TABLE OF CONTENTS

Transmittal Letter ......................................................................................................................... 2
Mission ........................................................................................................................................... 3
2015 Board Members and Staff ...................................................................................................... 4

Overview of the Board:
  Authority of the Board ................................................................................................................. 5
  Members of the Board ...................................................................................................................... 5
  Governing Law ............................................................................................................................... 5
  Defining Judicial Misconduct ......................................................................................................... 5
  Examples of Judicial Misconduct .................................................................................................. 5
  Sources of Complaints and Allegations ......................................................................................... 5
  Board Limitations ......................................................................................................................... 5
  Board Investigations and Actions .................................................................................................. 6
  Board Organization and Staff ....................................................................................................... 7
  Budget ........................................................................................................................................... 7
  Outreach and Education ................................................................................................................. 8
  Board Web Site .............................................................................................................................. 8
  Public Information and Confidentiality of Board Proceedings .................................................... 8

Procedure: The Complaint Process:
  Complaint Resolution Process .................................................................................................... 9

2015 Statistics:
  Overview ........................................................................................................................................ 10
  Classification of Allegations .......................................................................................................... 10
  Judicial Complement ...................................................................................................................... 10
  Complaints Categorized by Judicial Office .................................................................................... 11
  Level of Judicial Office .................................................................................................................. 11
  Investigative Inquiries .................................................................................................................... 11
  Complaint Dispositions ................................................................................................................ 11
  Preliminary Matters ....................................................................................................................... 12
  Private Sanction Summaries .......................................................................................................... 13
  Summary of Board Activity in 2015 .............................................................................................. 15
    Complaint Activity During 2015 .................................................................................................. 15
    Five Year Statistical Summary .................................................................................................. 15
    Complaint Activity: Five-Year Summary .................................................................................... 16
  Summary of Sanctions Imposed by The Court of Judicial Discipline—2015 ............................... 17

National Judicial Discipline Statistics - 2015.................................................................................. 18
Board Member Biographies ............................................................................................................ 19
Confidential Request for Investigation ......................................................................................... 23
April 15, 2016

TO: The Honorable Thomas Wolf
    Governor
    Commonwealth of Pennsylvania
    225 Main Capitol
    Harrisburg, Pennsylvania 17120

    The Honorable Thomas G. Saylor
    Chief Justice of Pennsylvania
    200 North Third Street
    Harrisburg, Pennsylvania 17101

    The Honorable Joseph B. Scarnati, III
    President Pro Tempore
    Senate of Pennsylvania
    292 Main Capitol
    Harrisburg, Pennsylvania 17120-3025

    The Honorable Mike Turzai
    Speaker of the House
    Pennsylvania House of Representatives
    139 Main Capitol
    Harrisburg, Pennsylvania 17120-2066

    The Honorable Jay Costa
    Minority Floor Leader
    Senate of Pennsylvania
    535 Main Capitol
    Harrisburg, PA 17120-2033

    The Honorable Frank Dermody
    Democratic Leader
    Pennsylvania House of Representatives
    423 Main Capitol Building
    Harrisburg, PA 17120-3043

Pursuant to Article V, Section 18(a)(6) of the Pennsylvania Constitution, and Section 2104 of Title 42, Judiciary and Judicial Procedures, the Judicial Conduct Board of Pennsylvania respectfully submits this Annual Report covering the period from January 1 through December 31, 2015.

This Annual Report is available to the general public on the Board’s web site at www.jcbpa.org

Respectfully submitted,

[Signature]

Robert A. Graci
Chief Counsel
On Behalf of the Judicial Conduct Board
MISSION STATEMENT

The Judicial Conduct Board is an independent Board within the Judicial Branch mandated by the Pennsylvania Constitution to receive and investigate complaints of misconduct against judges of Pennsylvania’s unified judicial system and, where appropriate, to file formal charges against those judges found to have engaged in improper behavior.

The Board, through its staff, is required to investigate every allegation made against Pennsylvania state court judges. This procedure is an essential safeguard to the integrity of, and public confidence in, the judiciary and the judicial process. Judges are held to a high standard of conduct. This standard is set forth both in the Code of Judicial Conduct and in the Rules Governing the Standards of Conduct of Magisterial District Judges.

The members and staff of the Judicial Conduct Board are committed to preserving the honor, dignity, independence, and integrity of Pennsylvania’s judiciary. Political affiliation, race, color, age, national origin, sex, sexual orientation, ancestry, religious creed, disability, and the position or status of the complainant or judge, are not considerations in reviewing cases. The Board’s duties to the public require the honesty, intelligence, professionalism, and diligence of every Board and staff member.

The Board’s objective is to enforce high standards of ethical conduct for judges, who, when serving in their adjudicatory function, must be free to act independently and in good faith on the merits, but who also must be held accountable to the public should they engage in misconduct.
# OVERVIEW OF THE BOARD
## 2015 BOARD MEMBERS

### JUDGE MEMBERS
- **Honorable Jayne F. Duncan***
  Magisterial District Judge
  Chair of the Judicial Conduct Board
  (Term expiration 03/14/2016)
- **Honorable Anne E. Lazarus**
  Superior Court of Pennsylvania
  (Term expiration 08/31/2015)
- **Honorable P. Kevin Brobson***
  Commonwealth Court of Pennsylvania
  (Term expiration 8/31/2019)
- **Honorable Christine Fizzano Cannon***
  Court of Common Pleas, Delaware County
  (Term expiration 10/30/2018)

### ATTORNEY MEMBERS
- **James C. Schwartzman, Esquire***
  (Term expiration 08/16/2018)
- **Robert G. Del Greco, Jr., Esquire***
  (Term expiration 02/04/2018)
- **Richard T. Frazier, Esquire***
  (Term expiration 07/02/2017)

### PUBLIC MEMBERS
- **Eugene J. Dooley***
  (Term expiration 06/01/2016)
- **Honorable Samuel J. Magaro**
  (Term expiration 09/24/2016)
- **Lt. Gary S. Scheimer***
  (Term expiration 10/09/2016)

### BOARD STAFF
- **Robert A. Graci**, Chief Counsel

<table>
<thead>
<tr>
<th>James P. Kleman, Jr.</th>
<th>Francis J. Puskas II</th>
<th>Elizabeth A. Flaherty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deputy Counsel</td>
<td>Deputy Chief Counsel</td>
<td>Deputy Counsel</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Douglas K. Miller</th>
<th>John C. Harlacker</th>
<th>Sean P. Brennan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Investigator (Pittsburgh)</td>
<td>Investigator (Harrisburg)</td>
<td>Investigator (Philadelphia)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Paula R. Caruso</th>
<th>Toni I. Schreffler</th>
<th>Sandra K. Re</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Secretary</td>
<td>Legal Assistant</td>
<td>Legal Secretary</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Colleen M. McKinney</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clerical Assistant</td>
</tr>
</tbody>
</table>

*Current Members through December 31, 2015

1 Resigned before expiration of term, May 28, 2015
2 Died before expiration of term, May 9, 2015
OVERVIEW OF THE BOARD

AUTHORITY OF THE BOARD
The Judicial Conduct Board was created by an amendment to the Pennsylvania Constitution adopted on May 18, 1993, and declared in effect by the Governor on August 11, 1993. It is the independent board within the judicial branch of the Commonwealth’s government responsible for investigating allegations of judicial misconduct or disability or impairment.

The Board has jurisdiction over Pennsylvania Supreme Court Justices, Superior and Commonwealth Court Judges, Common Pleas Court Judges, Philadelphia Municipal and Traffic Court Judges, and Magisterial District Judges. The Board has no jurisdiction over federal judges and magistrates, administrative hearing officers for state agencies or mediators, arbitrators or masters.

