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

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

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

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

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

   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, 2016.

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

Respectfully submitted,

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
2016 BOARD MEMBERS

JUDGE MEMBERS

Honorable P. Kevin Brobson*
Commonwealth Court of Pennsylvania
Secretary of the Judicial Conduct Board
(Term expiration 08/31/2019)

Honorable Christine Fizzano Cannon*
Court of Common Pleas, Delaware County
(Term expiration 10/30/2018)

Honorable Jayne F. Duncan
Magisterial District Judge
(Term expiration 03/14/2016)

Honorable Elizabeth S. Beckley*
Magisterial District Judge
(Term expiration 03/14/2020)

ATTORNEY MEMBERS

James C. Schwartzman, Esquire*
Chair of the Judicial Conduct Board
(Term expiration 08/16/2018)

Richard T. Frazier, Esquire*
Vice-Chair of the Judicial Conduct Board
(Term expiration 02/04/2018)

Robert Del Greco, Jr., Esquire*
(Term expiration 07/02/2017)

PUBLIC MEMBERS

Eugene J. Dooley
(Term expiration 06/01/2016)

Wilmarie Gonzalez*
(Term expiration 06/20/2020)

Lisa K. Steindel*
(Term expiration 01/20/2020)

Lt. Gary S. Scheimer
(Term expiration 10/09/2016)

ARDNOLD SHIENVOLD, PH.D.*
(Term expiration 11/07/2020)

Harold E. Flack, II*
(Term expiration 04/17/2018)

Mustafa L. Rashed*
(Term expiration 09/03/2017)

Vacancy**

BOARD STAFF
Robert A. Graci, Chief Counsel

James P. Kleman, Jr.
Deputy Counsel

Francis J. Puskas II
Deputy Chief Counsel

Elizabeth A. Flaherty
Deputy Counsel

Melissa L. Norton
Assistant Counsel

Colby J. Miller
Assistant Counsel

Douglas K. Miller
Investigator (Pittsburgh)

John C. Harlacker
Investigator Supervisor (Harrisburg)

Paul A. Fontanes
Investigator (Philadelphia)

Paula A. Caruso
Administrative Coordinator

Toni I. Schreffler
Legal Assistant

Sandra K. Re
Legal Secretary

Collen M. McKinney
Clerical Assistant

*Current Members through December 31, 2016
**At the end of 2016, there was one vacancy on the Board.
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 physical or mental disability.

The Board has jurisdiction over Pennsylvania Supreme Court Justices, Superior Court Justices, 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.jcba.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 reverse 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 or the Pennsylvania Supreme Court acting in its supervisory capacity or exercising its so-called King’s Bench authority can review and reverse a particular court decision.
Additionally, the Board cannot provide 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 resulting in a dismissal 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 a violation of the Code or Rules, but 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 or private reprimand, public censure, fine, probation, suspension with or without pay, removal from the bench which carries with it forfeiture of judicial office, prohibition from future judicial service, or other discipline as authorized by the Constitution and warranted by the record. 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 2016 are presented in the “Case Statistics” section of this report.
BOARD ORGANIZATION AND STAFF
In 2016, the Board had 13 staff positions, including the Chief Counsel, Deputy Chief Counsel, two Deputy Counsels, two Assistant 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 two contract attorneys in 2016.

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, two Assistant 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 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 2016-2017 fiscal year (July 1, 2016 — June 30, 2017), the Board’s appropriation is $2,182,000. 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.

<table>
<thead>
<tr>
<th>Fiscal Year*</th>
<th>Amount Appropriated</th>
</tr>
</thead>
<tbody>
<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>
<tr>
<td>2016-2017</td>
<td>$2,182</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.
OUTREACH AND EDUCATION
In 2016, the Board issued a number of 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 periodically 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. In 2016, the Board issued two “Statements of Policy” to provide guidance to the Commonwealth’s judicial officers. One dealt with the issue of disqualification based on campaign contributions to a judge’s campaign committee and the other dealt with treatment of claims of misconduct based on the use of electronic communications by judges. These Statements of Policy, like the Board’s press releases and newsletters, are available on the Board’s website.

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 actions available to the Court of Judicial Discipline 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 authorities: 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, adopted pursuant to the Board’s constitutional rule making authority, 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 not open 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.

