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# COMMONWEALTH OF PENNSYLVANIA



## JUDICIAL CONDUCT BOARD 225 MARKET STREET HARRISBURG, PA 17101

JUDGE JAMES GARDNER COLINS
CHAIRMAN

(717) 234-7911

January 3, 2001

Dear Citizens of Pennsylvania:

Once again I am very proud to present you with the accomplishments of the Judicial Conduct Board. In the year 2000 the Board disposed of 543 complaints. Of these complaints, 495 were dismissed after preliminary inquiry, 36 others resulted in dismissal after full investigation, and nine complaints were disposed of after the issuance of letters of counsel. Formal charges and prosecutions were initiated in three matters.

The members of the Judicial Conduct Board serve without compensation and are looking forward to the challenges that will undoubtedly present themselves in the upcoming year.

James Gardner Colins

## COMMONWEALTH OF PENNSYLVANIA JUDICIAL CONDUCT BOARD

2000

Members of the Board (As of December 31, 2000)

Judge James Gardner Colins - Chairman District Justice Bob Yanich - Vice-Chair John W. Morris, Esq. - Secretary

John R. Cellucci Matthew J. DiDomenico, Sr. Wendell G. Freeland, Esq. Stanley R. Gumberg Judge Marilyn J. Horan

Edward J. Keller Gary F. Lamont Christopher A. Lewis, Esq. Michael M. Robinson

The following members concluded their service in 2000:

G. David Ament Francis E. Bianconi William P. Lincke, Esq. Judge James P. MacElree II

# Former Members of the Board

Arthur J. Edmunds Diane M. Edmundson Gerard P. Egan, Esq. Robert J. Ewanco Gloria V. Goldy Judge John W. Herron

Robert E. J. Curran, Esq.\* Professor Sandra D. Jordan Judge Joseph A. Del Sole\* 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 Frederick Wells Hill, Esq. Harry J. Williamson

\*indicates former chairperson

Additional copies of this report may be requested by calling (717) 234-7911 or sending e-mail to: 1smith@external.court.state.pa.us.

## COMMONWEALTH OF PENNSYLVANIA JUDICIAL CONDUCT BOARD

2000

## Annual Report

### INTRODUCTION

This is the sixth 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. The Judicial Conduct Board is the first tier in Pennsylvania's twotiered 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 is responsible for determining whether or not misconduct has occurred and, when necessary, imposing the appropriate sanction.

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. appointments are made in the following way:

#### Governor

## Supreme Court

2 Lawyers 3 Non-Lawyers

1 Judge, Common Pleas 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 terms of G. David Ament, Francis E. Bianconi, William P. Lincke, Esq., and Judge James P. MacElree II expired in 2000. Gary F. Lamont was appointed to serve on the Board by the Supreme

Court; and Stanley R. Gumberg, Christopher A. Lewis, Esq., and Judge Marilyn J. Horan were appointed by the Governor to serve on the Board.

The Board annually elects three officers. During 2000, Judge James Gardner Colins served as Chairman, District Justice Bob Yanich served as Vice-Chair, and William P. Lincke, Esq. served as Secretary until August 2000; John W. Morris, Esq. served as secretary for the remainder of 2000.

#### BIOGRAPHICAL SKETCHES



## John R. Cellucci

Mr. Cellucci is the President and Owner of John R. Cellucci, Inc., a building, contracting, engineering, and land-development company. His experience as a builder, civil engineer, and general contractor has included constructing new homes, community housing developments, shopping malls, and producing prestressed concrete bridges. In the late 1960's, Mr. Cellucci was the Executive Director of the Chester Housing Development Corporation.

Mr. Cellucci received a Bachelor of Science in Civil Engineering from Pennsylvania Military College (now Widener University) and also earned a Professional Engineering degree.

A former assistant professor of Civil Engineering at Pennsylvania Military College, Mr. Cellucci is very concerned with education and has been a Trustee of the Widener University Board and a member of the Board of Overseers of the Widener University School of Law.

