



PENNSYLVANIA JUDICIAL CENTER



**COMMONWEALTH OF PENNSYLVANIA
JUDICIAL CONDUCT BOARD**

601 Commonwealth Avenue, Suite 3500

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Harrisburg, Pennsylvania 17120-0901

(717) 234-7911

<http://www.jcbpa.org>

ANNUAL REPORT 2017

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PENNSYLVANIA JUDICIAL CONDUCT BOARD

601 Commonwealth Avenue, Suite 3500 ♦ P.O. Box 62525 ♦ Harrisburg, Pennsylvania 17120-0901
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March 2018

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, 2017.

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.

MISSION STATEMENT

OVERVIEW OF THE BOARD

2017 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)

Vacancy**

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)

Thomas J. Elliott, Esquire*
(Term expiration 07/17/2021)

PUBLIC MEMBERS

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

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

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

Mustafa L. Rashed*
(Reappointed 09/05/2017)
Term expiration 02/29/2020)

Arnold Shienvold, Ph.D.*
(Term expiration 11/07/2020)

Vacancy**

BOARD STAFF

Robert A. Graci, Chief Counsel

James P. Kleman, Jr.
Deputy Counsel

Melissa L. Norton
Assistant Counsel

Douglas K. Miller
Investigator

Paula A. Caruso
Administrative Coordinator

Collen M. McKinney
Clerical Assistant

Francis J. Puskas II
Deputy Chief Counsel

Colby J. Miller
Assistant Counsel

Paul A. Fontanes
Investigator

Toni I. Schreffler
Legal Assistant

Elizabeth A. Flaherty
Deputy Counsel

John C. Harlacker
Investigator Supervisor

Leo P. Zuvich
Investigator

Sandra K. Re
Legal Secretary

* Current Members through December 31, 2017. **At the end of 2017, there were two vacancies on the Board.

*** Resigned February 13, 2017

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 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 attorneys who are not judges; and
- 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.

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. At the end of 2017 there were two vacancies on the Board.

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

*The Philadelphia Traffic Court was eliminated by Constitutional amendment adopted by Pennsylvania's electors on April 26, 2016. The term of the last judge of the Traffic Court expired on December 31, 2017.

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 or attorneys are related 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

OVERVIEW OF THE BOARD

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 2017 are presented in the "Case Statistics" section of this report.



OVERVIEW OF THE BOARD

BOARD ORGANIZATION AND STAFF

In 2017, the Board had 14 staff positions, including the Chief Counsel, Deputy Chief Counsel, two Deputy Counsels, two Assistant Counsels, four 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 2017.

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 four investigators, is responsible for the evaluation and investigation of complaints. The attorneys are primarily responsible for reviewing and evaluating complaints alleging judicial misconduct. 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 as specified in the Constitution. When necessary, these attorneys also brief and argue appeals to the Supreme Court of Pennsylvania (or the constitutional Special Tribunal if the matter on appeal involves a Supreme Court justice) 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

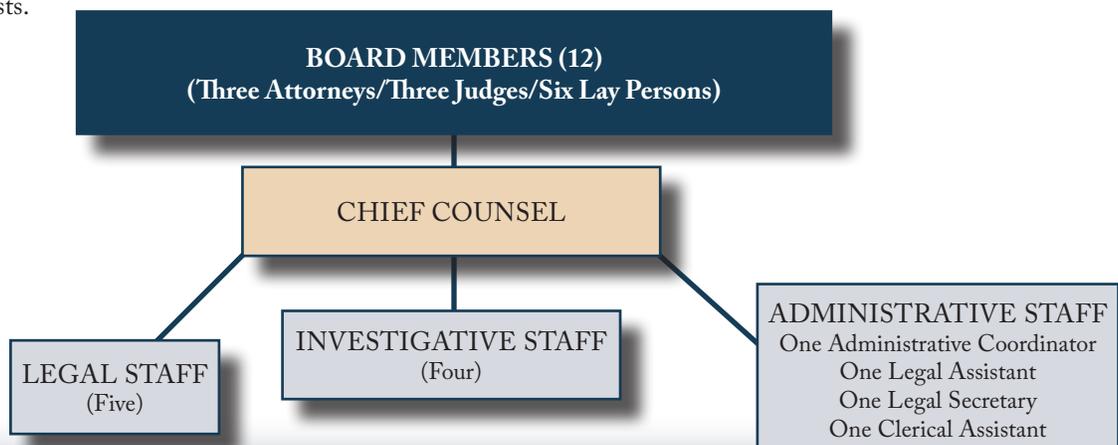
The Judicial Conduct Board's budget is included in the appropriation allotted to the Judicial Branch of the Commonwealth's government. It is formulated and administered independently by the Board. For the 2017-2018 fiscal year (July 1, 2017 — June 30, 2018), the Board's appropriation is \$2,182,000. 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.