Formal charges filed by the Board with the Court of Judicial Discipline are public record. Hearings in the Court are public proceedings.
### 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>Chief Counsel reviews each Confidential Request for Investigation or “complaint” to determine whether it is within jurisdiction of the Judicial Conduct Board (JCB).</td>
<td>JCB attorney and/or investigator 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>Staff provides judge with nature and content of complaint and asks judge to respond in writing to identified allegations.</td>
<td>Staff prepares formal complaint, files complaint with the Court of Judicial Discipline, and serves same upon judge. Matter becomes public upon filing.</td>
<td>If the Court of Judicial Discipline dismisses any of the charges against the judge, the JCB may appeal to the Supreme Court of Pennsylvania.</td>
</tr>
<tr>
<td>Staff returns non-JCB complaints (e.g., complaints against attorneys or federal judges) to complainant with appropriate instructions.</td>
<td>Staff distributes preliminary inquiry report and recommendation, along with pertinent materials, to JCB members.</td>
<td>Attorney and/or investigator conduct additional investigation, if necessary, as to issues raised in judge’s response.</td>
<td>Judge may file written response.</td>
<td>If the Court of Judicial Discipline imposes discipline on the judge on any of the charges, the judge may appeal to the Supreme Court.</td>
</tr>
<tr>
<td>Staff prepares electronic and paper-copy file, sends acknowledgment letter to complainant, and returns paper-copy file to Chief Counsel.</td>
<td>JCB reviews preliminary investigation report and recommendation, and votes to dismiss, to have staff conduct additional preliminary inquiry, or to proceed to full investigation as to some or all allegations.</td>
<td>Staff distributes judge’s response and any supplemental investigation report and recommendation, along with pertinent materials, to JCB members.</td>
<td>Matters may be presented on stipulated facts or at adversarial trials before Court of Judicial Discipline.</td>
<td>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 and sections 726 and 727 of Title 42 (Judiciary and Judicial Procedure).</td>
</tr>
<tr>
<td>Chief Counsel assigns complaints to staff attorneys.</td>
<td>If matter is dismissed, complainant and judge are so notified. If matter is not within jurisdiction of JCB (e.g., complaint against attorney or federal judge), complainant is referred to appropriate agency.</td>
<td>JCB reviews judge’s response, and any supplemental investigation report and recommendation, and votes to dismiss, to have staff conduct additional investigation, to issue Letter of Caution or Letter of Counsel, or to file formal charges before the Court of Judicial Discipline. Board actions require majority vote of eligible Board Members.</td>
<td>After a public trial, the Court of Judicial Discipline issues 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: - Reprimand; - Censure; - Fine; - Suspension (with/without pay); - Probation - Removal from office with permanent bar from judicial office.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


OVERVIEW

During 2016, the Board received or initiated 804 confidential requests for investigations. This 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 five judges and filed petitions for interim suspension against two.

The Board closed 634 pending matters in 2016. Not all cases are dismissed or otherwise acted upon in the year in which they are received by the Board. Of those, 277 were determined to be unfounded after preliminary inquiry and 290 presented claims of legal error and not misconduct. Another 29 were dismissed because the Board lacked jurisdiction over the official against whom the complaint was filed. One case was withdrawn at the request of the complainant. The Board authorized the issuance of notices of full investigation in 15 matters. Nine pending matters were closed with the filing of charges in the Court of Judicial Discipline against five judges and another three were concluded with the resignation of one judicial officer. The Board dismissed 21 cases with Letters of Caution1 and dismissed four cases with Letters of Counsel.2

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

CLASSIFICATION OF ALLEGATIONS

There were 804 complaints received or initiated during the 2016 calendar year. On average, the Board received 67 complaints each month. The Board classified each complaint received into one of the following categories:

<table>
<thead>
<tr>
<th>Classification</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abuse of Discretion/Office/Power</td>
<td>164</td>
<td>20.4%</td>
</tr>
<tr>
<td>Administrative</td>
<td>12</td>
<td>1.5%</td>
</tr>
<tr>
<td>Alcohol</td>
<td>2</td>
<td>0.3%</td>
</tr>
<tr>
<td>Appearance of Impropriety</td>
<td>4</td>
<td>0.5%</td>
</tr>
<tr>
<td>Bias</td>
<td>67</td>
<td>8.3%</td>
</tr>
<tr>
<td>Conflict of Interest</td>
<td>14</td>
<td>1.7%</td>
</tr>
<tr>
<td>Criminal</td>
<td>1</td>
<td>0.1%</td>
</tr>
<tr>
<td>Delay</td>
<td>43</td>
<td>5.3%</td>
</tr>
<tr>
<td>Demeanor</td>
<td>48</td>
<td>6.0%</td>
</tr>
<tr>
<td>Discrimination</td>
<td>1</td>
<td>0.1%</td>
</tr>
<tr>
<td>Ex Parte</td>
<td>17</td>
<td>2.1%</td>
</tr>
<tr>
<td>Failure to Comply With Law</td>
<td>13</td>
<td>1.6%</td>
</tr>
<tr>
<td>Failure to Perform Duties</td>
<td>3</td>
<td>0.4%</td>
</tr>
<tr>
<td>Impropriety</td>
<td>8</td>
<td>1.0%</td>
</tr>
<tr>
<td>Legal</td>
<td>340</td>
<td>42.3%</td>
</tr>
<tr>
<td>Multiple Issues</td>
<td>10</td>
<td>1.2%</td>
</tr>
<tr>
<td>Nepotism</td>
<td>1</td>
<td>0.1%</td>
</tr>
<tr>
<td>No Jurisdiction</td>
<td>29</td>
<td>3.6%</td>
</tr>
<tr>
<td>Political</td>
<td>10</td>
<td>1.2%</td>
</tr>
<tr>
<td>Public Comment</td>
<td>2</td>
<td>0.3%</td>
</tr>
<tr>
<td>Recusal</td>
<td>9</td>
<td>1.1%</td>
</tr>
<tr>
<td>Retaliation</td>
<td>1</td>
<td>0.1%</td>
</tr>
<tr>
<td>Social Media</td>
<td>1</td>
<td>0.1%</td>
</tr>
<tr>
<td>Time Barred</td>
<td>3</td>
<td>0.4%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>804</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

JUDICIAL COMPLEMENT

In 2016 there were 1,306 jurists within the Board’s jurisdiction.

