

Order

Michigan Supreme Court
Lansing, Michigan

May 29, 2026

SC: 168569
JTC Formal Complaint 108

In re JOSEPH SLAVEN, JUDGE
23RD DISTRICT COURT

Megan K. Cavanagh,
Chief Justice

Brian K. Zahra
Richard H. Bernstein
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas
Noah P. Hood,
Justices

On order of the Court, the Judicial Tenure Commission having issued its Decision and Recommendation for Order of Discipline and the Honorable Joseph Slaven having not filed a petition to reject or modify the Commission’s Decision and Recommendation, and therefore being in default, we accept the recommendation of the Judicial Tenure Commission and ORDER that Judge Slaven be conditionally suspended without pay for six years, effective on the date of this decision. Should Judge Slaven be elected or appointed to judicial office during that time, he “will nevertheless be debarred from exercising the power and prerogatives of the office until at least the expiration of the suspension.” *In re Probert*, 411 Mich 210, 237 (1981).

In resolving this matter, we are mindful of the standards set forth in *In re Brown*, 461 Mich 1291, 1292-1293 (2000), that everything else being equal:

- (1) misconduct that is part of a pattern or practice is more serious than an isolated instance of misconduct;
- (2) misconduct on the bench is usually more serious than the same misconduct off the bench;
- (3) misconduct that is prejudicial to the actual administration of justice is more serious than misconduct that is prejudicial only to the appearance of propriety;
- (4) misconduct that does not implicate the actual administration of justice, or its appearance of impropriety, is less serious than misconduct that does;
- (5) misconduct that occurs spontaneously is less serious than misconduct that is premeditated or deliberated;
- (6) misconduct that undermines the ability of the justice system to discover the truth of what occurred in a legal controversy, or to reach the most just

result in such a case, is more serious than misconduct that merely delays such discovery;

(7) misconduct that involves the unequal application of justice on the basis of such considerations as race, color, ethnic background, gender, or religion are more serious than breaches of justice that do not disparage the integrity of the system on the basis of a class of citizenship.

In the present case, those standards are being applied in the context of the following findings of fact of the Judicial Tenure Commission, which, following our de novo review, we adopt as our own:

Count One: False Statements Regarding Recorded Conversation

In the fall of 2021 and early 2022 Respondent knowingly made false statements to the Chief Judge of his court regarding whether Respondent had recorded a conversation with the Chief Judge on November 5, 2021. This is alleged to be a violation of Canon 2(A) of the Code of Judicial Conduct.

Count Two: Use of Judicial Position to Help a Candidate

On several occasions in 2022, 2023 and 2024 Respondent used the courtroom and facilities assigned to him to promote the candidacy of a lawyer who was running for election against the Chief Judge of Respondent's court. This is alleged to be a violation of Canon 2(C) of the Code of Judicial Conduct as well as MCR 9.202(B)(1)(e); it is also alleged that this behavior violated MCL 169.257(1), and thus Canon 2(B).

Count Three: Inappropriate Demeanor and Disrespect

Respondent made disrespectful public comments about his Chief Judge and employees of his court on several occasions from 2022-2025, in violation of Canon 2(B) which requires a judge to treat people with courtesy and respect. It is also alleged that these comments displayed an inappropriate demeanor in violation of MCR 9.202(B)(1)(c) and Canons 3(A)(3) and 3(A)(14). Respondent made the following comments on the record, in open court after being on the record, or in chambers:

- a. Referring to her (Chief Judge Shackelford) as "Judge Shackle-Fool."
- b. Stating to a litigant who appeared in his Zoom hearing by mistake who asked the time of a Zoom hearing in front of Judge Shackelford, "God Damn It" before giving the litigant the correct information.

c. Referring to his Chief Judge, stating “we’re going to have a bonfire and taking everything with her name on it and she’s fucking voted out, gone . . . I will bring burn barrels.”

d. Stating to his court officer after a court hearing, while still streaming on Zoom, in reference to his Chief Judge: “voters should all know, that this is Judge Slaven, that you gotta have people who carry the load . . . You wouldn’t hire a milkman who couldn’t deliver the milk, you wouldn’t hire a doctor who doesn’t know how to doctor. Just sayin.”

e. Commenting on a court employee, referring to her in a derogatory manner with expletives added for emphasis, e.g.:

1) “She can walk her fat ass right up here”

2) “I don’t know who the fuck she thinks she is”

3) “I’m sick of this shit”

4) “I’m a God Damn judge and she’s a nobody”

5) “Cause One of her fucking little bitches need to get a break or take a piss, fuck off. Here’s an idea, go fuck off.”