2013-2017 Budgets (In Thousands)

<i>Fiscal Year*</i>	<i>Amount Appropriated</i>
2013-2014	\$1,577
2014-2015	\$1,577
2015-2016	\$1,956
2016-2017	\$2,182
2017-2018	\$2,182

**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 hundredths of one percent) of the budget of the Commonwealth.



OVERVIEW OF THE BOARD

OUTREACH AND EDUCATION

In 2017, 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 Newsletters 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 2017, the Board re-issued its “Statement of Policy Regarding Disqualification Based on Campaign Contributions under Rule 2.11 (A)(4).” This Statement of Policy, like the Board’s press releases and newsletters, are available on the Board’s website. The Board has also issued “Statements of Policy” on matters within the Board’s purview.

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 misconduct 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 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. Disclosures are also allowed if the information would call for the exercise of the supervisory authority of the Supreme Court or a president judge.

Formal charges filed by the Board with the Court of Judicial Discipline are public record. Hearings in the Court are public proceedings.



BOARD PROCEDURE THE COMPLAINT PROCESS

Judicial Conduct Board of Pennsylvania – Complaint Resolution Process

INITIAL SCREENING	PRELIMINARY INQUIRY	FULL INVESTIGATION	FORMAL PROCEEDINGS	SUPREME COURT
<p>Chief Counsel reviews each Confidential Request for Investigation or “complaint” to determine whether it is within jurisdiction of the Judicial Conduct Board (JCB).</p> <p>Staff returns non-JCB complaints (<i>e.g.</i>, complaints against attorneys or federal judges) to complainants with appropriate instructions.</p> <p>Staff prepares electronic and paper-copy file, sends acknowledgment letters to complainants, and returns paper-copy file to Chief Counsel.</p> <p>Chief Counsel assigns complaints to staff attorneys.</p>	<p>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.</p> <p>Staff distributes preliminary inquiry report and recommendation, along with pertinent materials, to JCB members.</p> <p>JCB Members review preliminary investigation report and recommendation, and vote to dismiss, to have staff conduct additional preliminary inquiry, or to proceed to full investigation as to some or all allegations.</p> <p>If matter is dismissed, complainant and judge are so notified. If matter is not within jurisdiction of JCB (<i>e.g.</i> complaint against attorney or federal judge), complainant is referred to appropriate agency.</p>	<p>Staff provides judge with nature and content of complaint and asks judge to respond in writing to identified allegations.</p> <p>Attorney and/or investigator conduct additional investigation, if necessary, as to issues raised in judge’s response.</p> <p>Staff distributes judge’s response and any supplemental investigation report and recommendation, along with pertinent materials, to JCB members.</p> <p>JCB Members review judge’s response, and any supplemental investigation report and recommendation, and vote 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.</p>	<p>Staff prepares formal complaint, files complaint with the Court of Judicial Discipline, and serves same upon judge. Matter becomes public upon filing.</p> <p>Judge may file written answer.</p> <p>Matter may be presented on stipulated facts or at adversarial hearing before Court of Judicial Discipline.</p> <p>After a public hearing, 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:</p> <ul style="list-style-type: none"> - Reprimand; - Censure; - Fine; - Suspension (with or without pay); - Probation - Removal from office with permanent bar from judicial office. 	<p>If the Court of Judicial Discipline dismisses the complaint against the judge, the JCB may appeal to the Supreme Court of Pennsylvania.</p> <p>If the Court of Judicial Discipline imposes discipline on the judge on any of the charges, the judge may appeal to the Supreme Court.</p> <p>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).</p>

2017 STATISTICS

OVERVIEW

During 2017, the Board received or initiated 783 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 three judges and filed a petition for interim suspension against one.

The Board closed 1,019 pending matters in 2017. Not all cases are dismissed or otherwise acted upon in the year in which they are received by the Board. Of those, 581 were determined to be unfounded after preliminary inquiry and 360 presented claims of legal error and not misconduct. Another 34 were dismissed because the Board lacked jurisdiction over the official against whom the complaint was filed. Four cases were withdrawn at the request of the complainants. The Board authorized the issuance of notices of full investigation in 27 matters. Seven pending matters were closed with the filing of charges in the Court of Judicial Discipline against three judges and one was concluded with the retirement of the judicial officer. The Board dismissed 27 cases with Letters of Caution¹ and dismissed five 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 783 complaints received or initiated during the 2017 calendar year. On average, the Board received 65 complaints each month. The Board classified each complaint received into one of the following categories:

Abuse of Discretion/Office/Power	137	17.5%
Administrative.....	7	.9%
Bias.....	40	5.1%
Conflict of Interest.....	13	1.7%
Criminal.....	3	.4%
Delay.....	46	5.8%
Demeanor	62	7.9%
Disability.....	2	.3%
Discrimination	1	.1%
Ex Parte.....	12	1.5%
Failure to Comply With Law.....	6	.8%
Failure to Perform Duties	2	.3%
Failure to Report by Judge	1	.1%
Harassment	1	.1%
Impropriety	5	.6%
Legal	296	37.8%
Multiple Issues	41	5.2%
No Jurisdiction	35	4.5%
Political	41	5.2%
Racism.....	2	.3%
Recusal	15	1.9%
Retaliation.....	6	.8%
Self-Report by Judge.....	4	.5%
Sexual Harassment.....	2	.3%
Time Barred.....	2	.3%
Violation of Law	1	.1%
Total.....	783	100%

JUDICIAL COMPLEMENT

In 2017, there were 1,261 jurists within the Board’s jurisdiction.

