



Judicial Conduct Board
Commonwealth of Pennsylvania
Robert A. Graci, Chief Counsel
717-234-7911

Press Release

November 19, 2015

TO: Press

FROM: Francis J. Puskas II
Deputy Chief Counsel

SUBJECT: Investigation Regarding Justice J. Michael Eakin

Harrisburg. The Judicial Conduct Board received today a request from Justice J. Michael Eakin, through counsel, William Costopoulos, Esq., to “*forward the allegations under inquiry to the Court of Judicial Discipline.*” This is a request for the Board to consider, as a final disposition of the pending complaint against Justice Eakin, authorizing the filing of formal charges in the Court of Judicial Discipline.

Letter from William Costopoulos, Esq., is attached.

For further information about the Judicial Conduct Board, visit the Board’s Website at www.jcbpa.org.

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Hand-delivered

COSTOPOULOS, FOSTER & FIELDS
ATTORNEYS AND COUNSELORS AT LAW
831 MARKET STREET
LEMOYNE, PENNSYLVANIA 17043



WILLIAM C. COSTOPOULOS
DAVID J. FOSTER
LESLIE M. FIELDS
GEORGE H. MATANGOS
HEIDI E. EAKIN

November 19, 2015

Via Hand Delivery

Francis J. Puskas, II, Sr. Deputy Counsel
Judicial Conduct Board of Pennsylvania
601 Commonwealth Ave.
Suite 3500
P.O. Box 62525
Harrisburg, PA 17120-0901

Re: Honorable Justice J. Michael Eakin

Dear Attorney Puskas:

Please be advised of the following:

The report of Special Counsel – Del Sole Cavanaugh Stroyd LLC – regarding the review of Justice Eakin’s personal email communications, dated October 30, 2015, concluded “nothing in the emails reveals illegal activity or conduct that could undermine the sanctity of the judicial process.” This conclusion is consistent with a previous report requested by the Supreme Court of Pennsylvania and submitted by Robert L. Beyer, Esquire, of Duane Morris LLP. The emails reviewed by Attorney Beyer were also reviewed by Deputy Attorney General Beemer, now the Attorney General in charge of the Commonwealth of Pennsylvania.

The inquiry and investigation by the JCB into whether Justice Eakin’s emails violate the Canons and Rules of Judicial Conduct is now before you. Justice J. Michael Eakin self reported the first time and cooperated in this same matter. He has again made himself available to your office with complete cooperation. He has accepted full responsibility for what he did and did not do and therefore the facts are not in dispute. The JCB is most able to examine each email, individually and collectively, to determine prima facie whether Justice Eakin violated the Canons and Rules of Judicial Conduct and/or the Pennsylvania Constitution.

This investigation is an active concern of the JCB, and of course, Supreme Court Justice Michael Eakin.

The recent and understandable media interest, fueled by many opportunistic driven press conferences, has compromised Justice Eakin. As a sitting Supreme Court Justice he cannot respond, with the limited exception of his public apology.

Francis J. Puskas, II, Sr. Deputy Counsel
Re: Honorable J. Michael Eakin
November 19, 2015
Page 2

In addition, the process itself to address and resolve these matters has been questioned with much criticism directed towards the confidential nature of JCB investigations into complaints against judges.

Therefore, to address the concerns raised herein, Justice J. Michael Eakin has asked this office to bring to your attention the following: He is requesting that the JCB forward the allegations under inquiry to the Court of Judicial Discipline. This request is also in the nature of concurring in such a forwarding by the JCB. This request and/or concurrence in the forwarding is not to be deemed an admission to any violation of the Canons, and/or the Pennsylvania Constitution, which is the sole province of the Court of Judicial Discipline. The reason is this entire matter must be addressed in a public forum, with due process afforded to all concerned, including the institutions.

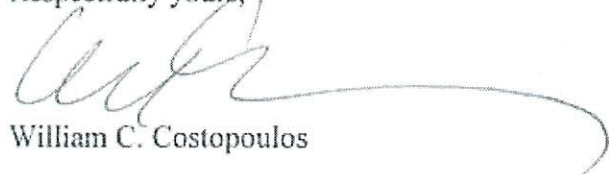
Consistent with the intention herein, please find enclosed the public statement that The Honorable Justice J. Michael Eakin is going to release. A copy of this statement has been forwarded to Attorney James Koval, Director of Communications for AOPC.

We hereby waive any confidentiality that may attach to this writing, if any.

Our intention is to meet with counsel to the Court of Judicial Discipline and request that this matter be addressed at the Court's earliest convenience and availability. There will be no request for delay to bring about much needed closure.

Please accept this letter as my entry of appearance.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'W. Costopoulos', with a long horizontal flourish extending to the right.

William C. Costopoulos

Enclosure