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>2016 Jurists</th>
<th>Senior Jurists</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supreme Court</td>
<td>7</td>
<td>0</td>
</tr>
<tr>
<td>Superior Court</td>
<td>15</td>
<td>6</td>
</tr>
<tr>
<td>Commonwealth</td>
<td>9</td>
<td>4</td>
</tr>
<tr>
<td>Common Pleas</td>
<td>452</td>
<td>134</td>
</tr>
<tr>
<td>Magisterial District Judges</td>
<td>517</td>
<td>130</td>
</tr>
<tr>
<td>Philadelphia Municipal Court</td>
<td>28</td>
<td>4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,028</strong></td>
<td><strong>278</strong></td>
</tr>
</tbody>
</table>
2016 STATISTICS

COMPLAINTS CATEGORIZED BY JUDICIAL OFFICE

Among the complaints filed with the Board, were 29 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, referred complainants to the appropriate disciplinary or other authority having jurisdiction or authority over the person who was the subject of the request for investigation.

LEVEL OF JUDICIAL OFFICE
(Complaints received during 2016 calendar year)

<table>
<thead>
<tr>
<th>Type of Court</th>
<th>Number of Complaints</th>
</tr>
</thead>
<tbody>
<tr>
<td>Common Pleas</td>
<td>530</td>
</tr>
<tr>
<td>MDJs</td>
<td>210</td>
</tr>
<tr>
<td>Supreme Court</td>
<td>6</td>
</tr>
<tr>
<td>Superior Court</td>
<td>13</td>
</tr>
<tr>
<td>Commonwealth Court</td>
<td>1</td>
</tr>
<tr>
<td>Phila. Municipal Court</td>
<td>12</td>
</tr>
<tr>
<td>No Jurisdiction</td>
<td>29</td>
</tr>
<tr>
<td>Judicial Candidates</td>
<td>3</td>
</tr>
</tbody>
</table>

INVESTIGATIVE INQUIRIES

Letter of Inquiry: The Board typically considers a Letter of Inquiry to be a less serious mode of inquiry to a judicial officer than a Notice of Full Investigation (described below). Letters of Inquiry are issued generally when the matter under investigation may constitute misconduct by the judge, but the conduct would not likely form the basis of a public Court of Judicial Discipline complaint. The scope of Letters of Inquiry may be broad, although their most common use concerns allegations of judicial delay. It is a less formal means of seeking information from a judicial officer concerning the alleged events or circumstances than a deposition or Notice of Full Investigation. Letters of Inquiry may be sent either formally pursuant to a Board directive or informally from Chief Counsel. During 2016, the Board and Chief Counsel issued 57 Letters of Inquiry to judicial officers.

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 2016, the Board authorized 15 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 634 cases in 2016 either by dismissal after preliminary inquiry, strictly legal error dismissal, dismissal after full investigation dismissal with a letter of caution 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 634 cases closed in 2016, 277 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 634 cases closed in 2016, 290 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 with a Letter of Caution: The Board dismissed 21 cases with Letters of Caution in 2016. The Board issues Letters of Caution when the judicial officer’s conduct constitutes an aberration...
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 2016, the Board expressed concern or warning to judges about the following types of conduct:

1. LETTERS OF COUNSEL are issued by the Board as private admonitions 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. 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.

   • Canon 3A(4) – Old Code of Judicial Conduct
     o The judge had a conversation with an attorney without the presence of the other party concerning a matter pending before the judge.

   • Canon 2A and 2B, Canon 3A(6) and 3C(1), Old Code of Judicial Conduct and Article V, § 18(d)(1).
     o The judge unintentionally authorized the release of information to the public which contained some confidential information; gave sealed court documents pertaining to the judge to news reporters; commented about pending cases to news reporters; and presided over matters where the judge’s impartiality could be questioned.

   • MDJ Rule 6 – Old Rules Governing Standards of Conduct of Magisterial District Judges
     o The judge made public comment about a pending case that was critical of another judge and a police officer.

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 2A - Old Code of Judicial Conduct
     o After a defendant failed to appear for a civil trial, a judge recommended that a plaintiff increase her requested

Dismissal with a Letter of Counsel: The Board dismissed four cases with Letters of Counsel in 2016. 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: One judicial officer resigned while facing Board investigation. That resignation resolved three pending 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 2016, the Board filed three Petitions for Interim Suspension With or Without Pay with the Court of Judicial Discipline.

NON-PUBLIC PROCEEDINGS
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 2016, the Board expressed concern or warning to judges about the following types of conduct:

1. LETTERS OF COUNSEL are issued by the Board as private admonitions 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 of the type of conduct addressed by Letters of Counsel include the following:

   • Canon 3A(4) – Old Code of Judicial Conduct
     o The judge had a conversation with an attorney without the presence of the other party concerning a matter pending before the judge.

   • Canon 2A and 2B, Canon 3A(6) and 3C(1), Old Code of Judicial Conduct and Article V, § 18(d)(1).
     o The judge unintentionally authorized the release of information to the public which contained some confidential information; gave sealed court documents pertaining to the judge to news reporters; commented about pending cases to news reporters; and presided over matters where the judge’s impartiality could be questioned.

   • MDJ Rule 6 – Old Rules Governing Standards of Conduct of Magisterial District Judges
     o The judge made public comment about a pending case that was critical of another judge and a police officer.

