

COMMONWEALTH OF PENNSYLVANIA
JUDICIAL CONDUCT BOARD

ANNUAL REPORT

1998

Judicial Conduct Board

225 Market Street

Harrisburg, Pennsylvania 17101-2126

(717) 234-7911

Western Office:

Judicial Conduct Board

2600 Boyce Plaza, Suite 114

Pittsburgh, Pennsylvania 15241

(412) 220-0260

This page reserved for letter from Chair.

Members of the Judicial Conduct Board

(Seated, Left to Right): Judge James Gardner Colins, Gloria V. Goldy, Robert E. J. Curran, Harry J. Williamson; (Standing, Left to Right) Wendell G. Freeland, District Justice Bob Yanich, G. David Ament, Judge James P. MacElree II, Francis E. Bianconi, Robert J. Ewanco, and William P. Lincke.

Commonwealth of Pennsylvania Judicial Conduct Board

1998

Members of the Board

(As of December 31, 1998)

Robert E. J. Curran, Esquire - Chairman	
Judge James Gardner Colins - Vice Chair	
Gloria V. Goldy - Secretary	
G. David Ament Francis E. Bianconi Robert J. Ewanco Wendell G. Freeland, Esq.	William P. Lincke, Esq. Judge James P. MacElree II Harry J. Williamson District Justice Bob Yanich

The following member's term ended in 1998:

Professor Sandra D. Jordan

Former Members of the Board

Judge Joseph A. Del Sole Arthur J. Edmunds Diane M. Edmundson Gerard P. Egan, Esq. Judge John W. Herron Frederick Wells Hill, Esq. Sister Matthew Anita MacDonald	Gerald J. O'Connor Andrew Palm Charles W. Rubendall II, Esq. District Justice James E. Russo Bernard C. Watson, Ph.D. Reginald W. Wilkes
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lsmith@external.court.state.pa.us.

Table of Contents

	Page
Introduction	1
Membership Requirements	1
Biographical Sketches	
G. David Ament	2
Francis E. Bianconi	2
Judge James Gardner Colins	2
Robert E. J. Curran	3
Robert J. Ewanco	4
Wendell G. Freeland	4
Professor Sandra D. Jordan	8
Gloria V. Goldy	5
William P. Lincke	5
Judge James P. MacElree II	6
Harry J. Williamson	6
District Justice Bob Yanich	7
Vincent J. Quinn, Chief Counsel	7
Jurisdiction	8
Internal Administration	9
Procedures	9
Board Activity	10
Committee Appointments	12
Case Dispositions	13

Commonwealth of Pennsylvania Judicial Conduct Board

1998

Annual Report

INTRODUCTION

This is the fifth Annual Report prepared and disseminated by the Judicial Conduct Board pursuant to the directive of Article V, §18(a)(6) of the Constitution of the Commonwealth of Pennsylvania as amended on May 18, 1993, by the electorate. The Judicial Conduct Board is the first tier in Pennsylvania's two-tiered judicial disciplinary system and as such, the Board is required to investigate and, where appropriate, prosecute allegations of judicial misconduct. The Court of Judicial Discipline, also established by the 1993 Constitutional amendment, is responsible for determining whether or not misconduct has occurred and, when necessary, imposing the appropriate sanction for any such conduct. The Board and the Court of Judicial Discipline are the successors to the Judicial Inquiry and Review Board. From 1968 until 1993, the Judicial Inquiry and Review Board served as the Commonwealth's primary judicial disciplinary organ.

MEMBERSHIP REQUIREMENTS

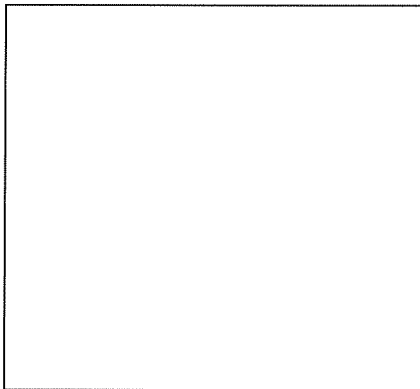
The Pennsylvania Judicial Conduct Board has twelve members: six appointed by the Governor and six appointed by the Supreme Court. No more than half of the members appointed by either authority may be registered in the same political party. The appointments are made in the following way:

<u>Governor</u>	<u>Supreme Court</u>
1 Judge, Common Pleas 2 Lawyers 3 Non-Lawyers	1 Judge, Superior or Commonwealth Courts 1 District Justice 1 Lawyer 3 Non-Lawyers

Members are limited to four consecutive years of service; however, a former member may be reappointed after a lapse of one year. The term of Professor Sandra D. Jordan expired in 1998. Attorney Wendell G. Freeland was appointed by the Supreme Court to the Board in 1998.

