

2008 Annual Report

COMMONWEALTH OF PENNSYLVANIA

JUDICIAL CONDUCT BOARD
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Pennsylvania Judicial Conduct Board

Pennsylvania Place, 301 Chestnut Street, Suite 403, Harrisburg, Pennsylvania 17101
(717) 234-7911
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MEMORANDUM

Date: September 2009

TO: The Honorable Ronald D. Castille
Chief Justice
Supreme Court of Pennsylvania
1818 Market Street, Suite 3730
Philadelphia, Pennsylvania 19103

The Honorable Edward G. Rendell
Governor
Commonwealth of Pennsylvania
225 Main Capitol
Harrisburg, Pennsylvania 17120

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

The Honorable Keith R. McCall
Speaker, House of Representatives
Pennsylvania House of Representatives
139 Main Capitol
Harrisburg, Pennsylvania 17120-2122

Clifford E. Haines, Esquire
President, Pennsylvania Bar Association
2520 Aspen Street
Philadelphia, Pennsylvania 19130-2405

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

RE: 2008 Annual Report

The annual report outlines the activities of the Judicial Conduct Board during the calendar year 2008. The report is provided to you as required by Article V, § 18(a)(6) of the Pennsylvania Constitution, and § 2104 of Title 42, Judiciary and Judicial Procedures.

It is hoped the information included in this report will assist the Judiciary and the public in understanding the operation of the Judicial Conduct Board and the nature of issues which come before the Board.

2008 BOARD MEMBERS

JUDGE MEMBERS

Honorable Charles A. Clement, Jr.*
Magisterial District Judge
(**Chair** of Judicial Conduct Board)
(Term expired 08/16/2009)

Honorable Charles J. Cunningham III*
Court of Common Pleas
Philadelphia County
(Term expiration 06/05/2010)

Honorable Jack A. Panella
Superior Court of Pennsylvania
(Former Chair of Judicial Conduct Board)
(Resigned 03/2009)

ATTORNEY MEMBERS

Mark A. Aronchick, Esquire*
(Term expiration 08/16/2012)

Edwin L. Klett, Esquire*
(Term expiration 08/16/2010)

Ayanna M. Lee, Esquire*
(Term expiration 08/16/2012)

G. Craig Lord, Esquire
(Term expired 08/16/2008)

Charlene R. McAbee, Esquire
(Term expired 08/16/2008)

PUBLIC MEMBERS

Hank Abate*
(Term expiration 08/16/2012)

John R. Cellucci*
(**Vice Chair** of Judicial Conduct Board)
(Term expiration 08/16/2010)

Cecilia Griffin Golden, Ph.D.*
(**Secretary** of Judicial Conduct Board)
(Term expiration 08/16/2010)

Honorable Samuel J. Magaro*
(Retired Magisterial District Judge)
(Term expiration 8/16/2011)

Cynthia N. McCormick*
(Term expiration 06/05/2010)

Carolyn "Raven" Rudnitsky
(Term expired 08/16/2008)

James R. Weaver*
(Term expired 08/16/2009)

BOARD STAFF

Joseph A. Massa, Jr., Esquire
Chief Counsel

Francis J. Puskas II, Esquire
Deputy Chief Counsel

Daniel T. Reimer, Esquire
Assistant Counsel

George F. Delaney, Jr.
Investigator (Harrisburg)

Douglas K. Miller
Investigator (Pittsburgh)

Alfred J. Ventura
Investigator (Philadelphia)

Paula R. Caruso
Executive Secretary

Toni I. Schreffler
Legal Assistant

Sandra K. Re
Legal Secretary

* current members thru August 16, 2009

COMMONWEALTH OF PENNSYLVANIA



JUDICIAL CONDUCT BOARD

PENNSYLVANIA JUDICIAL CENTER
601 COMMONWEALTH AVENUE, SUITE 3500
PO BOX 62525
HARRISBURG, PA 17120-0901

JOSEPH A. MASSA, JR.
CHIEF COUNSEL

August 3, 2009

(717) 234-7911

To the Citizens of Pennsylvania:

I am pleased to present this Annual Report summarizing the work of the Judicial Conduct Board. During 2008, the Board opened 636 complaints and disposed of 621. Of these 579 were dismissed after preliminary investigations, 18 were dismissed after full investigations, and eight were resolved upon issuance of letters of counsel. Fourteen letters of caution were issued. Formal charges and prosecutions were initiated in two matters.