He has received the Outstanding Service Award (1999) and the Outstanding Alumnus Award (1989) from Widener University. He was also been awarded the Outstanding Service Award (1987) and the Liberty Bell Award (1980) from the Widener University School of Law

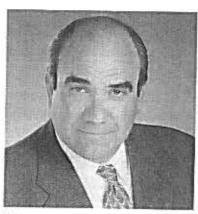
His experience as an officer and company commander in the Army Corp of Engineers in Korea during the Korean Conflict earned him a Battle Star for service.

Mr. Cellucci is an active member of the Widener Alumni Association and has been a past Vice-President on the Alumni Board of Widener University. He is also an active supporter of numerous non-profit organizations, most recently the Philadelphia Zoobilee, and The Friends of the Ocean City Pops, Inc. He is also a member of the Vesper Club of Philadelphia and the Avalon (N.J.) Yacht Club.

Mr. Cellucci resides in Berwyn with his wife, Dr. Edna H. Cellucci, and has two children, who are both attorneys: Kate C. Cellucci, Esquire, and John H. Cellucci, Esquire.

Appointed by the Governor; Republican.





Judge James Gardner Colins, Judge of the Commonwealth Court of Pennsylvania, was commissioned to the Court in January, 1984, and served as President Judge from September 1, 1994 to August 31, 1999. Judge Colins 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; Pennsylvania Futures Commission, as well as

the Century III Commission of the Philadelphia Bar Association.

Following his January 1998 appointment to the Judicial Council by the Supreme Court of Pennsylvania, in February 1998 Judge Colins was appointed to serve on the Judicial Conduct Board. In June 1998, he was appointed a member of the Pennsylvania Bar Association's Judiciary, Academy and Bar Committee. In August 1998, 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.

## Matthew J. DiDomenico, Sr.



Matthew J. DiDomenico, Sr., is a licensed real estate broker in Devon. He has a comprehensive residential and commercial real estate background and extensive experience in the acquisition and development of residential and commercial real estate. He is also a consultant to lending and health care institutions.

For the past 30 years, Mr. DiDomenico, who holds real estate brokerage licenses in the Commonwealth of Pennsylvania and the state of New Jersey, has been president of CENTURY

21 John Matthew Inc., Realtors in Devon. He is directly involved in the day-to-day operations of the firm, including the appraising, marketing, sales, leasing, and management of residential, commercial, and industrial properties in southeastern Pennsylvania and southern New Jersey.

In addition to his responsibilities with CENTURY 21 John Matthew Inc., Realtors, Mr. DiDomenico is also president of two other companies, Devon Financial Services, Inc., a real estate development company, and Devon Management Group, a real estate consulting company. Both companies are located in Devon.

As president of Devon Financial Services, Inc., Mr. DiDomenico is responsible for evaluating residential and commercial sites and determining the economic practicality of developing the sites. He also negotiates land acquisitions, obtains land use and/or zoning approvals, construction financing, and supervises subcontractors during the installation of site improvements.

As president of Devon Management Group, Mr. DiDomenico is responsible for assessing the feasibility of real estate projects for financial institutions and manages various construction projects.

Mr. DiDomenico's clients include Kimco Realty Trust, Melmark, Mercy Health Systems, Affordable Care, First Financial Bank, and Anchor Health Properties.

In addition to his business responsibilities, Mr. DiDomenico serves on the Boards of various organizations, including Chairman of the Board of Governors at Mercy Community Hospital, Executive Vice President of the National Italian American Foundation (NIAF), and the Advisory Board at First Financial Bank. He previously served on the Board of Directors of Cabrini College, Chapel of The Four Chaplains, Constitution Bank, Berwyn-Devon Business Association and Columbus Quincentennial. He is also active in many local community organizations and has received many awards for his community

service, including Citizen of the Year from the Berwyn-Devon Business Association and an exemplary citizenship citation from the Commonwealth of Pennsylvania. He has received community service awards from the Easttown and Radnor Township Neighborhood Watch Programs, was awarded a membership in the Circle of Leaders for his efforts on behalf of Catholic Charities, and recipient of the benefactor award for his contribution to the Chapel of Four Chaplains. Immaculata College awarded Mr. DiDomenico the first ever Pia Raffaele Premio di Eccellenza. The award recognizes individuals whose exemplary lives in Chester County have fostered a positive image of Italian Americans and/or have increased appreciation for the Italian language and culture.