The Board annually elects three officers. During 1998, Robert E. J. Curran, Esquire served as Chairman, Professor Sandra D. Jordan served as Vice Chair until August 1998, and Gloria V. Goldy served as Secretary. Judge James Gardner Colins served as Vice Chair for the remainder of the year.

BIOGRAPHICAL SKETCHES



G. David Ament

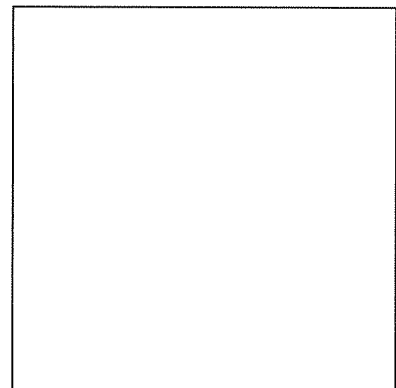
G. David Ament is a partner in the firm, InsuranceMasters of Lancaster, Ltd. He is an insurance broker, specializing in commercial property and casualty insurance. He has served on the Board of Directors of Big Brothers/Big Sisters of Lancaster, is a past president of the Lancaster Northeast Rotary Club, is a past chairman of the Grandview Methodist Church Board of Trustees and Administrative Board, is a member of the Professional Insurance Agents Association and the Society of Certified Insurance Counselors.

Mr. Ament is a native of Lancaster and received a Bachelor of Arts degree from Franklin and Marshall College.

Appointed by the Governor; Democrat.

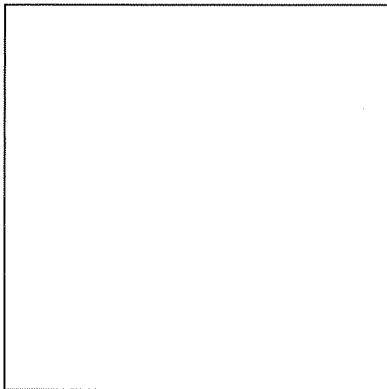
Francis E. Bianconi

A resident of Lackawanna County, Francis E. Bianconi has been a partner in the Montdale Country Club since 1959. Mr. Bianconi is a member of the Executive Committee of



Lackawanna County, the Advisory Board of the Lake Ariel Bank, the American Legion, the Small Business Bureau, and the Italian-American Club. A graduate of Olyphant High School, he served as a paratrooper in the United States Army from 1954 through 1956.

Appointed by the Supreme Court; Democrat.



Judge James Gardner Colins

Judge James Gardner Colins, President Judge of the Commonwealth Court of Pennsylvania, was commissioned to the Court in January, 1984, and has served as President Judge since September, 1994. He has served on the Supreme Court's state-wide computerization committee; the Judicial Audit Committee of the Administrative Office of Pennsylvania Courts; the Compensation and Benefits Committee of the

Pennsylvania Conference of State Trial Judges; the Pennsylvania Futures Commission, as well as the Century III Commission of the Philadelphia Bar Association. In February 1998, President Judge Colins was appointed by the Pennsylvania Supreme Court to serve on the Judicial Conduct Board. In January 1998, the Pennsylvania Supreme Court also appointed President Judge Colins to the Judicial Council of Pennsylvania. In June 1998, he was appointed a member of the Pennsylvania Bar Association's Judiciary, Academy & Bar Committee. In August 1998, President Judge Colins was appointed by the president of the American Bar Association to serve on the Commission on Opportunities for Minorities in the Profession.

President Judge Colins has been a CLE lecturer for the Pennsylvania Bar Institute, the Pennsylvania Defense Institute, the Pennsylvania Bar Association, numerous county bar associations, as well as other professional organizations.

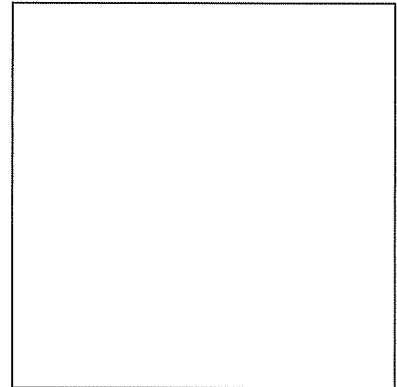
Prior to his election to the Commonwealth Court, President Judge Colins served as an assistant district attorney for Philadelphia County. After leaving the District Attorney's Office, he entered the private practice of law prior to his judgeship on the Philadelphia Municipal Court Bench in 1980.

He is an alumnus of Northeast High School (Philadelphia); the University of Pennsylvania; and Villanova University School of Law. He resides in Philadelphia with his wife, Judith Nilon, Esquire, and their four children.

Appointed by the Supreme Court; Democrat.

