Complaint. Further, there was nothing inappropriate regarding the honorarium received by Judge Thompson, which was reported to the State Court Administrative Office on the appropriate forms, and those funds were used by him to further the development of his youth program(s).

6) The factual allegations of paragraph 6 were admitted by Judge Thompson in his answer to the Formal Complaint.

7-9) The factual allegations of paragraphs 7 – 9 were admitted by Judge Thompson in his answer to the Formal Complaint. Further, on or about March 8, 2002, Judge Thompson telephonically advised Mr. J. Bruce Kilmer, Regional Administrator of these solicitations once he determined that they may be inappropriate. By letter dated March 11, 2002, Judge Thompson forwarded Mr. Kilmer copies of the solicitation letters which were then forwarded to the Judicial Tenure Commission (JTC).

10) The allegations set forth in paragraph 10 were not proven by the Examiner. Judge Thompson did not make any misrepresentations to Helen M. James in his letter of January 24, 2002. The Michigan Department of Education, State Court Administrative Office and Michigan Judicial Institute had agreed to

jointly sponsor "Making Choices And Facing Consequences," or had, through those offices' respective representatives, caused Judge Thompson to believe that such an agreement had been reached.

11) The factual allegations of paragraph 11 were admitted by Judge Thompson in his answer to the Formal Complaint. Further, Judge Thompson contacted Attorney Decker at the behest of the Saginaw County Bar Association's Board of Directors and the Association's 2002 Law Day Committee.

12) The factual allegations of paragraph 12 were admitted by Judge Thompson in his answer to the Formal Complaint. Further, in response to Judge Thompson's request, Attorney John Decker's law firm donated $1,000.00, not the $3,000.00 requested in the letter of January 7, 2002.

13) The allegations set forth in paragraph 13 were not proven by the Examiner. Judge Thompson did not make any misrepresentations in his January 7, 2002 letter to Mr. Decker. It is the further finding of the Master that:

    A) Judge Thompson wrote the letter presenting the request at the behest of the Saginaw County Bar Association Board of Directors and its 2002 Law Day Committee.

    B) The Michigan Department of Education, State Court Administrative Office and Michigan Judicial Institute had, in fact, agreed to jointly sponsor "Making Choices And Facing Consequences," or Judge Thompson had a reasonable basis for believing that they had.

14) Judge Thompson did have the approval of the Saginaw County Bar Association Law Day Committee, acting through its Vice-President, Attorney

James Brisbois, to have the brochures advertising the 2002 Law Day event prepared. Even if the allegations contained in this paragraph are true, the conduct alleged does not constitute any form of ethical violation.

15-17) The factual allegations of paragraphs 15 – 17 were admitted by Judge Thompson in his answer to the Formal Complaint. Further, on or about March 8, 2002, Judge Thompson telephonically advised J. Bruce Kilmer, Regional Administrator, of the solicitations once he determined that they may be inappropriate. By letter dated March 11, 2002, Judge Thompson forwarded Mr. Kilmer copies of the letters in question which were then forwarded to the JTC. Lastly, the solicitations referenced in paragraphs 15 - 17, were carried out at the behest of the Saginaw County Bar Association's Board of Directors and its 2002 Law Day Committee.

18-20) The factual allegations of paragraphs 18 – 20 were admitted by Judge Thompson in his Answer to the Formal Complaint.

21-24) The factual allegations of paragraphs 21 – 24 were admitted by Judge Thompson in his Answer to the Formal Complaint. Further, evidence introduced at the hearing proves that a personality dispute had arisen between the Director of the Judicial Tenure Commission (the Examiner) and Judge Thompson, which in turn resulted in Judge Thompson's failure to promptly provide the materials being sought by the Examiner. The direct contact between the Examiner and Judge Thompson was occasioned by the fact that Judge Thompson was, at the time, representing himself in his dealings with the JTC. The evidence in this matter proved that the information which Judge

Thompson failed to provide to the Examiner consisted of the Making Choices And Facing Consequences and Bullyproof materials, which could have been obtained from a variety of other sources. Lastly, once Judge Thompson retained counsel, that attorney promptly provided the materials in question to the JTC.

CONCLUSIONS OF LAW

A) The conduct admitted by Judge Thompson in his answer to the Formal Complaint, and the evidence received at the hearing indicates that Judge Thompson did solicit monies as described in the Formal Complaint.

B) Although Judge Thompson believed he could make the solicitations as part of what he perceived as a "general appeal" to help children, the solicitations constitute violations of Canon 5 (B).

C) Judge Thompson never intended to profit from, and in fact never did profit from, the youth program(s) referenced in the Formal Complaint, or the monies raised on behalf of the youth program(s).

D) The allegations concerning misrepresentation as set forth in paragraphs 10 and 13 of the Formal Complaint were not proven and must be dismissed.

E) The allegations that Judge Thompson "failed to cooperate" with the JTC were not proven for the following reasons:

   i) The materials which Judge Thompson did not initially provide to the JTC were not crucial to the investigation and could have been obtained by the Commission's staff from a variety of other sources;

ii) Judge Thompson's initial refusal to provide those materials resulted from a personality clash between himself and the Examiner; and,

iii) Once Judge Thompson retained counsel to represent him in these proceedings, that attorney promptly provided the requested materials to the JTC.

Respectfully submitted by,

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Philip J. Thomas (P31298)

Proof of Service

The undersigned certifies that the original of this document was mailed to the Judicial Tenure Commission at its address of record, on January 26, 2004, and that a copy of this document was mailed to the Master at his address of record, on January 26, 2004.

The above statement is true to the best of my knowledge, information and belief.

Dated:_____

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MaryAnn Vanover