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June 6, 2014

*Recd  
6/6/14*

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

**PERSONAL AND CONFIDENTIAL**

Hon. J. Cedric Simpson  
c/o Mogill, Posner & Cohen, PC  
27 E. Flint Street, 2<sup>nd</sup> Floor  
Lake Orion, Michigan 48362

RE: Request for Investigation No. 2014-20857

Dear Judge Simpson:

The Michigan Judicial Tenure Commission (“Commission”) has received information which, if true, indicates certain of your acts may constitute misconduct in office and conduct clearly prejudicial to the administration of justice as defined by Article 6, §30 of the Michigan Constitution of 1963, as amended, and MCR 9.205.

Pursuant to MCR 9.207, the Commission has conducted a preliminary investigation from which there appears to be reasonable grounds to believe the allegations herein are true. Pursuant to MCR 9.207(C)(1), you are hereby provided with written notice of the nature of the charge being made against you.

1. You are a judge on the bench of the 14-A District Court and have been in that position since 1999.
2. In September of 2013, Crystal Marie Vargas was a law school intern volunteering with the 14-A District Court.

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3. Ms. Vargas was interning with your court as of August, 2013.
4. Ms. Vargas was also a student in a pretrial skills class you taught at Thomas M. Cooley Law School.
5. During 2013, you attended various after-hours social events at which Ms. Vargas was also present.
6. You attended at least some of the social events while Ms. Vargas was an intern with the 14-A District Court.
7. While Ms. Vargas was interning at the 14-A District Court, you provided her with your cell phone number as well as your home address.
8. At approximately 4:30 AM of September 8, 2013, Ms. Vargas contacted you by telephone.
9. Ms. Vargas informed you that she was in a car accident.
10. Ms. Vargas advised you of the location of the accident by providing you with the name of a nearby business.
11. Immediately after speaking with Ms. Vargas, you drove to the scene of the accident.
12. You arrived at the scene within five minutes of your conversation with Ms. Vargas.
13. At the time of your arrival, the Pittsfield Township Police Department was already present.
14. At the time of your arrival, Officer Cole was administering sobriety tests to Ms. Vargas.
15. You parked your personal vehicle within a short distance of Officer Cole and Ms. Vargas' location and began to approach them on foot.

16. As you were approaching, Officer Cole left Ms. Vargas' location and walked towards you.
17. Officer Cole informed you of his suspicions that Ms. Vargas was operating a motor vehicle while under the influence of alcohol and had caused the accident.
18. Officer Cole advised you that he was in the process of administering sobriety tests to Ms. Vargas.
19. You followed Officer Cole as he returned to Ms. Vargas' location.
20. You inserted yourself into Officer Cole's sobriety testing by posing your own questions to Ms. Vargas.
21. You remained on the scene while Officer Cole administered the PBT test to Ms. Vargas.
22. You remained on the scene of the accident as Ms. Vargas was arrested.
23. You interviewed/spoke with the driver of the other vehicle, a tow truck, involved in the accident with Ms. Vargas.
24. After Ms. Vargas was in custody, you requested to speak to her while she was seated in the back seat of Officer Cole's patrol vehicle.
25. You told Ms. Vargas that you would take possession of her vehicle to avoid having it towed.
26. You took Ms. Vargas' car keys and cell phone.
27. You instructed Ms. Vargas to call you when she got released from jail.
28. After she was released from the Washtenaw County Jail on September 8, 2013, Ms. Vargas contacted you by phone.
29. You instructed Ms. Vargas to come to your house.

30. After Ms. Vargas arrived at your house, you returned her cell phone and car keys.
31. On September 8, 2013, you drove Ms. Vargas to the Sakstrups impound yard on State Street to retrieve her vehicle.
32. You remained with Ms. Vargas until she took possession of her vehicle from the impound lot.
33. You used your credit card to pay for Ms. Vargas' towing charges.
34. Since September 8, 2013, you discussed Ms. Vargas' arrest with her on a number of occasions, including what course of action she should take and what you could do to help her.
35. Since September 8, 2013, you attempted to contact the Pittsfield Township City Attorney, Victor Lillich, ("Mr. Lillich") on at least three separate occasions to discuss Ms. Vargas' arrest.
36. You left several messages for Mr. Lillich to return your calls.
37. Since September 8, 2013, you have spoken to Mr. Lillich about Ms. Vargas' arrest on at least three occasions.
38. Your first telephonic contact with Mr. Lillich was on or about September 9, 2013.
39. Your September 9, 2013 contact with Mr. Lillich was before the Pittsfield Township Police Department had a chance to submit a warrant request on Ms. Vargas' arrest.
40. During that conversation, you advised Mr. Lillich that Ms. Vargas was your intern, that she was a "good girl" from Texas and that you wanted to help her.
41. You suggested that Ms. Vargas' breath test results were in question because of a deviation between the Preliminary Breath Test ("PBT") administered at

the scene of the accident and the Data Master administered at the Pittsfield Township Police Department..