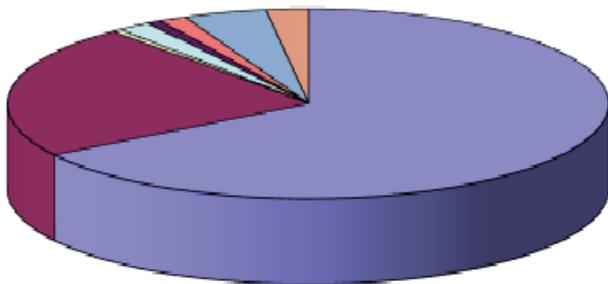
	2017 Jurists	Senior Jurists
Supreme Court	7	0
Superior Court	15	6
Commonwealth	9	5
Common Pleas	457	118
Magisterial District Judges	516	97
Philadelphia Municipal Court	28	3
TOTAL	1,032	229

2017 STATISTICS

COMPLAINTS CATEGORIZED BY JUDICIAL OFFICE

Among the complaints filed with the Board, were 34 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 2017 calendar year)



■ Common Pleas (516)	■ MDJs (179)
■ Supreme Court (4)	■ Superior Court (14)
■ Commonwealth Court (6)	■ Phila. Municipal Court (11)
■ No Jurisdiction (35)	■ Judicial Candidates (18)

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 2017, the Board and Chief Counsel issued 63 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 2017, the Board authorized 27 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 1,019 cases in 2017 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 1,019 cases closed in 2017, 581 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 1,019 cases closed in 2017, 360 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 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 27 cases with Letters of Caution in 2017. The Board issues Letters of Caution when the judicial officer's conduct constitutes an aberration

2017 STATISTICS

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. The judicial officer is not required to sign or accept a Letter of Caution.

Dismissal with a Letter of Counsel: The Board dismissed five cases with Letters of Counsel in 2017. Generally, 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 (and the Letter of Counsel, itself) may 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 violation.

Resignations or Retirements: One judicial officer retired while facing Board investigation. That retirement resolved one pending investigation.

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 2017, the Board filed one petition for interim suspension 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 2017, 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 admonitions in cases where there is sufficient evidence of judicial misconduct to file formal charges with the Court of Judicial Discipline, but mitigating or extenuating 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 Chief Counsel of the Judicial Conduct Board. Examples of the type of conduct addressed by Letters of Counsel include the following:

- Canon 1, Rule 1.2; Canon 2, Rules 2.8(B), Rule 2.8(C) – 2014 Code of Judicial Conduct
 - The judge displayed improper demeanor and criticized a jury for its verdict.
- MDJ Rule 2(A), Rule 8(A) – Old Rules Governing Standards of Conduct of Magisterial District Judges, Article V, § 17b and Article V, § 18(d)(1) of the Pennsylvania Constitution.
 - A judge failed to recuse at the appropriate time from criminal matters involving a former sexual partner. Earlier in their relationship, the judge provided alcohol to this person, who, while an adult, was under the age of 21; the judge did so, in part, because the individual lied about his age.
- Canon 1, Rule 1.1; Canon 4, Rule 4.1(A)(4) – 2014 Code of Judicial Conduct and Article V, § 17b of the Pennsylvania Constitution
 - A judge violated the law and violated the general proscription on partisan political activity by making a monetary donation to a political campaign at a time when the judge was prohibited from making political contributions.

