

NCSC



**Michigan Judicial  
Tenure Commission  
Equity Report – Phase II**

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# EXECUTIVE SUMMARY

## Introduction

This report responds to concerns raised by the Association of Black Judges of Michigan that the Michigan Judicial Tenure Commission (JTC) grievance process results in disproportionately severe sanctions for Black judges, particularly regarding public complaints. In response, the JTC and the Michigan State Court Administrative Office (SCAO) contracted with the National Center for State Courts (NCSC) to perform an assessment of JTC grievances between 2008 and 2022. The National Center for State Courts released an initial report in August 2024 with findings and recommendations for additional analyses.

The initial report found racial disparities at three points of the JTC process: Black judicial officers had a significantly higher number of grievances on average than White judicial officers, grievances against Black judicial officers were more likely to proceed to full investigation than those against White judicial officers, and Black judicial officers were more likely than White judicial officers to have a grievance disposed by public censure. After reviewing the report, the JTC and the SCAO asked the NCSC to continue the review to investigate factors that contributed to the disparate outcomes. This report describes the methods, findings, and discussion from these additional analyses.

## Methods

Phase II of this study builds upon the solely quantitative nature of Phase I by following a mixed methods design, using both qualitative and quantitative approaches. The qualitative portion of the study involved recruitment and interviews of stakeholders involved in the grievance process, including JTC staff attorneys, JTC Commissioners, judicial ethics practitioners, and judges who experienced the JTC process.

The quantitative portion of the study uses data from the JTC to investigate relationships between grievance characteristics, respondent characteristics, and grievance outcomes. The data included in the analyses were extracted from JTC files using a Large Language Model (LLM).

## Findings

The results of the interviews provided different interpretations of how processes and procedures of the JTC are employed. Perspectives by the JTC staff and Commissioners varied from those held by judges and many of the judicial ethics attorneys. The interviews provide a comprehensive understanding of the process and provided insights to inform the quantitative analysis.

The quantitative analysis shows that some of the racial differences in outcomes found in Phase I persist, even when accounting for grievance characteristics, past grievances, case type, and JTC characteristics:

- The full investigation analyses used two definitions of *full investigation* to account for the inclusion or omission of a transcript in the RFI. Full investigations are defined as grievances where additional evidence gathering is approved by the Commission. Theoretically, two identical RFIs could fall into the summary dismissal category (if the

transcript was included in the RFI) and the dismissal category (if the transcript was not included and had to be approved by the Commissioners before dismissal). The dual definitions of full investigations seek to account for this by conducting analyses where *any* approved evidence gathering beyond the initial investigation is considered a full investigation (included approval for transcripts only), and a second definition where approvals for transcripts only are excluded from the analysis. The dual definitions yielded different results:

- Grievances against Black judicial officers were more likely to be moved to full investigation compared to those against White judicial officers, when full investigation is defined as JTC approval for further investigation to gather any additional evidence, including *only* a transcript.
- Race was not significantly associated with a grievance moving to full investigation when full investigation is defined as approval for evidence excluding *only* a transcript.
- For cases that proceeded to a full investigation, grievances against Black judicial officers were more likely to end in a public outcome than a dismissal or dismissal with confidential discussion compared to White judicial officers.
- Race was not significantly associated with outcomes when grouping together those that ended in a public outcome or would likely have ended in a public outcome if the respondent had not left their position.

The report concludes with a discussion about potential reasons why some racial differences persist, among those going to full investigation and ending in a public outcome, and why perceptions of racial differences in the process exist. While nothing in the qualitative or quantitative analysis suggests explicit discriminatory practices by the JTC, the apparent lack of standardized definitions, criteria, and processes contributes to real or perceived unfair treatment based on race.

## PROJECT BACKGROUND

In 2024, the National Center for State Courts (NCSC) contracted with the Michigan State Court Administrative Office (SCAO) and the Michigan Judicial Tenure Commission (JTC) to perform a racial equity analysis of the Michigan Judicial Tenure Commission's grievance review process. This review, which became known as Phase I,<sup>1</sup> was prompted by concerns the Association of Black Judges of Michigan (ABJM) expressed to the Michigan Supreme Court about racial disparity in public complaints filed by the JTC. The Phase I report presented evidence that Black judges were overrepresented at three separate points of the judicial disciplinary process. The JTC and the SCAO then asked the NCSC to continue the review to investigate factors that contributed to those outcomes.

### Judicial Tenure Commission Background and Process

The Michigan JTC has nine members, including five judges, two attorneys, and two members of the public. Each Commissioner serves a three-year term, and the terms are staggered to include three new members each year. The attorneys are selected by the State Bar of Michigan, four of the judges are elected by judicial organizations from the type of court that they serve (Probate, District, Circuit, and Appeals courts), and one judge is elected by the State Bar. The two members of the public are appointed by the Governor.<sup>2</sup>

The JTC is limited to investigating complaints and misconduct and cannot impose sanctions or discipline. However, the JTC may take confidential action by issuing a letter of explanation, admonition or caution, or recommend a public complaint, including sanctions such as suspension or dismissal to the Supreme Court. The JTC is limited to investigating allegations of inappropriate or unethical conduct; it does not review or overturn legal rulings or judicial decisions or remove a judge from a specific case.

The investigations are conducted by the staff attorneys of the JTC. At the time of this writing, JTC staff numbered 15 individuals, including 12 attorneys. The Executive Director oversees the intake and investigation of complaints and is the primary liaison between the JTC and the judiciary, public, and the media. Staff attorneys are responsible for the investigation of grievances and reporting the results to the JTC. The Executive Director serves as disciplinary counsel in public proceedings, and the attorneys serve as associate disciplinary counsel.

### Complaint and Review Process<sup>3</sup>

**Figure A** depicts the complete JTC grievance<sup>4</sup> and investigation process. The review process starts with a Request for Investigation (RFI), or grievance. The grievance may be submitted by any member of the public, or the request may originate internally from any judicial or court

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<sup>1</sup> See: <https://cms4files.revize.com/mjtc/docs/MIJTC%20Final%20Report.7-31-24.pdf>

