



PENNSYLVANIA JUDICIAL CENTER



**COMMONWEALTH OF PENNSYLVANIA
JUDICIAL CONDUCT BOARD**

601 Commonwealth Avenue, Suite 3500

P.O. Box 62525

Harrisburg, Pennsylvania 17120-0901

(717) 234-7911

<http://www.jcbpa.org>

ANNUAL REPORT 2020

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601 Commonwealth Avenue, Suite 3500 ♦ P.O. Box 62525 ♦ Harrisburg, Pennsylvania 17120-0901
(717) 234-7911 ♦ www.jcbpa.org

April 2021

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

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

The Honorable Jake Corman
President Pro Tempore
Senate of Pennsylvania
350 Main Capitol
Harrisburg, Pennsylvania 17120-3034

The Honorable Bryan Cutler
Speaker of the House
Pennsylvania House of Representatives
139 Main Capitol
Harrisburg, Pennsylvania 17120-2100

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

The Honorable Joanna E. McClinton
Minority Leader
Pennsylvania House of Representatives
423 Main Capitol Building
Harrisburg, PA 17120-2191

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, 2020.

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

Respectfully submitted,



Richard W. Long
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

2020 BOARD MEMBERS

JUDGE MEMBERS

Honorable Renée Cohn Jubelirer*
Secretary of the Judicial Conduct Board
Commonwealth Court of PA
(Term expiration 08/16/2023)

Honorable Nina Wright Padilla*
Vice-Chair of the Judicial Conduct Board
(Term expiration 01/25/2022)

Honorable Elizabeth S. Beckley, Esquire
Vice-Chair; Elected Chair 10/07/2019
(Term expiration 03/13/2020)

Honorable William C. Wenner*
(Term expiration 03/13/2024)

ATTORNEY MEMBERS

Thomas J. Elliott, Esquire*
Chair of the Judicial Conduct Board
(Term expiration 07/16/2021)

Honorable Patricia H. Jenkins, Esquire*
(Term expiration 08/15/2022)

Mandi L. Culhane, Esquire*
(Term expiration 02/04/2022)

PUBLIC MEMBERS

Det. Joseph Brown*
(Term expiration 12/04/2022)

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

Nancy L. Clemens*
(Term expiration 1/20/2024)

Mustafa L. Rashed
(Term expiration 02/29/2020)

K. Celeste Trusty*
(Term expiration 02/29/2024)

Wilmarie Gonzalez
(Term expiration 06/19/2020)

Rev. James P. McCloskey, Ph.D.*
(Term expiration 06/19/2024)

Arnold Shienvold, Ph.D.
(Term expiration 11/06/2020)

Andrew E. Masich, Ph.D.*
(Term expiration 11/06/2024)

Wayne E. Evans*
(Term expiration 2/19/2022)

BOARD STAFF

Richard W. Long, Chief Counsel

James P. Kleman, Jr.
Deputy Counsel

Melissa L. Norton
Deputy Counsel

Paul A. Fontanes
Investigator

Toni I. Schreffler
Administrative Coordinator

Colleen M. McKinney
Administrative Assistant

Francis J. Puskas II
Deputy Chief Counsel

Colby J. Miller
Deputy Counsel

Leo P. Zuvich
Investigator

Joelle Conshue
Legal Assistant

Elizabeth Sickler
Administrative Assistant

Elizabeth A. Flaherty
Deputy Counsel

John C. Harlacker
Chief Investigator

Tammie L. Kelley
Investigator

Katie Zuvich
Legal Assistant

* Current members as of December 31, 2020.

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 Court Judges, and Magisterial District Judges. The Board has no jurisdiction over federal judges and magistrate judges, administrative hearing officers or administrative law judges 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 comprises 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.

GOVERNING LAW

The Board is governed by Article V, Section 18 of the Pennsylvania Constitution, and Chapter 21, Subchapter A of Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes (available on web site <http://www.jcbpa.org>). As an independent Board in the Judicial Branch having its own constitutional and statutory provisions regarding confidentiality of papers, records,

and proceedings, the Board is not governed by the Open Meetings Act or the Pennsylvania Administrative Code.

DEFINING JUDICIAL MISCONDUCT

Judicial misconduct is conduct that, among other things, violates either 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* communications 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 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

OVERVIEW OF THE BOARD

and seek an appropriate sanction 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 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
- 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 2020 are presented in the "Case Statistics" section of this report.



OVERVIEW OF THE BOARD

BOARD ORGANIZATION AND STAFF

In 2020, the Board had 15 staff positions, including the Chief Counsel, Deputy Chief Counsel, four Deputy Counsel, four investigators, and five support staff. All staff members are full-time employees of the Commonwealth of Pennsylvania. The Board also used the services of one contract attorney in 2020.

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, four Deputy Counsel, two legal assistants 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 assistants perform various support services for staff counsel and investigators.

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

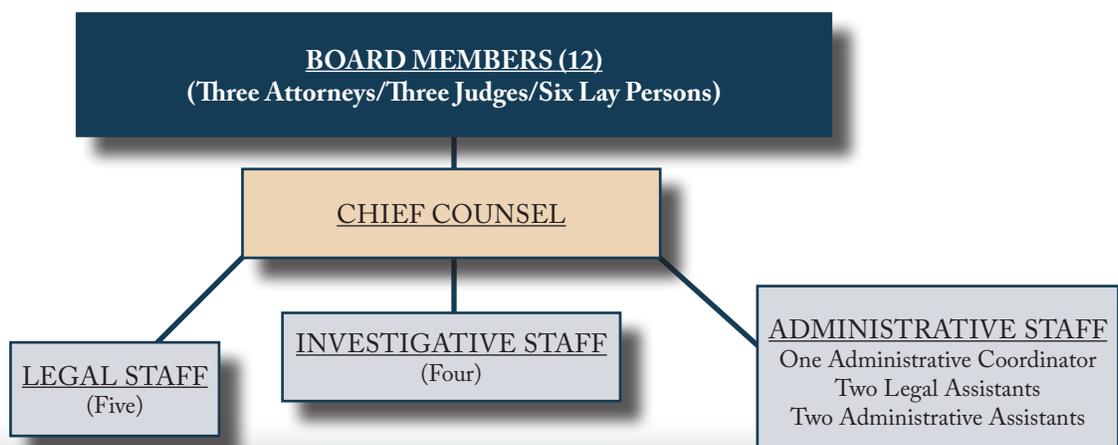
The Judicial Conduct Board's budget is included in the appropriation allotted to the Judicial Branch of the Commonwealth's government. It is formulated and administered independently by the Board. For the 2020-2021 fiscal year (July 1, 2020 — June 30, 2021), the Board's appropriation is \$2,468,000. 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.