Robert E. J. Curran, Esquire

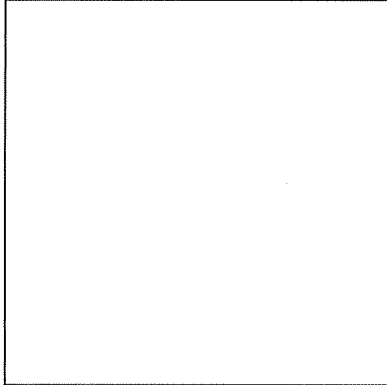
Robert E. J. Curran is a partner in the Delaware County law firm of Curran & Byrne, P.C. Mr. Curran attended the Malvern Preparatory School and, after receiving a bachelor's degree from Washington & Lee University, he earned a J.D. from the Temple University Law School. He is admitted to the bar before all Pennsylvania courts, the Court of Appeals for the Third Circuit of the United States, and the United States Supreme Court.



In 1972, Mr. Curran was appointed the United States Attorney for the Eastern District of Pennsylvania by President Richard M. Nixon and served until April 30, 1976. During his term as United States Attorney, he was appointed to and served on the Attorney General's Advisory Committee. In 1967 and 1968, Mr. Curran was a delegate to the Constitutional Convention for the Commonwealth of Pennsylvania. In that capacity, he was co-chairman of the subcommittee on Incompatible Activities of Judges, Their Suspension, Removal, Discipline and Compulsory Retirement (Committee on Judiciary). From 1979 until 1984, he served as the chairman of the Criminal Justice Act Selection Committee for the Federal District Court in the Eastern District of Pennsylvania. He is also a former solicitor for the Sheriff of Delaware County, the Delaware County Housing Authority, the Delaware County Airport Authority, the Delaware County Association of Police Chiefs, RDC Inc., and the Aronimink Golf Club. Mr. Curran is presently vice-chairman of the Economic Development Oversight Board of Delaware County. Mr. Curran has lectured in law at the Temple University Law School and is a former officer of the Federal Bar Association (Philadelphia Chapter). He also served as a Special Attorney General for the Commonwealth of Pennsylvania, Department of Justice, in Delaware County from 1963 through 1971. He is the 1990 recipient of the Jumbo Elliott Award.

An avid sportsman, Mr. Curran is a member of the Aronimink Golf Club, the Pine Valley Golf Club, the Atlantic City Country Club, the Loxahatchee Club (Florida), the Union League, the Downtown Club, and the Vesper Club. He is currently the chairperson of the Judicial Conduct Board.

Appointed by the Governor; Republican.



Robert J. Ewanco

Robert J. Ewanco is Secretary Treasurer of the Pennsylvania Conference of Teamsters with approximately 140,000 members in addition to being Secretary Treasurer and principal Officer of Teamsters Local 636.

He has served on the Pennsylvania Federal Judicial Nominating Commission and as Trustee, Secretary and Chairman of the Western Pennsylvania Teamsters and Employers Pension Fund.

He is currently the Secretary on the Board of the City of Pittsburgh Stadium Authority. He is also a member of the Regional Housing Advisory Committee and the Greater Pittsburgh Community Food Bank Capital Campaign Cabinet.

As legislative director for the Teamsters in Western Pennsylvania, he is often called on to lobby in Harrisburg for and against legislation that affects working people in Pennsylvania.

Robert J. Ewanco attended St. Mary's High School and the Allegheny County Community College.

Appointed by the Supreme Court; Democrat.

Wendell G. Freeland, Esquire

Wendell G. Freeland is a member of the Allegheny County law firm of Freeland & Kronz and appears before the federal and state courts at the trial and appellate levels. He is first president of the Neighborhood Legal Services Association and serves as a member of the Executive Board of Trial Lawyers in Criminal Court Association. He was a member of the board of the Urban League of Pittsburgh and served as its president from 1962 to 1966.

From 1967 through 1976, he was a member and senior vice president of the National Urban League Board of Trustees. Mr. Freeland has served as the president of the Homer S. Brown Law Association. He is a former member of the Appellate Rules Committee of the Supreme Court of Pennsylvania. He has chaired the Federal Court Section of the Allegheny County Bar Association, and has served as a member of the House of Delegates of the Pennsylvania Bar Association. He has also served as a member of the Civil Justice Advisory Group of the U.S. District Court for the Western District of Pennsylvania. He currently serves on the Board of Governors of the Joint Center for Political and Economic Studies; from 1978 through 1990, he was the chairman of that Board.