In reviewing the statistics contained in this Report, we are aware that each number represents a matter of considerable importance to a respondent judge and to the public. We are also mindful of the commitment each Board member makes to uphold the integrity and independence of the judiciary; and, when needed, to take appropriate action. We are determined that there be a free and independent judiciary – with accountability.

I am most grateful to the Board members for their dedicated and uncompensated service. It has been a privilege to serve as their Chairman. Appreciation is also due to our equally talented and dedicated staff for all they do to serve the Commonwealth with their uncompromising commitment to excellence.

Finally, the Board and staff extends its warmest wishes and bids a fond farewell to the following Board members whose terms expired during the year: G. Craig Lord, Esquire, Charlene R. McAbee, Esquire and Carolyn "Raven" Rudnitsky.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles A. Clement, Jr." with a stylized flourish at the end.

Judge Charles A. Clement, Jr.
Chair

BIOGRAPHIES OF BOARD MEMBERS AND CHIEF COUNSEL

Henry (Hank) Abate

Mr. Henry (Hank) Abate, a native of New Haven, Connecticut began his business career in his family's restaurant. At a young age he developed a diligent work ethic and an interest in his community, which later served to spark his interest in political leadership.

While pursuing his degree in accounting, he became the youngest elected official in the state of Connecticut, serving as Alderman of the 12th ward. While in office, in addition to holding board seats on the education and finance committees, he also served as a Commissioner on the New Haven Coliseum Authority. It was his term as Commissioner that inspired a 30-year career to follow in the sports and entertainment industry.

In 1981 Mr. Abate left the political world and started work in the private sector. The New Haven Coliseum, the Providence Civic Center, and Gampel Pavilion are among the northeast facilities Mr. Abate managed before accepting a position with SMG Management in 1992 as General Manager of the Pittsburgh Civic Arena. His current position with SMG is Senior Vice President, which includes the oversight of over 80 arenas and stadiums throughout the United States and Canada.

Mr. Abate resides in Pittsburgh with his wife Maria of 27 years, two adult daughters and a young son.

Appointed by the Supreme Court of Pennsylvania
– Democrat

Mark A. Aronchick, Esquire

Mr. Aronchick, a litigator and past Chancellor of the Philadelphia Bar Association, graduated with honors from the University of Chicago Law School in 1974 where he was elected to the Order of the Coif. He received his B.A. cum laude from the University of Pennsylvania in 1971. Mr. Aronchick was a member of Mayor William J. Green's administration and was appointed as the youngest City Solicitor in the history of Philadelphia.

In 1996, Mr. Aronchick became the first attorney to simultaneously serve as President of the Philadelphia Bar Foundation and Vice Chancellor of the Philadelphia Bar Association. Mr. Aronchick served as a member of the Civil Rules Committee of the Supreme Court of Pennsylvania and as a member of the Judicial Council of the Commonwealth of Pennsylvania. He previously served as a member of the Disciplinary Board of the Supreme Court of

Pennsylvania. Mr. Aronchick also served as a member of the Bench Bar Relations Task Force of the United States Court of Appeals for the Third Circuit. He has served as chair of the Board of Ethics of the City of Philadelphia. He has served as a federal and state court appointed arbitrator or mediator, and as a Judge Pro Tem of the Court of Common Pleas of Philadelphia County. Previously, Mr. Aronchick was the Treasurer and was a member of the Philadelphia Bar Association's Board of Governors. He also has co-chaired the Philadelphia Bar Association's Trial Advocacy Course.

Mr. Aronchick has lectured on trial advocacy, litigation techniques, and professional ethics. He serves on the Board of the Defender Association of Philadelphia and on the boards of several other civic and community organizations. He has received numerous awards and citations for leadership of civic and Jewish community organizations and for pro bono public projects.