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 2A - Old Code of Judicial Conduct
     o After a defendant failed to appear for a civil trial, a judge recommended that a plaintiff increase her requested
amount of damages and signed an order awarding the damages without first receiving sworn testimony or evidence establishing the amount of damages. The order falsely asserted that the award was based upon evidence received at a full evidentiary hearing.

- Canon 3C(1) – Old Code of Judicial Conduct
  - A judge provided advice to an attorney relative to a matter in which the judge had a conflict of interest.

- Canon 2, Rules 2.5 and 2.16 – 2014 Code of Judicial Conduct
  - A judge failed to complete and file an opinion without unnecessary delay. The judge's response to the Judicial Conduct Board fell short of being candid and honest.

- Canon 1, Rule 1.1, and Canon 2, Rule 2.3 – 2014 Code of Judicial Conduct
  - The judge failed to comply with the law in that the judge elicited testimony, in open court, regarding a juvenile's delinquency history. The judge was relentless to the point of harassment in questioning a relative of the defendant.

- Canon 2, Rule 2.5 – 2014 Code of Judicial Conduct
  - A judge failed to dispose of a Post-Conviction Relief Act Petition in a prompt manner, waiting almost 14 months to file an opinion and order.

- Canon 2, Rules 2.5 and 2.12 – 2014 Code of Judicial Conduct
  - The judge failed to reach a final determination in a civil case in a timely manner. The delay was caused, in part, by the judge's failure to properly supervise the judge's staff. Further delay ensued when the judge halted work on the case due to an incorrect belief that the judge could take no further action on the case while the matter was being investigated by the Judicial Conduct Board.

- Canon 1, Rule 1.1 – 2014 Code of Judicial Conduct
  - The judge violated the law by erroneously requesting and accepting payment for senior judge services directly from the county to which the judge provided such services.

- Canon 2, Rule 2.5(A) – 2014 Code of Judicial Conduct
  - A judge failed to timely enter decisions in a child custody case within the expedited time period of 15 days as required by Pa.R.C.P. No. 1915.4(d), instead delaying decision for 75 days and 56 days following two separate custody hearings.

- MDJ Rules 3 and 5 – Old Rules Governing Standards of Conduct of Magisterial District Judges
  - A judge failed to enter a timely decision after presiding over a traffic summary trial, and following trial repetitively mailed the defendant erroneous notices warning of a license suspension for failing to respond to the traffic citation.

- MDJ Rule 8 – Old Rules Governing Standards of Conduct of Magisterial District Judges
  - A judge failed to recuse at preliminary arraignments in two cases where family members within the third degree of consanguinity were involved in the investigation and/or prosecution of the defendants appearing before the judge. Recusal to avoid the judge's impartiality being reasonably questioned is necessary in these cases because magisterial district judges have the duty to set bail and to ensure that defendants not lawfully seized by law enforcement are not incarcerates 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 Rules 2A and 4C – Old Rules Governing Standards of Conduct of Magisterial District Judges
  o The judge was routinely loud and yelled at those appearing before the judge. Also, on one matter, the judge asked court spectators for input on what the judge should do with the case.

• MDJ Rules 2A, 4A and 11 – Old Rules Governing Standards of Conduct of Magisterial District Judges
  o The judge agreed to dismiss a summary offense if the defendant made a monetary donation to a private organization.

  o The judge personally collected fees for performing weddings and failed to remit the collected fees to the state.

• MDJ Rule 15 – Old Rules Governing Standards of Conduct of Magisterial District Judges
  o The judge appeared with the judge’s spouse during the spouse’s public announcement of the spouse’s candidacy for public office.

• Canon 1, Rule 1.2, and Canon 2, Rule 2.11 – 2014 Rules Governing Standards of Conduct of Magisterial District Judges
  o A judge maintained a publically viewable Facebook page that was created during the judge’s campaign, which included a list of his Facebook “friends.” Unbeknownst to the judge, the father of a crime victim with substantially the same name was a Facebook “friend” of the judge at the time the case involving the victim came before the judge for a preliminary hearing. A member of the defendant’s family discovered the Facebook connection and incorrectly, but not unreasonably, assumed that the victim was a friend of the judge. Even though the judge did not know either the victim or the father, and did not recognize them as Facebook friends at the time they appeared before the judge, by creating the Facebook page, indiscriminately accepting “friend” requests, and publically displaying those “friends” created a scenario where litigants could reasonably question the judge’s impartiality.

• Canon 2, Rules 2.5 and 2.8(B) – 2014 Rules Governing Standards of Conduct of Magisterial District Judges
  o The judge chastised a police officer and demeaned a prosecutor who questioned the judge’s decision in a case. The judge was discourteous and displayed anger and a less-than-cooperative attitude toward court administrative staff and law enforcement personnel tasked with gathering information related to the handling of the case.

• Canon 1, Rules 1.1 and 1.3 – 2014 Rules Governing Standards of Conduct of Magisterial District Judges and Article V, § 17 (b)
  o The judge violated the law and violated the general proscription on providing character testimony by authoring a letter that attested to the good character of a criminal defendant awaiting sentencing in another county court; the letter also attempted to advocate for the criminal defendant’s request to serve his sentence on house arrest.