42. You requested that Mr. Lillich provide you with copies of all police reports pertaining to Ms. Vargas' arrest.
43. You also requested that Mr. Lillich contact you personally when the Pittsfield Police Department presented him with a warrant request on Ms. Vargas.
44. On or about September 13, 2013, you were advised by Mr. Lillich, via e-mail, that based on his review of the warrant request presented by the Pittsefield Township Police Department, he intended to issue an "OWI" first offense charge against Ms. Vargas.
45. You again spoke with Mr. Lillich on or about September 17, 2013, after he provided you with the warrant request documents you requested.
46. On or about September 17, 2013, Mr. Lillich informed you that the discrepancy between the breath test results were not sufficient to deny the warrant request against Ms. Vargas.
47. On or about September 17, 2013, you advised Mr. Lillich that you were concerned that Ms. Vargas was going to get "railroaded" at the 14-A District Court.
48. Mr. Lillich informed you that Ms. Vargas was free to retain an attorney if she wished to challenge the Data Master results.
49. You discussed with Mr. Lillich the names of several attorneys who could competently represent Ms. Vargas.
50. You rejected the first attorney recommended by Mr. Lillich, Joe Simon, because of a pending matter that Mr. Simon had in your court.
51. You also rejected attorney Michael Vincent that Mr. Lillich recommended.
52. You suggested John Shea as an attorney for Mr. Vargas.

53. Mr. Lillich agreed to hold off his decision on Ms. Vargas' warrant request until Mr. Shea contacts him personally.
54. On or after September 17, 2013, you spoke to Ms. Vargas and instructed her to contact Mr. Shea.
55. On or after September 17, 2013, you spoke to Mr. Shea about his representation of Ms. Vargas.
56. Since September 17, 2013, you discussed the details of Ms. Vargas' arrest with Mr. Shea, including the discrepancy between the PBT and the Data Master results.

The conduct described in the above, if true, may constitute:

- (a) Misconduct in office, as defined by the Michigan Constitution of 1963, as amended, Article 6, Section 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 6, Section 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 Code of Judicial Conduct, Canon 1.
- (d) Irresponsible or improper conduct which erodes public confidence in the judiciary, in violation of the Code of Judicial Conduct, Canon 2A.
- (e) Conduct involving impropriety and the appearance of impropriety, in violation of the Code of Judicial Conduct, Canon 2A.
- (f) 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 the Code of Judicial Conduct, Canon 2B.

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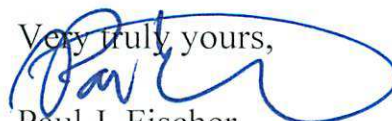
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- (g) Conduct in violation of the Code of Judicial Conduct, Canon 2C, requiring that judge should not allow family, social, or, other relationships to influence judicial conduct of judgment.
- (h) Conduct in violation of the Code of Judicial Conduct, Canon 2C that a judge should not use the prestige of office to advance personal business interests of those of others.
- (i) Failure to be faithful to the law, contrary to the Code of Judicial Conduct, Canon 3A (1).
- (j) Conduct which is prejudicial to the proper administration of justice, in violation of MCR 9.104(1).
- (k) Conduct which exposes the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2).
- (l) Conduct which is contrary to justice, ethics, honesty or good morals, in violation of MCR 9.104(3).
- (m) Conduct that violates the standards or rules of professional responsibility adopted by the Supreme Court, contrary to MCR 9.104(4).

In accordance with the provisions of MCR 9.207(D) (1), you may apprise the Commission, in writing, of such matters as you may choose for its consideration regarding the above allegations. Your response must be submitted within **twenty-eight (28)** days from the date of this correspondence, by July 7, 2014.

JUDICIAL TENURE COMMISSION  
OF THE STATE OF MICHIGAN

Very truly yours,



Paul J. Fischer  
Executive Director and  
General Counsel