2016-2020 Budgets (In Thousands)

<i>Fiscal Year*</i>	<i>Amount Appropriated</i>
2016-2017	\$2,182
2017-2018	\$2,182
2018-2019	\$2,182
2019-2020	\$2,468
2020-2021	\$2,468

**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 2020, 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.

BOARD WEB SITE

The Board's web site can be accessed 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, and the Board's Rules of Procedure.

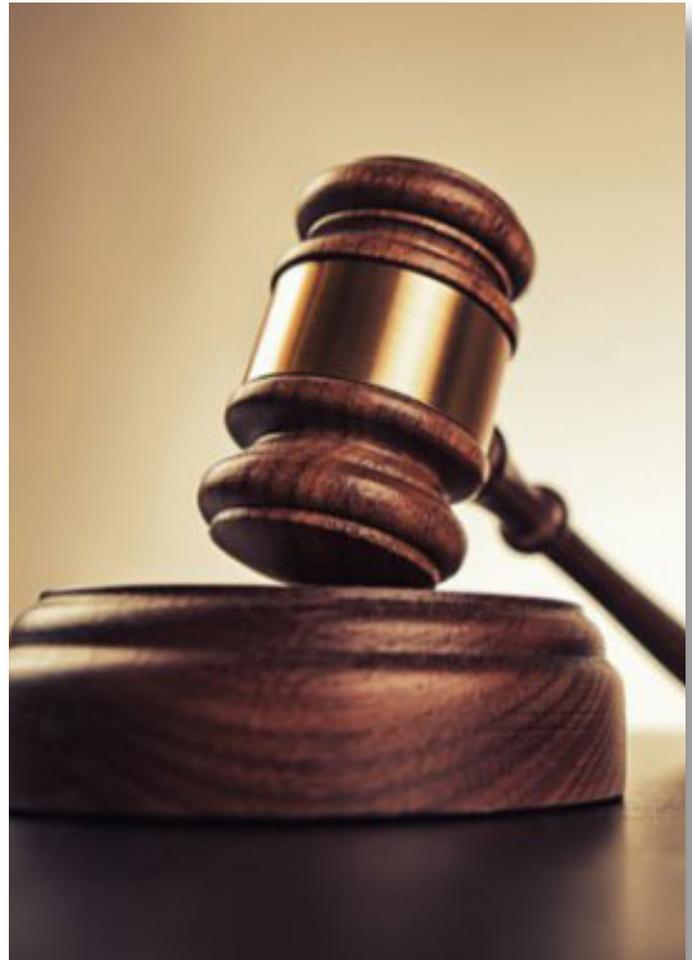
PUBLIC INFORMATION AND CONFIDENTIALITY OF BOARD PROCEEDINGS

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 matters of 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 (e.g., 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 (e.g. 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>

2020 STATISTICS

OVERVIEW

During 2020, the Board received or initiated 702 confidential requests for investigation. The Board filed formal charges in the Court of Judicial Discipline against five judges; in one matter the Board also filed a Petition for Interim Suspension Without Pay. In two additional matters, the Board filed Petitions for Interim Suspension Without Pay based upon the filing of criminal charges against the judges.

The Board closed 723 pending matters in 2020. Not all cases are dismissed or otherwise acted upon in the year in which they are received by the Board. Of those, 333 were determined to be unfounded after preliminary inquiry and 309 presented claims of legal error and not misconduct. Another 21 were dismissed because the Board lacked jurisdiction over the official against whom the complaint was filed. The Board dismissed ten after a full investigation. The Board authorized the issuance of notices of full investigation in ten matters. 17 pending matters were closed with the filing of charges in the Court of Judicial Discipline against five judges and six matters were concluded with the retirement of the judicial officer. The Board also filed Petitions for Interim Suspension Without Pay in the Court of Judicial Discipline concerning two of those five judges. In addition, the Board filed Petitions for Interim Suspensions Without Pay in the Court of Judicial Discipline against two other judges based upon the filing of felony criminal charges against them. The Board dismissed 21 cases with Letters of Caution¹ and dismissed eight cases with Letters of Counsel².

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 702 complaints received or initiated during the 2020 calendar year. On average, the Board received an average of 59 complaints each month. The Board classified each complaint received into one of the following categories:

Abuse of Power	2	0.3%
Abuse of the Prestige of Office.....	4	0.6%
Administrative Appointment	2	0.3%
Bias.....	14	2.0%
Compensation for Extrajudicial Activity....	1	0.1%
Competence	7	1.0%
Decorum	1	0.1%
Delay (Dilligence)	16	2.3%
Demeanor	42	6.0%
Disqualification	17	2.5%
Ex Parte.....	22	3.2%
Failure to Accord Right to be Heard.....	19	2.7%
Failure to Comply With Law.....	47	6.7%
Failure to Give Precedence to Duties.....	1	0.1%
Fairness	12	1.7%
Impartiality	5	0.7%
Legal Error.....	419	59.6%
No Jurisdiction	24	3.4%
Public Confidence	37	5.3%
Responding to Judicial Misconduct	1	0.1%
Self-Report by Judge	3	0.4%
Supervisory Duties.....	6	0.9%
Total	702	100%

JUDICIAL COMPLEMENT

In 2020, there were 1,250 jurists within the Board’s jurisdiction.

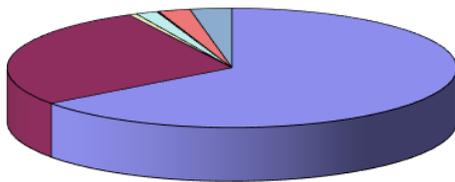
	2020 Jurists	Senior Jurists
Supreme Court	7	0
Superior Court	14	7
Commonwealth	9	1
Common Pleas	498	97
Magisterial District Judges	463	94
Philadelphia Municipal Court	27	3
TOTAL	1,048	202

2020 STATISTICS

COMPLAINTS CATEGORIZED BY JUDICIAL OFFICE

Among the complaints filed with the Board, were 21 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 2020 calendar year)



- Common Pleas (453)
- MDJs (193)
- Supreme Court (4)
- Superior Court (11)
- Commonwealth Court (1)
- Phila. Municipal Court (16)
- No Jurisdiction (21)

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 2020, the Board and Chief Counsel issued 49 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 2020, the Board authorized 10 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 723 cases in 2020 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 723 cases closed in 2020, 333 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 723 cases closed in 2020, 309 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 21 cases with Letters of Caution in 2020. The Board issues Letters of Caution when the judicial officer's conduct constitutes an aberration

2020 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 eight cases with Letters of Counsel in 2020. 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: Two judicial officers retired while facing Board investigation. Those retirements resolved six 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. The Board filed three Petitions for Interim Suspension Without Pay in 2020.