Mr. Freeland was born in Baltimore, Maryland. He attended the Colored Schools of Baltimore, and received a bachelor's degree, *cum laude*, from Howard University. He earned an LL.B., with honors, from the University of Maryland School of Law, and was also elected to the Order of the Coif. He currently serves as a member of the Board of Trustees of Westminster College and has served on the Board of Trustees of the University of Pittsburgh, where he also served on and chaired the Board of Visitors of the School of Social Work.

Appointed by the Supreme Court; Republican.

Gloria V. Goldy

Born in Williamsport, Gloria Goldy moved to Lancaster County in 1961 with her husband, Dr. David J. Goldy, a pediatric dentist.

At Lycoming College in Williamsport, she was a consistent Dean's List student who graduated with an Associate Degree in Secretarial Science.

From 1961 to 1994 Mrs. Goldy was Secretary-Treasurer of Dr. Goldy's professional corporation where she maintained an active role in the business portion of the dental practice. During the same period of time, she served as President of the Welcome Wagon Club of Lancaster, President of the Auxiliary to the Lancaster County Dental Society, and was an active volunteer in many other community organizations. At St. Philip the Apostle Church she has served as lector, CCD teacher, Confirmation Coordinator, member and secretary of the Parish Advisory Council.

In 1983 she was elected Lancaster County Clerk of the Court and served two energetic terms modernizing the office.

In 1991 she was elected President of the Pennsylvania Prothonotaries' and Clerks of Courts' Association. As President, she distributed Clerk of Court manuals to every Common Pleas President Judge and criminal court office in the state. The manual was the first ever written to standardize procedures throughout the state. It is inclusive for every class county from Philadelphia to Fulton and is updated yearly. It was written by a committee of clerks from the state organization and funded by the Administrative Office of the Pennsylvania Courts. Mrs. Goldy chaired that committee.

In 1993-94 she was a Lancaster County coordinator for Governor Tom Ridge's gubernatorial campaign and also coordinated the campaign of Judge James Cullen for the Court of Common Pleas, Lancaster County.

Appointed by the Governor; Republican.

William P. Lincke, Esquire

William P. Lincke, Esquire, is the managing partner of the Delaware County law firm of Beatty, Cramp, Kauffman & Lincke. He specializes in corporate law, especially involving nonprofit institutions, school districts and municipalities.

Mr. Lincke has served as Chairman of the Trial Court Nominating Commission of Delaware County from 1987 to 1995. He is now a member of the Trial Court Nominating Commission of Delaware County, having been reappointed in 1995. He serves as chairman of the Dickinson College Board of Advisors and also serves on Dickinson's Board of Trustees. He has served as a member and President of the Board of Family and Community Service of Delaware County.

After receiving a Bachelor of Arts degree from Dickinson College, Mr. Lincke earned a J.D. from Villanova University School of Law. He resides in Chadds Ford with his wife, Elizabeth.

Appointed by the Governor; Democrat.

Honorable James P. MacElree II

James P. MacElree II is a Judge of the Court of Common Pleas for Chester County. He is the former District Attorney of Chester County (1984-1992) and served in that office as a First Assistant, Chief Deputy, Deputy, and Assistant from 1974 to 1984.

He received a Bachelor of Arts Degree from West Chester University and earned a law degree from the University of Maryland Law School. He is admitted to the bar before all Pennsylvania courts and the United State Supreme Court. He has lectured at West Chester University, the Delaware and Montgomery County Community College, the Pennsylvania State Police Academy, and the Pennsylvania District Attorneys Institute.

He is the former president of the Pennsylvania District Attorneys Association (1989-1990) and is a former member of the National District Attorneys Association and the Pennsylvania Trial Lawyers. He is a fellow of the American College of Prosecuting Attorneys and served as a special prosecutor dealing with political corruption in 1975 and 1976. During his 25 years of involvement in the justice system, he has testified before various legislative committees and sub-committees concerning a wide range of criminal justice issues and the state. He also testified before Governor Casey's Penn-Free anti-drug committee and served on the Pennsylvania Commission on Crime and Delinquency Prison Overcrowding Committee. In his years as a criminal prosecutor, Judge MacElree tried virtually every form of offense under the Pennsylvania Crimes Code, including capital murder cases and a multitude of serious felony cases.

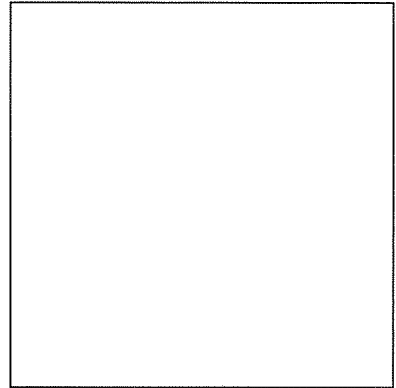
Judge MacElree was born in Chester County, Pennsylvania, and has been involved in many community activities there, including the Boy Scouts of America, the March of Dimes, the Sea Explorers, the Bar Association, and Rotary. Judge MacElree is an avid outdoorsman.

