

What the Board DOES NOT investigate:

The Board will not investigate complaints against administrative hearing officers such as masters or Workers Compensation judges, federal judges, lawyers, police officers, probation or parole officers, correctional officers, constables, domestic relations officers, court administrators, court reporters, clerks of courts, or prothonotaries.

Allegations of legal error or personal dissatisfaction with legal decisions which required the exercise of a judge's discretion ordinarily will not provide a basis for action by the Board or the Court of Judicial Discipline. Neither the Board nor the Court of Judicial Discipline has the authority to reverse a case for legal error, mistake, or other legal grounds. The proper forum for reviewing alleged legal errors resides in our appellate courts.



Confidentiality:

The Pennsylvania Constitution mandates that all complaints, and all information acquired during the course of an investigation, shall not be public information. All proceedings of the Board are confidential. During an investigation, the Board puts forth considerable effort to protect a complainant's identity from a judge being investigated. While the Board has discretion to reveal a complainant's identity upon initiating a full investigation, unless deemed necessary, the Board will neither release nor confirm the identity of a complainant to an accused judge or his or her counsel. If independent of any action by the Board it becomes a matter of public record that the Board is conducting an investigation, an accused judge may waive confidentiality for the following purposes: (1) to permit the Board to publicly confirm that an investigation is in progress, (2) to clarify procedural aspects of proceedings, (3) to explain the rights of the accused judge to a fair hearing without prejudice, or (4) to provide the accused judge's response to the complaint. Once formal charges have been filed in the Court of Judicial Discipline, the matter becomes public and a complainant's identity will no longer remain confidential.

Private and Public Discipline:

If the Board determines that judicial misconduct has occurred, it may issue a "Letter of Counsel" privately reprimanding a judge. This private reprimand procedure requires a judge to appear before Chief

Counsel and sign the Letter of Counsel containing the Board's official expression of disapproval and reprimand for the complained of conduct. As part of this process, a judge must agree that the Letter of Counsel may be used against him or her in any future court proceedings should new complaints be filed against the judge.

Where formal charges have been filed and the Court of Judicial Discipline has found that a judge engaged in judicial misconduct, the Court may impose discipline that includes public reprimand, suspension from office with or without pay, removal from office, and prohibition from future judicial service in Pennsylvania. In cases involving judges with a mental or physical disability, the Court of Judicial Discipline may order removal from office, retirement, suspension or impose limitations on a judge's activities as warranted by the record.



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Judicial Conduct Board

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PENNSYLVANIA



JUDICIAL CONDUCT BOARD

PENNSYLVANIA JUDICIAL CONDUCT BOARD

Created by constitutional amendment in 1993, the Pennsylvania Judicial Conduct Board is an independent state organization responsible for reviewing, investigating, and where merited, prosecuting complaints of judicial misconduct before the Court of Judicial Discipline.

The Board is composed of 12 Pennsylvania citizens, 6 appointed by the Pennsylvania Supreme Court and 6 appointed by the Governor, including 3 judges (an appellate court judge, a common pleas court judge, and a magisterial district judge), 3 lawyers, and 6 non-lawyers.

No more than half of the appointed Board members may be from the same political party.

Appointed Board members serve 4-year terms without pay and meet regularly to review and make all final decisions regarding complaints filed against Pennsylvania judges.

Who may file a complaint?

Any person, group, or organization with knowledge of possible judicial misconduct may file a complaint against a judge.

How do I file a complaint?

You may report judicial misconduct on a Confidential Request for Investigation form which can be obtained either by contacting the Board and requesting that a form be mailed to you or by logging onto our website at www.jcbpa.org, following the link for Filing a Complaint, and printing the form. You must fill out and provide all requested information, sign the form, and return it to the Board. Generally, you should provide the following basic information: (1) the name and type of judge about whom you are complaining; (2) the case name and docket number for any underlying legal matter at issue; (3) whether the underlying legal matter was appealed; (4) a detailed statement of the facts which you believe demonstrate judicial misconduct; and (5) names, addresses, and telephone numbers of any attorneys involved in the legal matter or witnesses who can support your claim. You may attach copies of any documents relevant to your complaint. All documents you provide will

become part of the Board's confidential investigation file and cannot be returned.

What happens after I file a complaint?

Upon receipt of a Confidential Request for Investigation, the Board staff conducts a preliminary inquiry, which includes examining relevant documents and, when appropriate, interviewing or deposing witnesses. Once the preliminary inquiry is complete, the matter is presented to the Board for review.

If the Board finds the claims unsubstantiated, it will dismiss the complaint. If, however, the Board concludes the claims may have merit, it will authorize a full investigation to determine if there is clear and convincing evidence of judicial misconduct. Depending on the results of a full investigation, the Board will either dismiss the complaint or, if the Board finds there is probable cause to believe there is clear and convincing evidence of judicial misconduct, authorize the filing of formal charges in the Court of Judicial Discipline, where a public trial will be held and the Board's counsel will act as prosecutor. While the Board does not provide status reports for an investigation, it will notify a complainant of its final decision at the conclusion of its review.

What the Board DOES investigate:

Pennsylvania law restricts the Board's jurisdiction to investigating complaints filed against Pennsylvania judges asserting violations of ethical rules, the law or the Constitution, neglecting or failing to perform duties of office, prejudicing the proper administration of justice, bringing the judicial office into disrepute, or misconduct involving improper demeanor, language or behavior (which may include drug or alcohol use, or mental or physical disability adversely affecting court duties). Examples:

- Bias; Conflict of Interest; Improper Failure to Recuse
- Ex parte communications without all parties present
- Tardiness, Absenteeism, and Delay in performing duties
- Improper Demeanor (impatient, undignified, discourteous behavior)
- Receiving gifts, bribes, loans, or favors from parties with cases before the judge or likely to come before the judge
- Lending the prestige of the office to advance private interests of the judge or others
- Allowing family, social, or other relationships to influence the judge's conduct
- Inappropriate political activity
- Public comment on pending court matters or matters which may come before the Court.