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 2020, 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 1.1; Canon 2, Rule 2.8(B); Canon 2, Rule 2.11(A) and (B) – 2014 Rules Governing Standards of Conduct of Magisterial District Judges; Article V § 17(b) of the Pennsylvania Constitution
 - A judge fostered an overly-lax or overly-familiar office environment, which led the Judge to curse at and be argumentative with office staff. Additionally, the office environment fostered by the Judge caused the Judge to fail to recuse from a case where his recusal was required.
- Canon 1, Rule 1.1 – 2014 Rules Governing Standards of Conduct of Magisterial District Judges; Article V § 17(b) of the Pennsylvania Constitution
 - judge conducted trial *in absentia* of a traffic defendant and imposed a sentence of incarceration in violation of Pennsylvania Rule of Criminal Procedure 455(A).
- Canon 1, Rule 1.2; Canon 2, Rule 2.2, Rule 2.5 and Rule 2.6 – 2014 Rules Governing Standards of Conduct of Magisterial District Judges

2020 STATISTICS

- o A judge issued a detainer against an incarcerated defendant with an outstanding bench warrant and thereafter failed to resolve the bench warrant and detainer, resulting in the defendant's unlawful incarceration for nearly two months.
- Canon 2A – 2014 Code of Judicial Conduct; Canon 1, Rule 1.2 – 2014 Code of Judicial Conduct
 - o A judge subjected women employed within and having professional contact with the county judiciary to improper sexualized conduct.
- Canon 3C – Old Code of Judicial Conduct; Article V § 17(b) of the Pennsylvania Constitution
 - o A judge engaged in intimate activity with a court employee in the judge's judicial Chambers and presided over some matters involving the same court employee where the employee made recommendations on case dispositions.
- Canon 1, Rules 1.2; Canon 2, Rule 1.2 and Rule 2.5 – 2014 Code of Judicial Conduct; Article V § 17(b) of the Pennsylvania Constitution
 - o A judge misled a defendant about the judge's involvement in developing a plea agreement with the Commonwealth, minimized the seriousness of the felony offense for which the defendant was charged, implied the defendant should falsely state the reason for his plea to the Parole Board, promised the defendant the judge would apply nearly three years-worth of time credit to the sentence she was going to impose, and then failed to properly apply the credit because the judge did not have a sufficiently competent understanding of the law regarding application of time credit. When the defendant filed a PCRA petition claiming his plea was unlawfully induced and citing the failed application of time credit as a basis for his claim, the judge denied the defendant an evidentiary hearing on his claims and dismissed the petition.
 - o In a separate matter, the judge improperly became involved in plea negotiations by promising a defendant an exceptionally lenient sentence of probation if he would save the Commonwealth the time and expense of trial and enter a guilty plea or no contest plea.

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

- Canon 1, Rule 1.2 and Rule 1.3 - 2014 Code of Judicial Conduct
 - o A judge sent a letter on behalf of a relative to another judge presiding over the relative's criminal case. In the letter, the judge self-identified as a judge and sought special consideration for the judge's relative.
- Canon 2, Rule 2.9 – Rules Governing the Standards of Conduct of Magisterial District Judges
 - o A judge initiated a telephone call and personal contact with a defendant in a case then pending before the judge.
- Canon 1, Rule 1.2; Canon 2, Rule 2.2 - Rules Governing the Standards of Conduct of Magisterial District Judges
 - o A judge conversed with a criminal defendant following a hearing, thereby creating the appearance of impropriety.
 - o In a separate matter, the judge recessed proceedings for several days in a landlord tenant hearing in order to give the landlord additional time to secure evidence.

