



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

Press Release

November 24, 2015

TO: Press

FROM: Francis J. Puskas II
Deputy Chief Counsel

SUBJECT: Investigation Regarding Justice J. Michael Eakin

Harrisburg. The Judicial Conduct Board responds to Justice J. Michael Eakin's request, made through counsel, William Costopoulos, Esq., to "forward the allegations under inquiry to the Court of Judicial Discipline."

Letter from Judicial Conduct Board is attached.

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



**COMMONWEALTH OF PENNSYLVANIA
JUDICIAL CONDUCT BOARD**

PENNSYLVANIA JUDICIAL CENTER
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November 24, 2015

Via Hand Delivery

William C. Costopoulos, Esquire
Costopoulos, Foster & Fields
831 Market Street
Lemoyne, PA 17043

Re: Justice J. Michael Eakin

Dear Mr. Costopoulos,

The Judicial Conduct Board is in receipt of your letter dated November 19, 2015 in which you advised the Board that Justice J. Michael Eakin is requesting the Board to “forgo further deliberation of this matter” and “remove the matter to the Court of Judicial Discipline immediately.”

Removing the Eakin matter to the Court of Judicial Discipline at this point is not provided for in either the Constitution or the rules of the Judicial Conduct Board. In fact, the only avenue for this matter to be referred to the Court of Judicial Discipline is if the Board files a complaint after a fair, complete, and independent investigation of the matter.

As you know, the Judicial Conduct Board is an independent body of Pennsylvania citizens comprised of three judges, three lawyers and six non-lawyers. Half of the Board members are chosen by the Governor and half by the Pennsylvania Supreme Court. Its members serve 4-year terms, without pay, and no more than half of the appointed Board members may be from the same political party.

While the Board understands that your client would like to expedite this matter, please be advised that there is a formal process that it follows for each complaint that is received. Specifically, under the Pennsylvania Constitution, the Judicial Conduct Board is tasked with receiving and investigating complaints regarding judicial conduct. During this investigative

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phase, the Board has the ability to compel testimony of witnesses under oath and to compel the production of documents and other records relevant to the investigation.

Once the investigative phase is completed, the Board then determines whether there is probable cause to file formal charges against a justice or judge. If it determines that probable cause exists, the Board will then present its case in support of the charges before the Court of Judicial Discipline which will determine whether a justice or judge should be suspended, removed from office, or otherwise disciplined.

If the Board were to forgo further deliberations and immediately remove the matter to the Court of Judicial Discipline, which I do not believe is possible under its rules, the Board would not have the ability to file charges – if it deems that is the appropriate step -- that represent the full breadth of a thorough and complete investigation. It would also render the Board unable to fulfill its responsibility to present a complete case before the Court of Judicial Discipline in support of the charges.

As you know, the Constitution requires the Board to maintain confidentiality as it relates to its proceedings, except when an individual who is the subject of an investigation specifically waives confidentiality. As such, it is only through the filing of formal charges that the Board is able to present a full airing of the facts – without the confidentiality constraints imposed on the Board in the Constitution as it relates to our proceedings.

In summary, the Board's completion of the investigation is necessary to fulfill our responsibility to determine if probable cause exists to file formal charges in the Court of Judicial Discipline and, if appropriate, present the case in support of the charges. The Board will not abdicate its duties and responsibilities in this regard and will conduct a full investigation as provided for by the Judicial Conduct Board's Rules of Procedure.

Please be advised that the Board's investigation is almost complete and it hopes to reach a decision on whether to file a complaint in the near future.

Sincerely,



James C. Schwartzman
Vice Chairman
Judicial Conduct Board