Appointed by the Governor; Republican.

Your comments, observations, and suggestions regarding the Annual Report are helpful and welcomed. Please direct them to: Greg Anthony at the Board's Harrisburg office (225 Market Street, Suite 500, Harrisburg, PA 17101-2126; ganthony@external.court.state.pa.us).

Harry J. Williamson

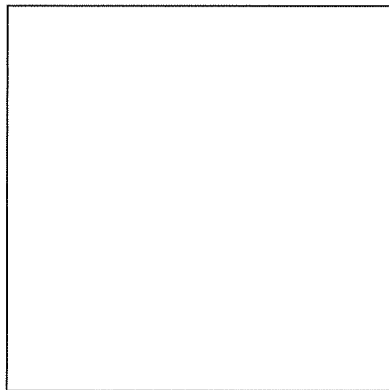
Harry J. Williamson is President of Citybel Corporation, Williamsonten, Inc., Seven Sons, Inc., and a partner in Williamson Hospitality Company, all of which are Philadelphia area food service and restaurant companies.



He was a member of the Philadelphia Council of Boy Scouts of America (BSA), and the Philadelphia Council on Alcoholism. He is also a former trustee of Malvern Preparatory School, and chairman of the Restaurant Division of the Catholic Charities Appeal of the Archdiocese of Philadelphia. Mr. Williamson has worked with various other charitable and school organizations over the years.

Mr. Williamson is a native of Philadelphia and attended Malvern Preparatory School.

Appointed by Supreme Court; Republican.



District Justice Bob Yanich

Bob Yanich is a District Justice in suburban Harrisburg, Dauphin County. He was elected in 1987 and re-elected in 1993 without opposition.

He has an extensive background in radio and television as an on-air personality and broadcast executive.

He is a lecturer at Dickinson and Weidner Law Schools, and instructor of "Peoples Law" courses at Harrisburg Area Community College and the Pennsylvania State Police Academy in Hershey. He is a judicial member of the American Bar Association.

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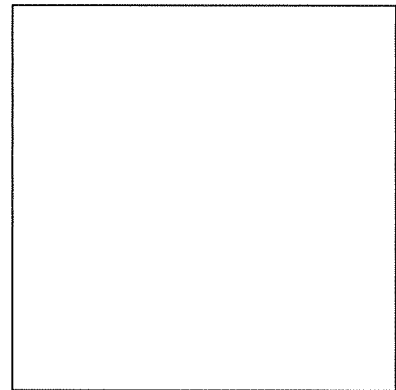
District Justice Yanich has been very active in the Special Court Judges Association since 1988. He has held positions on various state committees. He is the "liaison" to the Pennsylvania County Commissioners Association and was "liaison" to the Keystone Safety Network and the Pennsylvania League of Cities. He presently serves on the Dauphin County Prison Board of Inspectors.

District Justice Yanich graduated from Steelton High School and he received his Judiciary Certification at Wilson College. He has received numerous awards for his work with youth and civic organizations in the greater Harrisburg area.

Appointed by the Supreme Court; Republican.

Vincent J. Quinn, Chief Counsel

Vincent J. Quinn is a graduate of St. Joseph's College and the University of Pennsylvania Law School. After serving as a law clerk to the Honorable Frederick Edenharter of the Court of Common Pleas of Berks County, he practiced law continuously in Lancaster County from 1978 until 1994. He was the coordinator of the Lancaster Bar Association's Pro Bono program and from 1989 until 1994 was the Chief Public Defender for Lancaster County. In May of 1994, he was appointed the first Chief Counsel for the Pennsylvania Judicial Conduct Board.



Mr. Quinn has served on the Board of Directors of the Pennsylvania Association of Criminal Defense Lawyers and the Public Defender Association of Pennsylvania. He has taught at Harrisburg Area Community College and has lectured on judicial ethics at programs sponsored by the Governor's Office of General Counsel, Lancaster Bar Association, the Pennsylvania State Conference of Trial Judges, the Minor Judiciary Education Board, and the Pennsylvania Association of Criminal Defense Lawyers. Presently he is a member of the Lancaster and Pennsylvania Bar Associations and the Association of Judicial Disciplinary Counsel.

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The following board member's term concluded in 1998:

Professor Sandra D. Jordan

Sandra D. Jordan is a Professor of Law at the University of Pittsburgh School of Law. She teaches courses in Evidence, Criminal Law, White Collar Crime, and Pretrial Advocacy.