Mr. Aronchick has a diverse national trial and appellate practice, including health care fraud and abuse, health care litigation, controversies involving financial institutions, antitrust, environmental, employment, securities, class actions, construction, professional malpractice, governmental, administrative, general business and white collar criminal defense cases. Mr. Aronchick is a Fellow of the American College of Trial Lawyers.

In 1974, Mr. Aronchick graduated from the University of Chicago Law School, Chicago, Illinois, with a Juris Doctorate and was recognized as cum laude, Order of the Coif, and Highest Academic Honors. His undergraduate education is from the University of Pennsylvania, Philadelphia, Pennsylvania, where he was awarded a Bachelor of Arts degree in 1971, cum laude, Dean's List, with the Major in American Civilization.

Appointed by the Governor – Democrat

John R. Cellucci Vice Chair

Mr. Cellucci is the President and Owner of John R. Cellucci, Inc., a building, contracting, engineering, and land-development company. His experience as a builder, civil engineer, and general contractor has included constructing new homes, community housing developments, shopping malls, and producing prestressed concrete bridges. In the late 1960's, Mr. Cellucci

BIOGRAPHIES continued

was the Executive Director of the Chester Housing Development Corporation.

Mr. Cellucci received a Bachelor of Science in Civil Engineering from Pennsylvania Military College (now Widener University) and also earned a Professional Engineering degree.

A former assistant professor of Civil Engineering at Pennsylvania Military College, Mr. Cellucci is very concerned with education and has been a Trustee of the Widener University Board and a member of the Board of Overseers of the Widener University School of Law.

He has received the Outstanding Service Award (1999) and the Outstanding Alumnus Award (1989) from Widener University. He has also been awarded the Outstanding Service Award (1987) and the Liberty Bell Award (1980) from the Widener University School of Law.

His experience as an officer and company commander in the Army Corp of Engineers in Korea during the Korean Conflict earned him a Battle Star for service.

Mr. Cellucci is an active member of the Widener Alumni Association and has been a past Vice-President on the Alumni Board of Widener University. He is also an active supporter of numerous non-profit organizations, including The Friends of the Ocean City Pops, Inc. He is also a member of the Vesper Club of Philadelphia.

Mr. Cellucci resides in Berwyn with his wife, Dr. Edna H. Cellucci, and has two children, who are both attorneys: Kathleen C. Cellucci, Esquire, and John H. Cellucci, Esquire.

Appointed by the Governor – Republican

Honorable Charles A. Clement, Jr.
Chair

Charles A. Clement, Jr. is one of the three Judge Members of the Board and is currently serving in his 20th year as a Magisterial District Judge in Cumberland County. He is a very active member of the Special Court Judges' Association of Pennsylvania having served as its President 1997-1998. Within this professional association, Judge Clement has also been an Advisor to the President, a Liaison to the Supreme Court, a Liaison to the Legislature, and a member of the Ethics & Professional Committee. Judge Clement was also an appointed member of the Pennsylvania Commission on Crime and

Delinquency's Homeland Security, Law Enforcement, and Justice Systems Subcommittee on Courts and Corrections, and currently serves on the Administrative Office of Pennsylvania Courts' Public Access to Paper Records Working Group, and the Magisterial District Judge System Re-Write Project Committee.

Judge Clement has been the recipient of his State Association's "John J. Jeffers Memorial Award" in recognition of dedicated and unselfish service (2000), as well as the "Themis Award" for lifetime achievement (2005).

Judge Clement was born in Harrisburg, Pennsylvania in 1957. He attended Canisius College in Buffalo, New York on a full athletic scholarship and earned a Double Bachelors Degree in Sociology and Communication in 1980. In 1998, Judge Clement was presented the "Dr. Marilyn G.S. Watt Alumni Award" for sharing a sense of community and values through communication.

Judge Clement has contributed to his community by serving as a guest speaker at the local schools and before various community groups. He has also been a baseball and basketball coach for many years to the area's youth. Judge Clement's court serves as a host to high school and college interns each academic year.

Judge Clement currently resides in New Cumberland.