• Canon 1, Rules 1.1 and 1.2 – 2014 Rules Governing Standards of Conduct of Magisterial District Judges and Article V, § 17(b)
  o The judge engaged in a confrontational neighbor dispute and, as a result, acted in a manner that failed to avoid impropriety and the appearance of impropriety

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.
### 2016 STATISTICS

#### SUMMARY OF BOARD ACTIVITY

<table>
<thead>
<tr>
<th>COMPLAINT ACTIVITY DURING 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dismissals after Preliminary Inquiry – 277</td>
</tr>
<tr>
<td>Strictly Legal Error Dismissals - 290</td>
</tr>
<tr>
<td>Non-Jurisdiction Dismissals - 29</td>
</tr>
<tr>
<td>Letters of Inquiry – 57</td>
</tr>
<tr>
<td>Notices of Full Investigation – 15*</td>
</tr>
<tr>
<td>Letters of Caution – 21</td>
</tr>
<tr>
<td>Letters of Counsel - 4</td>
</tr>
<tr>
<td>Resignations - 1</td>
</tr>
<tr>
<td>Formal Complaints in the Court of Judicial Discipline – 5</td>
</tr>
<tr>
<td>Interim Petitions for Suspension – 3</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>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>2016</td>
<td>804</td>
<td>634</td>
<td>57</td>
<td>15</td>
<td>21</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Total</td>
<td>3886</td>
<td>3411</td>
<td>221</td>
<td>93</td>
<td>101</td>
<td>26</td>
<td>28</td>
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<tr>
<td>Average</td>
<td>772</td>
<td>682</td>
<td>44</td>
<td>19</td>
<td>20</td>
<td>5</td>
<td>6</td>
</tr>
</tbody>
</table>

*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.
2016 STATISTICS

COMPLAINT ACTIVITY: 5-YEAR SUMMARY
(Based on calendar years 2012, 2013, 2014, 2015 and 2016)
### 2016 STATISTICS