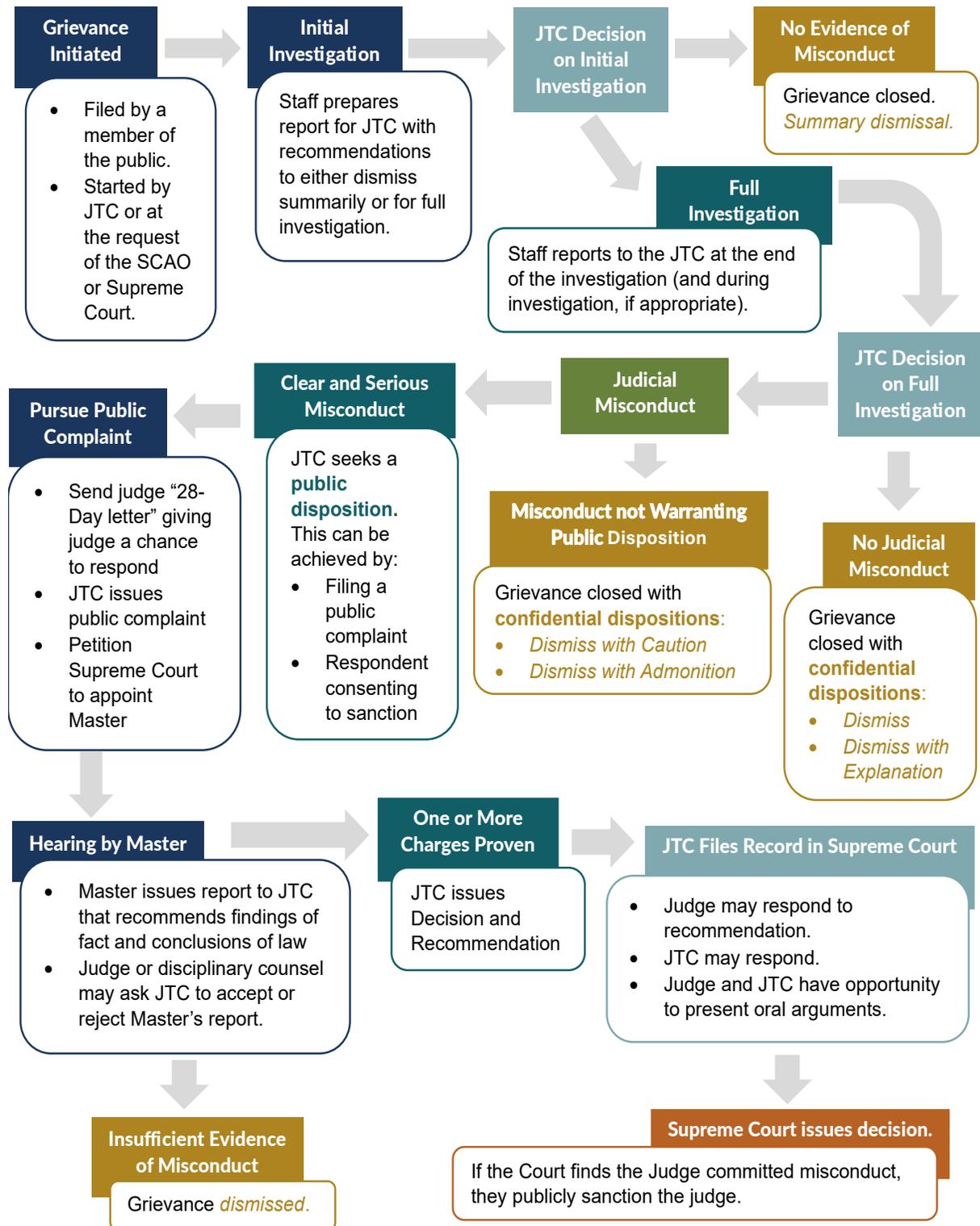
<sup>2</sup> Michigan Constitution. Art. 6 §30 (1).

<sup>3</sup> All information about internal JTC processes is adapted from the State of Michigan Judicial Tenure Commission Annual Report. [http://jtc.courts.mi.gov/annual\\_report/index.php](http://jtc.courts.mi.gov/annual_report/index.php)

<sup>4</sup> The JTC uses several terms for allegations of improper conduct of judicial officers including: complaints, grievances, and investigations. For simplicity, this report uses "grievance" for all allegations of improper conduct by a judicial officer.

colleague, the Supreme Court, the SCAO, the Attorney Grievance Commission, or the JTC itself.

**Figure A. Michigan Judicial Tenure Commission Grievance Process**



For the purposes of this study, the possible grievance process outcomes were grouped by type. Most JTC outcomes are summary dismissals or dismissals without confidential discussion. By combining the dismissals with confidential discussion outcomes into one category and the public outcomes into another, researchers increase the likelihood of obtaining meaningful, statistically significant results. Table 1 displays those groupings and their associated JTC outcomes.

**Table 1. Grievance Dispositions by Study and JTC Categories**

Disposition Category Used in Study	JTC Findings	JTC Outcome
<b>SUMMARY DISMISSAL</b>	No misconduct suggested or matter for appeal.	<i>Summary dismissal</i>
<b>DISMISSAL</b>	No misconduct.	<i>Dismissed</i>
<b>DISMISSAL WITH A CONFIDENTIAL OUTCOME</b>	No misconduct, but problematic behavior.	<i>Dismissed with explanation from JTC</i>
	Minor misconduct.	<i>Dismissed with caution from JTC</i>
	More than minor misconduct but public sanction is not appropriate.	<i>Dismissed with admonition from JTC</i>
<b>PUBLIC OUTCOME</b>	Behavior is clear and serious enough to warrant public admonition.	<i>Public Censure by Supreme Court</i>
	Behavior is clear and serious enough to warrant public resolution and temporary removal from the bench.	<i>Suspension by Supreme Court</i>
	Behavior is clear and serious enough to warrant public resolution and removal from the bench.	<i>Removal by Supreme Court</i>
<b>NO LIKELY PUBLIC OUTCOME</b>	Respondent leaves the bench or retires and either does not seek or does not win reelection during the grievance process, <b>without a likely public outcome</b> occurring if they'd stayed.	<i>Left position during grievance process</i>
<b>LIKELY PUBLIC OUTCOME</b>	Respondent voluntarily leaves the bench or retires and either does not seek or does not win reelection during the grievance process, <b>with a likely public outcome</b> occurring if they'd stayed.	<i>Left position during grievance process</i>

## RESEARCH APPROACH

This study utilized a mixed methods design, employing both qualitative and quantitative methods. Using this combination of methods allowed the researchers to obtain a more comprehensive understanding of the workings of the JTC and the study groups, which included:

1. Judges who received a public outcome (including a censure alone, a suspension, or removal from the bench);
2. Judges who would likely have received a public outcome if they had not retired, resigned, or left their position for another reason;
3. Judges who were fully investigated by the JTC, but did not receive a public outcome or leave their position with a likely public outcome pending;
4. Judicial ethics attorneys, who often represent respondents in grievance investigations; and
5. JTC staff, including staff attorneys, an Executive Director, and one member of the JTC support staff; and JTC Commissioners.

The variety of perspectives represented in this study allows for a comprehensive understanding of the JTC process. The different levels of involvement at certain points in the process by each of these groups brought attention to potential factors that may contribute to the racial differences in outcomes found in Phase I and addressed by the research questions below.

### Research Questions

The mixed methods approach addressed the following research questions:

#### *Qualitative Research Questions:*

1. Are there any indications of explicit discrimination in the JTC process, either in the written policies and procedures or in interactions with Commissioners or staff?
2. Are there informal JTC rules and processes that exist that contribute to differences in outcomes?
3. What is the experience of judges with the JTC process?
4. What is the experience of judicial ethics practitioners with the JTC process?

#### *Quantitative Research Questions:*

1. How do grievance case factors, location, and judge characteristics, impact the likelihood of a full investigation?
2. For individuals who proceeded to a full investigation, how do grievance case factors, location, judge characteristics, and case actions impact the outcome of grievances?

### Qualitative Methods

The qualitative portion of the study obtained perspectives and opinions from several groups involved with or impacted by the JTC process through interviews to inform the quantitative

analysis. Due to the low participation, the initial approach to code data points directly from the interviews for inclusion in the quantitative analysis was not feasible. However, the patterns that emerged still informed the quantitative analysis and highlighted differing interpretations for how processes and procedures are employed.

Initial outreach was an email invitation, and later, phone calls and/or physical mail as needed. Due to a large number of non-responders, some groups required additional outreach to alternate interviewees. The Commissioners, for example, were ultimately all invited to participate in interviews. The full investigation judge invitees also included alternates, as did the JEP.

Judges were identified using the Phase I dataset. The 21 living judges who received public outcomes during the study period were invited to participate in interviews, as were all 22 living judges who would have likely had a public outcome if they had remained in their position. Judges who had a full investigation but not a public outcome or likely public outcome were chosen from 182 individuals, 147 White and 35 Black, by random oversampling to provide comparable numbers of 8 Black and 7 White interviewees.

The JTC provided a list of names and contact information for the JTC staff attorneys, Executive Directors, and support staff who worked directly on grievance cases during the study period. All 15 of the JTC staff members active during the study period were contacted for interviews. The JTC provided information for 24 Commissioners, including their tenures, contact information, and role (e.g., Layperson Elected by the Governor, Circuit Court Judge, Attorney Elected by the State Bar). Eighteen were contacted for interviews after stratified random sampling based on their role and length of time active as Commissioner.