Appointed by the Supreme Court of Pennsylvania
– Republican

Honorable Charles J.
Cunningham, III

Charles J. Cunningham, III, was appointed to the Judicial Conduct Board by Governor Edward G. Rendell in 2006, to complete the term of Judge Thomas A. Wallitsch, upon his resignation from the Common Pleas Court of Lehigh County, and the Judicial Conduct Board. Judge Cunningham comes to the Board after having served six years on the Disciplinary Board of the Pennsylvania Supreme Court, which enforces the Rules of Professional Conduct for attorneys in Pennsylvania. He had the honor of having served as Vice-Chairman (2002) and Chairman (2003) of the Disciplinary Board.

Judge Cunningham was appointed to the Court of Common Pleas of Philadelphia County by Governor Edward Rendell in 2005, after which he

BIOGRAPHIES continued

was elected to a full ten-year term. Before becoming a judge, he was a trial lawyer for 31 years, including 13 years in the Philadelphia District Attorney's Office, where he rose to Deputy District Attorney. While in the District Attorney's office he served under District Attorneys: Arlen Specter, F. Emmett Fitzpatrick, Edward G. Rendell, and Ronald D. Castille.

As an attorney, Judge Cunningham had an extensive private practice handling thousands of cases, including over 200 jury trials in both State and Federal Courts. Not only did he represent plaintiffs in all types of personal injury actions, employment claims, lemon law, and consumer claims, he also represented self-insureds defending against products liability, premises liability, automobile and other negligence, dram shop and employment related claims. He also handled administrative law matters, including workers compensation for both claimants and employers.

He practiced before the Social Security Administration, Pennsylvania Civil Service Commission, Philadelphia Board of Education, Pennsylvania Labor Relations Board, where he represented Teamsters Local 502, Pennsylvania Liquor Control Board, and the Pennsylvania Human Relations Commission. He handled appeals in all of the Pennsylvania Appellate Courts, as well as the U.S. Court of Appeals. In addition to his extensive practice, he also served for more than 15 years as an arbitrator in the Philadelphia Court of Common Pleas.

In 2003, the Pennsylvania Bar Association endorsed Judge Cunningham to fill one of several vacancies on the Pennsylvania Appellate Courts. Their recommendation of Judge Cunningham stated that, "He has extensive trial and litigation experience in a variety of areas. He has earned a reputation among his peers as being thoughtful, knowledgeable, deliberative, hard working, fair, intelligent, insightful, and attentive. He has a strong record of community involvement."

Judge Cunningham was born and raised in Philadelphia. He graduated from Father Judge High School as class Valedictorian. He graduated from St. Joseph's University with a Bachelor's Degree in Economics and a Certificate in Latin American Studies. While at Temple University Law School, he was Chief Justice of the Moot Court Board and was awarded the Law Alumni Moot Court Award upon graduation.

Judge Cunningham is fluent in Spanish, having lived and studied in Mexico. His wife Patricia is originally from Mexico City. They have three children.

Appointed by the Governor – Republican

Cecilia Griffin Golden, Ph.D. Secretary

Dr. Cecilia Griffin Golden is the Assistant Provost for Southern University and A&M College. She began serving in this position in August 2007 after serving as President and CEO for Volunteers of America for the Greater DC area for almost two years.

From 2001-2006, she was the CEO of the YWCA of Greater Pittsburgh. Before this, she served as the Chief Academic Officer for the Rochester City School District in Rochester, New York. As a Rochester native, Dr. Griffin Golden served in many positions with the City School District including teacher, reading supervisor, vice principal, principal and finally, chief academic officer.

She began her term as Secretary of the Judicial Conduct Board in 2008. In addition to serving on the Judicial Conduct Board, Dr. Griffin Golden has served on many boards including the Board of Trustees for Chatham College, the Board of Directors for Mt. Ararat Community Activity Center, the United Way of Allegheny County, WQED Multimedia, Inc., YWCA Mid Atlantic Regional Council, Executive Women's Council, the United Neighborhood Council of Greater Rochester Foundation, etc. She has also served on several Advisory Committees: the Women's Law Project, Magee Women's Hospital's African American Women's Health Initiative and the CORO Women in Leadership Project. She also served as the co-chair of the Greater Pittsburgh Women's Commission, a Mayoral appointment.