Count Four: Disrespectful Emails

Respondent sent disrespectful emails on several occasions:

a. November 8, 2023 email to the court administrator: “now that you want to play games, I will not force the clerks to change paperwork.” This charge was made without basis and was disseminated to other court staff.

b. November 8, 2023: In response to the email above, Chief Judge Shackelford ordered Respondent to stop sending such emails to court staff. Respondent replied that the message to him from the Chief Judge was “word salad,” and he shared this opinion with staff.

c. Respondent replied to a November 10, 2023 follow-up email to those above on November 11, telling the Chief Judge that she didn’t know the law and lacked an understanding of the court rules, which he stated was due to her lack of reading comprehension. He shared this opinion with court staff included on the earlier emails.

It is alleged that these comments violated MCR 9.202(B)(1)(c) and Canon 3(A)(14).

Count Five: Failure to Wear a Robe

MCR 8.115(B) requires judges to wear a black robe when acting in an official capacity in a courtroom. Respondent violated this court rule on numerous occasions in 2020, 2021, 2022, and 2023, despite having been asked to comply by his Chief Judges and the SCAO Regional administrator.

Count Six: Concealing Face on Zoom Hearings

Respondent frequently either did not turn on his camera while on Zoom, or concealed his face with a Bible. His Chief Judge issued a written order on September 6, 2022 ordering him to have his full face visible during Zoom hearings. Respondent violated this order in contravention of Canon 3(B)(1).

Count Seven: Undignified Behavior

Respondent gave the “middle finger salute” to the security camera at his courthouse on numerous occasions in 2024 and 2025. This continued after the JTC complaint against Respondent was filed.

This is alleged to violate MCR 9.202(B)(1)(c) and Canons 3(A)(3) and 3(A)(14).

Count Eight: Interference with and Denigration of Court Staff

On several occasions in 2022 Respondent interfered with and denigrated staff assigned to operate his Zoom software, calling them incompetent and threatening to hold them in contempt for doing their jobs.

Count Nine: Knowing Violation of Law

From 2021-2024 Respondent drove a vehicle he owned with an expired license plate. The tab was scratched off and had expired in 2016. This long-standing and knowing violation of the law demonstrated a disrespect for the law in violation of Canon 2(B).

Count Ten: False Statements to the Judicial Tenure Commission (under oath)

Respondent made several false statements under oath during the JTC investigation, violating MCR 9.104(2) and (3) and Canon 2(A) and 2(B):

a. Falsely describing numerous instances of Respondent using his courtroom facilities and proceedings therein to promote the candidacy of an attorney running against his Chief Judge in her re-election campaign.

b. Falsely describing numerous derogatory and disrespectful comments he had made on the record in his courtroom or publicly referring to his Chief Judge.

c. Falsely describing comments he had made on the record involving cursing.

Count Eleven: False Statements on an Insurance Application

Respondent applied for a policy of Judicial Liability insurance in April of 2025, long after he was aware of the investigation of him by the JTC and the contents of the instant complaint. Under oath, the Respondent indicated that he was “not personally aware of any circumstances which could result in a complaint being filed on a disciplinary proceeding being initiated” against him.

Count Twelve: Disrespectful Emails to the State Court Administrator

It is alleged that the State Court Administrator ordered Respondent to cease communicating with court staff regarding administrative matters, as his Chief Judge had previously done. Thereafter, Respondent ignored both orders.

The standards set forth in *Brown* are also being applied to the Judicial Tenure Commission’s legal conclusions, which we adopt as our own. The Commission concludes, and we agree, that the respondent committed misconduct by violating the following judicial canons and court rules:

Eroding public confidence in the judiciary and engaging in conduct involving impropriety or the appearance of impropriety. Code of Judicial Conduct, Canon 2A.

Failure to respect and observe the law. Code of Judicial Conduct, Canon 2B; MCR 8.115(B).