MEMBERS OF THE BOARD
There are 12 members of the Board. Board Members serve staggered four-year terms. The Board is comprised of the following individuals:

- Six citizen members who are neither attorneys nor judges;
- Three judges, one from each of the following court levels: an appellate court judge from either the Superior or Commonwealth Court; a common pleas court judge; and a magisterial district judge; and
- Three attorneys who are not judges.

Members meet regularly to conduct Board business and receive no compensation for their service.

One of the critical features of the Board’s system is its structural independence. The 12 board members are appointed by two appointing authorities: the Governor appoints six members and the Supreme Court appoints six members. The Governor appoints a Common Pleas Court Judge, two attorneys and three citizen members. The Supreme Court appoints a Superior or Commonwealth Court Judge, a Magisterial District Judge, an attorney and three citizen members. Neither the Governor nor the Supreme Court controls a majority of the appointees to the Board. No more than half of the members may be registered in the same political party.

GOVERNING LAW
The Board is governed by Article V, Section 18 of the Pennsylvania Constitution, and Chapter 21, Subchapter A of Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes (available on web site http://www.jcbpa.org). As an independent Board in the Judicial Branch having its own constitutional and statutory provisions regarding confidentiality of papers, records, and proceedings, the Board is not governed by the Open Meetings Act or the Pennsylvania Administrative Code.

DEFINING JUDICIAL MISCONDUCT
Judicial misconduct is conduct that, among other things, violates the Pennsylvania Constitution, the Code of Judicial Conduct, or the Rules Governing Standards of Conduct of Magisterial District Judges.

EXAMPLES OF JUDICIAL MISCONDUCT
The conduct forming the basis of a judicial misconduct complaint could arise from the judge’s violation of the law or the rules promulgated by the Supreme Court of Pennsylvania. Examples of judicial misconduct include: inappropriate courtroom demeanor such as yelling, profanity, gender bias, or racial slurs; improper ex parte communication with only one of the parties or attorneys in a case; a public comment regarding a pending case; or failure to recuse or disqualify in a case where the judge has an interest in the outcome of the case or in which the parties, attorneys, or appointees are related within a prohibited degree of kinship to the judge. Judicial misconduct also arises from out-of-court activities such as: driving under the influence or other criminal activity; improper financial or business dealings; sexual harassment; or official oppression. Lastly, judicial misconduct could occur through a judge’s failure to cooperate with respect to his or her obligations arising from a Board’s inquiry or for a judge’s retaliating against a party or the party’s attorney for cooperating in a Board inquiry.

Importantly, however, the Board cannot and does not act as a criminal investigation agency; it has no authority to arrest and imprison a judge. Likewise, the Board cannot intervene in a case pending before a judge and cannot review rulings of a judge (which is the role of the appellate courts) or reassign a case to another judge or remove or seek the recusal of a judge from a particular case.

SOURCES OF COMPLAINTS AND ALLEGATIONS
The Board has the duty to consider allegations from any source, including complaints from individuals, public news sources, or information received in the course of investigations that form the basis for new allegations. The Board also accepts and, where warranted, investigates anonymous complaints.

BOARD LIMITATIONS
The Board does not have the authority to review the correctness of the legal decisions of any judge for any possible errors or to change the decision or ruling of any judge. For example, if the Board finds that a judge’s actions constitute any form of misconduct, the Board can only file formal charges in the Court of Judicial Discipline and seek appropriate sanctions against the judge, which could include the judge’s removal from the bench. However, even removal would not change the judge’s ruling in the underlying case. Only an appellate court can review and reverse a particular court decision.
Additionally, the Board cannot provide individual legal assistance or advice to a complainant. The Board cannot remove a judge from a case. The Board cannot award damages or provide monetary relief to complainants, get prisoners out of jail, or jail a judge who violates the criminal law.

**BOARD INVESTIGATIONS AND ACTIONS**

Cases are reviewed, analyzed, and investigated by the Board staff. The first step in an investigation involves a preliminary inquiry, which may include interviews with the complainant, attorneys and other witnesses, and the review of relevant documents. The Board then considers the results of the investigation in reviewing the complaint. The Board has several options available when deciding whether to take action on a case. At this stage, the Board is most likely to make one of two choices:

- Dismiss the complaint because it is clear that the allegations do not warrant disciplinary actions against the accused judge because no provisions of the Constitution, the Code of Judicial Conduct or the Rules Governing Standards of Conduct of Magisterial District Judges have been violated; or
- Authorize a full investigation to determine if there is evidence of misconduct.

After a full investigation is authorized and conducted, the Board will:

- Dismiss the complaint because there is no probable cause of judicial misconduct. Typically, the allegations involve legal error, are time barred by the Board’s four-year limitations period, or cannot be proven; or
- Issue a Letter of Caution to the judge under investigation where the conduct did not rise to a violation of the Code or Rules but the conduct may lead to judicial misconduct if not corrected or constituted only a minor violation that was recognized and rectified by the judge; or
- Issue a Letter of Counsel to the judge under investigation where the evidence suggests that a violation of the Code or Rules was an isolated incident or the result of inadvertence; or
- File formal charges against the judge in the Court of Judicial Discipline following a determination by a majority of the Board that there is probable cause to believe that the judge engaged in misconduct.

The types of actions that could be taken by the Court of Judicial Discipline include dismissal of the complaint, public censure, suspension with or without pay, and removal from the bench which carries with it the prohibition from future judicial service. A detailed discussion of the Board's procedures for analyzing complaints and allegations and an overview of the complaint process is further discussed under the “Judicial Conduct Board of Pennsylvania – Complaint Resolution Process.” The number and types of action taken by the Board in calendar year 2015 are presented in the “Case Statistics” section of this report.
BOARD ORGANIZATION AND STAFF

In 2015, the Board had 11 staff positions, including the Chief Counsel, Deputy Chief Counsel, two Deputy Counsels, three investigators, and four support staff. All staff members are full-time employees of the Commonwealth of Pennsylvania. The Board also used the services of a contract attorney in 2015.

Under the Constitution, the Board appoints a Chief Counsel who acts as Board executive director and whose general duties include managing and supervising the administrative activities of the Board's office, its attorneys, investigators, and support staff. The Chief Counsel’s specific responsibilities include the following: providing legal advice to the Board; reviewing and processing complaints; developing statistics concerning Board activities; preparing the Board's annual budget; administering the funds of the Board; and keeping the Board informed of all developments potentially affecting the work of the Board.

The Board's legal staff, which consists of Chief Counsel, Deputy Chief Counsel, two Deputy Counsels, a legal assistant and three investigators, is responsible for the evaluation and investigation of complaints. The attorneys are primarily responsible for reviewing and evaluating new complaints. The investigators conduct investigations in consultation with the assigned attorneys. The legal assistant performs legal research and other paralegal services.

The Chief Counsel and the other attorneys serve as trial counsel during proceedings before the Court of Judicial Discipline and are responsible for preparing cases and presenting the evidence that supports the charges brought before the Court of Judicial Discipline. When necessary, these attorneys also brief and argue appeals to the Supreme Court of Pennsylvania from rulings of the Court of Judicial Discipline. The staff attorneys also respond to requests for information under the Right-to-Know Law and handle appeals arising from those requests.

BUDGET

The Judicial Conduct Board’s budget is included in the appropriation allotted to the Judicial Branch of the Commonwealth’s government. It is formulated and administered independently by the Board. For the 2015-2016 fiscal year (July 1, 2015 — June 30, 2016), the Board’s appropriation is $1,956,000. This appropriation provides funding for salaries and benefits for the staff of the Judicial Conduct Board, as well as annuitant benefits, operational expenses and fixed assets.