2017 STATISTICS

- Canon 1, Rules 1.1, 1.2; Canon 2, Rules 2.4(C), 2.11(A); Canon 3, Rules 3.1(A), 3.1(B), 3.1(C) – 2014 Code of Judicial Conduct and Article V, § 17b of the Pennsylvania Constitution
 - A judge violated the Pennsylvania Constitution and the above-listed Canons and Rules by engaging in a clandestine emotional support relationship with a governmental official of the judge's county, while the official and the official's staff presented cases before the judge.
- Canon 1, Rules 1.1, 1.2 and 1.3 – 2014 Code of Judicial Conduct, Article V, § 17b and Article V, § 18(d)(1) of the Pennsylvania Constitution
 - A judge failed to comply with the law and act in a manner that promotes public confidence in the judiciary when the judge was charged with Driving Under the Influence of Alcohol. The judge abused the prestige of judicial office by identifying as a judge to the arresting 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 2, Rule 2.5(A) - 2014 Code of Judicial Conduct
 - A judge twice failed to timely issue rulings on a Post Conviction Relief Act Petition (11 months and four months)
- Canon 2, Rule 2.5(A) – 2014 Code of Judicial Conduct
 - A judge failed to timely issue a child support order for a period of one year.
- Canon 2A; Canon 5A – Old Code of Judicial Conduct
 - A judge forwarded one email containing racially insensitive content to other court employees.
- Canon 2, Rule 2.5(A) – 2014 Code of Judicial Conduct
 - A judge failed to timely issue rulings on two Post Conviction Relief Act petitions (1 ½ years).
- Canon 1, Rule 1.2; Canon 2, Rule 2.11; Canon 2, Rule 2.7 – 2014 Code of Judicial Conduct
 - A judge presided over a matter where one of the multiple plaintiffs previously endorsed the judge in a campaign television commercial.
- Canon 1, Rules 1.1, 1.2, 1.3; Canon 2, Rule 2.16(B); Canon 4, Rule 4.1(A)(8), Rule 4.2 (A)(1) – 2014 Rules Governing the Standards of Conduct of Magisterial District Judges
 - A judge utilized his court office as a forum for a political discussion and utilized the prestige of the judicial office to assist the career prospects of a then-potential opponent to lessen the chances that the potential opponent would run against the judge in the election.
- Canon 2, Rule 2.5(A) – 2014 Code of Judicial Conduct
 - A judge exhibited a lengthy delay in responding to the directives put to the judge in a remand order from an appellate court.
- Canon 1, Rule 1.2; Canon 2, Rule 2.11 – 2014 Rules Governing the Standards of Conduct of Magisterial District Judges
 - While engaged in judicial duties, a judge made a joke that was interpreted as being sexually suggestive to a county employee. In an unrelated case, the judge failed to reveal a potentially disqualifying relationship with a civil plaintiff in a trial over which the judge presided.

2017 STATISTICS

- Canon 1, Rule 1.2; Canon 2, Rule 2.8(B) – 2014 Rules Governing Standards of Conduct of Magisterial District Judges
 - A judge was rude and discourteous to an assistant district attorney and a police officer who appeared before the judge.
- Canon 4, Rule 4.1; Canon 3, Rule 3.7(B)(2); Canon 1, Rule 1.1 - 2014 Rules Governing Standards of Conduct of Magisterial District Judges
 - A judge ran afoul of the aforementioned rules by making postings on a social media site that appeared to endorse policy positions put forth by a political party and by re-posting a photographic advertisement of a local fundraising event for a charitable institution.
- MDJ Rule 2.12 – Old Rules Governing Standards of Conduct of Magisterial District Judges
 - A judge failed to properly supervise court staff, resulting in a verdict being recorded incorrectly.
- MDJ Rule 2.8(B) – Old Rules Governing Standards of Conduct of Magisterial District Judges
 - A judge failed to be patient, dignified and courteous to the father of a litigant when he addressed the man in a condescending and arrogant manner in open court, calling him “stupid.”
- Canon 2, Rule 2.5 – 2014 Code of Judicial Conduct
 - A judge failed to dispose of a Motion for Modification of Sentence and a Post Conviction Relief Act Petition in a prompt manner, waiting almost three years to dispose of the matters.
- MDJ Rule 4(C) – Old Rules Governing Standards of Conduct of Magisterial District Judges
 - A judge failed to be patient, dignified and courteous to a witness. At the conclusion of the hearing, the judge spoke to the witness, telling the witness to “suck it up, cupcake.” This statement was made in open court when many members of the public were in attendance.
- Canon 2, Rule 2.2 – 2014 Code of Judicial Conduct
 - A judge did not comply with time requirements in Pa.R.C.P. No. 1915.4 regarding the prompt disposition of custody cases.
- Canon 2, Rules 2.2, 2.6 and 2.8 – 2014 Code of Judicial Conduct
 - A judge advised defendants of the potential consequences for going to trial and being convicted in a manner that the defendants and the public could perceive as coercive.
- Canon 2, Rule 2.8 – 2014 Code of Judicial Conduct
 - A judge acted in a manner that could reasonably be perceived as partial, unjustly critical and accusatory, and patronizing to a defending party in a custody contempt proceeding.
- Canon 2, Rule 2.2 – 2014 Code of Judicial Conduct
 - A judge imposed an unlawful sentence upon a defendant even after being informed that the sentence was not permitted under the Sentencing Code.
- Canon 1, Rule 1.2; Canon 2, Rule 2.2 – 2014 Code of Judicial Conduct
 - A judge lacked full candor and undermined public confidence in the integrity, impartiality and independence of the judicial process by publicly misrepresenting the procedural history of the case and by refusing to allow counsel for the litigants who challenged the misrepresentation to correct the record, causing those familiar with the actual history to question judge’s probity, fairness, honesty, uprightness, and soundness of character.

