

Maryland Supreme Court removes Judge Marc Knapp after misconduct findings



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PUBLISHED: June 4, 2026 at 2:09 PM EDT | UPDATED: June 4, 2026 at 5:29 PM EDT

Maryland's highest court on Thursday removed **Anne Arundel County Orphans' Court Judge Marc Knapp** from office after a judicial watchdog concluded that years of incidents regarding his treatment of colleagues and staff, including remarks that raised concerns about racial bias, had eroded public confidence in the courts.

The Supreme Court of Maryland issued the order just hours after hearing arguments Thursday, siding with the Maryland Commission on Judicial Disabilities, which had argued Knapp was "incurable" and that removal was the only appropriate sanction.

In recommending removal, the commission concluded that counseling, mediation and judicial training had failed to change Knapp's behavior. During Thursday's hearing, commission attorney Kendra Jolivet told the court that no sanction short of removal would restore public confidence in the judiciary.

Knapp's attorney, William Brennan, countered that his 82-year-old client was guilty of being a "cranky" judge whose conflicts with colleagues warranted discipline but not removal from office.

The case grew out of years of conflict between Knapp and fellow Orphans' Court Judge **Vickie Gipson** on Anne Arundel County's three-member court that presides over estates and wills. The commission separately recommended Gipson's removal. The Supreme Court has not yet ruled on whether it will discipline Gipson.

In the order, the justices wrote that a full opinion will follow, but that the court had concluded that Knapp "committed one or more of the violations determined by the Commission." The commission accused Knapp of violations of the state's legal code, including improper decorum, undermining public confidence in the judiciary, interfering with operations of the Orphans' Court and breach of confidentiality.

"Being cranky, particularly with respect to one's colleagues, is not grounds for removal from the bench," Brennan said during arguments Thursday morning. "It may be grounds for an admonition, may be grounds for perhaps a suspension without pay, but I suggest it's not grounds for removal."

Along with accusations that Knapp argued loudly with and used offensive language toward Gipson, Knapp's treatment of particular staff members was also questioned. The justices further questioned whether Knapp had implicit biases against people of color.

"It doesn't appear that it's just a dispute between colleagues," Justice Brynja Booth said. "It bleeds over into the way he treats court staff, court law clerks, the way he speaks to them."

In the decision from the Maryland Commission on Judicial Disabilities, the commission wrote that Knapp called Gipson's writing "not English sentences." Another woman of color, Assistant Chief Deputy Register of Wills Tameka Smith, said that Knapp had made "insulting remarks" about her on multiple occasions, according to the commission's report.

The commission also reported testimony of a security guard who said Knapp asked for a list of words he would find offensive. A law clerk for the Orphans' Court also reported that Knapp told him he should make his writing look "more like an English speaker."

Brennan said the instances did not demonstrate any explicit or implicit racial bias.

"I'm not here to tell you that that conduct was appropriate. What I'm here to ask this court to consider is that that conduct would certainly merit a public censure, perhaps an opinion from this court saying that that type of conduct in chambers is not condoned and should not happen. We have no problem with that," Brennan said. "It does not merit removal from the bench, and I'm not going to say, your honor, that that's okay."

The Maryland Commission on Judicial Disabilities said it recommended Gipson for removal due to several violations of the state's judicial conduct code, partially due to loud arguments with Knapp and preventing Knapp from filing written dissents.

Brennan said Knapp was willing to attend judicial education courses, including on implicit bias, and that Knapp can improve himself.

Jolivet, representing the commission, argued that Knapp has already attended trainings, had mediations with the Anne Arundel Conflict Resolution Center and had intervention from the county's police department. The remediation attempts, she argued, did not deter Knapp's actions.

"Judge Knapp is incurable, and there's no alternative other than removal that would deter other judges from engaging in similar conduct and begin to reaffirm, maintain, and restore the public's confidence in the administration of justice," said Jolivet, the attorney arguing on behalf of the commission.

Knapp is currently running for re-election as a Democrat, set to appear on the county's primary ballot this June.

In a statement to the Capital Gazette after the ruling, Knapp said his future on the Orphans' Court is up to the voters. He added, that if the court had heard Gipson's case before or along with his own, the outcome may have been different.

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It's an open legal question if Knapp can serve on the Orphans' Court again if re-elected by county voters.

A **Maryland General Assembly bill** would have put a ballot question up to voters on if judges removed due to a recommendation by the Maryland Commission on Judicial Disabilities should be disqualified from running for office. The bill failed in this year's session, passing only one chamber of the state legislature.

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Have a news tip? Contact Katharine Wilson at kwilson@baltsun.com.