2011–2016 Budgets
(In Thousands)

<table>
<thead>
<tr>
<th>Fiscal Year*</th>
<th>Amount Appropriated</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011–2012</td>
<td>$1,182</td>
</tr>
<tr>
<td>2012–2013</td>
<td>$1,531</td>
</tr>
<tr>
<td>2013–2014</td>
<td>$1,577</td>
</tr>
<tr>
<td>2014–2015</td>
<td>$1,577</td>
</tr>
<tr>
<td>2015–2016</td>
<td>$1,956</td>
</tr>
</tbody>
</table>

*The Commonwealth of Pennsylvania operates on a fiscal year basis, July 1 through June 30.

The Judicial Conduct Board’s budget is approximately .5% (five tenths of one percent) of the overall budget of the Judicial Branch of the Commonwealth and .05 % (five one hundredth of one percent) of the budget of the Commonwealth.
OVERVIEW OF THE BOARD

OUTREACH AND EDUCATION
In 2015, the Chief Counsel and Board members issued numerous press releases regarding cases pending in the Court of Judicial Discipline and noting important Board activities. The Board has expanded the functionality of its web site. Board members and staff regularly participate in educational seminars for a variety of groups. The Board issues a Newsletter addressing topics relating to issues arising under the Code of Judicial Conduct and the Rules Governing Standards of Conduct of Magisterial District Judges. When appropriate, the Board also issues informational alerts addressing such topics.

BOARD WEB SITE
The Board’s web site appears at http://www.jcbpa.org. The web site provides downloadable complaint forms. The web site also offers answers to frequently asked questions regarding the Board, such as its composition, structure, and jurisdiction; the judicial complaint process; a description of the range of decisions the Court of Judicial Discipline can make, from dismissal to sanction; and links of interest to other web sites dealing with judicial ethics.

Also included on the web site are the Board’s governing law: Article V, Section 18 of the Pennsylvania Constitution: selected provisions from Title 42 of the Pennsylvania Consolidated Statutes, Judiciary and Judicial Procedure; the Board’s Rules of Procedure; and its Internal Operating Procedures.

PUBLIC INFORMATION AND CONFIDENTIALITY OF BOARD PROCEEDINGS
The availability of information and records maintained by the Board is governed by Article V, Section 18(a)(8) of the Pennsylvania Constitution which states: “[c]omplaints filed with the board or initiated by the board shall not be public information.” This section also provides that “statements, testimony, documents, records or other information or evidence acquired by the board in the conduct of an investigation” are not public information. Additionally, this constitutional mandate requires that “[a]ll proceedings of the board shall be confidential.” Rule 17 of the Board’s Rules of Procedure provides that “all information and proceedings relating to a complaint and records of the Board’s deliberations shall be confidential.”

This constitutional provision and the Board’s Rules mandate the confidentiality of the fact that a complaint has been filed and is pending before the Board.

Pursuant to these provisions, Board meetings and proceedings are confidential and closed to the public. The confidentiality of the Board’s proceedings and the non-public nature of documents or information submitted to or gathered by the Board are designed to protect complainants from retaliation by judges under investigation and to protect judges from the embarrassment resulting from the public release of unfounded allegations. These confidentiality requirements are subject to limited exceptions set forth in Article V, Section 18(a)(8) of the Constitution and Rules 14 and 18 of the Board’s Rules of Procedure. They generally involve disclosure of the fact of an investigation if the investigation has become public knowledge by means independent of any action by the Board. They also allow certain disclosures to criminal law enforcement and professional disciplinary agencies if the information submitted to or obtained by the Board relates to violations of the criminal laws or rules of professional conduct.

Once formal charges are filed with the Court of Judicial Discipline, all pleadings filed in the Court and proceedings before the Court are available and open to the public.
### Judicial Conduct Board of Pennsylvania – Complaint Resolution Process

<table>
<thead>
<tr>
<th>INITIAL SCREENING</th>
<th>PRELIMINARY INQUIRY</th>
<th>FULL INVESTIGATION</th>
<th>FORMAL PROCEEDINGS</th>
<th>SUPREME COURT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Chief Counsel</strong>&lt;br&gt;reviews each Confidential Request for Investigation or “complaint” to determine whether it is within jurisdiction of the Judicial Conduct Board (JCB).</td>
<td><strong>JCB attorney and/or investigator</strong> conducts preliminary inquiry, writes preliminary investigation report, and recommends whether to dismiss or to proceed to full investigation as to some or all allegations.</td>
<td><strong>Staff</strong> provides judge with pertinent materials and asks judge to respond in writing to identified allegations.</td>
<td><strong>Staff</strong> prepares formal complaint, files complaint with the Court of Judicial Discipline, and serves same upon judge. Matter becomes public upon filing.</td>
<td><strong>If the Court of Judicial Discipline dismisses the charges against the judge, the JCB may appeal to the Supreme Court of Pennsylvania.</strong></td>
</tr>
<tr>
<td><strong>Staff</strong> returns non-JCB complaints (e.g., complaints against attorneys or federal judges) to complainant with appropriate instructions.</td>
<td><strong>Staff</strong> distributes preliminary inquiry report and recommendation, along with pertinent materials, to JCB members.</td>
<td><strong>Attorney and/or investigator</strong> conduct additional investigation, if necessary, as to issues raised in judge’s response.</td>
<td><strong>Judge</strong> may file written response.</td>
<td><strong>If the Court of Judicial Discipline imposes discipline on the judge, the judge may appeal to the Supreme Court.</strong></td>
</tr>
<tr>
<td><strong>Staff</strong> prepares electronic and paper-copy file, sends acknowledgment letter to complainant, and returns paper-copy file to Chief Counsel.</td>
<td><strong>JCB meets</strong>, reviews and discusses preliminary investigation report and recommendation from staff attorney, and votes to dismiss, to conduct additional preliminary inquiry, or to proceed to full investigation as to some or all allegations.</td>
<td><strong>Staff</strong> distributes judge’s response and any supplemental investigation report and recommendation, along with pertinent materials, to JCB members.</td>
<td><strong>Matter may be presented on stipulated facts or at adversarial trial before Court of Judicial Discipline.</strong></td>
<td><strong>If the accused judge is a justice of the Pennsylvania Supreme Court, the appeal is heard by a Special Tribunal made up of judges randomly chosen for the Superior and Commonwealth Courts as provided in Article V, §18(c)(1) of the Pennsylvania Constitution.</strong></td>
</tr>
<tr>
<td><strong>Chief Counsel</strong> assigns complaints to staff attorneys.</td>
<td><strong>JCB meets</strong>, reviews and discusses judge’s response, and any supplemental investigation report and recommendation, along with pertinent materials, to JCB members.</td>
<td><strong>JCB meets</strong>, reviews and discusses judge’s response before Court of Judicial Discipline.</td>
<td><strong>After a public hearing</strong>, the Court of Judicial Discipline must issue Findings of Fact and Conclusions of Law and will either dismiss or sustain the charges. If they are sustained, the Court of Judicial Discipline will schedule a hearing on sanctions which may include:</td>
<td><strong>If the accused judge is a justice of the Pennsylvania Supreme Court, the appeal is heard by a Special Tribunal made up of judges randomly chosen for the Superior and Commonwealth Courts as provided in Article V, §18(c)(1) of the Pennsylvania Constitution.</strong></td>
</tr>
<tr>
<td><strong>If matter is dismissed</strong>, complainant and judge are so notified. <strong>If matter is not within jurisdiction of JCB (e.g., complaint against attorney or federal judge), complainant is referred to appropriate agency.</strong></td>
<td><strong>If matter is dismissed</strong>, complainant and judge are so notified. <strong>If matter is not within jurisdiction of JCB (e.g., complaint against attorney or federal judge), complainant is referred to appropriate agency.</strong></td>
<td><strong>If matter is dismissed</strong>, complainant and judge are so notified. <strong>If matter is not within jurisdiction of JCB (e.g., complaint against attorney or federal judge), complainant is referred to appropriate agency.</strong></td>
<td><strong>If the matter is sustained</strong>, the Court of Judicial Discipline must issue Findings of Fact and Conclusions of Law and will either dismiss or sustain the charges. If they are sustained, the Court of Judicial Discipline will schedule a hearing on sanctions which may include:</td>
<td><strong>If the accused judge is a justice of the Pennsylvania Supreme Court, the appeal is heard by a Special Tribunal made up of judges randomly chosen for the Superior and Commonwealth Courts as provided in Article V, §18(c)(1) of the Pennsylvania Constitution.</strong></td>
</tr>
<tr>
<td><strong>If the matter is sustained</strong>, the Court of Judicial Discipline must issue Findings of Fact and Conclusions of Law and will either dismiss or sustain the charges. If they are sustained, the Court of Judicial Discipline will schedule a hearing on sanctions which may include:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
OVERVIEW