#### SUMMARY OF COURT OF JUDICIAL DISCIPLINE Sanctions Imposed - 2016

<table>
<thead>
<tr>
<th>JUDICIAL OFFICER</th>
<th>DESCRIPTION OF MISCONDUCT</th>
<th>DATE &amp; SANCTION IMPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>MDJ Kelly Ballentine 2 JD 2015 Consolidated With 7 JD 2013</td>
<td>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</td>
<td>08/04/2015 Opinion and Order, Removal from office</td>
</tr>
</tbody>
</table>
| CP Stephanie Domitrovitch 1 JD 2014 | Board Complaint, Petition for Interim Suspension-Placed in Judicial Diversion Program  
Court assigned retired judge as mentor; mentor reported Domitrovitch “satisfactorily complied” with the conditions of the program and recommended the Court find she had successfully completed the program | Petition for Interim Suspension Denied 10/08/2014  
08/31/2016 Statement of Reasons and Order  
Successful completion of all phases of program, Board Complaint dismissed | |
| TC Michael Sullivan 5 JD 2014; Consolidated with 9 JD 2015 | Board Complaint, Petition for Interim Suspension.  
Sullivan found in violation MDJ Rule 2-Impropriety/Appearance of Impropriety; Rule 4(D)-Adjudicative Responsibilities; Rule 13-Incompatible Practices; Rule 8-Disqualification; Article V, §18(d)(1)-Disrepute; Article V, §18(d)(1)-Conduct Prejudiced Proper Administration of Justice; Article V, §17(b)-Derivative violation; System of Special Consideration for friends, family, court personnel | 5/13/2016 Amended Opinion and Order; Removed from office, ineligible for future judicial service | |
| MC Dawn A. Segal 3 JD 2015 | Board Complaint, Petition for Interim Suspension  
Multiple \textit{ex parte} communications with then-Judge Waters about three cases pending before her; listening to his requests for favorable treatment for parties in each case; asking pertinent questions; finding in favor of those three parties; and calling Waters after doing so to let him know of her compliance. | 02/02/2016 Suspended without pay  
07/21/2016 Findings of Fact and Conclusions of Law  
12/16/2016 Sanctions Opinion and Order, Removed from office, ineligible for future judicial service | Appealed 01/03/2017 1 EAP 2017 |
<table>
<thead>
<tr>
<th>JUDICIAL OFFICER</th>
<th>DESCRIPTION OF MISCONDUCT</th>
<th>DATE &amp; SANCTION IMPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>MC Joseph J. O'Neill 4 JD 2015</td>
<td>Board Complaint, Petition for Interim Suspension Ex parte communications with then Judge Waters about two cases pending before him for favorable treatment on behalf of campaign supporters; trial deferred – O'Neill charged by FBI</td>
<td>02/02/2016 Suspended without pay 10/27/2016 Findings of Fact, Conclusions of Law and Order, removed from office, ineligible for future judicial service</td>
</tr>
<tr>
<td>Former MC Joseph C. Waters 5 JD 2015</td>
<td>Board Complaint Charged by criminal information by USA's Attorney's office with mail fraud and honest services mail fraud, both felonies; negotiated guilty plea-24 months in prison, 3 years supervised release, special assessment of $200, fine of $5,500; Court found violation of Article V, §18(d)(1)-conviction of felony; Article V, §18(d)(3)-upon disbarment forfeit judicial office</td>
<td>1/12/2016 Removed from office, ineligible for future judicial service</td>
</tr>
<tr>
<td>TC Thomasine Tynes 7 JD 2015</td>
<td>Board Complaint Tynes convicted of two counts of perjury for her false testimony before a federal grand jury investigating her role in providing preferential treatment to favored defendants appearing in Philadelphia Traffic Court; entered negotiated plea to one count of accepting improper influence in state prosecution for her illegal acceptance of an item of jewelry during her tenure as President Judge of the Philadelphia Traffic Court.</td>
<td>11/15/2016 Findings of Fact and Conclusions of Law 12/16/2016 Removed from office, ineligible for future judicial service Appealed 12/20/2016 43 EAP 2016</td>
</tr>
<tr>
<td>Sr. MDJ Kenneth Miller 8 JD 2015</td>
<td>Board Complaint, Petition for Interim Suspension Miller pled guilty in federal court to one felony count of mail fraud for providing preferential treatment to favored defendants appearing in Philadelphia Traffic Court; sentenced to one year probation, $100 assessment and $1,000 fine</td>
<td>9/23/2016 Sanction Opinion and Order Reprimanded and censured</td>
</tr>
<tr>
<td>JUDICIAL OFFICER</td>
<td>DESCRIPTION OF MISCONDUCT</td>
<td>DATE &amp; SANCTION IMPOSED</td>
</tr>
<tr>
<td>------------------</td>
<td>---------------------------</td>
<td>-------------------------</td>
</tr>
</tbody>
</table>
| TC Michael J. Sullivan 9 JD 2015, Consolidated With 5 JD 2014 | Board Complaint, Petition for Interim Suspension  
Sullivan found in violation MDJ Rule 2-Impropriety/Appearance of Impropriety; Rule 4(D)-Adjudicative Responsibilities; Rule 13-Incompatible Practices; Rule 8-Disqualification; Article V, §18(d) (1)-Disrepute; Article V, §18(d)(1)-Conduct Prejudiced Proper Administration of Justice; Article V, §17(b)-Derivative violation; System of Special Consideration for friends, family, court personnel | 01/14/2016  
Findings of Fact and Conclusions of Law  
5/13/2016  
Amended Opinion and Order; Removed from office, ineligible for future judicial service |
| Former MDJ Dwight K. Shaner 10 JD 2015 | Board Complaint  
The justice used his Commonwealth-issued computer equipment to send and receive e-mails from a personal, web-based, yahoo e-mail address. The address did not identify the justice by name or judicial title but as “John Smith.” The e-mails contained pictures of nude women, sexually-suggestive themes, gender stereotypes, homophobic content, socioeconomic stereotypes, violence towards women, racial humor, ethnically-based humor, and stereotypes of religious groups. | 12/22/2015  
Suspended with pay;  
3/24/2016  
Resigned 3/15/2016; Violation of Canon 2A, derivative violation of art. V, § 17(B); $50,000 fine imposed, to be paid within six months |
| CP Angeles Roca 14 JD 2015 | Board Complaint, Petition for Interim Suspension With or Without Pay  
Sought the advice of former Judge Waters about her son’s case and acquiescing in his offer to communicate *ex parte* with judge who was handling the case. | 10/20/2016  
Findings of Fact and Conclusions of Law  
1/13/2016  
Suspended without pay  
12/16/2016  
Sanction Opinion and Order  
Removed from office, ineligible for future judicial service  
Appealed 12/20/2016  
42 EAP 2016 |
<table>
<thead>
<tr>
<th>JUDICIAL OFFICER</th>
<th>DESCRIPTION OF MISCONDUCT</th>
<th>DATE &amp; SANCTION IMPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>MDJ Timothy M. Dougherty</td>
<td>Petition for Interim Suspension With or Without Pay</td>
<td>5/16/2016 Suspended without pay</td>
</tr>
<tr>
<td>1 JD 2016</td>
<td>Dougherty indicted by state grand jury on 11 counts of theft by failing to make required disposition of funds, theft by unlawful taking, theft by deception, receiving stolen property, and conflict of interest</td>
<td></td>
</tr>
<tr>
<td>Former MDJ Jeffrey S. Joy</td>
<td>Board Complaint</td>
<td>10/07/2016 Findings of Fact and Conclusions of Law</td>
</tr>
<tr>
<td>2 JD 2016</td>
<td>Joy pled no contest to two counts of official oppression, resigned from office, and agreed to never seek judicial office or law-enforcement office again. Sentenced to two years probation, 200 hours community service, and $2,000 fine.</td>
<td>11/29/2016 Removed from office, ineligible for future judicial service</td>
</tr>
<tr>
<td>Former MC Joseph J. O'Neill</td>
<td>Board Complaint</td>
<td>02/02/2016 Suspended without pay</td>
</tr>
<tr>
<td>4 JD 2016</td>
<td>O’Neill indicted by federal grand jury on two counts of making false statements to federal agents regarding ex parte communications with former Judge Waters in two cases; pled guilty, sentenced to four years probation for each count, to run concurrently, first six months to be served on unmonitored house arrest, 200 hours of community service, $5,000 fine</td>
<td>10/27/2016 Findings of Fact, Conclusions of Law and Order, removed from office, ineligible for future judicial service</td>
</tr>
<tr>
<td>Consolidated with 4 JD 2015</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MDJ John I. Waltman</td>
<td>Petition for Interim Suspension With or Without Pay</td>
<td>12/16/2016 Suspended without pay</td>
</tr>
<tr>
<td>7 JD 2016</td>
<td>Waltman indicted by federal grand jury on four felonies: one count conspiracy to commit money laundering and three counts money laundering</td>
<td></td>
</tr>
</tbody>
</table>
### 2016 STATISTICS