Mr. DiDomenico is a member of the Delaware Valley Realtors Association, the National Association of Realtors, the Pennsylvania Association of Realtors and the American Fraternity of Real Estate Appraisers. He is a graduate of the Realtors Institute and also attended the Real Estate National Marketing Institute, receiving a Certified Residential Broker designation and a Certified Residential Specialist designation. Mr. DiDomenico also attended Penn State University.

A Wayne, Pennsylvania resident, Mr. DiDomenico is married and has four children and four grandchildren.

Appointed by the Supreme Court; Republican.



## Wendell G. Freeland, Esquire

Attorney Wendell G. Freeland is a sole practitioner in Allegheny County and appears before the federal and state courts at the trial and appellate levels. He was 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 his bachelor of arts, cum laude, from Howard University. He earned an LL.B., with honors, from the University of Maryland School of Law and was 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.



## Stanley R. Gumberg

Stanley R. Gumberg is Chairman of the Board for J.J. Gumberg Co., which is ranked as one of the nation's top developers and managers of shopping centers. In addition to its wholly-owned properties, J.J. Gumberg Co. operates and manages commercial real estate for various financial institutions.

Born in Pittsburgh in 1927, he received his Bachelor of Science degree from Duquesne University in 1950 and was awarded an Honorary Doctorate of Business degree from Duquesne's A. J. Palumbo School of Business

in 1994.

He currently serves as an Emeritus Trustee and Executive Committee member of Carnegie-Mellon University, an Emeritus Trustee of Seton Hill College, and a Trustee and Executive Committee member of Duquesne University and Westminster College. He is also currently serving as Trustee of the Extra Mile Education Foundation (founded by Bishop Wuerl to financially aid inner-city elementary schools) and the Urban League of Pittsburgh.

He is a former Director of the Integra Financial Corp., the Grant Street National Bank, the Presbyterian Hospital, the University of Pittsburgh Medical Center, and Chairman of Montefiore Hospital.

Mr. Gumberg married Marcia M. Gumberg in 1951. They have three sons and six grandchildren.

Appointed by the Governor; Democrat.



## Honorable Marilyn J. Horan

Marilyn J. Horan was appointed judge of the Court of Common Pleas of Butler County in June of 1996. She was then elected to a ten-year term on the bench, beginning that term in January of 1998. Judge Horan has been an appointed member of the Juvenile Court Judges' Commission since 1997.

From 1979 until her appointment to the bench, Judge Horan was a partner in the law firm of Murrin, Taylor, Flach & Horan in Butler. She graduated from Pennsylvania State University with a Bachelor of Science degree in 1976, and obtained her Juris

Doctor degree from the University of Pittsburgh School of Law in 1979.

Judge Horan has been a member of the Butler County Bar Association, the Pennsylvania Bar Association, the Women's Bar Association of Western Pennsylvania, as well as the Pennsylvania Conference of State Trial Judges. During the time that she was a practicing attorney, she served as a faculty member for the Pennsylvania Bar Institute, lecturing and preparing course materials for Family Law Practice and Procedure in Western Pennsylvania. The judge has been active over the years in many community organizations including the American Cancer Society, Community Health Assessment Policy Council, Butler County Headstart Policy Council.

Born and raised in Butler, Judge Horan, her husband and their four children reside in the City of Butler.

Appointed by the Governor; Republican.



Edward J. Keller

Since 1981, Edward J. Keller has been Executive Director of Pennsylvania's largest public employee and health care workers' union, the American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO. AFSCME represents more than 95,000 public employees and health care workers in Pennsylvania.

This year he was reelected to his fifth consecutive term as a Vice-President of AFSCME's International Union, which represents more than 1.3 million public employees and health care

represents more than workers nationwide.