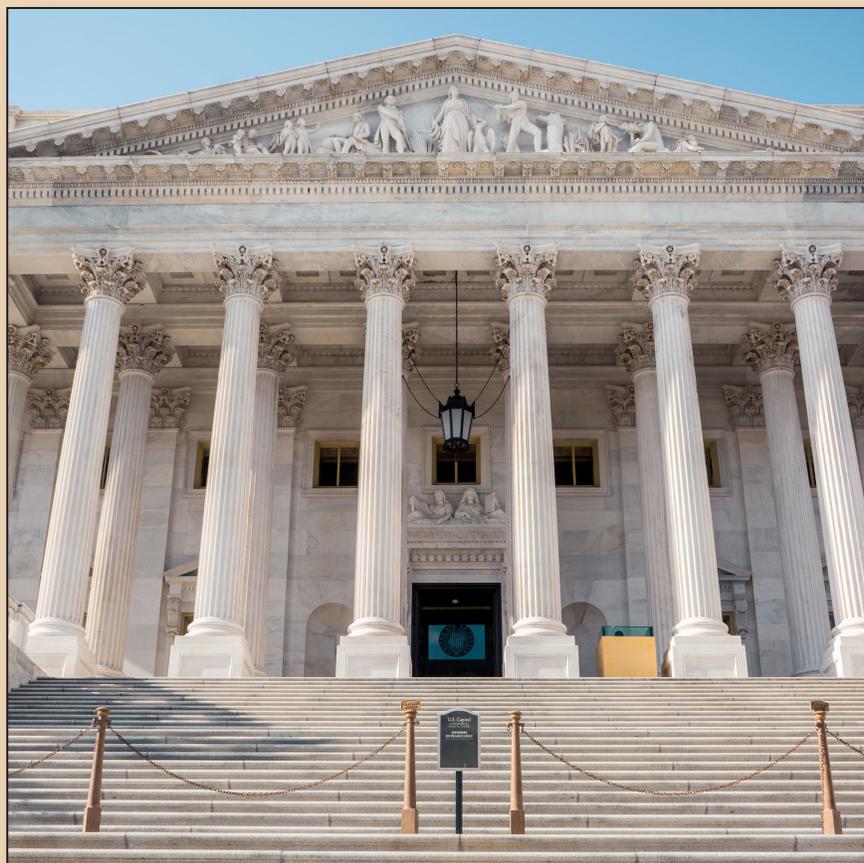
2020 STATISTICS

- Canon 2, Rule 2.9(A) – 2014 Code of Judicial Conduct
 - A judge initiated and participated in an ex parte meeting with opposing counsel.
- Canon 1, Rule 1.1A; Canon 1, Rule 1.2 – 2014 Code of Judicial Conduct
 - A judge failed to give due attention to the manner of articulating the sentence the judge imposed, which resulted in the appearance the judge authorized a defendant to break the law.
- Canon 1, Rule 1.2; Canon 2, Rule 2.8 – 2014 Rules Governing Standards of Conduct of Magisterial District Judges
 - A judge engaged in inappropriate joking and statements to staff and napping in chambers while requiring staff to wake the judge for hearings or to consult on court work.
- Canon 1, Rule 1.1; Canon 2, Rule 2.2 – 2014 Rules Governing Standards of Conduct of Magisterial District Judges
 - A judge failed to obtain a written Waiver of Counsel from the defendant, who was unrepresented at a video Payment Determination Hearing.
- Canon 3, Rule 3.10(B) – 2014 Rules Governing Standards of Conduct of Magisterial District Judges
 - A judge failed to monitor the website of the judge’s law firm, which included the word “Judge” prior to the judge’s name. The use of the honorific prior to the judge’s named appeared three times on the firm’s website pages.
- Canon 1, Rule 1.2; Canon 2, Rule 2.2; Canon 2, Rule 2.6 – 2014 Rules Governing Standards of Conduct of Magisterial District Judges
 - A judge failed to be patient, dignified and courteous to a court official and court clerks. The judge proceeded with a Summary Trial, knowing that the affiant was waiting outside the courtroom for the case to be called. The judge met in chambers with the father of a criminal defendant when he came to the court to pay the bail surety and permitted the father, whom the judge knew from the community, to remain in chambers when the judge was not present.
- Canon 1, Rule 1.2; Canon 2, Rule 2.8(B) – 2014 Rules Governing Standards of Conduct of Magisterial District Judges
 - A judge failed to be patient, dignified and courteous to a court clerk and to a police detective. The judge interfered with police business by interrupting a sensitive interview of a victim witness of domestic violence and her mother. The judge demanded that the detective relocate the interview from a court conference room to the police department section of the administrative building.
- Canon 1, Rule 1.1; Canon 3, Rules 3.1(C) and 3.1(E) – 2014 Rules Governing Standards of Conduct of Magisterial District Judges
 - Six judges participated in the creation of a video with fellow judges, in response to a Tik Tok video challenge, and agreed to its posting to social media. The lyrics of the song featured in the video contain language, which delivered an objectionable message unbecoming of a judge. The judge utilized the district court premises, judicial robes, gavel and court equipment and other resources for the extrajudicial activity of filming segments of the video. Each judge involved in the creation of the video received a Letter of Caution.
- Canon 1, Rules 1.1, 1.2 and 1.3; Canon 3, Rules 3.1(C) and 3.1(E) - 2014 Rules Governing Standards of Conduct of Magisterial District Judges

2020 STATISTICS

- o A judge participated in the creation of a video with six fellow judges, in response to a Tik Tok video challenge, and agreed to its posting to social media. The judge separately posted to social media two videos of the judge in response to the same Tik Tok video challenge. The lyrics of the song featured in the video contain language, which delivered an objectionable message unbecoming of a judge. The judge utilized the district court premises, judicial robes, gavel and other court equipment and resources for the extrajudicial activity of filming segments of the video. The judge separately posted to social media photographs of custom-made facemasks, designed for the judge and three other judges. Some of the photos included the business card of the individual who created the masks. The judge livestreamed videos of the judge to social media via the judge's cell phone, while driving to and from the district court, calling out to friends, and looking into and adjusting the cell phone.

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.



2020 STATISTICS

SUMMARY OF BOARD ACTIVITY

COMPLAINT ACTIVITY DURING 2020

Dismissals after Preliminary Inquiry – 333
Strictly Legal Error Dismissals - 309
Non-Jurisdiction Dismissals - 21
Letters of Inquiry – 49
Notices of Full Investigation – 10*
Dismissals after Full Investigation – 9
Letters of Caution – 21
Letters of Counsel - 8
Retirement/Resignation in Lieu of Formal Charges - 2**
Formal Complaints in the Court of Judicial Discipline – 5
Petitions for Interim Suspension – 3

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

***Retirement/Resignation in Lieu of Formal Charges may relate to multiple case numbers involving the same judicial officer.*