2017 STATISTICS

- Canon 4, Rule 4.1(A)(3) – 2014 Rules Governing Standards of Conduct of Magisterial District Judges
 - A recently appointed judge standing for election for the first time admitted improperly endorsing a candidate for a non-judicial public office.
- Canon 2, Rule 2.15(A); Canon 4, Rule 4.2(B)(3) – 2014 Rules Governing Standards of Conduct of Magisterial District Judges
 - A judge standing for reelection publicly endorsed via social media reelection of another magisterial district judge who was not a candidate for the same judicial office and who did not appear on the same ballot as the endorsing judge. In endorsing the other candidate, the endorsing judge relied on an opinion of the Ethics & Professionalism Committee of the Special Court Judges Association of Pennsylvania (with which the Board disagreed) and was afforded the benefit of “Rule of Reliance” as set forth in the Preamble to the Rules Governing Standards of Conduct of Magisterial District Judges. Additionally, the endorsing judge failed to report an endorsement violation by another magisterial district judge.
- Canon 4, Rule 4.1(A)(3) – 2014 Rules Governing Standards of Conduct of Magisterial District Judges
 - A judge who was not a candidate for election or reelection publicly endorsed the reelection candidacy of another magisterial district judge via a social media post, mistakenly believing that post was private.
- Canon 4, Rule 4.2(B)(3) – 2014 Rules Governing Standards of Conduct of Magisterial District Judges
 - A judge who was standing for reelection publicly endorsed via social media the reelection of another magisterial district judge who was not a candidate for the same judicial office and who did not appear on the same ballot as endorsing judge. In endorsing the other candidate, the endorsing judge relied on opinion of the Ethics & Professionalism Committee of the Special Court Judges Association of Pennsylvania (with which the Board disagreed) and was afforded benefit of Rule of Reliance as set forth in the Preamble to the Rules Governing Standards of Conduct of Magisterial District Judges.

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](http://jcbpa.org) “Governing Law” tab.

2017 STATISTICS

SUMMARY OF BOARD ACTIVITY

COMPLAINT ACTIVITY DURING 2017

Dismissals after Preliminary Inquiry – 581
Strictly Legal Error Dismissals - 360
Non-Jurisdiction Dismissals - 34
Letters of Inquiry – 63
Notices of Full Investigation – 27*
Letters of Caution – 27
Letters of Counsel - 5
Retirement in Lieu of Formal Charges - 1
Formal Complaints in the Court of Judicial Discipline – 3
Petitions for Interim Suspension – 1

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

Five Year Statistical Summary*

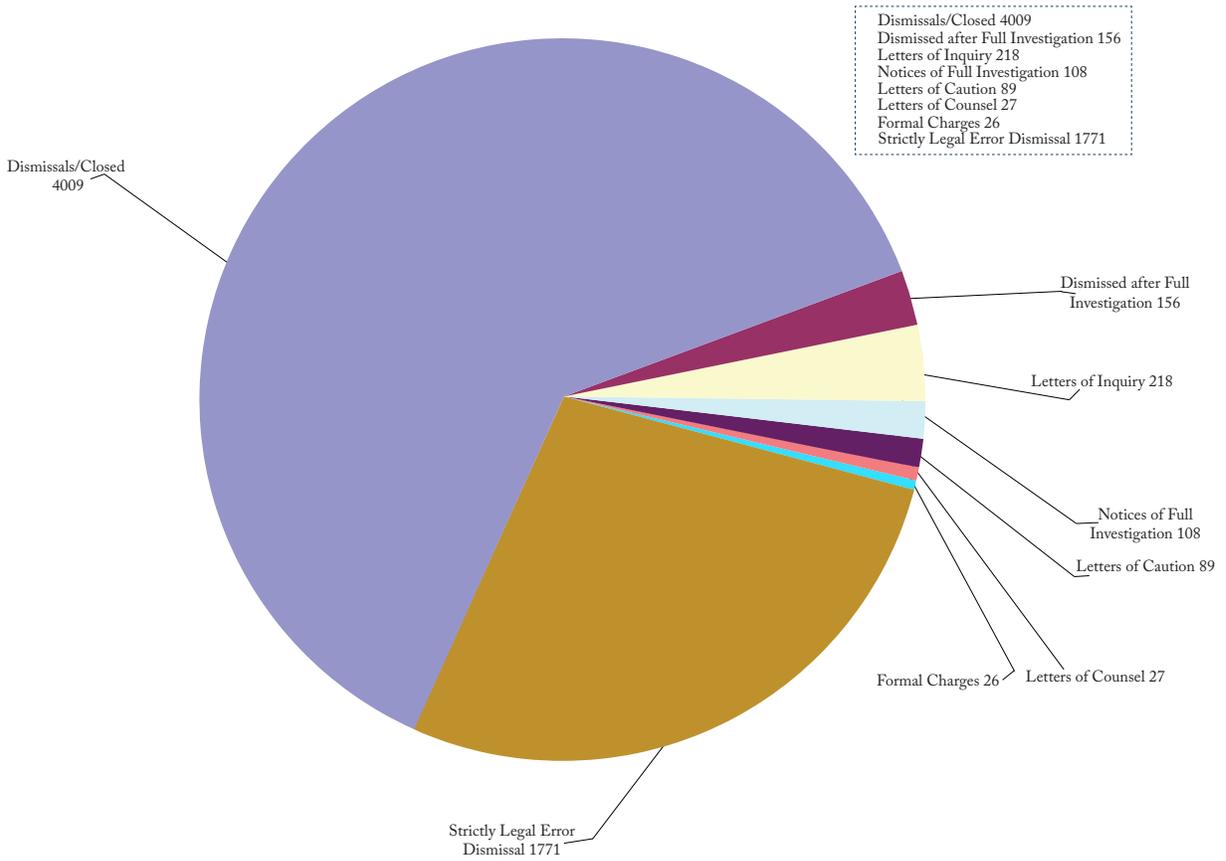
Year	Complaints Received/ Initiated	Dismissed/ Closed	Letters of Inquiry	Notices of Full Investigation Issued	Letters of Caution Issued	Letters of Counsel Issued	Formal Charges Filed
2013	784	648	34	21	16	4	1
2014	793	754	34	19	12	0	4
2015	845	584	30	26	13	14	13
2016	804	634	57	15	21	4	5
2017	783	1,019	63	27	27	5	3
Total	4,009	3,639	218	108	89	27	26
Average	802	728	44	22	18	5	5