Dr. Griffin Golden received her Bachelor of Arts degree in Spanish Education from the New York State University of New York at Geneseo, and a Masters of Science in Teaching English as a Second Language/Bilingual Education from the State University of New York at Albany. Dr. Griffin Golden completed her doctoral work at the University of Buffalo, in Sociology of Education with an emphasis on educational administration and multicultural education. She is a 1998 graduate of Leadership America, and holds several certificates including one from the

BIOGRAPHIES continued

Principals' Center at the Harvard Graduate School of Education.

Appointed by the Governor – Democrat

Edwin L. Klett, Esquire

Edwin L. Klett is senior counsel in Buchanan Ingersoll & Rooney's Pittsburgh office, where he focuses his practice on many areas of corporate and business litigation. He is a trial attorney with a background in corporate law, banking, securities and business matters. He was an attorney with Klett Rooney Lieber & Schorling when it joined Buchanan Ingersoll in 2006.

Mr. Klett received his legal education at The Dickinson School of Law, earning a J.D. degree in 1962. While attending Dickinson, he served as editor-in-chief of the Dickinson Law Review and was a member of the Woolsack Society and the Corpus Juris Society. He earned a B.S. degree in commerce and finance at Bucknell University in 1957.

In 2006, Mr. Klett was selected by the Pennsylvania Supreme Court to serve a four-year term on the Judicial Conduct Board of Pennsylvania.

Mr. Klett is a fellow of the International Academy of Trial Lawyers, the American College of Trial Lawyers, the American Board of Trial Advocates, the American Bar Foundation and the American Law Institute. He is a past president of the Academy of Trial Lawyers of Allegheny County. He previously served as chair of the Pennsylvania Supreme Court Civil Procedural Rules Committee and also is a former member of that court's Advisory Committee on Appellate Court Rules. He has also served as the chair of the Pennsylvania State Committee of the American College of Trial Lawyers. Additionally, he is a former member of the Lawyers Advisory Board of the U.S. Court of Appeals for the Third Circuit.

He is a member of the American Bar Association and has been active in the Civil Litigation Section, the Corporation, Banking & Business Law Section, as well as the Tort and Insurance Practice Section. He previously served as a member of the ABA House of Delegates.

Mr. Klett is a former member of the House of Delegates of the Pennsylvania Bar Association. He previously served as chairman of the Securities and Class Action Committee of the Civil Litigation Section of the state association. He

also is a member of the Corporation, Banking and Business Law Section.

In 2008, Mr. Klett was elected to serve a three-year term on the Judiciary Committee of the Allegheny County Bar Association (ACBA). He continues to be an active member of the ACBA having served as its president in 2000 and 2001 and as a member of its board of governors in the years 1999 through 2002 and 1988 through 1991. He formerly served as chairman of the Federal Court Section of the association, the Bench-Bar Conference Committee and the Municipal & School Solicitors Section. He also is a former vice-chairman of the Court Rules Committee. He has also served as a lecturer at legal seminars and as a panel member on public television.

Mr. Klett also is a former president of both the Bucknell University Alumni Club of Pittsburgh and the Dickinson Law Alumni Club of Western Pennsylvania. He is a former member of the Board of Trustees of Bucknell University and also serves as a member of the board of advisors of The Dickinson School of Law of The Pennsylvania State University. In 2006, he was selected as a Pennsylvania Super Lawyer®. He has also been listed in The Best Lawyers in America for the past 10 years.

Mr. Klett is admitted to practice before the United States Supreme Court, several federal Courts of Appeal, the Pennsylvania Supreme Court, and many other appellate and trial courts.

Appointed by the Supreme Court of Pennsylvania— Republican

Ayanna M. Lee, Esquire

Ayanna M. Lee is a commercial real estate associate in Reed Smith LLP's Pittsburgh Office, where she focuses her practice on real estate acquisitions, dispositions, leasing transactions, general corporate matters and commercial development strategies.