Five Year Statistical Summary*

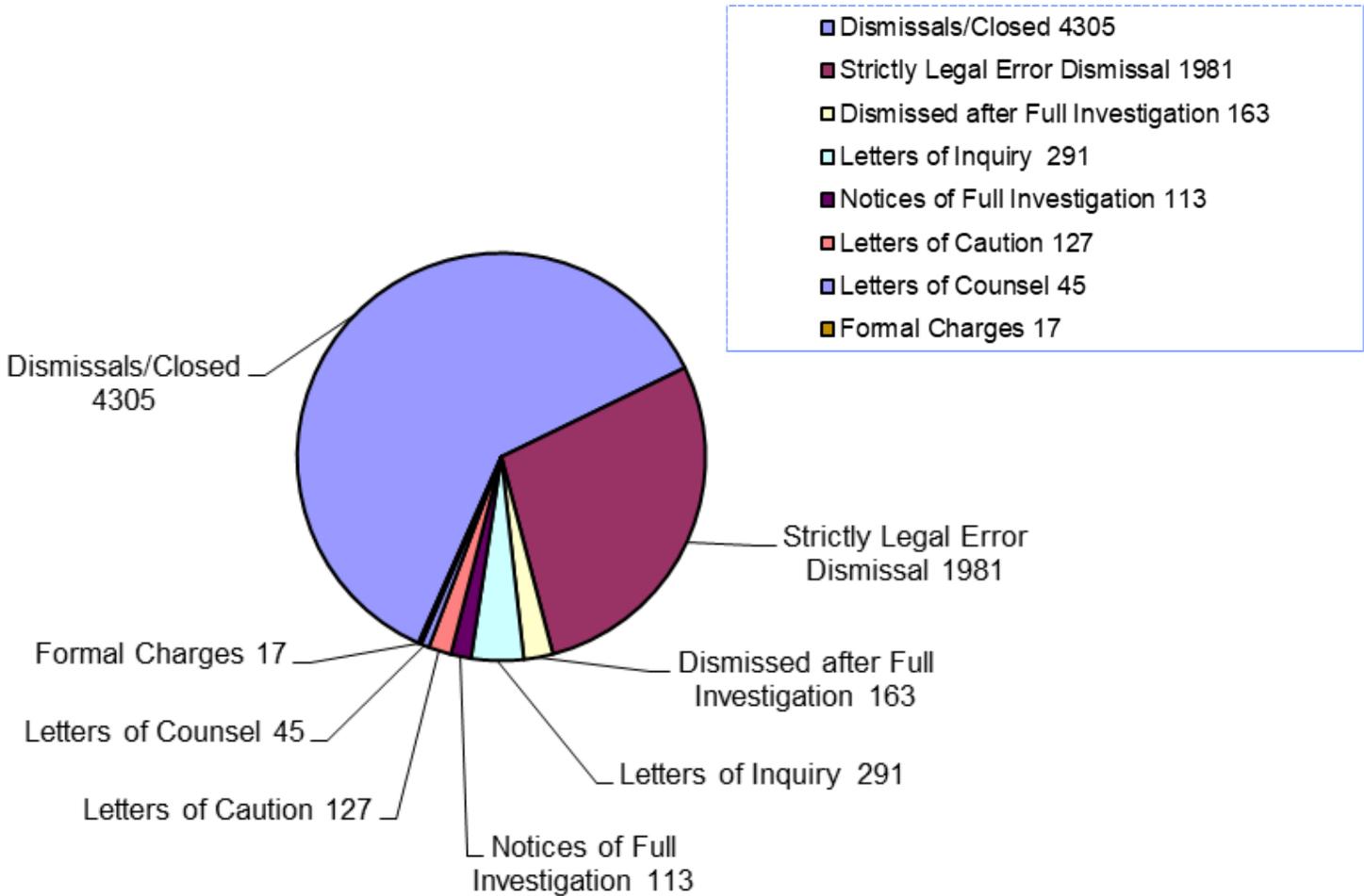
Year	Complaints Received/ Initiated	Dismissed/ Closed	Letters of Inquiry	Notices of Full Investigation Issued	Letters of Caution Issued	Letters of Counsel Issued	Formal Charges Filed
2016	804	634	57	15	21	4	5
2017	783	1,019	63	27	27	5	3
2018	789	1,018	66	24	26	11	1
2019	812	911	53	37	32	17	3
2020	702	723	49	10	21	8	5
Total	3,890	4,305	288	113	127	45	17
Average	778	861	58	23	25	9	3

*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.

2020 STATISTICS

COMPLAINT ACTIVITY: 5-YEAR SUMMARY

(Based on calendar years 2016, 2017, 2018, 2019 and 2020)



2020 STATISTICS

SUMMARY OF COURT OF JUDICIAL DISCIPLINE SANCTIONS IMPOSED

JUDICIAL OFFICER	DESCRIPTION OF MISCONDUCT	DATE & SANCTION IMPOSED
Former TC Robert Mulgrew 11 JD 2015	Board Complaint Indicted by federal grand jury for offenses related to "Special Consideration"; convicted of one count of perjury, felony; sentenced to 18 months in prison to be served consecutively to the 30 month sentence previously imposed	05/06/2020 Opinion and Order Removed and barred from judicial office in the future
Former MDJ John I. Waltman 1 JD 2019	Plead guilty to laundering over \$400,00; sentenced in federal court to 6 ½ years in prison, \$500,000 fine, 2 years probation and 150 hours of community service	05/06/2020 Opinion and Order Removed from office and barred from further judicial service
Judge Mark V. Tranquilli 4 JD 2020	Board Complaint Failed to promote public confidence and avoid impropriety; failed to perform judicial duties without bias or prejudice; failed to act in a patient, dignified and courteous manner; Violation of Canon 1 Rule 1.1.; Violated Article V Section 17(b) of the Constitution; Disrepute Petition for Relief for Interim Suspension With or Without Pay	11/19//2020 Order-Respondent waived trial and sanction hearing. Stipulated to factual allegations and resigned judicial office. Court Order respondent pay to be permanently withheld and never to serve as judge again. 08/26/2020 Order-Suspending Judge Tranquilli Without pay
MDJ Michael Cabry 5 JD 2020	Petition for Interim Suspension Without Pay OAG charged Judge Cabry with the following: theft by unlawful taking, 18 Pa. C.S.A. §3921; perjury, 25 P.S. §3249(b); reporting by candidate and political committee, 25 P.S. §3246 (a) and 25 P.S. §3246(b)(4) and lawful election expenditures 25 P.S. §324.1(a)(3) The allegations supporting the felony and misdemeanor charges undermine both public confidence and the reputation of the judiciary.	10/09/2020 Order-Suspending Judge Cabry Without pay
MDJ Michael E. Schechterly 6 JD 2020	Petition for Interim Suspension Without Pay Criminal Complaint Filed: Violation of Section 3126(a)(1) of PA CRIMES CODE	11/04/2020 Order-Suspending Judge Schechterly Without pay
MDJ Andrew T. LeFever 7 JD 2020	Board Complaint Violations of Rules Governing Standards of Conduct of Magisterial District Judges, Canon 4, Rule 4.1(A)(3); Canon 4, Rule 4.2(A)(1) and Article V Section 17(b) of the Constitution, Derivative Violation Petition for Interim Suspension With or Without Pay	11/25/2020 Order Denying Petition for Interim Suspension

2020 STATISTICS

Nationwide:

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

Since 1980, 443 judges have been removed from office. This corresponds to an average of 11 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 2020:
<ul style="list-style-type: none">11 judges were removed from office
<ul style="list-style-type: none">Five former judges were barred from serving in office again. One of those former judges was also suspended from the practice of law for one year. Two were also publicly censured, fined \$1,000 each and permanently barred from public office. One was also publicly censured and barred from public office for 10 years.
<ul style="list-style-type: none">One judge were retired for a disability.
<ul style="list-style-type: none">13 judges resigned or retired in lieu of discipline and agreed to never serve again pursuant to public agreements with conduct commissions; one of those former judges was also reprimanded.
<ul style="list-style-type: none">Seven judges were suspended without pay as a final sanction. The suspensions ranged from 14 days to six months, although the six-month suspension was stayed conditioned on the judge completing two hours of education and engaging in no further misconduct. There were three suspensions for 30 days (one also included a reprimand; one included a reprimand and \$1,000 fine). One judge was suspended for three months; one judge was suspended for 90 days, reprimanded and fined \$2,000.
<ul style="list-style-type: none">85 judges (or former judges in seven cases) received public censures, reprimands, admonishments, or warnings. In approximately 15 of those cases, the judges were also ordered to obtain additional education, training, mentoring or counseling.
<ul style="list-style-type: none">37 judges were publicly reprimanded. One reprimand included the forfeiture of seven vacation days.
<ul style="list-style-type: none">24 judges were publicly admonished, one of which was severe.
<ul style="list-style-type: none">16 public censures.
<ul style="list-style-type: none">One former judge was disbarred and two former judges had their law licenses suspended in attorney discipline proceedings for conduct while they were judges. The two suspensions were for six months, although one of those suspensions was stayed conditioned on the former judge completing four hours of education and engaging in no further misconduct.
<ul style="list-style-type: none">In two cases, the judicial conduct commission made public findings of misconduct but did not impose a sanction.

**Statistics from the National Center for State Courts, Center for Judicial Ethics, January 22, 2021.*

JUDICIAL CONDUCT BOARD MEMBERS' BIOGRAPHIES

JUDICIAL CONDUCT BOARD MEMBERS' BIOGRAPHIES

THOMAS J. ELLIOTT, ESQUIRE, Chair (February 4, 2020 – Present); Vice-Chair (October 7, 2019 – February 4, 2020); 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 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; Fellow of the Litigation Counsel of America; member of the Pennsylvania Bar Association Committee on Federal Practice; President 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.

HONORABLE NINA WRIGHT PADILLA; University of Maryland (B.S.), University of Maryland School of Law (J.D.); private law practice for 10 years, with a concentration in Consumer Bankruptcy, as well as general civil litigation and criminal law; elected judge, First Judicial District in 2003; currently assigned to Commerce Court - Civil Trial Division; 2014 was assigned to Civil Trial Division where she presided over civil jury trials; subsequently assigned to the Motions and Statutory Appeals Program, Class Actions and Conservatorships, frequently assigned to Election Court; sat in Philadelphia Family Court, Domestic matters of Divorce, Support, Custody, Domestic Violence and Criminal Abuse; June 2012 was assigned to the Criminal Trial Division; served as a panelist in legal education programs for the Pennsylvania Bar Institute, Philadelphia Bar Association and the Hispanic Bar Association of Pennsylvania; serves as Committee Chair of the Board of View and Board of Revision of Taxes Committee for the Court of Common Pleas Board of Judges; co-chairs Judicial Fellows Program for the Philadelphia Court of Common Pleas; serves as a mentor for many college and law school graduates and was previously a mentor for Big Brothers Big Sisters of America youth mentoring program; appointed by the Governor of Pennsylvania to fill an unexpired term on the Board; reappointed to a full four-year term to the Judicial Conduct Board of Pennsylvania, 2018; serves as Chair of the Board's Nominating Committee.

HONORABLE RENÉE COHN JUBELIRER; Secretary (February 4, 2020 – Present); The Pennsylvania State University (B.A., English), with distinction; Northwestern University School of Law (J.D.), cum laude, executive editor Law Review; Duke University School of Law (LL.M., Judicial Studies); former teaching fellow in legal research and writing at Stanford Law School; former assistant professor of torts and remedies at DePaul University College of Law; former associate at Sidley & Austin, Chicago, Il.; former vice president and shareholder at Frank, Frank, Penn & Bernstein, Allentown, Pa.; former family and

JUDICIAL CONDUCT BOARD MEMBERS' BIOGRAPHIES

divorce mediator and arbitrator, Court of Common Pleas of Lehigh County, Pa.; former deputy and assistant solicitor for Lehigh County, Pa.; former in-house counsel for ATX Telecommunications Services, Bala Cynwyd, Pa.; former township commissioner of South Whitehall Township; elected Judge, Commonwealth Court, 2001, retained for ten-year term, 2011; former adjunct professor of professional responsibility at Penn State Dickinson School of Law; former chair, Pennsylvania Supreme Court's Appellate Court Procedural Rules Committee; former co-chair of Pennsylvania Supreme Court's Public Access Working Group – Trial and Appellate Court Records; former co-chair of Public Access Implementation Committee; appointed by Supreme Court of Pennsylvania as inaugural member of Continuing Judicial Education Board of Judges; appointed as co-chair of the Pennsylvania Commission on Judicial Independence; serves on Workers' Compensation Liaison, Appellate Advocacy, Judicial Administration, and Women in the Profession Committees of the Pennsylvania Bar Association; member of American Bar Association, Pennsylvania Bar Association, Centre County Bar Association, and National Association of Women Judges; Fellow of the American Bar Foundation; emeritus member of the James S. Bowman American Inn of Court; author, "Communicating Disagreement Behind the Bench: The Importance of Rules and Norms of an Appellate Court," 82 Law and Contemporary Problems 103-132 (2019); co-author of "The Power of Rulemaking," a chapter in THE SUPREME COURT OF PENNSYLVANIA – LIFE AND LAW IN THE COMMONWEALTH, 1684-2017 (John J. Hare ed., The Pennsylvania State University Press, 2018); appointed by the Supreme Court of Pennsylvania to four-year term on Judicial Conduct Board, 2019; serves as a member of the Board's Personnel Committee.

MANDI L. CULHANE, ESQUIRE; Bucknell University (B.A.), magna cum laude; George Mason University School of Law, now the Antonin Scalia Law School (J.D.), magna cum laude; Shareholder, law firm of GRB Law, with offices in Pittsburgh and Philadelphia; practices within the firm's Municipal, Municipal Creditors' Rights, Real Estate and Litigation Groups; admitted to practice before the Supreme Court of the United States, the United States Court of Appeals for the Third Circuit, the United States District Courts for the Western and Middle Districts of Pennsylvania, all Pennsylvania and West Virginia state

courts; member of Allegheny County, Pennsylvania and American Bar Associations; joined Allegheny County Bar Foundation Fellows Class in 2010 and participated in Allegheny County Bar Foundation Young Lawyer's Division Bar Leadership Initiative Class in 2007-2008; 2010-2019, recognized as a Pennsylvania Super Lawyer Rising Star for her work in areas of appellate practice and municipal law; appointed by the Governor of Pennsylvania as an attorney member on February 5, 2018; serves as a member of the Board's Nominating Committee.