Attorneys for grievance respondents, also referred to as judicial ethics practitioners (JEP), were identified through the JTC’s Access database. Six attorneys were initially invited to participate in the interview process. The attorneys were selected based on the number of consolidated grievances (at least six) and the number of individual judges they represented (at least five).

**Table 2. Interviews**

	<i>Interviewed</i>	<i>Interested then nonresponsive</i>	<i>Declined</i>	<i>No Response</i>	<i>Total Contacted</i>
<b>JEP</b>	4	2	1	3	10
<b>Commissioners</b>	4	5	2	12	23
<b>JTC Staff</b>	11	1	0	3	15
<b>Public Censure Judges</b>	3	6	1	11	21
<b>Likely Public Outcome Judges</b>	2	6	3	11	22
<b>Full Investigation Judges</b>	4*	7	2	15	27
	<i>*3 requested to be interviewed, 1 was randomly selected to be interviewed</i>				

## Privacy and Confidentiality

While all interviews were confidential, researchers sought to specifically preserve anonymity for the judge interviews. These efforts included protecting judge identities by engaging retired judges who were not project staff as interviewers; only identifying interviewee judges by a randomly generated ID number; and maintaining password locked files containing the information linking each judge to their ID number.

Despite the precautions taken to protect and maintain confidentiality and anonymity, it is possible that concerns about identification remained a barrier to participation and led to relatively low response rates by JTC commissioners, judges, and attorneys.

## Qualitative Findings

NCSC staff analyzed the transcripts and notes from interviews and identified common themes and patterns, which are presented below.

### *JTC Grievance Process & Familiarity*

Both Commissioners and JTC staff interviewed stated they did not typically know respondent judges. Some JTC staff members stated they may have some familiarity with certain judges from previously practicing in the judge's jurisdiction or handling judges with repeated grievances filed against them. Commissioner interviewees stated race is not disclosed. Decisions are reportedly driven by the facts of the grievance and the nature of the allegations. If any Commissioners are familiar with the respondent, the Commissioners reported recusing themselves from the case.

Some respondent judge interviewees did not appear to be familiar with the JTC prior to a grievance being filed against them. However, Black judge interviewees were more knowledgeable about the JTC when compared to the White judges. One judge explained that the ABJM is very proactive in educating judges about the JTC.

Staff attorneys frequently reported they utilize the Michigan Code of Judicial Conduct,<sup>5</sup> which includes the judicial canons to which judges are expected to adhere, and Michigan Court Rules<sup>6</sup> as a standard for examining whether a respondent has committed judicial misconduct. JTC staff also stated they will reference previous similar cases as precedent for an active investigation.

Several staff attorneys mentioned factors they take into consideration when assessing grievances. One factor that some JTC staff thought should be taken into account is the judge's tenure on the bench. They stated that judges with a longer tenure should have a better understanding of the rules of conduct and should be held to a higher standard. The grievant's history is also considered when evaluating grievances. For example, one staff member mentioned a grievant who has filed over 50 RFIs. JTC staff reported that different factors can lead to a public complaint recommendation, such as the judge's history (e.g., the judge has had multiple cases of engaging in misconduct over a long period of time), and the judge's response (e.g., not acknowledging their conduct was improper).

The Commission controls the investigation. Commissioners stated the conduct must be serious or particularly egregious to move forward to a public complaint. For example, criminal activity,

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<sup>5</sup> [Michigan Supreme Court \(2024\). Michigan Code of Judicial Conduct.](#)

<sup>6</sup> [Michigan Supreme Court \(2025\). Michigan Court Rules.](#)

lying to the Commission, or lying under oath can lead to a public complaint. However, Commissioners also mentioned that if a judge takes accountability for their behavior, the likelihood of a public complaint decreases. Some Commissioners acknowledged a degree of subjectivity in their decisions. However, these Commissioners noted that they examine misconduct in the context of past grievances to limit subjectivity.

### *JTC Grievance Process from Respondent Attorneys' and Judges' Perspectives*

Respondent attorneys indicated that by the time they are retained for a case, the judge they represent has generally already received the 28-Day letter which specifies the allegations, the questions the JTC wants the judge to address, and the deadline for responding. Some judges did not understand their rights or the process, and in some cases, did not meet the 28-Day letter deadline. Other than receiving the 28-Day letter, judges stated they did not receive any other information about their rights from the JTC. Their attorneys assisted them, but judges often described that they felt overwhelmed and did not understand the full JTC process.

### **Negotiated Resolutions**

Respondent attorneys and judges reported discussing the negotiation process with the JTC once a judge receives notification about an investigation. One respondent attorney mentioned that grievances can be resolved through negotiation with the JTC in about half the cases. However, in contrast, another respondent attorney stated there is no negotiating with the JTC in many cases. Some respondent attorneys stated that they use prior public complaints to highlight differences in outcomes with the proposed disciplinary action, but others thought there was inconsistency in decision making. Some attorneys indicated that if there was history with a judge, the JTC staff seemed less willing to negotiate.

Responses from judge interviewees about negotiations with the JTC were mixed. In some situations, the judge and their attorney were able to meet with the JTC to negotiate a resolution. However, in other situations, judges said that the JTC refused to meet with them, or that they did not know that a negotiated solution was an option available to them. One judge felt that the negotiation process should require a mandatory meeting with Commission staff.

Most judge interviewees felt strongly that the negotiation process was unfair. Judges who participated in negotiations felt the JTC had already decided the grievance outcome before the meeting started. Judges also indicated the grievances were not resolved to their satisfaction. One judge stated that for the JTC not to pursue the public complaint, the only negotiated resolution option for Black judges is to admit to the misconduct.

### *Fairness & Transparency of Overall Grievance Process*

JTC staff stated, from their perspective, that the process is already fair because they focus on the available evidence to gauge whether the evidence supports misconduct based on the canons and court rules. Commissioners said that using past cases as precedent limits the potential for subjectivity.

Some Commissioners felt that the process was equitable, but that there could be a perception problem among judges. They suggested outreach to judicial associations to explain clearly how the JTC operates. The Supreme Court establishes the governing rules of the Commission, and as a result, some information cannot be released to the public. Both Commissioners and JTC staff acknowledged that this creates a lack of transparency.

Some respondent attorneys explained the JTC should provide the same due process for litigants and defendants who come before the court. Some attorneys stated they estimated about 90% of judges were familiar with the JTC, but that many judges do not seem to understand their rights, obligations, or the information provided by the JTC. Respondent attorneys also mentioned the backlog of grievances. Grievance cases can sometimes take years to resolve, causing eroded memories of alleged misconduct or the relevant details. Respondent attorneys stated the process is not transparent nor fair, particularly once the grievance reaches the public complaint stage. Respondent attorneys thought the JTC should not be able to review the decision of the master at the public complaint stage.

Respondent attorney interviewees were divided in their opinion when asked about racial bias and JTC investigations. Some attorneys have represented both White and Black judges and have not seen disparities in treatment. However, one attorney who represented both White and Black judges thought grievances against Black judges are treated differently.

Both respondent attorneys and judges mentioned unfairness in the lack of a statute of limitations on the JTC's investigations. Judges also thought the JTC was not following their own rules and guidelines, and JTC staff did not receive training on bias, specifically implicit bias.<sup>7</sup> Judges identified political overtones and differential treatment of Black and White judges at the JTC. One judge thought the judges in the Detroit Metro area and in Saginaw receive greater scrutiny than judges from other parts of the state.