Ms. Lee received her Juris Doctorate in 2004 from The Duquesne University School of Law. At Duquesne she was a published member of the Duquesne Law Review, Chair of the Trial Moot Court Honor Society and President of the Black Law Students' Association. Ms. Lee was the recipient of the "CALI Excellence for the Future Award in Legal Writing" for earning the highest legal writing grade during her first year. While attending law school, Ms. Lee also traveled to Beijing, China to study at the China University of

BIOGRAPHIES continued

Political Science and Law and while there completed an internship at the international law firm of Lehman, Lee and Xu, LLP. She graduated from Sewickley Academy and earned her Bachelor of Arts degree in Legal Studies at Point Park University in 2000.

Prior to attending law school, Ms. Lee began her legal career as a litigation paralegal at several law firms in Pittsburgh. After graduating from law school, she joined the Mid-Atlantic law firm of Saul Ewing LLP as a commercial litigation associate in the Princeton, New Jersey office. Ms. Lee is licensed to practice in New York, New Jersey and Pennsylvania.

In 2008, Ms. Lee was appointed by the Governor to serve a four-year term on the Judicial Conduct Board. In addition to serving on this Board, she is the Chair of the Moon Township Architectural Review Board and serves on the board of Three Rivers Youth. Ms. Lee is a member of the New York State Bar Association, the Pennsylvania Bar Association, the Homer S. Brown Law Association and the Allegheny County Bar Association's Young Lawyers Division and Women in the Law Division.

Active in her community, Ms. Lee is a youth mentor through Duquesne University's Career Literacy for the Advancement of all Youth (CLAAY) Program, which provides students with mentoring and guidance to help them achieve their educational and career goals, a volunteer parent for the Moon Athletic Association's little league football program and an assistant coach for her son's basketball team. She has been named one of the New Pittsburgh Courier's "Top 40 under 40."

Ms. Lee was born and raised in Pittsburgh and now resides in Moon Township in Allegheny County with her two children, Rayonna and Jose. Appointed by the Governor -- Democrat

G. Craig Lord, Esquire

G. Craig Lord is a partner in the law firm of Blank Rome LLP, Philadelphia, and concentrates his practice in the areas of real estate development, real estate lending, real estate sales and acquisitions, commercial litigation, and arbitration and mediation.

In 2004, the Governor of Pennsylvania appointed Mr. Lord to serve on the Judicial Conduct Board where he was an active member until his term expired in 2008.

Mr. Lord served as a Judge for the Philadelphia Court of Common Pleas from 1988 to 1997. He commenced his legal career as a Law Clerk to Justice Samuel J. Roberts of the Pennsylvania Supreme Court from 1971 to 1972. He was an associate and subsequently a partner in the Real Estate Department of Blank Rome Comisky & McCauley LLP from 1972 to 1986; then was General Counsel to CoreManagement, Inc. from 1986 to 1988. From 1997 to 1999 he served as Counsel to Raynes, McCarty, Binder, Ross & Mundy.

He is a Magna Cum Laude graduate of Gettysburg College and of the University of Pennsylvania Law School, where he received his Juris Doctor Degree, Magna Cum Laude, and served as an Editor of the Law Review.

Mr. Lord was born in Boston, Massachusetts, raised in the Philadelphia area, and now resides in the Chestnut Hill section of Philadelphia with his wife, Rosemary. He and his wife, Rosemary, are the parents of three children.

Appointed by the Governor – Democrat

Honorable Samuel J. Magaro

Samuel J. Magaro was born November 3, 1932, in Steelton, and is the son of Giuseppe (deceased) and Agnes Lappano Magaro (deceased). He attended Elizabethtown College, Pennsylvania State University, and Shippensburg State College, 1975.

Judge Magaro served as a magisterial district judge in Lower Paxton Township, a suburb of Harrisburg, from 1975 to 2002, and as a senior magisterial district judge until July 2007; served in the U.S. Air Force, 1951-1954; was a probation and parole officer, was a chief inheritance tax officer for Dauphin County, and a research analyst at the Pennsylvania House of Representatives.