During 2015, the Board received or initiated 845 confidential requests for investigations. This is the largest number of requests ever opened by the Board in a single year and is reflective of the continued heightened scrutiny to which judges are rightfully subjected. The Board filed formal charges in the Court of Judicial Discipline against 13 judges and filed petitions for interim suspension against 13.

The Board closed 583 pending matters in 2015. Of those, 186 were determined to be unfounded after preliminary inquiry and 338 presented claims of legal error and not misconduct. Another 33 were dismissed because the Board lacked jurisdiction over the official against whom the complaint was filed. The Board authorized the issuance of notices of full investigation in 26 matters and seven were dismissed after full investigation. 15 pending matters were closed with the filing of charges in the Court of Judicial Discipline against 13 judges and another 10 were concluded with the resignations of three judicial officers. The Board dismissed 13 cases with Letters of Caution\(^3\) and dismissed 14 cases with Letters of Counsel.\(^4\)

---

\(^1\)A Letter of Caution is explained below under “Complaint Dispositions.”
\(^2\)A Letter of Counsel is explained below under “Complaint Dispositions.”

---

CLASSIFICATION OF ALLEGATIONS

There were 845 complaints received or initiated during the 2015 calendar year. The Board classified each complaint received into one of the following categories: (The Board on average received 70 complaints each month.)

- Abuse of Discretion/Office/Power ..... 125       14.8%
- Appearance of Impropriety ......... 3        0.4%
- Bias .................................... 68       8.0%
- Conflict of Interest .............. 11        1.3%
- Criminal ............................. 2        0.2%
- Delay .................................. 39       4.6%
- Demeanor ............................. 58       7.0%
- Discrimination ..................... 2        0.2%
- Ex Parte .............................. 25       3.0%
- Failure to Comply With Law ....... 7        0.8%
- Failure to Perform Duties ......... 2        0.2%
- Impropriety .......................... 16       1.9%
- Legal ................................. 366      43.3%
- Multiple Issues ..................... 12       1.4%
- Nepotism ............................. 3        0.4%
- No Jurisdiction ............ 33        3.9%
- Political ............................ 32       3.8%
- Recusal ............................... 18       2.1%
- Retaliation ........................... 1        0.1%
- Self-Report .......................... 1        0.1%
- Sexual Harassment .................. 3        0.4%
- Time Barred .......................... 2        0.2%

Total .................................... 845      100%

JUDICIAL COMPLEMENT

In 2015, there were 1,003 jurists within the Board’s jurisdiction.

<table>
<thead>
<tr>
<th>Court</th>
<th>2015 Jurists</th>
<th>Senior Jurists</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supreme Court</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>Superior Court</td>
<td>15</td>
<td>4</td>
</tr>
<tr>
<td>Commonwealth</td>
<td>9</td>
<td>4</td>
</tr>
<tr>
<td>Common Pleas</td>
<td>451</td>
<td>124</td>
</tr>
<tr>
<td>Magisterial District Judges</td>
<td>497</td>
<td>121</td>
</tr>
<tr>
<td>Philadelphia Municipal Court</td>
<td>27</td>
<td>4</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>1,003</strong></td>
<td><strong>257</strong></td>
</tr>
</tbody>
</table>
In addition to complaints within the Board's jurisdiction, the Board also received 33 complaints concerning individuals who did not fall within the Board's jurisdiction such as attorneys, federal judges, workers' compensation judges, other government officials and miscellaneous individuals. The Judicial Conduct Board staff responded to each of these complaints and, where appropriate, staff referred complainants to the appropriate disciplinary or other authority having jurisdiction over the person who was the subject of the request for investigation.

After a Letter of Inquiry is issued, staff counsel may determine that subsequent interviews are required either to corroborate or refute the judicial officer's written response. Information obtained through a Letter of Inquiry could lead to the issuance of a Notice of Full Investigation or a Board dismissal.

**Notice of Full Investigation:** If, after appropriate preliminary inquiry into a case, the Board determines that sufficient evidence of judicial misconduct exists such that the case may result in the filing of formal charges in the Court of Judicial Discipline, it will issue a Notice of Full Investigation to the judicial officer. This is required by the Constitution. Before the Board determines there is probable cause of misconduct, the judicial officer must be apprised of the nature and content of the complaint and given an opportunity to respond. After the Board issues the Notice of Full Investigation, the judicial officer has an opportunity to respond to the allegations in writing. In 2015, the Board authorized 26 Notices of Full Investigation. A Notice of Full Investigation may address several separate matters under investigation involving the same judge.

**COMPLAINT DISPOSITIONS**

The Board disposed of 583 cases in 2015 either by dismissal after preliminary inquiry, strictly legal error dismissal, dismissal after full investigation, dismissal with a letter of caution, dismissal with a letter of counsel or by the filing of formal charges. Not all cases are dismissed or otherwise acted upon in the year in which they are received by the Board.

**Dismissal After Preliminary Inquiry:** Of the 583 cases closed in 2015, 186 were dismissed after preliminary inquiry. These complaints involved facts that, even if true, would not constitute judicial misconduct. Investigation showed that either the allegations were unfounded or were not supported by sufficient facts or were not provable, or, when questioned, the judge gave an adequate explanation of the situation.

**Dismissal as Strictly Legal Error:** Of the 583 cases closed in 2015, 338 were dismissed as strictly legal error. These complaints generally deal with allegations of legal error and disagreements with judicial rulings. Also included in this category are complaints dismissed that involved actors or agencies outside the jurisdiction of the Board and those that are outside the Board's four year limitation period. Chief Counsel must concur with staff counsel's analysis of the allegations to be considered for dismissal.
Dismissal After Full Investigation: Of the 583 cases closed in 2015, the Board dismissed seven after it issued Notices of Full Investigation. In these cases, the Board determined that it lacked sufficient evidence to continue investigating the matter or there was not clear and convincing evidence of the alleged misconduct.

Dismissal with a Letter of Caution: The Board dismissed 13 cases with Letters of Caution in 2015. The Board issues Letters of Caution when the judicial officer’s conduct constitutes an aberration or an oversight or other minor error in judicial comportment. The purpose of a Letter of Caution is to constitute a “wake-up call” or private warning about conduct that could lead to a finding of judicial misconduct if not corrected promptly by the judicial officer.