Judges provided feedback on what policies or procedures could be changed or implemented to improve the process, including fairness, transparency, and oversight. One judge suggested providing legal representation for judges who cannot afford representation, do not have insurance, or to cover additional costs which can exceed the amount covered by liability insurance. One judge noted the JTC manages most actions related to the grievance, including sometimes initiating a grievance, investigating, making recommendations, and arguing before the Supreme Court. This judge felt there is a conflict of interest, as one agency controls both the investigation and prosecution.

### **Summary of Qualitative Findings**

The JTC process can be contentious, which is not surprising given the adversarial nature and high stakes involved in many of the grievances. Perspectives on processes, options for resolution, and perceptions of fairness varied based on the interviewee's position relative to the JTC. Overall, JTC commissioners and staff believe the grievance investigation process to be fair to all parties, free of bias, and based on clear standards of conduct.

Those on the other end of the process, respondent judges and their attorneys, did not typically agree. They largely thought that the process was not clearly communicated and options for a negotiated resolution were not equally available or known to everyone. Black respondent judge interviewees were most likely to say the process was racially biased.

### **Quantitative Methods**

Informed by the qualitative analysis and guided by the primary objective of the project, the quantitative analysis extracts meaningful insights from grievance cases filed against Black and

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<sup>7</sup> JTC staff reported that while there is no official diversity or bias training, every year one of the Commissioners hosts a day-long diversity training.

White judges. The findings aim to understand factors that impact filings and outcomes in the JTC grievance process.

Like Phase I of the study, the analysis includes grievances filed with the JTC between January 1, 2008 and December 31, 2022 with a disposition as of March 1, 2024. The data for Phase II of this study incorporated variables from the Phase I dataset, including judge characteristics such as race, gender, and tenure on the bench.

An additional data source for Phase II of this study was information from JTC grievance case files. These reports are critical for understanding patterns in judicial misconduct complaints and their outcomes. The grievance case files, totaling 10,279, are stored primarily in PDF format. NCSC staff extracted information using a Large Language Model (LLM) resulting in 7,368 unique grievance cases. Exclusionary criteria and definitions of consolidated cases followed the same rules set forth in the Phase I report.<sup>8</sup>

### Quantitative Findings

**Table 3** categorizes grievances based on their substantive focus as defined by the JTC’s Nature of grievance categories. The largest category, *Review Legal Ruling*, includes complaints that challenge or question judicial rulings, although these issues are frequently beyond the scope of misconduct inquiries. The second-largest category, *Prejudice Partiality*, includes perceived bias, favoritism, or unfair treatment by judicial officers. Of the remaining 16 nature of grievance categories, none exceed 5% of total grievances. The total count of grievance nature category exceeds the total number of cases, as individual grievances may be classified under multiple categories.

**Table 3. JTC Nature of Grievance Categories**

JTC Grievance Categories	n	Percent
Review Legal Ruling	6,019	57.8
Prejudice Partiality	2,577	24.8
Courtroom Demeanor	510	4.9
Other*	304	3.0
Proce/Adm/Irreg	270	2.6
Miscellaneous	244	2.3
Conflict Of Interest	162	1.6
Delay	113	1.1
Failure To Perform	104	1.0
Personal Contact	103	1.0

\*Other includes nature of grievance categories that accounted for less than 1% of all filings: *Ex Parte Contact, Attorney Misconduct, Political Activity, Incompetence, Criminal Activity, 6,500 Motions, Physical or Mental, Intemperance, Practicing Law*

<sup>8</sup> <https://cms4files.revize.com/mjtc/docs/MIJTC%20Final%20Report.7-31-24.pdf>

**Table 4** includes the nature of grievance for consolidated cases identified by NCSC’s LLM. Unlike the categories in Table 4, grievances can only fall into a single group. There is variability among the sample with no one grouping exceeding 23% of all grievances. The most common types of grievances involve *Bias/Prejudice*, *Improper Ruling*, and *Improper Dismissal*. The remaining grievance categories do not exceed 9% of all cases.

**Table 4. Nature of Grievance Categories Defined by NCSC’s LLM**

LLM/NCSC Grievance Categories	n	Percent
Bias/Prejudice	1,663	22.7
Improper Ruling	1,649	22.6
Improper Dismissal	1,101	15.1
Procedural Error	648	8.9
Jurisdictional Dispute	625	8.6
Improper Demeanor	479	6.6
Delay/Neglect	400	5.5
Conflict of Interest	391	5.4
Ex Parte Communication	211	2.9
Unfair Sentencing	147	2.0

**Table 5** identifies who files grievances, with *Litigants* being the most common grievant type, followed by grievances filed by Prisoners. This pattern reflects the direct engagement of litigants in judicial proceedings and their vested interest in case outcome, which frequently prompts complaints about judicial conduct or rulings.

**Table 5. Grievant Classification Categories**

Grievant Classification	n	Percent
Litigant	4,544	62.7
Prisoner	1,669	23.0
Friends/Family	412	5.7
Attorney	248	3.4
Other*	139	1.9
Non-Litigant	130	1.8
JTC	110	1.5

\*Other includes grievance classification categories that accounted for less than 1% of all filings: Judge, Court Watcher, SCAO, Public Official, Court Personnel, AGC Referral, Chief Justice, Executive Director

**Table 6** shows the origin of grievances. *Criminal* cases represent the largest origin for grievances followed by *Domestic Relations* cases and *General Civil* cases.

**Table 6. Originating Case Type Categories**

<b>Originating Case Type</b>	<b>n</b>	<b>Percent</b>
Criminal	2,932	40.4
Domestic Relations	1,526	21.0
General Civil	1,125	15.5
Probate	438	6.0
PERS/PROTEC/ORD	231	3.2
Small Claims	189	2.6
No Litigation/Case	188	2.6
Landlord/Tenant	179	2.5
Traffic	172	2.4
Other*	204	1.9
Appeal	73	1.0
Juvenile	69	1.0

\*Other includes originating case type categories that accounted for less than 1% of all filings: Post Conviction, Mental Commitment, Elections.

Respondents were more likely to be male (63%) and less likely to be Black (16%). Table X provides summary statistics for tenure and grievance history. Respondents had substantial tenure at the time grievances are filed, averaging 8 years. The average number of prior grievances is 18. The number of grievances with prior public outcomes has an average of 0.2 indicating that these events are rare. Similarly, the average number of grievances with public outcomes is 0.03 per year. Dismissal with confidential discussion outcomes are also relatively rare, but the average of 0.43 is over twice as high as the number with public outcomes. Similarly, the average number of dismissal with a confidential discussion outcomes is 0.07 per year. When accounting for judicial tenure, we find that the average number of grievances per year at the time of a grievance is 2.97 per year.

**Table 7. Summary Statistics of Numeric Values**

<b>Variable</b>	<b>Mean</b>	<b>Min*</b>	<b>Max</b>
Tenure at Grievance	2929.32	1	7499
Prior grievances per Year	2.97	0	292.2
Past Public Investigation Outcomes per Year	0.03	0	5.26
Past Confidential Investigation Outcomes per Year	0.07	0	7.77
Number of Prior Grievances	0.2	0	35
Number of Prior Public Grievance Outcomes	0.43	0	12
Number of Past Confidential Grievance Outcomes	17.77	0	142

\* The 0 reflects the number of grievances/outcomes not including the current one

## Inferential Analyses

The study conducts four distinct inferential analyses to examine the different aspects of grievance processing and outcomes identified in the Phase I report. While the statistical models differ, there are several commonalities which apply to all of the models.

Geographic factors such as racial composition, rural location, and the region align with *court* and were therefore removed from the analyses. The various models included several dichotomous indicators, such as *race* and *gender*. In these cases, the variable *Black* should be interpreted as its impact relative to White respondents (the reference category<sup>9</sup>). The variable, *male*, can be interpreted similarly.