Mr. Keller is Chairman of the Pennsylvania Public Employees Health and Welfare Fund; Chairman of the Pennsylvania Employees Benefit Trust Fund; Co-Chair of the Pennsylvania AFL-CIO Community Services Committee; and a member of the Boards of Directors of: Pennsylvania State Employes' Retirement System, Governor's Economic Development Partnership Committee on Health Care, Pennsylvania L&I Safety and Health Advisory Board, Governor's Office of Citizen Service (PennSERVE) Community Service, Pennsylvania State System of Higher Education Labor Advisory Board, and Penn State University Labor Advisory Committee.

Mr. Keller is a graduate of Bishop Neumann High School in his native Philadelphia, and presently resides with his wife, Janet Anne (Knesis), and their two children, Ted and Marisa, in Hershey.

Appointed by the Supreme Court; Democrat.



## Gary F. Lamont

Gary F. Lamont is the principal of the Conyngham Pass Company, a management consulting firm, and Sleepy estate developing Associates, a real company. He is president of the CAN DO Foundation, and a member of the First Heritage Bank board of directors. organizations in which he is active include board membership with the Hospital Service Association of Northeastern Pennsylvania, FM Kirby Center for Performing Arts, Luzerne County Convention Center Authority, Security Savings Community Foundation, the Pennsylvania State University Advisory

Board - Hazleton Campus, CAN DO Inc., Commission on Economic Opportunity and PP&L Sustainable Energy Fund.

Mr. Lamont received a Bachelor of Science degree from the Pennsylvania State University, and is a graduate of the Stonier Graduate School of Banking, University of Delaware.

He resides in Conyngham with his wife Letty and daughter Elizabeth. Appointed by the Supreme Court; Democrat.

## Christopher A. Lewis, Esquire



Mr. Lewis is a partner in the law firm of Blank Rome Comisky & McCauley LLP and concentrates his practice in the fields of corporate and regulatory law.

Mr. Lewis served as Secretary of the Commonwealth of Pennsylvania from 1989 to 1991. Under his direction, the Pennsylvania Department of State administered the work of the Bureau of Commissions, Elections and Legislation; the Corporation Bureau; the Bureau of Charitable Organizations; the

Bureau of Professional and Occupational Affairs; and the State Athletic Commission. He also served as an ex-officio member of the Pennsylvania Board of Finance and Revenue; the Pennsylvania Board of Property; and the State Athletic Commission.

He also held the position of Executive Deputy General Counsel to the Governor of Pennsylvania where he provided legal advice to the Governor and his cabinet, while overseeing the work of all the attorneys in the executive agencies of State Government. Mr. Lewis played a key role in structuring and creating the Commonwealth's minority and women's business enterprise programs.

He is a graduate of Harvard College and the University of Michigan Law School. Mr. Lewis is also an alumnus of the Senior Executives in State and Local Government Program, John F. Kennedy School of Government, Harvard University.

Appointed by the Governor; Democrat.

## John W. Morris, Esquire



Attorney John W. Morris is a sole practitioner in Philadelphia, specializing in trial practice and management of corporate litigation.

Mr. Morris has written and lectured throughout the country on trial techniques and ethics, and is a Lecturer at Temple University School of Law. He is also a member of the Disciplinary Board of the Supreme Court of Pennsylvania. He was formerly First Assistant District Attorney of Philadelphia and a Director of the

Pennsylvania Association of Criminal Defense Lawyers.

Mr. Morris is a graduate of Yale University (B.A.) and the University of Pennsylvania Law School (J.D.). He was born in

Gainesville, Georgia; raised in Wilmington, Delaware; and now resides in Center City Philadelphia with his wife, Virginia.

Appointed by the Governor; Democrat.



## Michael M. Robinson

Michael M. Robinson is President and Owner of PAP Security Printing, Inc., Lancaster, Pennsylvania, which provides secure printed items for the gaming/wagering industry, as well as ATM receipts, fulfillment and warehousing services.