Dismissal with a Letter of Counsel: The Board dismissed 14 cases with Letters of Counsel in 2015. The Board issues Letters of Counsel in cases where there is sufficient evidence of judicial misconduct to warrant the filing of formal charges in the Court of Judicial Discipline, but the evidence suggests that it was an isolated incident or first-time infraction by a judicial officer. The Letter of Counsel is a private reprimand and is subject to the judicial officer’s acceptance. Evidence of genuine remorse on the part of a judicial officer is weighed heavily by the Board in its decision whether to issue a Letter of Counsel or to file formal charges. The conduct at issue in a Letter of Counsel can be used as evidence against the judicial officer in a complaint before the Court of Judicial Discipline if the judicial officer is charged with a new charge.

Resignations: Three judicial officers resigned while facing Board investigations.

PRELIMINARY MATTERS

Petitions for Interim Suspension: The Board may file petitions for interim suspension with the Court of Judicial Discipline. Such petitions are appropriate when the Board has filed formal charges against a judge in the Court of Judicial Discipline or when a judge has been charged with a felony. The Court may issue orders for interim suspension prior to a hearing and may do so with or without pay. These interim orders are not appealable as final orders. In 2015, the Board filed 13 Petitions for Interim Suspension With or Without Pay with the Court of Judicial Discipline.
PRIVATE SANCTION SUMMARIES

As stated above, upon conclusion of its investigation of a complaint, the Board may dismiss the matter with a letter to the judicial officer communicating the Board’s concern or a warning to the judge not to engage in specified behavior. In 2015, the Board expressed concern or warning to judges about the following types of conduct:

1. **LETTERS OF COUNSEL** are issued by the Board as a private reprimand in cases where there is sufficient evidence of judicial misconduct to file formal charges with the Court of Judicial Discipline, but mitigating circumstances exist that weigh against the filing of formal charges. The Board’s issuance of a Letter of Counsel is subject to judge’s acceptance and appearance before the Chief Counsel of the Judicial Conduct Board. Examples as follows:

   • **Canon 3A(5) – Old Code of Judicial Conduct**
     - The judge had delays in ruling on two civil cases (over three years on one case; one year and seven months for the other case) and one custody case (11 months).

   • **MDJ Rule 2(A) – Old Rules Governing Standards of Conduct for Magisterial District Judges, Article V, § 17(b) and Article V, § 18(d)(1)**
     - A judge failed to respect and comply with the law and brought the judiciary into disrepute by driving under the influence of alcohol, getting in a traffic accident, and fleeing the scene of the accident.

   • **MDJ Rules 2(A), 3(A), and 4(C) – Old Rules Governing Standards of Conduct for Magisterial District Judges, Article V, § 17(b) and Article V, § 18(d)(1)**
     - A judge was placed into the Board’s 12-month rehabilitative diversion program for substance abuse after being observed intoxicated at the office and for missing work due to intoxication.

   • **Canon 1, Rules 1.1 and 1.2; Canon 2, Rules 2.3(A), (B), (C) – 2014 Code of Judicial Conduct, Article V, § 17(b) and Article V, § 18(d)(1)**
     - A judge violated the law, manifested prejudice, and brought the judiciary into disrepute by demeaning a litigant utilizing ethnic and social stereotypes during a hearing.

   • **Canon 1, Rule 1.2; Canon 2, Rule 2.4(B) & (C) – 2014 Code of Judicial Conduct**
     - In order to protect a friend, a judge lied to a magisterial district judge and a probation officer in a neighboring county about the circumstances surrounding an individual who violated a special bail consideration and fled Pennsylvania prior to an extradition hearing. The judge knowingly permitted that same lie to be told to, and believed by, the president judge who had jurisdiction over the extradition proceedings and the district attorney involved in those proceedings.

2. **LETTERS OF CAUTION** are issued as private warnings of potential judicial misconduct. Examples of the type of conduct addressed by Letters of Caution include the following:

   • **Canon 1, Rule 1.3, and Canon 3, Rule 3.7(B)(2) – 2014 Code of Judicial Conduct**
     - Unbeknownst to the judge, a charitable organization traded upon the judge’s position and the prestige of the judicial office for fundraising purposes. The judge attempted to take corrective action to thwart the further use of the judge’s position to advance the interests of the charity (which admitted that the judge had previously directed that no such use be made). Nevertheless, the judge appeared at the fundraiser and, while not directly soliciting funds, participated as a panelist as part of the fund-raising event that was not for the advancement of the legal system. Judge cautioned to comply with Rules 1.3 and 3.7(B)(2) in relation to further involvement with the charity.
• Canon 2, Rule 2.8(B) and Canon 3A(3) – 2014 Code of Judicial Conduct and Old Code of Judicial Conduct
  o The judge displayed improper demeanor toward children and youth employees, attorneys, and others in court.

• Canon 2, Rule 2.8(B) – 2014 Code of Judicial Conduct
  o The judge made intemperate remarks about a plaintiff during a PFA hearing.

• MDJ Rule 4(D) - Old Rules Governing Standards of Conduct for Magisterial District Judges
  o A judge engaged in an improper ex parte communication with a police officer regarding a procedural matter in a defendant’s case.

  o A judge utilized the services of an office staff member and office equipment and material to issue a one-page press release announcing the judge’s candidacy for re-election.

• MDJ Rules 2, 4, 8, and 13 - Old Rules Governing Standards of Conduct for Magisterial District Judges
  o A judge engaged in conduct that created the appearance of impropriety at a preliminary hearing; the defendant was a close relative of a former court employee and the judge permitted the Commonwealth to modify the originally filed charges without the consent of the attorney for the Commonwealth, in violation of the law.

• Canon 1, Rule 1.3 and Canon 4, Rule 4.1(A)(3) - 2014 Rules Governing Standards of Conduct for Magisterial District Judges
  o A judge circulated a nominating petition for a candidate for non-judicial office.

• Canon 2, Rules 2.15(A), (C) – 2014 Code of Judicial Conduct
  o Despite having knowledge of the substantial likelihood of another judge’s political misconduct, the judge failed to report the matter to the Board.

• Canon 3(A)(5) – Old Code of Judicial Conduct
  o A judge was unduly delayed for more than one year in the filing of an opinion.

• MDJ Rule 14A - Old Rules Governing Standards of Conduct for Magisterial District Judges
  o Acting as an attorney, a magisterial district judge initially represented a landlord in an appeal without realizing that the judge had previously presided over and adjudicated the Landlord-Tenant case in district court. Once the conflict of interest was identified, the judge withdrew as attorney for the landlord and has since implemented an improved tracking system to avoid any such conflicts in the future.

• MDJ Rule 15D(2) - Old Rules Governing Standards of Conduct for Magisterial District Judges
  o During his political campaign for magisterial district judge, a judicial candidate misrepresented facts about audits and bail decisions of the opposing candidate who was the sitting magisterial district judge. The language in the political campaign postcards, drafted by the candidate’s campaign committee, was overtly negative in tone and exaggerated in fact.

• Canon 3A(5); Pa.R.J.A. 703 – Old Code of Judicial Conduct
  o Judge delayed decision-making pertaining to a defendant’s multiple pro se motions and failed to timely comply with a Pennsylvania Supreme Court Order to decide the motions within 90 days of its Order.