Researchers combined some categories due to relatively low numbers of observations. In grievant class, *litigant*, *prisoner*, and *family/friend* were collapsed into a single category, *JTC* and *Executive Director* comprise one category, and *State Court Administrators Office* and *Chief Justice* are combined into a single category. The *other* category was created consisting of court personnel, Bar groups, public officials, court watchers, other, and attorney grievance commission referrals. The *litigant, prisoner and family/friend* group was used as the reference category.

For the originating case type, *combined appeals*, *juvenile*, *landlord/tenant*, *mental commitment*, *other*, *post-conviction*, *personal protection orders*, *probate*, *small claims*, *traffic*, and *elections* were included in *other*, which serves as the reference category.

The time periods at the time of the closure of grievances correspond to expected policy differences in place and changes in the Executive Director. Time period A is before September 13, 2016, Time period B is between or on September 13, 2016 and January 6, 2017, and Time period C is on or after January 7, 2017.

## Filing to Full Investigation

Four models were conducted to provide a comprehensive overview of the processing step from filing to full investigation by accounting for possible differences in consolidated and unconsolidated cases as well as differing definitions of full investigations. These included:

1. *Unconsolidated* cases and the *exclusion* of grievances where only a transcript was approved for further evidence gathering;
2. *Consolidated* cases and the *exclusion* of grievances where only a transcript was approved for further evidence gathering;
3. *Unconsolidated* cases and the *inclusion* of grievances where only a transcript was approved for further evidence gathering; and
4. *Consolidated* cases and the *inclusion* of grievances where only a transcript was approved for further evidence gathering.

The differing definitions for full investigations are based on interviews with JTC staff. Any evidence gathering beyond the initial investigation must be approved by the Commissioners, including the request for a transcript of court proceedings. This approval for additional evidence

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<sup>9</sup> For statistical purposes, reference categories are often the largest category in the data and are used as a baseline for comparisons of other groups.

gathering constitutes a full investigation. However, it is important to note for research purposes that some RFIs include a transcript when they are filed and some do not. This means that theoretically, two RFIs that are identical except for the inclusion of a transcript may fall into different categories if 1) the RFI with the attached transcript is summarily dismissed, and 2) the transcript is requested and approved for the RFI without one attached, which is then dismissed, but now counts as a full investigation.

To address this issue, researchers used two definitions of full investigation. For the “omitting transcript-only” version of the analysis, a full investigation means that further investigation *other than* a transcript alone was approved. For the “including transcript-only” analysis any further investigation, even if it *only* included the approval of a transcript was categorized as a full investigation. This distinction is critical due to the influence of statistical significance of some of the findings. The results were similar for consolidated and unconsolidated cases in both full investigation conditions, and thus only unconsolidated cases are presented below.<sup>10</sup>

There is not a statistically significant relationship between race and the likelihood of a grievance becoming a full investigation when excluding transcript-only approvals. When including transcript-only evidence gathering in the definition of an investigation, Black respondents are more likely than White respondents to have their grievance escalate to a full investigation. Specifically, Black respondents have 57% higher odds (or chance) of grievances becoming a full investigation compared to White respondents.

### ***Analysis 1: Whether a Grievance Moves to Full Investigation<sup>11</sup>***

The results provided below include both coefficients and odds ratios. Odds ratios enhance interpretability when discussing the magnitude of the effects. An odds ratio greater than one indicates an increase in the odds or likelihood of the grievance proceeding to a full investigation and an odds ratio below one is associated with a decrease in the likelihood.<sup>12</sup>

Two models examining 7,590 cases were employed to investigate the following independent variables: respondent demographics such as race and gender, judge tenure (in days) at the time of the grievance, past grievances per year, past grievances per year with a confidential outcome, past grievances per year with a public outcome, grievant class (the individual filing the grievance), the nature of grievance determined by the LLM, type of originating case, and the time period at the time of grievance closure.

Race is not a statistically significant predictor of whether a grievance results in a full investigation in Model 1; there are several other significant relationships. The number of past confidential discussion outcomes per year for a respondent at the time of the grievance is associated with a higher likelihood of escalating to a full investigation (estimate = 0.646,  $p < .05$ ). In other words, past grievances matter. Each additional grievance per year raises the odds or chances of a grievance resulting in a full investigation by 90.8%. Conversely, the total number of grievances filed each year, regardless of outcome, is associated with a decreased likelihood of escalation. With each additional prior grievance per year, the odds of a full investigation declines by 3.7% (odds ratio = 0.963,  $p < .05$ ).

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<sup>10</sup> Full output for consolidated cases is available in Appendix A.

<sup>11</sup> Outcome is dichotomous (two options) so dictates a binary logistic regression model.

<sup>12</sup> We account for differences across jurisdictions and clustering within courts, using dichotomous indicators for each court and cluster standard errors.

The grievant classification also influences the chances of a grievance progressing to a full investigation. Grievances initiated by attorneys, the JTC/Executive Director, judges, other non-litigants, SCAO/Chief Justices, and others are all more likely to result in a full investigation than those filed by litigants, prisoners, or family and friends. The originating case type also influences outcomes; criminal cases are less likely to proceed to a full investigation, whereas cases filed by a non-litigant are more likely to result in a full investigation.

The nature of a grievance itself influences whether it proceeds to a full investigation. Conflicts of interest, delay/neglect, ex parte communication, improper demeanor, and procedural error all increase the likelihood of a full investigation relative to grievances categorized as having an improper ruling. Grievances filed for perceived improper dismissals, unfair sentencing, and jurisdictional disputes are less likely to proceed to a full investigation than those classified as having an improper ruling. Grievances were more likely to become full investigations during Time period C as compared to Time period A. **Table 8** shows the statistical relationships between various predictors and the likelihood of a grievance case progressing to a full investigation for all unconsolidated cases.

**Table 8. Model 1 Logistic Regression of Full Investigation, Omitting Transcript-Only Approved Evidence Gathering using Unconsolidated Grievances (n=7,590)**

	Coef.	Odds Ratio	Robust SE	P-Value
Black	0.335	1.397	0.386	0.386
Male	-0.086	0.917	0.141	0.542
Tenure at Time of Grievance (days)	0	1	0	0.008
Prior Public Grievance Outcomes per Year	0.153	1.166	0.385	0.691
Prior Confidential Grievance Outcomes per Year	0.646	1.908	0.192	0.001
Prior Grievances per Year	-0.038	0.963	0.018	0.030
Grievant: Attorney	2.6	13.465	0.213	0.000
Grievant: JTC/Executive Director	3.68	39.647	0.385	0.000
Grievant: Judge	3.951	52.008	0.758	0.000
Grievant: Non-Litigant	0.983	2.672	0.445	0.027
Grievant: Other	2.521	12.44	0.489	0.000
Grievant: SCAO/Chief Justices	4.191	66.12	0.823	0.000
Originating Case: Civil	-0.334	0.716	0.241	0.166
Originating Case: Criminal	-0.594	0.552	0.173	0.001
Originating Case: Domestic Relations	0.351	1.42	0.205	0.087
Originating Case: None	1.484	4.41	0.56	0.008
Time Period: B	-0.007	0.993	0.214	0.975
Time Period: C	0.796	2.217	0.156	0.000
Grievance: Bias/Prejudice	0.231	1.26	0.22	0.294
Grievance: Conflict of Interest	1.358	3.889	0.256	0.000
Grievance: Delay/Neglect	1.369	3.93	0.399	0.001
Grievance: Ex Parte Communication	1.519	4.566	0.356	0.000
Grievance: Improper Demeanor	1.266	3.548	0.254	0.000

Grievance: Improper Dismissal	-1.184	0.306	0.338	0.000
Grievance: Jurisdictional Dispute	-1.34	0.262	0.467	0.004
Grievance: Procedural Error	0.21	1.233	0.225	0.351
Grievance: Unfair Sentencing	-0.404	0.668	0.534	0.450
Intercept	-3.038	0.048	0.284	0.000
Pseudo R <sup>2</sup>	0.389			

*Model includes dichotomous indicators for courts. Standard errors clustered on court. p-value under .05 indicates a statistically significant relationship.*

Model 2 includes any further evidence-gathering that was approved by the Commission, including a transcript alone. Although the effect of race is statistically significant in Model 2, the other results are similar to those in Model 1. Prior confidential grievance outcomes per year are linked to an increased likelihood of a grievance progressing to a full investigation. In contrast, the number of prior grievances per year is associated with a decreased likelihood of a full investigation.