*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

2017 STATISTICS

COMPLAINT ACTIVITY: 5-YEAR SUMMARY

(Based on calendar years 2013, 2014, 2015, 2016 and 2017)



2017 STATISTICS

SUMMARY OF COURT OF JUDICIAL DISCIPLINE SANCTIONS IMPOSED (2016 Partially Reprinted Due to Error in 2016 Annual Report)

JUDICIAL OFFICER	DESCRIPTION OF MISCONDUCT	DATE & SANCTION IMPOSED
Former MDJ Dwight K. Shaner 10 JD 2015	Board Complaint Shaner charged by criminal information; plead guilty to 1 count of hindering apprehension or prosecution by providing false statements to law enforcement; sentenced to 18 months of probation plus fines and costs	06/14/2016 Findings of Fact and Conclusions of Law 08/16/2016 Sanction Order Reprimanded and censured; ineligible to accept any Sr. Judge assignments
Justice J. Michael Eakin 13 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

2017 STATISTICS

Nationwide:

The nationwide statistics of judicial discipline are outlined below.*
 Pennsylvania's statistics are generally consistent with the national statistics.

Since 1980, 425 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.

In 2017:
• 6 judges were removed from office
• One judge was ordered to retire immediately based on a finding of mental inability to perform duties
• One judge's permanent resignation was ordered based on compromised cognitive and physical abilities
• One judge was suspended without pay until the end of his term
• 15 judges resigned or retired in lieu of discipline pursuant to public agreements with conduct commissions
• 103 additional judges (or former judges in approximately 13 cases or former judicial candidates in five cases) received other public sanctions
• 17 judges were suspended without pay, ranging from two years (plus a \$15,000 fine) to three weeks (plus a public censure). In addition, there was a one-year suspension; an 11-month suspension; a nine-month suspension; three six-month suspensions (one included a public censure, one included a public reprimand); a 120-day suspension (which included a \$3,000 fine and public reprimand); a 45-day suspension; two 90-day suspensions (one included a public reprimand); a 60-day suspension (plus a \$5,000 fine); and four 30-day suspensions (one included a public reprimand and \$1,100 fine, one included a public reprimand)
• 12 judges were publicly censured (one censure was severe, one was based on the judge's irrevocable resignation, one was based on a former judge's agreement not to hold judicial office, one included a retired judge's agreement to resign his commission as an emergency judge)
• 31 judges were publicly reprimanded (two reprimands barred former judges from judicial office, seven also ordered additional education)
• 18 judges were publicly admonished (in one case, the judge also agreed to additional education)
• Three judges received a public warning (all of which also ordered additional education)
• One judge was placed on probation for three years with conditions
• One judge was ordered to reimburse \$10,002.58 in unauthorized benefit payments
• One judge received a public caution with a dismissal without prejudice of multiple complaints
• One judge received a public letter of counsel
• One former judge was ordered to cease and desist from using misleading campaign material
• One former judge was found to have committed misconduct but no sanction was imposed because the judge was longer in office
• Three former judges were suspended from the practice of law for misconduct while judges

**Statistics from the National Center for State Courts, Center for Judicial Ethics, January 30, 2018 and updated February 6, 2018.*