The Canons of the Code of Judicial Conduct and the Rules Governing Standards of Conduct for Magisterial District Judges and the concomitant Rules and Comments related thereto, may be found on the Board’s website, www.http://jcbpa.org “Governing Law” tab. Each matter is identified as to whether the 2014 version of the Code or Rules or the prior version was applied.
### 2015 STATISTICS

#### SUMMARY OF BOARD ACTIVITY

**COMPLAINT ACTIVITY DURING 2015**

<table>
<thead>
<tr>
<th>Dismissals after Preliminary Inquiry</th>
<th>186</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strictly Legal Error Dismissals</td>
<td>338</td>
</tr>
<tr>
<td>Non-Jurisdiction Dismissals</td>
<td>33</td>
</tr>
<tr>
<td>Letters of Inquiry</td>
<td>30</td>
</tr>
<tr>
<td>Notices of Full Investigation</td>
<td>26*</td>
</tr>
<tr>
<td>Letters of Caution</td>
<td>13</td>
</tr>
<tr>
<td>Letters of Counsel</td>
<td>14</td>
</tr>
<tr>
<td>Resignations</td>
<td>3</td>
</tr>
<tr>
<td>Formal Complaints in the Court of Judicial Discipline</td>
<td>13</td>
</tr>
<tr>
<td>Interim Petitions for Suspension</td>
<td>13</td>
</tr>
</tbody>
</table>

*A Notice of Full Investigation may relate to multiple case numbers involving the same judicial officer.*

#### Five Year Statistical Summary*

<table>
<thead>
<tr>
<th>Year</th>
<th>Complaints Received/Initiated</th>
<th>Dismissed/Closed</th>
<th>Letters of Inquiry</th>
<th>Notices of Full Investigation Issued</th>
<th>Letters of Caution Issued</th>
<th>Letters of Counsel Issued</th>
<th>Formal Charges Filed</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>711</td>
<td>585</td>
<td>78</td>
<td>24</td>
<td>35</td>
<td>3</td>
<td>8</td>
</tr>
<tr>
<td>2012</td>
<td>660</td>
<td>775</td>
<td>66</td>
<td>12</td>
<td>39</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>2013</td>
<td>784</td>
<td>648</td>
<td>34</td>
<td>21</td>
<td>16</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>2014</td>
<td>793</td>
<td>754</td>
<td>34</td>
<td>19</td>
<td>12</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>2015</td>
<td>845</td>
<td>584</td>
<td>30</td>
<td>26</td>
<td>13</td>
<td>14</td>
<td>13</td>
</tr>
<tr>
<td>Total</td>
<td>3793</td>
<td>3346</td>
<td>242</td>
<td>102</td>
<td>115</td>
<td>25</td>
<td>31</td>
</tr>
</tbody>
</table>

| Average | 758 | 669 | 48 | 20 | 23 | 5 | 6 |

*Note: Complaints are not necessarily closed in the year in which they are received and may remain active for more than one year. In addition, multiple complaints may involve the same judicial officer.*
2015 STATISTICS

COMPLAINT ACTIVITY: 5-YEAR SUMMARY
(Based on calendar years 2011, 2012, 2013, 2014 and 2015)

- Dismissals/Closed: 3346
- Dismissed after Full Investigation: 154
- Letters of Inquiry: 242
- Notices of Full Investigation: 102
- Letters of Caution: 115
- Letters of Counsel: 25
- Formal Charges: 31
- Strictly Legal Error Dismissal: 1121
## 2015 STATISTICS

### SUMMARY OF COURT OF JUDICIAL DISCIPLINE

#### SANCTIONS IMPOSED - 2015

<table>
<thead>
<tr>
<th>JUDICIAL OFFICER</th>
<th>DESCRIPTION OF MISCONDUCT</th>
<th>DATE &amp; SANCTION IMPOSED</th>
</tr>
</thead>
</table>
| MDJ Kelly Ballentine  
2 JD 2015 Consolidated With 7 JD 2013 | While on Court imposed Probation, Respondent failed to file state and federal tax returns for five years; failed to remit approximately $130 in sales tax owed by shoe store owned by Respondent | 08/04/2015  
Removal from office. |
| Justice Joan Orie Melvin  
5 JD 2012 | Conviction on three counts of theft/diversion of service, criminal conspiracy, and misapplication of entrusted property; Conviction became final when Respondent discontinued appeal of her sentence | 08/14/2015  
Removed from office, ineligible for future judicial service. |
| MDJ Dawn Vann  
1 JD 2015 | Respondent failed to properly recuse and failed to act impartially in a legal dispute she presided over involving a close friend. | 12/23/2015  
Suspended for 6 months without pay commencing 1/1/2016; non-reporting probation for 18 months commencing 1/1/2016; participate in judicial mentoring program; comply with all laws and RGSCMDJs; comply with such other conditions as may be imposed by the Court. |
Nationwide:
The nationwide statistics of judicial discipline are outlined below.*
Pennsylvania’s statistics are generally consistent with the national statistics.

Since 1980, 419 judges have been removed from office. This corresponds to an average of 12 judges removed each year. Notwithstanding these statistics, the vast majority of Pennsylvania judges comport themselves appropriately, and discharge their judicial responsibilities with independence, integrity, dignity and honor. Indeed, consistent with national statistics, on average, 90 percent of all complaints filed with the Judicial Conduct Board are dismissed after preliminary inquiry, and less than one percent result in the filing of formal charges against a judge before the Court of Judicial Discipline.

<table>
<thead>
<tr>
<th>In 2015:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Nine judges were removed from office, including one former judge and one judge who was removed for a mental disability. A $3,500 fine was also imposed in one of the removal cases</td>
</tr>
<tr>
<td>• Two judges were retired due to disabilities</td>
</tr>
<tr>
<td>• 19 judges resigned or retired in lieu of discipline pursuant to public agreements with conduct commissions</td>
</tr>
<tr>
<td>• 85 additional judges (or former judges in approximately 10 cases) received other public sanctions. Approximately half of the sanctions were entered pursuant to agreement</td>
</tr>
<tr>
<td>• 15 judges were suspended without pay. One suspension was for 180 days; One for four months plus a reprimand; two for 90 days; one for 60 days plus a censure; four for 30 days (or one month); one for 30 days plus a reprimand and $10,000 fine; one for 30 days plus a reprimand and $1,000 fine; one for 30 days plus a censure; one for 15 days; one for seven days; one for two years but stayed on condition the judge commit no further misconduct</td>
</tr>
<tr>
<td>• 11 judges were publicly censured (1 censure was severe and one was based on the judge’s irrevocable resignation)</td>
</tr>
<tr>
<td>• 31 judges were publicly reprimanded (one reprimand included a cease and desist order, two included orders of additional education)</td>
</tr>
<tr>
<td>• 17 judges were publicly admonished (one admonishment included an order of additional education)</td>
</tr>
<tr>
<td>• Three judges received a public warning (Two warnings also included orders of additional education)</td>
</tr>
<tr>
<td>• Civil penalties were imposed on two judges</td>
</tr>
<tr>
<td>• One judge was placed on supervised probation with a formal mentorship until the end of her term and other conditions</td>
</tr>
<tr>
<td>• One private reprimand and one private letter of counsel were made public pursuant to the judges’ waivers</td>
</tr>
<tr>
<td>• One judge’s law license was suspended for one year in attorney discipline proceedings for her conduct as a judge</td>
</tr>
<tr>
<td>• Two judges were found to have violated the code of judicial conduct but no sanctions were imposed</td>
</tr>
</tbody>
</table>

*Statistics from the National Center for State Courts, Center for Judicial Ethics, January 20, 2016
JUDICIAL CONDUCT BOARD
MEMBERS’ BIOGRAPHIES

HONORABLE JAYNE F. DUNCAN, Chair (February 2, 2015 through February 2, 2016); Dickinson School of Law (J.D.), 1982; Deputy District Attorney, Dauphin County; Magisterial District Judge, District Court 02-3-09, Lancaster County; Chairperson of the Ethics and Professionalism Committee of the Special Court Judges Association; Committee member for many years; former member of the Pennsylvania Supreme Court Criminal Procedural Rules Committee; Judicial Conduct Board member since 2012; former President of Lancaster County District Justice Association; Vice-President of the Lancaster County Bar Association; former instructor for the municipal Police Training Certification class; lectured on the topic of Magisterial District Judge practice for the Lancaster Bar Association and the PBI; former adjunct professor Elizabethtown College; teaches Ethics for the Minor Judiciary Education Board “Supplemental Practicum”.  