He is a member of YPO (Young President's Organization), a Commissioner for the Governor's Advisory Commission on African American Affairs and Board Member/Secretary of Drug Free Pennsylvania.

Mr. Robinson is a native of Pennsylvania and graduated first in his class in Business Administration from Lycoming College, Williamsport, Pennsylvania, Class of 1972.

Appointed by the Governor; 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 and 1999 without opposition.

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

He has lectured at Dickinson and Widener Law Schools, and is an instructor of "People's 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.

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

#### 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 2000. In addition, there were four special meetings held via teleconference.

As an independent agency, the Board administers its own budget and staff. For the Fiscal Year 2000-2001, the Board's budget is \$929,000. The budget allocations may be summarized as follows:

Personnel	\$665,400	
Operating Expenses	\$284,600	
Fixed Assets	\$ 9,000	
TOTAL.	\$959,000	

Throughout 2000 the Board maintained its full complement of personnel. The staff includes eight 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.

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:

- Is obviously frivolous or proved so after a preliminary inquiry;
- Represents an effort by a disappointed litigant to obtain review of the merits of a judicial officer's decision;
- 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 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.

During 2000, the Board issued 108 investigative subpoenas for records and testimony:

For records (duces tecum) 6
For testimony 102

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

In 2000, the Board met eight times and held four teleconferences. During the first regularly-scheduled meeting of the year, in January, the Board elected Judge James Gardner Colins to serve as Chairman, District Justice Bob Yanich to service as Vice-Chair, and William P. Lincke to serve as secretary. In September, John W. Morris was appointed to succeed Mr. Lincke as secretary for the remainder of the year.

The Board filed formal charges in three cases in the Court of Judicial Discipline. As the year ended, two of those cases had been decided by the Court. See In re Kelly, 757 A.2d 456 and In re Callan, 762 A.2d \_\_\_\_. One complaint, which was filed in the last week of December, remained open as the year came to a close. In the case of a candidate for an appellate judicial office, charges were filed in 1999 but were withdrawn in 2000.

The Court of Judicial Discipline rendered decisions in six cases in 2000. See In re Larsen, 746 A.2d 108; In re Crahalla, 747 A.2d 980; In re Kelly, 757 A.2d 456; In re Miller, 759 A.2d 455; In re Melograne, 759 A.2d 475; In Re Callan, 762 A.2d \_\_\_.

Three cases decided by the Court of Judicial Discipline were affirmed by the Supreme Court on appeal: In re Cicchetti, 743 A.2d 431; In re Nakoski, 758 A.2d 1155; In re Crahalla, 762 A.2d .

In December, an Application to Implement Automatic Forfeiture of Judicial Office was filed by the Board in the case of a district justice who had been disbarred by the Supreme Court. That matter is still pending.

#### CASE DISPOSITIONS

During 2000, the Board opened 595 complaints against judicial officers. The following statistics reflect the breakdown of those complaints by type of jurist.

Judges of Courts of Record 405
Minor Judiciary 190
Non-Judicial Officers\* 0

\* Opened for administrative purposes.

The following statistics classify the complaint on the basis of its primary allegation.

Abuse of Power	9
Administrative	16
Bias	136
Business/Fiduciary	0
Conflict of Interest	5
Criminal	2
Delay	78
Disability	0
Ex Parte Communication	11
Financial Disclosure	0
Fundraising	2
Gifts	1
Judicial Demeanor	27
Legal Error	277
Other	24
Political - Campaign	2
Political - Other	2
Public Comment	2
Substance Abuse	1

During 2000, the Board disposed of 543 complaints. The following statistics reflect the stage at which ultimate disposition occurred.

Dismissed after Preliminary Inquiry	495
Dismissed after Full Investigation	36
Dismissed after Issuance of Letter of Counsel	9
Filed Formal Charges	3

Your comments, observations, and suggestions regarding the Annual Report are helpful and welcomed. Please direct them to: Assistant Counsel Lisa D. McClain at the Board's Harrisburg office (225 Market Street, Harrisburg, PA 17101; lmcclain@court.state.pa.us).

