



Judicial Conduct Board
Commonwealth of Pennsylvania
Joseph A. Massa, Jr., Chief Counsel
717-234-7911

Press Release

July 27, 2007

TO: Media/Press

FROM: Judicial Conduct Board of Pennsylvania

SUBJECT: Court of Judicial Discipline
Maynard A. Hamilton
Magisterial District Judge
Magisterial District 02-3-03
Lancaster County

Harrisburg. The Pennsylvania Court of Judicial Discipline issued an Order (attached) dated July 27, 2007, suspending Maynard A. Hamilton from office for nine (9) months, without pay, and placing him on probation for a period of one (1) year for engaging in conduct which brought the judicial office into disrepute.

Joseph A. Massa, Jr, Chief Counsel who prosecuted the case stated,

"The Board was convinced that Judge Hamilton's conduct in physically assaulting an off-duty police officer and verbally abusing the officer's wife was reprehensible and brought dishonor and shame to the judicial office he holds. The severe sanction imposed by the Court sends a clear signal that the high standards of integrity and ethical conduct which the public reasonably expects of its judges extends beyond the limits of the judge's court. Even in a judge's personal life, he or she must adhere to high standards of probity and propriety.

The court's Sanction Order vindicated the Board's view of this matter. Judges hold positions of great and sacred public trust. Because judges are highly visible symbols of law and order, the Board considers lawless public misbehavior by a judge as particularly troublesome; and similar judicial misconduct will be aggressively investigated and charged in the future."

The Board Proceedings

On November 2, 2006, The Board charged Judge Hamilton with violating Article V, Section 18(d) of the Pennsylvania Constitution by engaging in conduct which brought the judicial office into disrepute. Trial, scheduled before the Court of Judicial Discipline on May 2, 2007, was obviated when Judge Hamilton stipulated to the activity as charged by the Board.

Counsel

Board: Joseph A. Massa, Jr., Esquire, Chief Counsel

Respondent: Merrill M. Spahn, Jr., Esquire

Contact: Joseph A. Massa, Jr., Mobile No. [REDACTED]

NOTE: Court of Judicial Discipline Sanction Order & Dissenting Statement attached.

END

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

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OF PENNSYLVANIA

2007 JUL 27 P 4:13

IN RE: :
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 Maynard A. Hamilton, Jr. :
 Magisterial District Judge In and For : No. 2 JD 06
 Magisterial District 02-3-03 :
 Lancaster County :

ORDER

AND NOW, this 27th day of July, 2007, after hearing on the question of sanctions held on July 18, 2007 before the full Court, it is hereby ORDERED:

1. that Respondent be suspended without pay from the performance of his duties of Magisterial District Judge for a period of nine (9) months;
2. that the suspension from office shall commence August 1, 2007;
3. that Respondent shall be on probation for one (1) year following his suspension. Said probation shall be subject to the supervision of this Court and shall be subject to the condition that Respondent report monthly to the Chief Counsel of the Judicial Conduct Board or his designee, at the times prescribed by the Judicial Conduct Board, and the Judicial Conduct Board shall file a written report monthly with this Court advising that, to its knowledge the Respondent has, or has not, been in compliance with the Rules Governing Standards of Conduct of Magisterial District Judges and the provisions of Article V of the Pennsylvania Constitution pertaining to the conduct of Magisterial District Judges;
4. in the event Respondent fails to comply with the conditions of probation, the Court may proceed forthwith to consider the imposition of other sanctions.

PER CURIAM

Musmanno, J., files a dissenting statement in which Streib, J., joins.

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

IN RE: :
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 Maynard A. Hamilton, Jr. :
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DISSENTING STATEMENT OF JUDGE MUSMANNO

I respectfully dissent from the sanction order imposed by the Court in the above-captioned matter.

While I certainly do not countenance the conduct of Respondent in this case and joined in the Court's opinion which expressed strong disapproval of the conduct, I believe the Court, in imposing the sanction of nine months suspension without pay was unduly harsh and did not give sufficient weight to the testimony at the sanction hearing which established the following.

1. Respondent has served as a judge since 1988 – almost 20 years – and this is the sole episode of non-judicial conduct during those years.
2. There is no pattern of violent conduct or of Respondent losing his temper.
3. Respondent has always conducted his courtroom with decorum, and with respect for litigants, witnesses, lawyers and all who come before him.
4. Respondent has apologized to Sergeant Buser, the victim of his assault, as well as to his wife.
5. Sergeant Buser and Respondent have a friendly relationship, more so now than before this incident. Further, Sergeant Buser testified on Respondent's behalf at the sanction hearing.

6. Respondent cooperated with the Board by stipulating to the essential facts here at issue.

7. Respondent has expressed remorse for his conduct which gave rise to the Board's charges.

Accordingly, I believe the sanction of nine months suspension without pay followed by probation for one year is too severe.

Streib, J., joins in this dissenting statement.



COURT OF JUDICIAL DISCIPLINE
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TO: Joseph A. Massa, Jr., Esquire - [REDACTED]
Merrill M. Spahn, Jr., Esquire - [REDACTED]

FROM: Wanda W. Sweigart, Court Administrator

DATE: July 27, 2007

NUMBER OF PAGES (INCLUDES COVER): 4

MESSAGE: Attached is a copy of a Sanction Order and Dissenting Statement filed of record today in the Hamilton case. A certified copy will be sent by first-class mail.

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE. THANK YOU.

If there is a problem with this transmission, please contact Stephanie Stump at (717) 772-3771; Fax [REDACTED]