Grievances filed by attorneys, the JTC/Executive Director, judges, the SCAO/Chief Justices, and non-litigants, and those categorized as *other* are all more likely to lead to a full investigation than grievances filed by litigants, prisoners, and family/friends. The originating case type also influences whether a grievance results in a full investigation as does that nature or subject of the grievance. Several of the original case type and grievance type variables are statistically significant.

The results of model 2 suggest there are racial disparities in whether grievances are escalated to a full investigation. Comparing these results to Model 1 shows that the definition of *full investigation* is relevant, as the link between race and a full investigation only becomes clear when approval of a transcript alone is part of the definition. The models also demonstrate the significance of the respondent's grievance history, the nature of the grievance, the individual who initiates it, the time period, and the type of case leading to the grievance in determining if it results in a full investigation. **Table 9** presents Model 2, which includes any further evidence-gathering was approved by the Commission, including a transcript alone.

**Table 9. Model 2 Logistic Regression of Full Investigation (including approved requests for transcripts only) using Unconsolidated Grievances (n=7,590)**

	Coef.	Odds Ratio	Robust SE	P-Value
Black	0.454	1.575	0.217	0.037
Male	0.080	1.083	0.113	0.481
Tenure at Time of Grievance (days)	0.000	1.000	0.000	0.059
Prior Public Grievance Outcomes per Year	0.043	1.044	0.272	0.875
Prior Confidential Grievance Outcomes per Year	0.530	1.698	0.189	0.005
Prior Grievances per Year	-0.035	0.965	0.016	0.029
Grievant: Attorney	2.427	11.322	0.193	0.000
Grievant: JTC/Executive Director	3.302	27.154	0.350	0.000
Grievant: Judge	3.075	21.646	0.644	0.000
Grievant: Non-Litigant	0.834	2.302	0.387	0.031
Grievant: Other	1.898	6.670	0.413	0.000

Grievant: SCAO/Chief Justices	4.132	62.275	0.655	0.000
Originating Case: Civil	-0.127	0.881	0.194	0.514
Originating Case: Criminal	-0.346	0.708	0.142	0.015
Originating Case: Domestic Relations	0.341	1.407	0.162	0.035
Originating Case: None	1.270	3.561	0.515	0.014
Time period: B	0.174	1.190	0.140	0.213
Time period: C	0.519	1.680	0.127	0.000
Grievance: Bias/Prejudice	0.472	1.604	0.180	0.009
Grievance: Conflict of Interest	1.053	2.866	0.216	0.000
Grievance: Delay/Neglect	1.039	2.826	0.277	0.000
Grievance: Ex Parte Communication	1.370	3.937	0.260	0.000
Grievance: Improper Demeanor	1.148	3.152	0.205	0.000
Grievance: Improper Dismissal	-0.613	0.542	0.218	0.005
Grievance: Jurisdictional Dispute	-0.588	0.555	0.317	0.063
Grievance: Procedural Error	0.119	1.126	0.173	0.493
Grievance: Unfair Sentencing	-0.629	0.533	0.513	0.220
Intercept	-2.907	0.055	0.206	0.000
Pseudo R <sup>2</sup>	0.289			

*Model includes dichotomous indicators for court. Standard errors clustered on court. p-value under .05 indicates a statistically significant relationship.*

## Analysis 2: Severity of Grievance Outcomes

### Full Investigation to Disposition

The next set of models assessed the likelihood of receiving a dismissal, dismissal with confidential outcome, or public outcome after a full investigation. The findings show that Black respondents have a significantly higher likelihood of receiving a public sanction versus a dismissal or dismissal with a confidential discussion than White respondents.

Model 3 used 425 cases to examine the severity of grievance outcomes.<sup>13</sup> Focused on cases that proceeded to a full investigation this model examines three outcomes listed in order of severity: dismissals, dismissals with a confidential discussion, and public outcomes.<sup>14</sup> Coefficients are interpreted as log odds of a more severe category, such as moving from dismissal to confidential dismissal or public outcome, or from dismissal/confidential dismissal to a public outcome. If the coefficient remains consistent across thresholds, the model indicates a proportional effect; if not, separate coefficients are estimated for each threshold. Positive values

<sup>13</sup> Generalized ordered logistic models examine the severity of final grievance outcomes. Ordered models are suitable for studying ranked outcomes, which do not have specific values indicating the magnitude of differences (i.e., ordinal outcomes) (see also, Britt, Chester L. & Weisburd, D. (2011). Logistic Regression Models for Categorical Outcome Variables. In A. R. Piquero & D. Weisburd (Eds.), *Handbook of Quantitative Criminology* (pp. 648-682). Springer).

<sup>14</sup> These models are implemented using the autofit option in Stata's gologit2 package. This approach is advantageous because it allows us to relax the proportional odds assumption—that is, it allows the effect of predictors to differ across outcome thresholds (See also Williams, R. (2006). Generalized ordered logit/partial proportional odds models for ordinal dependent variables. *The Stata Journal*, 6(1), 58-82).

indicate that an increase in the predictor is associated with a more severe outcome at each threshold.<sup>15</sup>

Race is a statistically significant predictor of a public outcome when compared to a dismissal or confidential dismissals in Model 3 but only at the upper threshold, which compares the likelihood of receiving a public sanction to receiving either a dismissal or dismissal with confidential discussion. Specifically, Black respondents have significantly higher odds or likelihood of receiving a public sanction versus a dismissal or a dismissal with a confidential discussion than White respondents. There was no statistically significant effect observed at the lower threshold in Model 3.

In addition to a statistically significant effect for race, we find gender is significant across both thresholds, with males having higher odds or chance of facing more severe sanctions. A respondent's admission of misconduct also raises the likelihood of a more severe sanction across both thresholds. Grievance history influences the severity of outcomes, with prior confidential discussion outcomes per year increasing the chance of a public sanction compared to a dismissal or confidential dismissal. Meanwhile, prior public outcomes per year are linked to a lower chance of receiving a dismissal with a confidential discussion/public outcome when compared to a dismissal, but they are associated with a higher chance of receiving a public outcome instead of a dismissal or confidential discussion. As tenure at the time of the grievance increases, the likelihood of a public outcome compared to a dismissal or confidential dismissal decreases. The number of prior grievances per year reduces the probability of receiving a public outcome compared to a dismissal or dismissal with confidential discussion.

Consistent with earlier models, the position of the individual who makes the grievance is relevant. Interestingly, the originating case type only has a statistically significant impact at the upper threshold, comparing public sanctions to dismissals or dismissals with a confidential discussion. Grievances arising from civil cases and domestic relations cases are less likely to result in a public sanction. Similarly, we find that the type of grievance does not have a statistically significant impact at the lower threshold but does at the upper threshold. Specifically, grievances involving bias/prejudice, and ex parte communication increase the likelihood of a public outcome. Administrative factors also matter, with grievances during Time Period B less likely to result in more severe outcomes than those filed during Time Period A.