Sandra Jordan was an Assistant United States Attorney in the Western District of Pennsylvania and served as Chief of the White Collar Fraud Unit. She also served as an Associate Independent Counsel in the Iran/Contra investigation for three years. She authored Death for Drug Related Killings: Revival of the Federal Death Penalty for the Chicago-Kent Law Review; Classified Information and Conflicts in Independent Counsel Prosecutions: Balancing the Scales of Justice After Iran-Contra for the Columbia Law Review; and The 1984 Bail Reform Act: Pretrial Detention Permitted for the Black Law Journal. Professor Jordan has testified before the Pennsylvania House Judiciary Committee regarding proposed independent counsel legislation and has been a lecturer at the Pennsylvania Conference of State Trial Judges. She has also lectured at the Attorney General's Advocacy Institute in Washington, D.C., and was an instructor at the International Development Management Institute in a program sponsored by the Attorney General of Indonesia.

She earned her Bachelor of Science degree in Education, *magna cum laude*, from Wilberforce University and she received a law degree from the University of Pittsburgh where she was a finalist in the Appellate Moot Court program and was named Outstanding Senior. Professor Jordan currently resides in Pittsburgh and is admitted to the practice of law before the Supreme Court of Pennsylvania, the United States Court of Appeals for the Third Circuit and the United States District Court for the Western District of Pennsylvania.

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Appointed by the Supreme Court; Republican.

JURISDICTION

The Judicial Conduct Board is required to investigate complaints against Pennsylvania judicial officers including Supreme Court Justices, Judges of the Superior and Commonwealth Courts, Common Pleas Court Judges, District Justices, Philadelphia Municipal Court Judges, Philadelphia Traffic Court Judges, and Pittsburgh City Magistrates. The Board cannot consider complaints against federal judges, or administrative law judges.

The Board has the constitutional authority to consider a complaint, from any source, that a judicial officer has engaged in ethical misconduct or has a mental or physical disability which substantially impairs the performance of judicial duties.

The Board has no authority to act as an appellate court. It cannot review, reverse, or vacate a decision of a judicial officer, nor interfere in ongoing litigation. The Board is also unable to order a judge to refrain from considering a particular case.

INTERNAL ADMINISTRATION

The Judicial Conduct Board held eight regularly scheduled meetings during 1998. In addition, there were six special meetings held via teleconference.

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As an independent agency, the Board administers its own budget and staff. For the Fiscal Year 1998-99 the Board's budget is \$890,000. The budget allocations may be summarized as follows:

	1994-95	1995-96	1996-97	1997-98	1998-99	Change (1 yr)
Personnel	\$547,000	\$527,238	\$569,200	\$585,000	\$618,800	+ 5.78 %
Operating Expenses	\$272,000	\$323,762	\$267,800	\$273,000	\$266,200	- 2.55 %
Fixed Assets	\$6,000	\$12,000	\$1,000	\$8,000	\$5,000	- 160.00 %
TOT AL	\$825,000	\$863,000	\$838,000	\$866,000	\$890,000	+ 2.77 %

Throughout 1998 the Board maintained its full complement of personnel. The staff includes nine full-time employees. Vincent J. Quinn serves as Chief Counsel and supervises the other staff members.

PROCEDURES

The Board initiates investigations based on information received from any reliable source including anonymous contacts, media reports, and referrals from other agencies. Most investigations are based on complaints received from named individuals. A complaint from a named individual must be verified and state the allegations upon which it is based, together with the name of the judicial officer against whom it is made. In all other cases where the Board receives information raising an issue of judicial misconduct, after receiving Board approval, a written complaint is filed by Chief Counsel.

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All complaints are referred to Chief Counsel who reviews the allegations of the complaint. In the rare circumstance where it is clear that the complaint refers to conduct by someone who is clearly not within the jurisdiction of the Board, Chief Counsel will advise the complainant of this fact and refer the party to the appropriate agency. All other complaints are docketed and the complainant is advised of a file number which should be used in future correspondence.

After a complaint is docketed, the Board, through its staff, conducts a preliminary inquiry. If necessary, the staff will obtain additional information from the complainant, attorneys involved in the underlying litigation, and other individuals who may have relevant information. Frequently, staff will obtain documents such as trial transcripts, docket entries, and other court records.

Upon completion of the preliminary inquiry, counsel submits the complaint and a report, which may include a recommendation, for the Board's review. At this stage, the Board may dismiss the complaint because it is without merit, direct further preliminary inquiry, or authorize a full investigation.

A clear majority of the complaints docketed by the Board are dismissed following the preliminary inquiry. Many dismissals occur at this stage because the complaint:

1. Is obviously frivolous or proved so after a preliminary inquiry;
2. Represents an effort by a disappointed litigant to obtain review of the merits of a judicial officer's decision;
3. Is based on a misunderstanding of the judicial process or the proper role of the judicial officer.