Judge Magaro also has served as the assistant to the chair for the Republican State Committee and was the owner of Magaro's Restaurant. He is a member of the American Judicature Society, Special Court Judges Association of Pennsylvania; American Legion; Veterans of Foreign Wars; Knights of Columbus--4th Degree Member; Minor Court Rules Committee, 1990-1993. Judge Magaro was the first recipient of the John J. Jeffers Memorial Award by the Special Court Judges Association of Pennsylvania, "In recognition of dedicated and unselfish service" in 1995. He was appointed judge in the Court of

BIOGRAPHIES continued

Judicial Discipline, August 1994 – 1999, and served as president judge 1999-2000, Special Court Judges Association of Pennsylvania; 2002 - Pennsylvania Supreme Court Award "Distinguished Service to Judicial System;" 2002 Themis Award - Special Court Judges Association of Pennsylvania.

Judge Magaro was also a formerly appointed member of the Judicial Conduct Board in 2001 and served as chairman of the Judicial Conduct Board 2004-2005. He also chaired the sub-committee of Intergovernmental Task Force that was established by the Supreme Court of Pennsylvania. From 2004 to 2007, he served as a senior magisterial district judge. In August 2007, Judge Magaro was re-appointed as a non-lawyer elector to the Judicial Conduct Board.

Judge Magaro is married to Mary Roberto; and has five children: Natalie, Ninette, Anne Marie, Samuel J., Jr., Anthony, and 12 grandchildren.

Appointed by the Supreme Court of Pennsylvania
- Republican

Charlene R. McAbee, Esquire

Charlene R. McAbee is a sole practitioner in her own law practice. Ms. McAbee retired from the Commonwealth of Pennsylvania, Department of Labor and Industry after almost 38 years. She is also co-owner and Chairperson of the Board of River Development Corporation which converted a 52,000 square foot strip mall, located 3 miles from the new Pittsburgh casino location, into office and storage space.

Ms. McAbee received a Juris Doctorate Degree and a Masters Degree from Duquesne University; her Bachelor of Arts Degree from Seton Hill University and her doctorate degree (ABD) from the University of Pittsburgh.

Ms. McAbee was appointed by the Governor to the Judicial Conduct Board in 2004 and served on that board until 2008.

Ms. McAbee serves on the legal redress committee and is a life member of the National Association for the Advancement of Colored People, is a member of the Black Political Empowerment Project, is a member and serves on the gaming committee of the Pennsylvania Bar Association, is a member and serves on the entertainment committee of the Churchill Valley Country Club, is on the rolls and a board member of the Council of Three Rivers American Indian

Center, is a member of the Pittsburgh Technology Council, is a member of the Pittsburgh Regional Minority Purchasing Council, is a member of the African American Chamber of Commerce, is a member of the Amen Corner, and a member and a former Board member of the Pennsylvania Trial Lawyers Association.

Born and raised in Westmoreland County, she now resides in Churchill Borough in Allegheny County with her sister who is a practicing attorney and her father.

Appointed by the Governor – Democrat

Cynthia N. McCormick

Cynthia N. McCormick has more than 20 years of government relations and public affairs management experience. As Associate Vice President for Government Affairs for Carnegie Museums of Pittsburgh, the largest cultural organization in southwestern Pennsylvania, she is currently responsible for planning and maintaining government relations and public affairs programs on behalf of the four Carnegie Museums – Carnegie Museum of Art, Carnegie Museum of Natural History, The Andy Warhol Museum, and Carnegie Science Center.

Ms. McCormick began her career in Washington, D.C., as the Legislative Assistant and Press Secretary to three members of Congress. In 1984, she became Staff Consultant to Allegheny County Commissioner, Barbara Hafer, for four years serving as the commissioner's representative for all media contacts and managing relations with all government bodies on matters related to the Allegheny County Jail. She became Director of Government Relations for the Oncology Nursing Society in 1988, and for eight years was responsible for all lobbying activities, as well as building a government relations program on behalf of this national medical society.