#### 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 2016:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• 12 judges were removed from office, including five former judges. A $1,000 fine was also imposed in one of the removal cases</td>
</tr>
<tr>
<td>• One judge was ordered to retire immediately due to misconduct and never to run for judicial office again</td>
</tr>
<tr>
<td>• One judge was retired due to permanent disabilities</td>
</tr>
<tr>
<td>• Two former judges were permanently barred from serving in judicial office (one of those former judges was also publicly reprimanded)</td>
</tr>
<tr>
<td>• 13 judges resigned or retired in lieu of discipline pursuant to public agreements with conduct commissions</td>
</tr>
<tr>
<td>• 103 additional judges (or former judges in approximately 13 cases or former judicial candidates in five cases) received other public sanctions.</td>
</tr>
<tr>
<td>• 15 judges were suspended without pay, ranging from one year to seven days. One one-year suspension was stayed on the condition the judge commit no further misconduct; one 30-day suspension included a $2,500 fine and reprimand; two suspensions [one of 30 days, one of 120 days] also included censures; one three-month suspension included an order that the judge not run for re-election. There were three suspensions for six months (or 180 days in one case); the other suspensions were for four months, 90 days, one month, 15 days, and 14 days.</td>
</tr>
<tr>
<td>• 11 judges were publicly censured</td>
</tr>
<tr>
<td>• 37 judges were publicly reprimanded (eight reprimands included conditions such as mentoring, a letter of apology, counseling, anger management, or training).</td>
</tr>
<tr>
<td>• 21 judges were publicly admonished (two admonishments included orders 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>• One judge received an informal adjustment.</td>
</tr>
<tr>
<td>• One judge was fined $50,000.</td>
</tr>
<tr>
<td>• One judge was placed on supervised probation for one year with a mentorship for six months.</td>
</tr>
<tr>
<td>• One judge received a private reprimand which was made public pursuant to the judge’s waiver.</td>
</tr>
<tr>
<td>• Five former judges were disbarred or had their law licenses suspended for misconduct that occurred while they were judges.</td>
</tr>
<tr>
<td>• Two judges were found to have violated the code of judicial conduct but no sanctions were imposed</td>
</tr>
<tr>
<td>• Four former judicial candidates were sanctioned for their conduct during their judicial election campaigns (the dispositions were an informal adjustment; an admonishment; a censure; and a one-year suspension of the former candidate’s law license, with six-months stayed conditioned on his committing no additional misconduct)</td>
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<td>• One judicial candidate was removed from the ballot as ineligible because he had been convicted of a misdemeanor involving moral turpitude.</td>
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*Statistics from the National Center for State Courts, Center for Judicial Ethics, January 24, 2017
JUDICIAL CONDUCT BOARD
MEMBERS’ BIOGRAPHIES


RICHARD T. FRAZIER, ESQUIRE; Vice-Chair (February 2, 2016 – February 6, 2017); 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 Order 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 Member and Chairperson, Easttown Township Board of Supervisors; former 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 P. KEVIN BROBSON; Secretary (February 2, 2016 – February 6, 2017); 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

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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; serves on the Widener Commonwealth Law School Board of Advisors; 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.

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 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.

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, McCamey & 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.

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 34 years and has 4 children; currently resides in Dallas, Pennsylvania.

MUSTAFA L. RASHED, Temple University (B.S.), (1995-1999); United States Navy, Petty Officer Third Class, Operation Desert Storm in Iraq and Operation Restore Hope in Somalia, (1991-1995); Worked for media organizations: NBC10 (2005-2008), KYW Newsradio (2001-2005) and the Philadelphia Public Record (2000-2001); Vice President of Media and Brand Strategy, Bellevue Communications Group (2008-2001); President and CEO of Bellevue Strategies, a Philadelphia based, minority-owned government relations, advocacy and strategic communications firm (2011-present); Serves on Board of Directors of the African American Museum in Philadelphia (2014-present); PCCY (2016-present); Dean’s Council at Temple University’s School of Tourism & Hospitality Management (2015-present); Member of National Urban League’s Philadelphia Chapter (2015-present); Frequent media commentator on politics, social and community affairs; Guest columnist for Philadelphia Magazine and Al Dia; Judicial Conduct Board Member since February 2016.

LISA K. STEINDEL, University of Pittsburgh, (B.S., Psychology; M.Ed, Vocational Counseling); Certified in Vocational Rehabilitation Counseling; founder What should I be, LLC; called as expert witness in divorce cases; former Career Counselor at the Career Development Center, assisting displaced workers, recent graduates, and homemakers returning to the work force; former Executive Director of the Pittsburgh Chapter of the American Jewish Committee and worked to establish and maintain interfaith relations with the Catholic Diocese, the Hindu Sri Venkateswara Temple Community, and the Islamic Center of Pittsburgh, 2004 – 2009; retired 2009; teaches in Pittsburgh Catholic Diocese High Schools as part of the Catholic-Jewish Education Enrichment Program; Life Member of the National Council of Jewish Women, Hadassah, and Na'amat; serves as President of the Pittsburgh Counsel of Na'amat, dedicated to the support of all women and children in the State of Israel, across ethnic and religious lines; married to Rabbi Stephen Steindel who serves as Rabbi Emeritus of Congregation Beth Shalom in Pittsburgh; among founders of the Solomon Schechter Day School of Greater Pittsburgh and involved in merger of that school with The Community Day School, 1988; former member Board of Directors of the Rainbow Kitchen, served as Chairman of its Capital Campaign, 1998; instrumental in establishment of the Squirrel Hill Kosher Pantry, served as Director, three years; married 40 years, parents of four children and eight grandchildren; Judicial Conduct Board Member since February 2016.