JUDICIAL CONDUCT BOARD MEMBERS' BIOGRAPHIES

JAMES C. SCHWARTZMAN, ESQUIRE; Chair (February 2, 2016 - February 5, 2018); Washington University, (A.B. in Psychology), 1967; Villanova University School of Law, (J.D.), cum laude, 1972; Associate Editor, Villanova Law Review and National Legal Honorary, Order of the Coif, published Adopted Children in Pennsylvania: A Class Without a Clause, 17 Villanova Law Review 1066 (1972); extensive experience representing and counseling lawyers, law firms and judges on legal and judicial ethics-related issues. Admitted to Practice: U.S. Court of Appeals for the Third Circuit, U.S. District Court for the Eastern District of Pennsylvania, U.S. District Court for the Middle District of Pennsylvania, U.S. Supreme Court, U.S. Court of Claims and U.S. Tax Court; Shareholder in Law Firm of Stevens & Lee, 2005 – Present: Chair, Ethics and Professional Responsibility Group; Private practice, 1992-2005: Law Office of James C. Schwartzman & Associates; Private practice, senior shareholder in law firm of Schwartzman & Hepps 1977-1992; Assistant United States Attorney, 1974-1977; Law Clerk to Honorable J. William Ditter, Jr., United States District Judge for the Eastern District of Pennsylvania; Professional Associations: Pennsylvania Bar Association, Philadelphia Bar Association, American Trial Lawyers Association, Pennsylvania Trial Lawyers Association, Philadelphia Trial Lawyers Association, Association of Professional Responsibility Lawyers; other affiliations: Committee of Seventy, 2002-2015; Instructor, Attorney General's Advocacy Institute United States Department of Justice, Temple University School of Law; Lecturer: Temple University Graduate Law School, Cheltenham Evening School, Abington High School, Bucks County Police Chief's Association, Various awards and commendations from United States Department of Justice; AV rated by Martindale-Hubbell; Appointed by Governor Robert Casey to Philadelphia Trial Court Nominating Commission, Member of Philadelphia Senatorial Judicial Nomination Commission, 1987-1995; Pennsylvania Super Lawyer, 2004-2017 and voted one of Top 100 Lawyers in Philadelphia and Pennsylvania; listed in The Best Lawyers in America, 2006-2017 in areas of Ethics and Professional Responsibility, Plaintiffs' Legal Malpractice Law and Defendants' Legal Malpractice Law; 2015 Philadelphia Ethics and Professional Responsibility Law "Lawyer of the Year"; National Heritage Life Insurance Company, Trustee 1997-2001; Ethics Director, American Electronic Laboratories, Inc.; Independence Blue Cross Board of Directors, 1993-Present; Southeastern Pennsylvania Transportation Authority, Board of Directors, 1991-2015; Judicial Conduct Board Member,

2014-Present, Vice-Chairman 2015, Chairman 2016-2018; Interest on Lawyers Trust Account (IOLTA) Board of the Supreme Court of Pennsylvania, Member 2008-2014, Vice-Chairman 2012, Chairman 2013-2014; Continuing Legal Education Board of the Supreme Court of Pennsylvania, Member 1992-1999, Vice-Chairman 1992-1995, Chairman 1996-1999; Disciplinary Board of the Supreme Court of Pennsylvania, Member 1983-1989, Vice-Chairman 1985-1986, Chairman 1986-1987; Judicial Conduct Board Member since 2014.

RICHARD T. FRAZIER, ESQUIRE; Vice-Chair (February 2, 2016 – February 4, 2018); 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; Judicial Conduct Board Member since 2014.

HONORABLE P. KEVIN BROBSON; Secretary (February 2, 2016 – February 5, 2018); Lycoming College (B.A.), magna cum laude; Widener University Commonwealth Law School (J.D.), summa cum laude, managing editor Law Review; former judicial clerk for the

JUDICIAL CONDUCT BOARD MEMBERS' BIOGRAPHIES

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; serves on the Widener Commonwealth Law School Board of Advisors; Widener Commonwealth Law School Jurist-in-Residence (2017-2018); 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 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 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; Judicial Conduct Board Member 2014-until resignation on February 13, 2017.

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 2013-July 2, 2017.

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

JUDICIAL CONDUCT BOARD MEMBERS' BIOGRAPHIES

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 serving as President of the North Mountain Club, serves on the Board of Trustees of Misericordia University, 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 35 years and has 4 children; currently resides in Dallas, Pennsylvania; Judicial Conduct Board Member since 2014.