The results of these models are shown in **Table 10**. There are two primary sections in the table. The first section presents the results of comparing a dismissal to a dismissal with a confidential discussion or a public outcome for predictor variables whose effect can vary across thresholds. The second section contains the results of predictors whose effect can vary across thresholds when comparing a public sanction to dismissals or dismissals with confidential discussions.

A similar set of predictors to those used in models 1 and 2 is applied, along with an additional predictor indicating whether the respondent admitted misconduct.<sup>16</sup> Lastly, for the nature of

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<sup>15</sup> See Williams (2006).

<sup>16</sup> Because the sample was smaller than in models 1 and 2, we combined the dichotomous court indicators when the number of respondents from a specific court was small or when outcomes showed little variation (e.g., all respondents from a court received a dismissal). We also use robust standard errors clustered on the court.

grievance, jurisdictional disputes and unfair sentencing were merged into a single category, which we label as other.

**Table 10. Model 3 Generalized Ordered Logistic Model of Grievance Outcome Severity (n=425)**

	Dismissal vs. Dismissal with Confidential Discussion or Public Outcome			Public Outcome vs. Dismissal or Dismissal with Confidential Discussion		
	Coef.	Robust SE	P-Value	Coef.	Robust SE	P-Value
Black	-0.195	0.369	0.598	2.283	0.444	0.000
Tenure at Time of Grievance (days)	0.000	0.000	0.322	-0.001	0.000	0.004
Prior Public Outcomes per Year	-2.502	0.767	0.001	40.658	9.065	0.000
Prior Confidential Outcomes per Year	1.086	0.633	0.086	5.327	1.353	0.000
Prior Grievances per Year	0.004	0.062	0.948	-0.526	0.157	0.001
Respondent Admits Misconduct	2.344	0.410	0.000	5.271	1.358	0.000
Grievant: Attorney	0.887	0.455	0.051	-2.659	1.052	0.012
Grievant: JTC/Executive Director	2.015	0.559	0.000	-1.313	1.034	0.204
Grievant: Judge	1.706	0.631	0.007	-8.667	2.395	0.000
Grievant: Non-Litigant	0.413	1.284	0.748	-10.943	2.767	0.000
Grievant: Other	1.226	0.466	0.009	-3.393	1.361	0.013
Grievant: SCAO/Chief Justice	0.600	0.706	0.396	0.600	0.706	0.396
Originating Case: Civil	-0.389	0.492	0.429	-17.946	1.825	0.000
Originating Case: Domestic Relations	-0.310	0.411	0.450	-5.197	1.204	0.000
Originating Case: None	0.460	0.892	0.606	12.708	3.984	0.001
Time Period: B	-0.937	0.376	0.013	-18.275	0.905	0.000
Grievance: Bias/Prejudice	-1.043	0.747	0.163	5.805	2.358	0.014
Grievance: Delay/Neglect	0.728	1.003	0.468	-3.457	0.915	0.000
Grievance: Ex Parte Communication	-0.308	0.700	0.660	13.438	4.153	0.001
Intercept	-2.840	0.745	0.000	-19.205	5.431	0.000

In supplementary analyses, we combined public and likely public outcomes and find no effect of race on the severity of outcome. Those results can be found in Appendix B.

### Summary of Quantitative Findings

Overall, the influence of race on all the outcomes examined was nuanced and partially determined by how the outcome was defined. Black respondents were more likely to have a grievance advance to a full investigation when including the approval of additional evidence gathering even if it was *only* the approval of a transcript within the definition of a full

investigation. However, when approvals for *only* transcripts are omitted, we do not find a statistically significant effect for race.

Black respondents were more likely to have a public outcome than a dismissal or a dismissal with a confidential discussion when considering the severity of grievance outcome. However, supplementary analyses showed this relationship is not statistically significant when including individuals who were likely to receive a public sanction but left their position before the final case outcome. Similarly, when including likely public outcomes with public outcomes, there was not a statistically significant relationship. Additional analyses focused on court and community characteristics and their relationship with investigations and outcomes yielded no significant findings related to investigations or outcomes.

## DISCUSSION AND CONCLUSION

### Synthesis of Findings

After taking into consideration factors that are expected to impact the grievance outcome such as characteristics of the grievance, past grievances, originating case type, and JTC characteristics, the quantitative analysis above shows that racial differences remain for some outcomes. Specifically, grievances against Black respondents were more likely to be moved to full investigation, when full investigation is defined as approval for any additional evidence *including* a transcript-only, compared to those against White respondents. However, when the definition of full investigations *excludes* transcript-only approvals, there is no significant difference in outcomes based on race. This finding suggests some mechanism related to the inclusion of the transcript in the initial RFI or the transcript evidence-gathering recommendation or approval process plays a role in the statistical significance of the association between race and a grievance proceeding to full investigation. For cases that proceeded to a full investigation, grievances against Black respondents were more likely to end in a public outcome than a dismissal or dismissal with confidential discussion compared to grievances against White respondents.

These findings suggest that outside of the objective factors that contribute to outcomes of the judicial grievance process, the process is working differently, and leading to different outcomes, in these situations for Black and White respondents. The qualitative analysis focused more on the process itself and the ways that different stakeholders understood and interpreted the fairness of the process. Due to the nature of the JTC grievance process, there were diverging perceptions. Largely, JTC staff and commissioners believed that they were careful to prevent bias in the process, while some respondent judges and attorneys for respondent judges articulated instances where they did not feel that the process was fair for Black judges.

### Limitations

The research presented here has a few limitations that need to be considered when interpreting the findings. First, the research design does not isolate causal factors when considering differences in outcomes. The statistical analysis methods used here explored the strength and direction of associations of variables, but the available data was not appropriate for additional methods that could better assess causality.

Second, the relatively small number of public or likely public outcomes compared to the number of grievances overall made it difficult to isolate factors that contributed to the outcome. Similarly, the limited number of cases with non-dismissal outcomes impacted the ability to analyze outcomes across years.

Third, the use of an LLM to extract data from documents limited some of the variables included in the analysis. There were a few variables of interest that emerged through the interviews that may have contributed to the outcomes. The unstructured and sometimes incomplete nature of the grievance files also made it difficult for the LLM to capture some of the desired information.

Finally, the overall number of interviews was small. There are several reasons that the response to requests for interviews may have been low, including concerns about confidentiality and the sensitive nature of the topic.

Despite these limitations, having access to JTC files and the willingness of stakeholders to participate in interviews allowed for a comprehensive study of the Michigan judicial disciplinary process. Comprehensive data collection for future grievances could allow this report to be a foundation for regular review of the process.

## Discussion

Given the full investigation finding, the persistence of racial differences in public outcomes after controlling for grievance characteristics and the perception of inequity in the process by some stakeholders, it is worth considering how biases may play a role in the JTC process. The analysis included above is thorough, but unable to isolate the cause of this difference. Nothing in the quantitative or qualitative analyses suggests explicit discriminatory practices.

It is difficult to explain the difference in statistically significant racial groups in full investigations where any evidence gathering was approved compared to where transcript-only approvals were omitted. It is possible that grievants are less likely to include transcripts in RFIs filed against Black respondents, so they must be requested. It is possible that the JTC is more likely to request, or the Commissioners more likely to approve, transcript-only requests for Black respondents. This is an area where more data collection and analysis would help to pinpoint contributing factors.

The qualitative portion of this study revealed that, for a number of reasons, the JTC process is not well understood by some of the individuals who ultimately become subject to it. Greater clarity over the process, in addition to defining and documenting what terms or categories mean (e.g., what *significant evidence of misconduct* means) would likely assist in equalizing understanding for all involved groups. The staff and Commissioners interviewed communicated that the Commission is doing their due diligence by investigating each complaint individually. It is important to treat each grievance individually but remain consistent with clear criteria for evaluation and a clear process. For each of the issues raised above, clearly documented and communicated definitions, criteria, and procedures can help to guard against the influence of bias as a factor in disparate outcomes and perceptions of unfair treatment by the JTC.