Using the prestige of office to advance the personal interests of others. Code of Judicial Conduct, Canon 2C.

Failure to treat every person fairly, with courtesy and respect. Code of Judicial Conduct, Canon 3(A)(14).

Failure to diligently discharge his administrative responsibilities. Code of Judicial Conduct, Canon 3(B)(1).

Engaging in conduct that exposes the courts to obloquy, contempt, censure, or reproach. MCR 9.104(2).

Engaging in conduct contrary to justice, ethics or good morals. MCR 9.104(3).

Misconduct in office for the persistent failure to treat persons fairly and courteously. MCR 9.202(B)(1)(c).

Misconduct in office for misuse of the office for the personal advantage or gain of another. MCR 9.202(B)(1)(e).

Making false statements under oath. Code of Judicial Conduct, Canon 2A, MCR 9.104(2) and (3).

Failing to act in a dignified and courteous manner to litigants, lawyers and others respondent dealt with in an official capacity. Code of Judicial Conduct, Canon 3A(3).

CAVANAGH, C.J. (*concurring*).

I agree with the majority's factual findings and conclusions regarding misconduct. I write separately to again express my doubts regarding this Court's authority to impose a conditional suspension on a respondent who is no longer a sitting judge. See *In re Korschuh*, 507 Mich 984, 985 (2021) (CAVANAGH, J., concurring); *In re Davis*, 511 Mich 1003, 1008-1009 (2023) (CAVANAGH, J., concurring); see also *In re Brennan*, 504 Mich 80, 121 (2019) (CLEMENT, J., concurring). As before, I remain open to considering whether *In re Probert*, 411 Mich 210 (1981), was correctly decided. In this case, however, although respondent has retired from the judiciary, he does not argue that the Court lacks authority to discipline him or impose a conditional suspension. Accordingly, because *Probert* remains binding law, I concur with the Court's decision to discipline respondent and impose a conditional suspension. Moreover, because respondent has not challenged the proportionality of the sanction (or participated in the disciplinary process at all), he has effectively conceded that the sanction is proportionate. Under these circumstances, I concur in the Court's order.

BOLDEN, J. (*concurring*).

I agree with the Court's decision to conditionally suspend respondent for six years without pay. Respondent did not participate in the disciplinary proceedings, nor has he challenged the proportionality of the sanction the Judicial Tenure Commission (JTC) has

sought to impose on him. I agree with Chief Justice CAVANAGH that respondent “has effectively conceded that the sanction is proportionate.” However, I write separately to explain the unique circumstances in which this default judgment is appropriate and also to caution about whether such a penalty would be considered proportionate had there been participation, a challenge, or an appeal by respondent.

The Michigan Constitution established the JTC and provided it with the authority to recommend discipline for judicial misconduct as implemented by our court rules. Const 1963, art 6, § 30; see also *In re Brown*, 461 Mich 1291, 1291 (2000). We have formalized the implementation of the JTC, as required by Const 1963, art 6, § 30(2), in Subchapter 9.200 of the Michigan Court Rules. See *In re Brown*, 461 Mich at 1291. It is through these rules that we exercise our constitutional function of judicial discipline. *Id.*, citing Const 1963, art 6, § 30(2).

When the JTC investigates a complaint and determines that there is sufficient evidence to believe that the subject of the investigation has engaged in misconduct, the JTC may issue a complaint and petition our Court for the appointment of a neutral. MCR 9.224(A); MCR 9.224(C). Here, the JTC filed a formal complaint against respondent and requested that we appoint a master to oversee disciplinary proceedings against him.¹ In total, the complaint contained 12 counts alleging various violations of court rules and the Code of Judicial Conduct. Last June, we approved the JTC’s request, ordered a public hearing to take place within 182 days of the entry of our order, and appointed the Honorable James Fisher as master to hear the formal complaint. *In re Slaven*, ___ Mich ___; 21 NW3d 592 (2025).

Judge Fisher set the hearing for the 12-count formal complaint to be heard beginning on November 5, 2025. On November 4, 2025, respondent sent an email to Judge Fisher to represent that “there will be no need for the hearing as I have retired from my position as evidenced by the letter I tendered to the Governor pursuant to MCL 201.1(3).”² Judge Fisher adjourned the public hearing date and subsequently learned that the Governor had

¹ Our court rules have since been amended to rename the individual we appoint to oversee JTC hearings as a neutral. MCR 9.224(C), as amended November 19, 2025, ___ Mich ___ (2025). In this concurrence, I refer to the term “master” only to reflect our order appointing a “master,” but when referring to the applicable court rules, I use the term “neutral.”