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, received numerous commendations for achievement and leadership (1991-1995); President and CEO of Bellevue Strategies, a Philadelphia based, minority-owned government relations, advocacy and strategic communications firm, serves as firm's manager of day-today operations and is responsible for operations, technology, HR and vision (2011-present); Vice President of Media and Brand Strategy, Bellevue Communications Group, a public relations firm in Philadelphia (2008-2011); Worked for media organizations: NBC10 (2005-2008), KYW Newsradio (2001-2005) and the Philadelphia Public Record (2000-2001); work in advocacy includes political campaigns, corporate and nonprofit clients; 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); Advocate of public education and a strong municipal public school system; Frequent media commentator on politics, social and community affairs; Guest columnist for Philadelphia Magazine and Al Dia; Judicial Conduct Board Member since February 2016; reappointed to the Judicial Conduct Board on September 5, 2017.

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 responsible for quality and performance standards of Medicaid home and community-based programs as required by Centers for Medicare and Medicaid Services.

JUDICIAL CONDUCT BOARD MEMBERS' BIOGRAPHIES

From 2005-2015, served as the statewide lead advocate on the development and implementation of federal and state laws, regulations, policies and procedures impacting protective services and ombudsman programs. Established and maintained strong ties with federal and state legislators on regulatory, legislative and policy issues affecting the aging population. Represented the agency before legislative and executive branches in strengthening advocacy systems. Activities included requiring protective services and ombudsman mandatory trainings to both local provider of services and volunteers and enforced state regulations pertaining to senior protections; helped the state to leverage the impact of state coalitions and local programs across the state. Led teams in state studies and evaluations on elder abuse, financial exploitation, and guardianship issues affecting the aging population; and, participated in Orphans Court and U.S. Bankruptcy Court proceedings representing the interests of older consumers. Prior to public service, spent 10 years at PECO Energy, as community liaison working with community partners and local government reviewing proposals and approving grants; involved in the areas of legal, finance, investor relations, and the successful merger of PECO Energy Company and Unicom creating Exelon Corporation in 2000; previously spent 12 years in the legal profession involved in the areas of products liability, maritime, and litigation with a number of law firms in Philadelphia; received the Odessa Award for Leadership from the National Conference of Puerto Rican Women, Inc., 2005, and the Delaware Valley's Most Influential Latinos Award from the Most Influential Latinos Foundation and Impacto Latino Newspaper and PHL Diversity, 2013; former board member in national, state and local organizations influencing public policy. 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.

THOMAS J. ELLIOTT, ESQUIRE, Georgetown University (A.B.), 1971; Georgetown University Law Center (J.D.), 1974; Senior Founding Shareholder, Vice President and Board Member Elliott Greenleaf; extensive commercial litigation practice in federal and state trial and appellate courts; admitted to practice in: the United States Supreme Court, the United States Courts for Appeal of the Second and Third Circuits, the United States District Courts for

JUDICIAL CONDUCT BOARD MEMBERS' BIOGRAPHIES

the Eastern, Middle and Western Districts of Pennsylvania and the Pennsylvania Supreme Court; former law clerk to Honorable John B. Hannum – Judge, United States District Court for the Eastern District of Pennsylvania; AV rated by Martindale-Hubbell; selected Pennsylvania Super Lawyer; appointed by the Pennsylvania Supreme Court to serve on the Disciplinary Board of the Supreme Court of Pennsylvania; member of the Pennsylvania Bar Association Committee on Legal Ethics and Professional Responsibility; member of the Pennsylvania Bar Association Committee on Federal Practice; Treasurer and Director of the Historical Society of the United States District Court for the Eastern District of Pennsylvania; chaired Pennsylvania Bar Institute Continuing Legal Education Programs on Commercial Litigation, Evidentiary Issues, Remedies and Legal Ethics; member of the American Bar Association and served as Chair of the Litigation Section's Trial Practice Committee and Chair of the Demonstrative Evidence Subcommittee; served as Panel Member of the Federal Bench Bar Conference and as a member of the Third Circuit Judicial conference; Member of the Montgomery Bar Association and served as: Member of Board of Directors; President of the Trial Lawyers Section; Co-Chair Federal Court Practice Committee; Chair of the Business Banking and Corporate Counsel Committee; Vice-Chair of the Rules of Federal Court Committee; Panel Member and Speaker at CLE Legal Ethics Program; Program Planner and Speaker at CLE Program on Practice before United States States Magistrate Judges, and was selected as the Trial Lawyer of the Year; negotiated transactions involving the purchase, sale and financing of professional sports franchises in Pennsylvania, Maryland, California, New Mexico, Oregon and Tennessee; counsels owners of professional sports franchises on all aspects of management and operations including: stadium finance and construction, negotiation with local authorities and municipalities for physical and financial infrastructure, playing surface selection and installation, ownership and team tax issues, stadium naming rights, vendor agreements, merchandising and licensing; published extensively, including: the Pennsylvania Bar Association, the Pennsylvania Bar Institute and the Philadelphia and Montgomery Bar Associations. Judicial Conduct Board Member since July 17, 2017.



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.

Your Information:

Name:

Address:

Telephone:

()

City:

State:

Zip:

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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.

(BACK SIDE OF REQUEST FOR CONFIDENTIAL INVESTIGATION)



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