HONORABLE PATRICIA H. JENKINS; Albright College (B.S.), Dickinson Law School (J.D.); Master of Laws degree, Villanova University Graduate Tax Program; appointed to Delaware County Court of Common Pleas by Governor Robert P. Casey in 1993; elected to full term later in 1993 and retained for two ten-year terms; appointed by Governor Tom Corbett to the Superior Court of Pennsylvania and confirmed by the Senate in December 2013; served on the Superior Court until January 2016; served as Senior Judge on the Superior Court until end of 2016; following service as Senior Judge, returned to the practice of law; former partner at Kassab Archbold Jackson & O'Brien law firm; served as solicitor for Delaware County Department of Human Services; taught Paralegal Studies at Villanova and Widener Universities; served on the advisory board of Villanova's Matthew J. Ryan Center for the Study of Free Institutions and the Public Good, named in honor of her late husband, Pennsylvania State Representative and Speaker of the House, the Honorable Matthew J. Ryan; member of the American, Pennsylvania and Delaware County Bar Associations; served on Board of Overseers of the Veterinary School of the University of Pennsylvania from 2007-2016; served on Board of Directors of Riddle Memorial Hospital and Board of Trustees of Haverford State Hospital; appointed by the Supreme Court of Pennsylvania to fill an unexpired term as a non-judge lawyer-member on the Judicial Conduct Board, 2018; serves as Chair of the Board's Budget Committee.

DET. JOSEPH M. BROWN, Alvernia University (B.A., Criminal Justice-2020); currently a Graduate student pursuing his Masters in Public Administration from West Chester University. Detective, Berks County Office of the District Attorney; retired as Sergeant with West Reading Police Department (1991-2019); while at West

JUDICIAL CONDUCT BOARD MEMBERS' BIOGRAPHIES

Reading, served as patrol officer, criminal investigator and ultimately, patrol sergeant; experienced polygraph examiner; serves as President Berks Lodge #71, Fraternal Order of Police; serves as President Berks County Police Heroes Fund (founder); serves as Treasurer of Pennsylvania State Order of Police, organization represents over 40,000 active and retired members of law enforcement across the Commonwealth; Northwestern University School of Police Staff and Command (2018); Reading Area Community College, Associates Degree in Public Administration (2016), Associates Degree in Law Enforcement Administration (1999); Reading Police Academy (1986); Awards and Commendations: Police Officer of the Year (1998), Medal of Honor, Combat Cross (2), Wound Award, Gallantry Star (3), Exceptional Duty Award, Federal Bureau of Investigation-Letter of Commendation, Reading Bureau of Police-Letter of Commendation, and West Reading Police Department- Letter of Commendation; Professional Memberships: American Association Police Polygraphists, American Polygraph Association; Volunteer activities: appointed by the Governor of Pennsylvania as a lay member on the Judicial Conduct Board, December 4, 2018; serves as a member of the Board's Budget Committee.

NANCY L. CLEMENS, Bloomsburg University (B.A., Psychology, 1987); Shippensburg University (M.S., Criminal Justice Administration, 1999); Fellowship at the National Center for State Courts' Institute for Court Management (2008); serves as the Children and Youth Service Line Director for Service Access and Management, Inc. (SAM), overseeing all of SAM's Children and Youth programming across Pennsylvania; served as Administrator of the Toga County Department of Human Services in Wellsboro; Probation/Parole Officer (1995-2002); District Court Administrator for Tioga County (2003-2016); Certified Court Executive, received a Special Commendation from Pennsylvania Supreme Court for work on the Judicial Security Council (2016); served as a commissioned officer in the United States Army, branched Military Police (1987-1991); served in variety of law enforcement and combat preparatory roles while stationed at Fort Richardson, Alaska; active member of Tioga County's Criminal Justice Advisory Board, Children's Roundtable and Opioid Coalition; Board Member for Tioga County Partnership for Community Health; instructor at Mansfield University Municipal Police Academy, the Pennsylvania State University Deputy Sheriffs'

Academy, and the Child Welfare Resource Center; married with four children and five grandchildren; Judicial Conduct Board member since January 2020; serves as Chair of the Board's Personnel Committee.

WAYNE E. EVANS, Pennsylvania State University (A.S., Business Administration); Real Estate Designations-E-pro and Green; Broker and Owner of Wayne Evans Realty in Scranton; retired from Verizon Communications, served as an engineer; served as Director of the Assessment Office of Lackawanna County; consultant for 21st Century Appraisals for the Luzerne County Reassessment; Finance Chair while serving as Scranton City Councilman, July 2014 – July 2019; served as Interim Mayor of the City of Scranton, July 24, 2019 – January 6, 2020; current Member of the Architectural Heritage Association, Greater Scranton Board of Realtors and a Board Member of the Economic Committee-Scranton Tomorrow; Board Member Neighborworks of NEPA and SLIBCO, the development arm of the Greater Scranton Board of Realtors; past President of the Greater Scranton Board of Realtors, South Scranton Residents Association, South Renaissance Community Development Corporation and the Architectural Heritage Association; served as Chairman of the Elm Street Program-Steering Committee; previously, Member of the Historic and Architectural Review Board (HARB) City of Scranton, Scranton City Planning Commission for 10 years, Ethics Board of Scranton and the Chamber of Commerce Metro Action Board; appointed to serve balance of a four-year term due to resignation; Judicial Conduct Board member since February 2020; serves as a member of the Board's Budget Committee.

K. CELESTE TRUSTY, Arizona State University (B.S., Criminology & Criminal Justice); graduate certificate in Forensic Criminology, University of Massachusetts, Lowell; Master of Liberal Arts, University of Pennsylvania-studies focused on the social, political, racial and environmental history of the American criminal justice system; Pennsylvania State Policy Director for FAMM, a nonpartisan, nonprofit sentencing reform advocacy organization founded in Washington, D.C. in 1991-works closely with policymakers and stakeholders to advance justice reform policy in the Commonwealth; served as regional organizer for FAMM, working with the incarcerated and impacted families in the Philadelphia area to advocate individualized, proportionate

JUDICIAL CONDUCT BOARD MEMBERS' BIOGRAPHIES

sentencing laws that protect public safety and support second chances; prior to FAMM, was a long-time advocate for justice reform in Pennsylvania, organizing support networks and resources for the incarcerated, justice-involved and their loved ones; featured as lead researcher and assistant producer for a 2018 series arc of the Undisclosed podcast, spent time volunteering for the Pennsylvania Innocence Project; Judicial Conduct Board member since March 2020; serves as a member of the Board's Personnel Committee.