² MCL 201.1(3) requires that officers who hold their offices by way of election make their resignation to the governor if the governor is authorized to fill the vacancy created by the resignation.

I take no position on whether respondent was correct that tendering resignation according to MCL 201.1(3) would eliminate the need for disciplinary proceedings.

not yet received a letter to confirm respondent's retirement, so, on November 7, 2025, Judge Fisher notified the parties by order that the public hearings would begin on November 10, 2025, for the purpose of opening statements and scheduling for future hearings. Respondent did not respond to the order.

On November 10, the public hearings in this matter commenced. Respondent failed to appear. Disciplinary counsel then moved for a default judgment, which Judge Fisher granted.³ Our court rules are clear that

[i]f the respondent is in default for not having filed a timely answer or fails to attend the proceedings without being excused by the neutral, the [JTC], or the court, the allegations set forth in the complaint shall be deemed admitted, taken as true, and may form the basis for the neutral to make findings of fact. [MCR 9.233(B)(1).]

The default judgment was served on all parties electronically later that day. Respondent did not move to set aside the default judgment, but respondent notified Judge Fisher of his objection to the hearing occurring on November 10.⁴ Respondent believed he was entitled to 28 days' notice of the November 10 hearing, and Judge Fisher's email only provided three days' notice.⁵ Judge Fisher rejected this objection because the initial notice of public hearing was provided with more than 28 days' notice, and the court rules did not require an additional 28 days for an adjournment. Accordingly, Judge Fisher found that all the allegations raised in the complaint were admitted as true, and thus, respondent engaged in the conduct that violated the court rules and Code of Judicial Conduct as alleged in the 12 counts. An opinion and report reflecting this determination was entered. See MCR 9.236.

MCR 9.240 provides respondents with 28 days to file briefs opposing the neutral's report. That 28-day period lapsed without the filing of an objection. On the basis of the neutral's report, the JTC filed in this Court its decision and recommendation that we impose a six-year conditional suspension without pay. See MCR 9.244; MCR 9.250(A). MCR 9.251(A) permitted respondent an additional 28 days after being served to petition our Court to reject or modify the recommendation. That 28-day period again lapsed without the filing of any petition in opposition to the JTC's recommendation. In the absence of a

³ Upon issuing a complaint, the JTC shall appoint an attorney to act as disciplinary counsel. MCR 9.224(B).

⁴ This objection was not raised before our Court, and I do not consider its validity.

⁵ MCR 9.231(B) requires that "[t]he neutral shall set a time and a place for the hearing and shall notify the respondent and the examiner at least 28 days in advance."

petition, we are required to review the JTC's recommendation on the record file. MCR 9.251(D).⁶

It is under these unique circumstances—where respondent has never challenged the factual findings or the recommended terms of his suspension—that we were asked to approve of the suggested six-year conditional suspension. I agree fully with the majority. Without contesting the facts or recommended punishment, respondent has conceded them and has not demonstrated that he believes that the allegations are false or that the misconduct is anything shy of equivalent to those factual allegations. Thus, I agree with the majority's order to impose the recommended punishment.

It is important, however, to harken back on the prescient words we used in *In re Brown* to explain the difficulty of this predicament:

The most fundamental premise of the rule of law is that equivalent misconduct should be treated equivalently. Because the JTC has no written standards for categorizing and prioritizing its cases, this Court's ability to meaningfully review its recommendations is hindered. We are frequently left to consider the alleged misconduct in a legal vacuum, deciding whether a particular recommended sanction strikes us, by our own consciences, as commensurate with the wrongdoing. This is akin to standardless review of an apparently standardless decision, and thus it is not an appropriate exercise in decision making for a judicial body. In our judgment, it is the burden of the JTC to persuade this Court that it is responding to equivalent cases in an equivalent manner and to unequivalent cases in a proportionate manner. In other words, to demonstrate that there is a consistently enforced system of judicial discipline in Michigan. [*In re Brown*, 461 Mich at 1292.]