A judicial officer is usually not aware of a complaint during a preliminary inquiry. Therefore, the general rule is that the judicial officer is not notified when a complaint is dismissed at this stage. An exception to this practice occurs when the complaint is a matter of common knowledge within the community or if the judicial officer is otherwise aware of the complaint. In these limited circumstances, the Board will notify the judicial officer of the dismissal.

If the Board believes that the complaint is of arguable merit, it will proceed with a full investigation. The purpose of a full investigation is to determine if probable cause

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exists to believe there is clear and convincing evidence of ethical misconduct which warrants discipline.

Following authorization of a full investigation, counsel will promptly send a Notice of Full Investigation to the judicial officer. The Notice of Full Investigation notifies the judicial officer of the existence and nature of the complaint and advises the jurist of the right to respond fully to the allegations.

During a full investigation, the Board may issue subpoenas to compel the testimony of witnesses, the production of documents or other items of physical evidence relevant to the investigation, or the testimony of the subject of the investigation. Following completion of the full investigation, the Board will either dismiss the complaint or direct counsel to file formal charges before the Court of Judicial Discipline.

If the Board elects to file formal charges, a Board Complaint is filed with the Court of Judicial Discipline. Board counsel presents the case in compliance with the rules of procedure adopted by the Court.

Complaints filed with the Board and any other statements, testimony, documents, records, or other information or evidence acquired for the Board during investigation are not matters of public information. All meetings and other proceedings of the Board are confidential. The Board may open individual matters to the public following receipt of a written waiver from the subject of the investigation. This confidentiality serves the dual purpose of preserving the anonymity of complainants to insulate them from concerns about possible retaliation and preventing damage to the reputations of innocent judicial officers who are the targets of baseless complaints.

All proceedings before the Court of Judicial Discipline are matters of public record and the general public is permitted to attend any hearings.

BOARD ACTIVITY

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At the first regularly scheduled meeting of the Board in 1998, officers were elected. Robert E. J. Curran, Esquire, was elected as Chairman; Professor Sandra Jordan was elected Vice-Chair; and Gloria V. Goldy was elected Secretary. Judge James Gardner Colins served as vice chair for the remainder of the year after Professor Jordan completed her term of service in August.

In November 1997, a two-day trial was held in the Court of Judicial Discipline in the case of a judge of the Court of Common Pleas of Allegheny County, who was accused of using inappropriate language in a non-official capacity. In the spring of 1998, the Court handed down a decision finding the facts to be contrary to the allegations in the charges and consequently dismissed the complaint. See *In re Manning*, 711 A.2d 1113 (Pa.Ct.Jud.Disc. 1998).

In February 1998, the Board filed a complaint against a judge of the Court of Common Pleas of Philadelphia County. In May 1998, following the judge's retirement and resignation, the parties submitted a stipulation withdrawing the Board's Complaint without prejudice. The proceedings in the Court were then terminated. See *In re Avellino*, 2 JD 98; Court of Judicial Discipline Docket.

In March of 1998, the Court reprimanded two district justices from Allegheny County, who had attempted to influence the outcomes of cases in other courts. See *In re Joyce*, 712 A.2d 834 and 712 A.2d 847, (Pa.Ct.Jud.Disc. 1998); and *In re Terrick*, 712 A.2d 834 and 712 A.2d 848 (Pa.Ct.Jud.Disc. 1998).

In February 1998, the Board filed a petition to suspend a district justice, who was charged with criminal offenses. The Court denied the Board's request based on the unlikely possibility of conviction. See *In re Smith*, 712 A.2d 849 (Pa.Ct.Jud.Disc. 1998).

In November 1998, the case of a former President Judge of Fayette County was argued before the Supreme Court. Argument was limited to the issue of whether or not a judicial retention election is partisan political activity, so as to prohibit the participation of court employees. As the year ended, the Board was awaiting a decision. The case of a Berks County district justice, who was accused of financial mismanagement in her office, was submitted to the Court of Judicial Discipline based on a stipulation by the parties. In December 1998, the Court found that the district justice was subject to discipline and further proceedings will take place in 1999.

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There are also two cases awaiting trial in the Court of Judicial Discipline: one concerns a former justice of the Pennsylvania Supreme Court, see *In re Larsen*, 717 A.2d 39 (Pa.Ct.Jud.Disc. 1998), and another involves allegations of speech indicating bias by a district justice from Erie County.

The Board also revised its Rules of Procedure to deal with cases in which alcohol/drug intervention was required. A new rule was created; that rule states:

RULE 35. INTERVENTION

(A) During the course of an investigation, upon the good faith belief that the alleged misconduct was caused by mental illness, drug dependency, addiction to alcohol, or temporary mental infirmity, the Board shall take one or more the following actions:

(1) request that the judicial officer resign from office;

(2) request that the judicial officer seek appropriate treatment;

(3) request that the judicial officer take a leave of absence from his or her judicial office until such time that the Board and the judicial officer agree that it is appropriate for the judicial officer to return to office;

(4) upon application of the judicial officer, the Board may approve an appropriate treatment program.