HONORABLE WILLIAM C. WENNER; Harrisburg Area Community College, (A.A.S., Police Science); Advanced undergraduate work, University of Virginia; 34th Municipal Police Officers Academy of the Pennsylvania State Police (1979); Magisterial District Judge, District Court 12-3-03, Dauphin County (2003-present); served as Chief County Detective for the Criminal Investigation Division (CID) of the Dauphin County District Attorney's Office from 1995 until ascending to the bench; joined the CID staff as a county detective in 1988 and was promoted to Detective Sergeant in 1992; while Chief of CID served as Coordinator for the Dauphin County Crisis Response Team; graduate of prestigious FBI National Academy at Harrisburg Area Community College as well as the State Constables Training Program; prior to joining CID, he served as a law enforcement officer in positions of successively greater responsibility with the police departments of the Dauphin County municipalities of Paxtang, Penbrook and Susquehanna Township; currently serves as a member of the Special Court Judges Association of Pennsylvania, the Dauphin County Prison Board, and the MDJ Court Security Task Force of the Administrative Office of Pennsylvania Courts; serves as lead firearms instructor for the police academy of Harrisburg Area Community College; serves as a regular guest lecturer for both the Pennsylvania State Police Academy and the Pennsylvania Game Commission; Judicial Conduct Board Member since March 2020; serves as a Member of the Board's Nominating Committee.

REVEREND JAMES P. MCCLOSKEY, C.S.Sp. Ph.D.; Duquesne University, (B.A., Philosophy); Catholic Theological Union, Chicago, IL (M.Div.); Weston School of Theology, Cambridge, MA (M.Th.); Boston College, Chestnut Hill, MA (M.Ed.); Fordham University, New York, NY (Ph.D.); serves as Senior Advisor to the President for Strategic Initiatives, Duquesne University, Pittsburgh;

served in variety of leadership and teaching positions with Holy Ghost Preparatory School, Bensalem; Congregation of the Holy Spirit, in Pittsburgh and in Rome, Italy; and Duquesne University; served in pastoral roles with St. Mark the Evangelist Church, New York City, NY; Duquesne University; and the Diocese of San Pedro, Paraguay; serves on the board of directors of the Thea Bowman Foundation and is a member of the International Commission for Safeguarding, Congregation of the Holy Spirit, Rome, Italy; previously affiliated with numerous boards and commissions in Rome, Pittsburgh, Chicago and greater Philadelphia; Judicial Conduct Board Member since June 2020; serves as a member of the Board's Personnel Committee.

DR. ANDREWE. MASICH, Ph.D.; University of Arizona, Tucson (B.A., History and Anthropology (double major)); University of Arizona, Tucson (M.A., History); Carnegie Mellon University (Ph.D., Philosophy); serves as President and Chief Executive Officer of the Senator John Heinz History Center in Pittsburgh; serves as a commissioner (past chairman) of the Pennsylvania Historical and Museum Commission—the History Center, an affiliate of the Smithsonian Institution, is the largest history museum in Pennsylvania; The Historical and Museum Commission is the Commonwealth's official history agency; serves as an Adjunct Professor of History at Carnegie Mellon University, Pittsburgh; the steering committee of Made By Us, a national history education coalition; member of America250PA (the Pennsylvania Commission for the United States Semiquincentennial) and as a board member of the Duquesne Club; authored or co-authored numerous books on a wide-range of American history-related topics; Judicial Conduct Board Member since November 2020.

HONORABLE ELIZABETH S. BECKLEY, Chair (October 7, 2019 – February 3, 2021); Vice-Chair (February 5, 2018 – October 7, 2019); 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

JUDICIAL CONDUCT BOARD MEMBERS' BIOGRAPHIES

Bar Association, Pennsylvania Bar Association- serves 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 from March 2016 – March 2020.

LISA K. STEINDEL, Secretary (February 5, 2018 – Present); University of Pittsburgh, (B.S., Psychology; M.Ed, Vocational Counseling); Certified in Vocational Rehabilitation Counseling; founder What should I be, LLC; served as expert witness in cases involving career planning; 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, continues to teach Jewish Customs and ceremonies 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; past 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; parents of four grown children and nine grandchildren; Judicial Conduct Board Member from January 2016 – January 2020.

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 from March 2016 – February 2020.

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 services programs as required by Centers for Medicare and Medicaid Services. 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 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; have been recognized by a number of organizations to include the National Conference of Puerto Rican Women, Inc., Delaware Valley's Most Influential Latinos Award from the Most Influential Latinos Foundation and Impacto Latino Newspaper, and PHL Diversity; former board member in national, state and local organizations influencing public policy, education, seniors, and the arts. Former member of the Pennsylvania Supreme Court Elder Law Task Force and Advisory Council on Elder Justice in the Courts; Judicial Conduct Board Member from June 2016 – June 2020.

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 Matrimonial Lawyers, 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 from November 2016 – November 2020.



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 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:		Email Address:	
Address:		Telephone:	
		())	
		())	
City:	State:	Zip:	

Judicial Officer's Information:

Name:	Type of Judicial Officer:
	<input type="checkbox"/> Magisterial District Judge
County:	<input type="checkbox"/> Judge

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

Case Name:	Case Docket Number:
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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.)

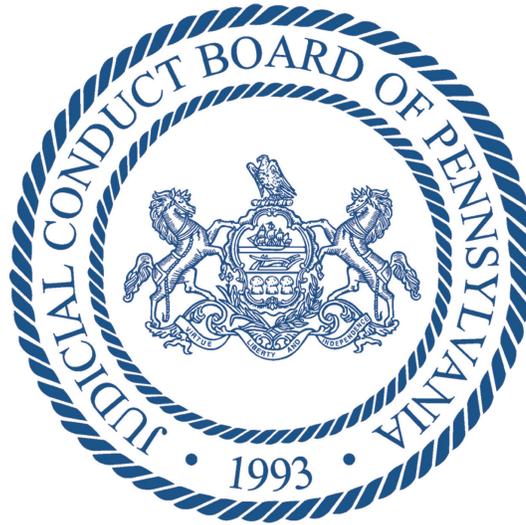
Date: _____ **Your Signature** _____

Please explain your complaint on the reverse of this form.

**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, letter or email.

(BACK SIDE OF REQUEST FOR CONFIDENTIAL INVESTIGATION)



JUDICIAL CONDUCT BOARD

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