The key to judicial discipline is and must be consistency. *Id.* To enforce that consistency, *In re Brown* delineated seven nonexclusive standards that the JTC should consider when recommending judicial sanctions. *Id.* at 1293. Those seven standards are:

- (1) misconduct that is part of a pattern or practice is more serious than an isolated instance of misconduct;
- (2) misconduct on the bench is usually more serious than the same misconduct off the bench;

⁶ Although MCR 9.251(D) permits us to order the filing of briefs or presentation of argument, respondent's conceding default and not appearing at any prior hearing stage provides me with confidence that such additional actions on this docket would be unnecessary.

(3) misconduct that is prejudicial to the actual administration of justice is more serious than misconduct that is prejudicial only to the appearance of propriety;

(4) misconduct that does not implicate the actual administration of justice, or its appearance of impropriety, is less serious than misconduct that does;

(5) misconduct that occurs spontaneously is less serious than misconduct that is premeditated or deliberate;

(6) misconduct that undermines the ability of the justice system to discover the truth of what occurred in a legal controversy, or to reach the most just result in such a case, is more serious than misconduct that merely delays such discovery;

(7) misconduct that involves the unequal application of justice on the basis of such considerations as race, color, ethnic background, gender, or religion are more serious than breaches of justice that do not disparage the integrity of the system on the basis of a class of citizenship. [*Id.* at 1292-1293.]

The JTC roughly mapped respondent's conduct within this framework before recommending this six-year conditional suspension without pay and a provision to bar respondent from exercising the power and prerogatives of any future judicial office he may obtain at least within this six-year period. Specifically, the JTC argued that standards (1), (2), (4), and (5) supported this sanction because, respectively, respondent engaged in a pattern of misconduct; some of the allegations involved misconduct committed on the bench; some of the misconduct created an appearance of impropriety; and the misconduct was calculated and deliberate. Yet the JTC conceded that standards (3), (6), and (7) did not apply. Finally, the JTC has asked us to impose the same penalty that we have imposed in *In re Brennan*, 504 Mich 80 (2019), *In re Davis*, 511 Mich 1003 (2023), and *In re Korschuh*, 507 Mich 984 (2021).

Although it is difficult to dispute the proposed sanction where respondent himself does not, I urge caution when considering this case in future judicial discipline cases to examine the consistency of imposing such a harsh punishment and to determine equivalency for other judicial misconduct. See *In re Brown*, 461 Mich at 1292 (establishing a foundation for which judicial discipline is treated in an equivalent manner for equivalent cases). After all, we have noted that a six-year conditional suspension without pay that bars serving in a judicial office is an appropriate sanction for "misconduct [that] requires the highest condemnation and harshest sanction." *In re Davis*, 511 Mich at 1008.

There are notable differences between the case at hand and the cases now cited by the JTC in which we employed this "harshest sanction." *Id.* In *In re Brennan*, six of the

seven *In re Brown* standards favored a more serious sanction, and “these most severe sanctions [were] necessary because of respondent’s misconduct,” which included making false statements under oath and tampering with evidence—conduct directly related to that which undermines the integrity of the judicial system. *In re Brennan*, 504 Mich at 85. Similarly, in *In re Davis*, six of the seven standards favored the most severe sanction, and we were particularly concerned that the respondent’s actions “besmirched the judiciary’s reputation and prejudiced the administration of justice.” *In re Davis*, 511 Mich at 1008. Finally, the respondent in *In re Kenschuh* was disciplined for pleading no contest to a crime and making false representations about doing so, embezzling funds, improperly failing to disclose relationships with attorneys practicing before him, and providing false testimony. *In re Kenschuh*, 507 Mich at 984-985.

Overall, it is unclear to me whether we have ever imposed, or should impose, the “harshest sanction” where the JTC concedes that several *In re Brown* standards are not met, particularly where the JTC concedes that the actual administration of justice was unaffected. Only due to the unusual circumstances of respondent’s repeated nonparticipation in all proceedings do I agree with now imposing such a sanction without ordering further briefing or argument. I must, however, caution against the JTC’s use of this case as an example of us imposing the “harshest sanction” in cases where several standards articulated in *In re Brown* cannot be met.



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I, Elizabeth Kingston-Miller, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 29, 2026

Clerk