## Appendix A. Consolidated Case Outputs

**Table 11. Logistic Regression of Full Investigation, Omitting Transcript-Only Evidence Approvals using Consolidated Cases (n=6,891)**

	Coef.	Odds Ratio	Robust SE	P-Value
Black	0.183	1.201	0.360	0.611
Male	-0.072	0.931	0.149	0.628
Tenure at Time of Grievance (days)	0.000	1.000	0.000	0.066
Prior Public Grievance Outcomes per Year	0.118	1.125	0.321	0.713
Prior Confidential Grievance Outcomes per Year	0.749	2.116	0.205	0.000
Prior Grievances per Year	-0.049	0.952	0.024	0.040
Grievant: Attorney	2.550	12.801	0.221	0.000
Grievant: JTC/Executive Director	3.856	47.282	0.393	0.000
Grievant: Judge	3.867	47.805	0.689	0.000
Grievant: Non-Litigant	0.644	1.903	0.486	0.185
Grievant: Other	2.909	18.345	0.477	0.000
Grievant: SCAO/Chief Justices	4.303	73.885	0.903	0.000
Originating Case: Civil	-0.296	0.743	0.239	0.214
Originating Case: Criminal	-0.567	0.567	0.180	0.002
Originating Case: Domestic Relations	0.296	1.345	0.213	0.164
Originating Case: None	1.084	2.956	0.441	0.014
Time Period: B	0.051	1.052	0.217	0.815
Time Period: C	0.817	2.263	0.172	0.000
Grievance: Bias/Prejudice	0.441	1.555	0.200	0.027
Grievance: Conflict of Interest	1.449	4.257	0.235	0.000
Grievance: Delay/Neglect	1.539	4.662	0.386	0.000
Grievance: Ex Parte Communication	1.505	4.503	0.314	0.000
Grievance: Improper Demeanor	1.382	3.984	0.277	0.000
Grievance: Improper Dismissal	-1.047	0.351	0.335	0.002
Grievance: Jurisdictional Dispute	-1.702	0.182	0.563	0.003
Grievance: Procedural Error	0.365	1.440	0.294	0.215
Grievance: Unfair Sentencing	-0.066	0.936	0.523	0.900
Intercept	-3.365	0.035	0.287	0.000
McFadden's Pseudo R <sup>2</sup>	0.378			

*Model includes dichotomous indicators for courts*

*Standard errors clustered on courts*

*P-Value under .05 indicates a statistically significant relationship*

**Table 12. Logistic Regression of Full Investigation (including transcript requests) using Consolidated Grievances (n=6,891)**

	Coef.	Odds Ratio	Robust SE	P-Value
Black	0.419	1.521	0.206	0.041
Male	0.075	1.078	0.120	0.530
Tenure at Time of Grievance (days)	0.000	1.000	0.000	0.264
Prior Public Grievance Outcomes per Year	0.003	1.003	0.228	0.988
Prior Confidential Grievance Outcomes per Year	0.594	1.812	0.203	0.003
Prior Grievances per Year	-0.046	0.955	0.020	0.024
Grievant: Attorney	2.403	11.054	0.197	0.000
Grievant: JTC/Executive Director	3.509	33.428	0.362	0.000
Grievant: Judge	3.063	21.400	0.586	0.000
Grievant: Non-Litigant	0.654	1.922	0.408	0.109
Grievant: Other	2.200	9.023	0.402	0.000
Grievant: SCAO/Chief Justices	4.439	84.715	0.766	0.000
Originating Case: Civil	-0.101	0.904	0.197	0.609
Originating Case: Criminal	-0.356	0.700	0.145	0.014
Originating Case: Domestic Relations	0.296	1.344	0.162	0.069
Originating Case: None	0.868	2.383	0.390	0.026
Time Period: B	0.154	1.166	0.144	0.284
Time Period: C	0.498	1.646	0.133	0.000
Grievance: Bias/Prejudice	0.636	1.889	0.168	0.000
Grievance: Conflict of Interest	1.093	2.982	0.212	0.000
Grievance: Delay/Neglect	1.149	3.156	0.262	0.000
Grievance: Ex Parte Communication	1.318	3.738	0.243	0.000
Grievance: Improper Demeanor	1.233	3.432	0.217	0.000
Grievance: Improper Dismissal	-0.467	0.627	0.228	0.041
Grievance: Jurisdictional Dispute	-0.437	0.646	0.344	0.203
Grievance: Procedural Error	0.151	1.163	0.229	0.510
Grievance: Unfair Sentencing	-0.341	0.711	0.510	0.503
Intercept	-3.154	0.043	0.214	0.000
McFadden's Pseudo R <sup>2</sup>	0.277			

*Model includes dichotomous indicators for courts*

*Standard errors clustered on court*

*P-value below .05 indicates significance*

## Appendix B. Outcome Severity Including Public and Likely Public

**Table 13. Generalized Ordered Logistic Model of Grievance Outcome Severity Including Public and Likely Public Outcomes (n=459)**

	Overall (applies to both thresholds)			Dismissal vs. Dismissal with Confidential Discussion or Public Outcome			Public Outcome vs. Dismissal or Dismissal with Confidential Discussion		
	Coef.	Robust SE	P-Value	Coef.	Robust SE	P-Value	Coef.	Robust SE	P-Value
Black	-0.138	0.515	0.789						
Male				0.611	0.158	0.000	-0.094	0.287	0.744
Tenure at Time of Grievance (days)	0.000	0.000	0.837						
Prior Public Outcomes per Year				-0.415	1.043	0.691	5.069	1.177	0.000
Prior Confidential Outcomes per Year				0.908	0.520	0.080	-0.422	0.644	0.512
Prior Grievances per Year	0.050	0.041	0.221						
Respondent Admits Misconduct				2.140	0.546	0.000	0.572	0.431	0.184
Grievant: Attorney	0.945	0.525	0.072						
Grievant: JTC/Executive Director	1.743	0.619	0.005						
Grievant: Judge	1.468	0.850	0.084						
Grievant: Non-Litigant	0.013	1.099	0.990						
Grievant: Other	1.544	0.260	0.000						
Grievant: SCAO/Chief Justice	0.787	0.935	0.400						
Originating Case: Civil	-0.228	0.423	0.590						
Originating Case: Criminal	0.042	0.447	0.925						
Originating Case: Domestic Relations	-0.428	0.331	0.196						
Originating Case: None				0.615	0.883	0.486	1.456	0.809	0.072
Time Period: B				-0.395	0.342	0.248	0.796	0.485	0.101
Time Period: C	0.616	0.267	0.021						
Grievance: Bias/Prejudice				-0.815	0.793	0.304	0.588	0.859	0.493

Grievance: Conflict of Interest	-0.126	0.602	0.834						
Grievance: Delay/Neglect	0.685	0.967	0.479						
Grievance: Ex Parte Communication				-0.038	0.650	0.954	1.121	0.923	0.225
Grievance: Improper Demeanor	-0.910	0.616	0.139						
Grievance: Improper Dismissal	-2.071	0.764	0.007						
Grievance: Procedural Error	-0.421	0.984	0.669						
Grievance: Unfair Sentencing/Jurisdictional Dispute	-1.963	1.172	0.094						
Intercept				-3.069	0.795	0.000	-4.362	0.693	0.000
Pseudo R-Square	0.355								

*Model includes dichotomous indicators for courts*

*Standard errors are clustered on courts*

*P-values below .05 indicate statistical significance*