WILMARIE GONZÁLEZ, Rosemont College (M.S., Management); Eastern University (B.S., Organizational Management); Director, Bureau of Quality Assurance & Program Analytics at PA Department of Human Services, Office of Long-Term Living (OLTL), 2015 – Present, Bureau is responsible for quality and performance measures for statewide home and community-based programs, incorporating state of the art quality processes and measurements identified by Centers for Medicare and Medicaid Services, including the design and implementation of the new Managed Care Long-Term Services and Support program. From 2005–2015, former Bureau Director and State Long-Term Care Ombudsman at PA Department of Aging that provided oversight in statewide advocacy systems for over 60 population regarding elder abuse and protection, and resident rights issues in accordance with federal and state laws. Programs included protective services program; investigatory trainings to include elder abuse, financial exploitation
and information appeal process for independent outcome determinations to uphold or rescind perpetrator designation status based on local investigations, and participated in court hearings and supported prosecution follow-up; ombudsman program: advocacy for the protection of residents rights impacting quality of care and life for individuals receiving long-term care services; criminal history background checks for employment determination of individuals working in long-term care facilities and providing services to consumers—accomplishments included passing of digital fingerprinting to expedite submission and processing of FBI background checks for applicants; helped with the creation of local elder abuse task forces and multidisciplinary teams; participated in state studies and evaluations on elder abuse, financial exploitation, and guardianship issues impacting the aging population; and, participated in Orphans Court and U.S. Bankruptcy Court proceedings representing the interests of older consumers. Former member of the Pennsylvania Supreme Court Elder Law Task Force and Advisory Council on Elder Justice in the Courts; Judicial Conduct Board Member since June 2016.

HONORABLE ELIZABETH S. BECKLEY, American University, (B.A., Criminal Justice),; Thomas M. Cooley School of Law, Lansing, Michigan, (J.D.), winner of American Jurisprudence Award for Excellence in Trial Advocacy; Magisterial District Judge, District Court 09-1-02, Cumberland County (2012-present); maintains part-time practice with Beckley & Madden, LLC; admitted to practice before the Supreme Court of Pennsylvania, United States Court of Appeals for the Third Circuit, and United States District Court for the Middle District; member of American Bar Association, Pennsylvania Bar Association—served as a member of the House of Delegates, May 2002 – Present, Dauphin County Bar Association—President, 2011 and social member of Cumberland County Bar Association; former Hearing Committee Member of the Disciplinary Board of the Supreme Court of Pennsylvania, 2011 – 2016; former member Camp Hill Borough Council, the Capital Region Council of Governments, and West Shore Area Jaycees—President, 1996 – 2002; member of Camp Hill Woman’s Club—President, 2012 – 2013; volunteer Conference Officer for Dauphin County Domestic Relations, 2000; Notary Public, 1997 – Present; Judicial Conduct Board Member since March 2016.

DR. ARNOLD SHIENVOLD, Colgate University, (B.A.), 1972; University of Alabama (M.A.), 1976; (Ph.D.), 1977; Worked at Harrisburg Hospital, Polyclinic Medical Center, and Hershey Medical Center; Managing Partner of Riegler, Shienvold & Associates, a comprehensive psychological practice, 1980 – Present; Expertise in areas of custody evaluation, family mediation, and psychotherapy; Presenter of lectures, seminars and workshops on custody issues and family mediation to the Dauphin County, Cumberland County, York County and Adams County Bar Associations, the American Academy of Matrimonial Lawyers, the Pennsylvania Academy of the Association of Family and Conciliation Courts and the Association for Conflict Resolution; Past President of the Academy of Family Mediators, Association of Conflict Resolution and the Association of Family and Conciliation Courts; Member, AFCC’s task force to develop model standards for custody evaluators; Member, Pennsylvania Psychological Association custody workgroup; Former member, Pennsylvania Supreme Court committee on changing the culture of custody disputes in Pennsylvania courts; Co-author of the chapter, Custody Evaluations, Custody Law & Practice in Pennsylvania; Award for Distinguished Contributions to the Science and Profession of Psychology from the Pennsylvania Psychological Association, 2011; Judicial Conduct Board Member since November 2016.

HONORABLE JAYNE F. DUNCAN, 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; 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”; Judicial Conduct Board Member 2012-2016.

LT. GARY S. SCHEIMER, Secretary (June 1, 2015 through February 2, 2016); Kent State University (B.A.), Law Enforcement Administration, magna cum laude, 1976; Retail Security Manager, Sears and J.C. Penney Co., 1976

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 www.jcbpa.org.

Your Information:

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Judicial Officer’s Information:

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<td>Judge</td>
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County:

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

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<th>Your Attorney:</th>
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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.)

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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.

Please explain your complaint on the reverse of this from.