(B) Action taken by a judicial officer in response to any action taken by the Board pursuant to Paragraph A, shall be considered by the Board in making a determination pursuant to Rule 31.

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(C) The judicial officer's entrance into and participation in a rehabilitation program approved by the Board shall constitute good cause under Rule 31(C) for the Board to continue any full investigation beyond 180 days.

This rule was unanimously adopted on April 20, 1998.

COMMITTEE APPOINTMENTS

PERSONNEL, BUDGET & FINANCE COMMITTEE

Robert E. J. Curran, Esquire (Chair) Francis E. Bianconi	Robert J. Ewanco Harry J. Williamson
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RULES COMMITTEE

William P. Lincke, Esquire (Chair) Honorable James P. MacElree II	Robert E. J. Curran, Esquire
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DELAY COMMITTEE

G. David Ament Gloria Vannucci Goldy	
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DISABILITY COMMITTEE

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Harry J. Williamson (Chair)	
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Francis E. Bianconi	
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LAWYER DISCIPLINE COMMITTEE

Honorable James P. MacElree II	
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Robert J. Ewanco	
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CASE DISPOSITIONS

During 1998, the Board opened 462 complaints against judicial officers. Table 1 reflects the breakdown of those complaints by type of jurist and the percentage of change from the previous year.

TABLE 1	1994	1995	1996	1997	1998	Change (1 yr)
Minor Judiciary	114	182	181	207	169	- 22.49 %
Judges of Courts of Record	214	357	327	320	291	- 9.97 %
Non-judicial Officers*			6	5	2	- 250.00 %
TOTAL	328	539	514	532	462	- 15.15 %

* Opened for administrative purposes.

Table 2 reflects the status of the complaints from 1994 through 1998 and the percentage of change from the previous year.

TABLE 2	1994	1995	1996	1997	1998	Change (1 yr)
Litigant - Criminal Matter	104	172	218	180	161	- 11.18 %
Litigant - Family Matter	70	78	22	55	51	- 9.27 %

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Litigant - Civil Matter	83	142	174	182	145	- 25.18 %
Non-litigant Layperson	28	69	52	75	72	- 4.16 %
Non-litigant Lawyer	18	15	16	15	10	- 50.00 %
Judicial Officer	4	10	4	6	1	- 600.00 %
Board Initiated	18	53	28	19	22	+ 15.79 %
TOTAL	328	539	514	532	462	- 15.15 %
TOTAL						

Table 3 classifies the complaint on the basis of its primary allegation and indicates the percentage of change from the previous year.

TABLE 3	1994	1995	1996	1997	1998	Change (1 yr)
Abuse of Power	4	11	16	6	27	+ 450.00 %
Administrative	8	21	12	19	10	- 190.00 %
Bias	61	129	62	94	81	- 16.05 %
Business/Fiduciary	0	0	0	0	1	+ 100.00 %
Conflict of Interest	10	14	9	7	4	- 75.00 %
Criminal	4	9	5	4	6	+150.00 %

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Delay	14	28	17	19	12	- 58.33 %
Disability	0	0	0	1	1	0.00 %
Ex Parte Communication	14	37	12	17	12	- 41.67 %
Financial Disclosure	1	0	0	0	0	0.00 %
Gifts	1	0	0	1	0	- 100.00 %
Judicial Demeanor	19	24	20	22	19	- 15.79 %
Legal Error	180	237	328	316	267	- 18.35 %
Other	9	11	24	13	16	+ 23.07 %
Political - Campaign	3	12	1	9	2	- 450.00 %
Political - Other	1	3	4	4	4	0.00 %
Public Comment	1	5	3	0	0	0.00 %
TOTAL	328	539	514	532	462	- 15.15 %

During 1998, the Judicial Conduct Board disposed of 453 complaints. Table 4 reflects the stage at which ultimate disposition occurred and the percentage of change from the previous year.

TABLE 4	1994	1995	1996	1997	1998	Change (1 yr)
Dismissed after Preliminary Inquiry	360	505	456	541	425	- 27.29 %
Dismissed after Full Investigation	23	28	27	21	19	- 10.53 %

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Dismissed after Issuance of Letter of Counsel	N/A	17	17	9	7	- 28.57 %
Filed Formal Charges	3	4	2	3	2	- 150.00 %
TOTAL	389	554	502	574	453	- 26.71 %

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NOTES

This page NOT included with 1998 Annual Report.

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