

COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT

Suffolk, ss.

No. OE-150

In the Matter of a Judge.

ORDER

The Commission on Judicial Conduct (Commission) and Joseph L. Michaud, Associate Justice of the Housing Court (Judge), have submitted a Final Submission Upon Agreed Facts (Final Submission), pursuant to G.L. c. 211C and Rule 13(A) of the Rules of the Commission on Judicial Conduct, in Commission Complaint Number 2021-13. Upon consideration, the Court makes the following determinations and enters the following Order.

1. The Court accepts the Stipulation of Facts contained in the Final Submission. The Stipulation describes the Judge's postings on his now-deleted Facebook account during the period October 6, 2020 through November 14, 2020, relating to political figures, political events, and politicized public events, all as set forth in the Final Submission.
2. The Court also accepts the parties' stipulation that through the conduct described in the stipulation of facts, the Judge has engaged in judicial misconduct that brought the judicial office into disrepute, that was prejudicial to the administration of justice, and that was unbecoming of a judicial officer, in violation of G.L. c. 211C, § 2(5)(d), and that he has violated the Code of Judicial Conduct (Supreme Judicial Court Rule 3:09) for failing to act, at all times, in a manner that promotes public confidence in the independence, integrity, and/or impartiality of the judiciary, in violation of Rule 1.2; for conveying, or permitting others to convey, the impression that any person or organization was in a position to influence him, in violation of Rule 2.4(C); for failing to refrain from participating in activities that are reasonably likely to lead to his recurrent disqualification, in violation of Rule 3.1(B); for failing to refrain from participating in an extrajudicial activity that would appear to a reasonable person to undermine his independence, integrity, or impartiality, in violation of Rule 3.1(C); and for publicly endorsing or opposing candidates for public office, in violation of Rule 4.1(A)(3).
3. The Court accepts the recommendation of the Commission that the Judge be publicly reprimanded for his misconduct. Public confidence in the judiciary is undermined when a judge's social media activity casts reasonable doubt on the judge's capacity to act impartially even if the judge is in fact impartial. The Judge has acknowledged that he erred by sharing these types of posts that undermine public confidence in the judiciary. Contrary to the Judge's belief that the postings were only visible to his Facebook "friends", the postings,

relating to political figures, political events, and politicized public events, were publicly visible.

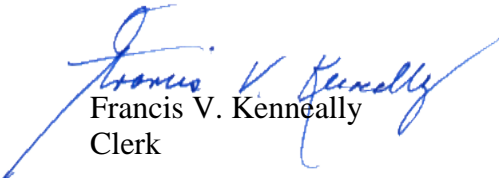
Accordingly, Judge Joseph L. Michaud is hereby publicly reprimanded for the conduct described in the Stipulation of Facts, namely, his making posts on social media that expressed views on political candidates, political figures and issues, and posts that could create the appearance of bias based on gender, ethnicity, or immigration status.

4. It is further ORDERED that the Judge shall comply with the following condition:

The Judge shall not seek to identify, retaliate against, or influence any person who has or whom he believes has cooperated with the Commission in the investigation of his judicial conduct.

5. The Final Submission has been filed under seal as required by Commission Rule 13A. Upon consideration, it is ORDERED that this matter will be unsealed on February 10, 2023. It is FURTHER ORDERED that the parties may file by January 20, 2023, motions to impound any portions of the record that they wish the court to consider for impoundment upon the unsealing of this matter.
6. In response to the Commission's request regarding a press release, the Commission may issue a press release consistent with this Order on or after February 10, 2023.

By the Court,


Francis V. Kenneally
Clerk

Entered: December 22, 2022