KENNETH E. LAWRENCE, JR., Vice-Chair (February 2, 2015 through resignation on May 28, 2015); Temple University (B.A.), Political Science; University of Pennsylvania, Fels Center of Government (M.P.A). Senior Vice President for Government, Community and Public Affairs for Temple University; Founder and President of Public Affairs Strategies where he represented corporate and non-profit organizations; Merck & Company, Inc.-5 years, handling public, community, and media relations; served as Public Policy Representative for the Greater Philadelphia Chamber of Commerce; involved with wide variety of civic organizations including: Avenue of the Arts, Inc., Big Brothers Big Sisters of Southeastern PA, Philadelphia Industrial Development Corporation (PIDC), Southeastern Pennsylvania Transportation Authority; Judicial Conduct Board member since 2013.  

HONORABLE SAMUEL J. MAGARO, Secretary (February 2, 2015 through death on May 9, 2015); William Penn High School; attended Elizabethtown College; United States Air Force, Honorable Discharge, 2 years combat zone in Korean Conflict; Probation Officer, Dauphin County-4 years; Chief Inheritance Tax Officer, Dauphin County-4 years; Research Analysis for PA Speaker of House of Representatives-2 years; Personnel Director, Republican State Committee-5 years; Magisterial District Court Judge, District Court 12-3-03, Dauphin County-1975 – 2002; Senior Magisterial District Judge, 2002 – 2010; former member Court of Judicial Discipline, 1994 – 1998; former President of Special Court Judges Association; former Chairman PA Intergovernmental Task Force (Quality of Justice); American Judicature Society on Ethics; member Minor Judiciary Education Board, 2011 – 2014; Memberships and Associations: 4th Degree Knights of Columbus; American Legion 272, lifetime member; former Parish Council member at Holy Name of Jesus; former member American Judicature Society; former member Sons of Italy; Awards and Honors: PA Young Republican of the Year-1964, John Jeffers Award Magisterial District Judge-2000, Dauphin County Appreciation Award-2000, PA Supreme Court Appreciation Award- 2002, Themis Award Magisterial District Judge-2002, Mayor’s Award for Public Service-2003; Judicial Conduct Board member: 2001 – 2005, 2007 – 2011, 2012 – 2015, former Chair and Vice-Chair; married to the former Mary Roberto, 1954 – present (61 years); 5 children, 13 grandchildren, and 7 great-grandchildren.  


HONORABLE ANNE E. LAZARUS; State University of N.Y. at Stony Brook (B.A.), 1972; Temple University School of Law (J.D.), 1976, (LLM), 1986; former legal counsel Philadelphia Court of Common Pleas Orphans’ Court Division; former member/chair PA Conference of State Trial Judges Judicial Ethics Committee; former co-chair PA Conference of State Trial Judges Orphans’ Court Committee; Judicial Conduct Board member since 2011; former chair 1st
JUDICIAL CONDUCT BOARD
MEMBERS’ BIOGRAPHIES

Judicial District Judges Pro Bono Commission, 1st Judicial District Merit Selection Committee; Supreme Court of Pa. Ad Hoc Committee Judicial Canons of Ethics; adjunct professor: Widener University School of Law; National Institute of Trial Advocacy; National Judicial College; Temple University Beasley School of Law; lectured: PA Bar Institute; board member: Volunteer of the Indigent Program; Vice-President Gershman Y of Philadelphia; former president: Prisoners' Fam. Welfare Association; Temple American Inn of Court; former chancellor (inaug.) Louis D. Brandeis Law Society; former board member Temple Beth Hillel/Beth El; former Board member/adv. former member Hahnemann University Nursing School; current member: American Judges Association, Temple University School of Law Alumni Association; President Brandeis Law Society Foundation; board Member PA Bar Foundation; awards: 1st recipient PA Bar Association Legal Services for the Public Committee Judge's Award-2005; 1st recipient PLAN of Pa; Bernard White Community Service Award-2008, Brandeis Law Society Benjamin F. Levy Community Service Award-2008; Sandra Day O'Connor Award, Philadelphia Bar Association-2013; appointed judge, Philadelphia County Court of Common Pleas, 1991, elected 1991, retained 2001; elected judge, Superior Court, November 2009.


ROBERT G. DEL GRECO, JR., ESQUIRE; Allegheny College (B.A.), cum laude, English, selected by the Sports Information Directors of America as First Team Academic All-American and awarded a post–graduate scholarship “in recognition of his outstanding achievements as a scholar and an athlete” by the National Collegiate Athletic Association, 1976; Duquesne University School of Law (J.D.), Duquesne Law Review staff, 1981; Pittsburgh–area lawyer and shareholder in the law firm of Dickie, McCrney & Chilcote, P.C., concentration in criminal and civil defense; admitted to the bars of the Supreme Court of Pennsylvania and the Supreme Court of the United States; member of the Allegheny County and Pennsylvania Bar Associations; frequent lecturer, authored publications and presented seminars on behalf of the Pennsylvania Bar Institute; since 2009 listed in The Best Lawyers in America; numerous accomplishments including: election to the Allegheny College Hall of Fame, the Italian Heritage Society of America Hall of Fame, and the Seton LaSalle School Hall of Fame; former Assistant District Attorney in Allegheny County; former adjunct professor at Duquesne University School of Law; former Hearing Committee Member of the Disciplinary Board of the Supreme Court of Pennsylvania; Judicial Conduct Board member since 2013.

HONORABLE THOMAS M. TIGUE; King’s College (B.A.), Government, 1968; former member of the Pennsylvania House of Representatives, 118th District (1981 – 2006); Democratic chair of the House Veterans Affairs and Emergency Preparedness Committee; U.S. Marine Corps, Colonel, Retired; Silver Star, Vietnam War; former member of Pittston Area School Board; Judicial Conduct Board member since 2013; married, Dianne, 4 children, 9 grandchildren.

HAROLD E. FLACK, II; New England College (B.A.), 1981;former President of Diamond Manufacturing Company and co-owner of Diamond Consolidated Industries along with his late brother Charles D. “Rusty” Flack for over 30
years; served as President of Exeter Architectural Products of Wyoming, Pennsylvania and Palm City, Florida; retired 2010 when Diamond Consolidated Industries merged with Reliance Steel and Aluminum Company of Los Angeles, California (NYSE RS); Diamond Manufacturing is North America’s leading and largest producer of perforated metal products with plants in Wyoming, Pennsylvania, Michigan City, Indiana, New Berlin Wisconsin, Manchester, Tennessee, Charlotte, North Carolina and Cedar Hill, Texas; Diamond has been in business in Wyoming, Pennsylvania since 1915; the company was founded by Mr. Flack’s Great Grandfather; currently serves on the Board of Trustees of Misericordia University, the Board of Directors of the North Mountain Club, the Wyoming Commemorative Association and the Westmoreland Club, where he is Past President and Chairs the Nominating Committee; has served as a board member of Diamond Consolidated Industries, Exeter Architectural Products, Eastern Insurance Group, M&T Bank, Northeastern Pennsylvania advisory Board and the Greater Wilkes-Barre Chamber of Business and Industry; former member of the Board of Trustees of New England College where he served in various capacities including Vice-Chairman and Annual Fund Chairman; served as Chairman of Wyoming Valley Chapter of Ducks Unlimited, Chairman of the Pennsylvania State Police Troop P Camp Cadet program, Chairman of the Alexis D’Toqueville Society of the United Way, President of the Wyoming Business Club, a Board Member of the Northeastern Pennsylvania Council of the Boy Scouts of America and Chairman of the Wyoming Valley Airport Advisory Board; 2001 he and his family were named Outstanding Philanthropists of the Year by the Association of Fundraising; Judicial Conduct Board Member since 2013; married to Jean for 33 years and have 4 children; currently resides in Dallas, Pennsylvania.

RICHARD T. FRAZIER, ESQUIRE; Dartmouth College, (A.B.), 1969; Tuck School of Business, Dartmouth College (M.B.A.), 1970; Villanova University School of Law, (J.D.), cum laude, 1976; Editor, Villanova Law Review and Review of the Coif; Villanova University School of Law (L.L.M.) Taxation, 1988; Partner, Saul Ewing, LLP, resident in the Philadelphia and Chesterbrook Offices; Member of Firm’s Business Department, the Tax Practice Group and the Health Law Practice Group; engaged in diverse tax and business practice and involved in complex transactions involving cooperative arrangements between nonprofit and for-profit organizations; advises nonprofit educational and healthcare organizations, entrepreneurs and investors; actively involved in planning and implementation of numerous acquisitions and restructurings of nonprofit organizations, creation of alternative investment vehicles, and in formation of joint ventures between nonprofit and for-profit entities; Admitted to practice in Florida and Pennsylvania; Memberships and Affiliations: former Chairperson, Easttown Township Board of Supervisors; Member, Board of Directors, Philadelphia Citizens for Children and Youth; Co-Chairperson, Campaign for Child Survival; Member, American Bar Association Tax and Health Law sections; Vice-Chair, American Bar Association Health Law Section, Breast Cancer Task Force; Member, Corporation Bureau Advisory Committee, Pennsylvania Department of State; Member, Pennsylvania Bar Association; Philadelphia Bar Association; American Health Lawyers association; Selected for inclusion in Pennsylvania Super Lawyers, 2005;


HONORABLE CHRISTINE FIZZANO CANNON; University of Arizona (B.A. 1991); Widener University School of Law (J.D. cum laude 1994); Articles Editor Law Review, The Delaware Journal of Corporate Law; Delaware County Court of Common Pleas Judge (currently in Civil Trial Section with additional duties as Pre-Trial Judge; previously in Juvenile and Motion Hearing Sections; elected 2011); formerly in private legal practice with an emphasis on municipal and commercial matters (1994-2011); former Assistant Delaware County Solicitor; former Solicitor to the Southern Delaware County Authority; former Special Prosecuting Attorney for Child Support Enforcement; Delaware County Council (elected 2007, Vice Chairman 2010-2011, served Jan. 2008-Dec. 2011); Middletown Township Council (elected 1999, Vice Chairman 2006-2007, served 2000-2007); former member Pennsylvania Supreme Court Disciplinary Board Hearing Committee; former member Governor’s Judicial Advisory Commission 32nd Judicial District; former member Township Zoning Hearing Board; former directorships include Riddle Memorial Hospital, Riddle Healthcare Foundation, Delaware Valley Finance Authority, Delaware County Women’s Commission, Tyler Arboretum the Delaware County Bar Association (former Chairman, County Council/Bar Association Committee and Small Firms Committee); Awards – 2012 Delaware Valley Regional Planning Commission Leader of the Year; 2012 Planning Leadership – Elected Official Planning Advocate Award of the Pennsylvania Chapter of American Planning Associations; Delco Hi-Q Hall of Honor; Current Member: American Judges Association, Pennsylvania Bar Association, Justinian Society of Delaware County, Delaware County Bar Association.

HONORABLE P. KEVIN BROBSON; Lycoming College (B.A.), magna cum laude, 1992; Widener University Commonwealth Law School (J.D.), summa cum laude, 1995, managing editor Law Review; former judicial clerk for the Honorable James McGirr Kelly, U.S. District Court, Eastern District of PA; former associate at Buchanan Ingersoll PC; former shareholder/practice group chair at Buchanan Ingersoll & Rooney PC; former member Middle Paxton Township Planning Commission; master, James S. Bowman American Inn of Court; former master, William W. Lipsitt American Inn of Court; member, American, Pennsylvania, and Dauphin County Bar Associations; member, Pennsylvania Commonwealth Court Historical Society; rated among the Best Lawyers in America in 2009 and 2010; recipient of the Legal Intelligencer and Pennsylvania Law Weekly “Lawyers on the Fast Track” awards (2005), and the Central Penn Business Journal “Forty Under 40” award (2005); Dauphin County Bar Association and the Pennsylvania Bar Association pro bono awards and recognitions; past chair and member of the Board of Directors of Jump Street, a nonprofit community arts and outreach organization; member, Advisory Board of The Four Diamonds at Penn State Hershey Children’s Hospital; Chair, 2012 to 2014; Penn State IFC/Panhellenic Dance Marathon (THON) recipient of Diamond of Honesty Award (2013); elected judge, Commonwealth Court 2009; appointed to the Board of Overseers of Widener University Commonwealth Law School (2015); appointed by the Supreme Court of Pennsylvania to four-year term on Judicial Conduct Board of Pennsylvania, 2015.
### CONFIDENTIAL REQUEST FOR INVESTIGATION

**INSTRUCTIONS:** Please type or print. If you wish to provide documents to support your allegations, please attach copies of those documents. **We cannot return documents.** The Board’s jurisdiction extends only to Pennsylvania Supreme Court Justices, Superior and Commonwealth Court Judges, Common Pleas Court Judges, Philadelphia Municipal and Traffic Court Judges and Magisterial District Judges. Once completed, you must sign and return this form to the address above.

**NOTICE:** The Judicial Conduct Board has no authority to change a Judge’s decisions or rulings. Our jurisdiction extends only to conduct that violates the Code of Judicial Conduct or the Rules Governing Standards of Conduct of Magisterial District Judges, which may be found at our web site at [www.jcbpa.org](http://www.jcbpa.org).

**Your Information:**

Name: 

Address:  

Telephone:  

City: 

State: 

Zip:  

**Judicial Officer’s Information:**

Name:  

Type of Judicial Officer:  

- [ ] Magisterial District Judge  
- [ ] Judge  

County: 

**Case Information:** (If misconduct allegations relate to Court Proceedings.)  

- [ ] Case Has Been Appealed  

Case Name:  

Case Docket Number:  

Your Attorney:  

Opposing Attorney:  

Witness:  

Name:  

Name:  

Name:  

Address:  

Address:  

Address:  

Phone:  

Phone:  

Phone:  

I certify that I have read the information concerning the Judicial Conduct Board’s function, jurisdiction, and procedures included in the accompanying brochure. I further swear (or affirm) that the above information is true and accurate. The statements in this complaint are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities.)

**Date**  

**Your Signature**  

---

Please use this page to explain your complaint, providing as much detail as possible. Attach additional pages if needed.

---

Please note, it is not required that you present your grievance to the Board in person. Personal interviews are not required and are not usually necessary for our preliminary review, investigation, and understanding of grievances. If we need further information relative to your grievances, you will be contacted by phone or letter and arrangements will be made for an interview if deemed necessary.