Before joining Carnegie Museums in 2002, Cynthia spent six years at Port Authority of Allegheny County in consecutive roles as Senior Government Affairs and Grants Administrator, Manager of Community Partnerships, and Director of Marketing. In those roles, she was responsible for all lobbying activities on behalf of the Port Authority, coordinated all community relations activities and promotional strategies, and managed all marketing and promotional activities designed to increase ridership and revenue for the Pittsburgh-area public transit company, the 13th largest in the country.

BIOGRAPHIES continued

For thirteen years she has served as the City of Pittsburgh Civil Service Commissioner.

Ms. McCormick recently served on the WQED Community Advisory Board; Variety the Children's Charity; and Gilda's Club. She currently serves as a board member of the Good Grief Counseling Center.

Appointed by the Governor – Republican

Honorable Jack A. Panella (former Chair)

Judge Jack A. Panella was elected to the Superior Court of Pennsylvania in 2003, and sworn into office as an appellate judge on January 9, 2004. His chambers are in Bethlehem. He had been a trial judge in Northampton County for twelve years; in civil litigation, he presided over complex mass tort cases as well as medical malpractice trials. He also presided over all types of criminal trials, including homicides.

In 2004, he was appointed by Chief Justice Ralph J. Cappy to the Commission for Justice Initiatives in Pennsylvania, a committee organized to coordinate and recommend judicial outreach and specialized court programs. He is the Chair of the Public Education and Community Outreach Committee. He also is a member of the Justinian Society, an organization concerned with maintaining the highest standards of the legal profession.

While a trial judge, he was Chair of the Commonwealth Partners Program, which involved statewide meetings attended by judges and legislators to discuss and resolve issues of mutual concern. In recognition of the success of this program, Judge Panella was given the President's Award from the Conference of State Trial Judges in 2002. In his capacity as a trial judge, Judge Panella was also a member of the Judicial Ethics Committee of the Conference.

On August 26, 1997, Judge Panella was appointed by the Supreme Court of Pennsylvania to the Pennsylvania Court of Judicial Discipline. In June 2000, he was elected President Judge. In 2005, he was appointed by the Supreme Court of Pennsylvania to the Judicial Conduct Board, which is the investigatory and prosecutorial arm of the judicial discipline system in Pennsylvania. In August 2007, Judge Panella was elected chair of the Judicial Conduct Board where he served as chair until August 2008, and continued as a member of the Board until March 2009.

Judge Panella's first book, THE PENNSYLVANIA SEXUAL VIOLENCE BENCHMARK, was published in December 2007.

Appointed by the Supreme Court of Pennsylvania – Democrat

Carolyn "Raven" Rudnitsky

Raven Rudnitsky is a family therapist in private practice specializing in couples and family therapy, women's issues and stress and time management. She is also the Family Goals Facilitator for Rudnitsky and Hackman, LLP, a wealth strategies and estate planning law firm.

Ms. Rudnitsky is a speaker and facilitator for the Pennsylvania Bar Association and is a member of the PBA's Quality of Life/Balance Task Force. She was the first woman and first non-lawyer to serve as Chair during her six-year membership on the Disciplinary Board of the Supreme Court of Pennsylvania.

In 2004, the Supreme Court of Pennsylvania appointed Ms. Rudnitsky to the Judicial Conduct Board where she served until 2008. Ms. Rudnitsky was secretary of the Judicial Conduct Board from 2004 until her term expired in 2008.

Ms. Rudnitsky has been active in several organizations in central Pennsylvania. She founded Valley Nursery School, a preschool program which has been in existence for over thirty years. She has served as the past Chair of the Professional Division of the United Way in Snyder County and is a past President of the Board of Directors at Hoffman Homes for Youth in Gettysburg. She is now serving as president of the Church Council at St. Paul's United Church of Christ in her hometown.

Ms. Rudnitsky did her undergraduate work at the Pennsylvania State University earning a Bachelor of Science degree in Secondary Education and English and completed her graduate studies at Bucknell University in School Psychology and Counseling. She lives in Selinsgrove with her husband Marv who is an attorney. They are the proud parents of three grown daughters and the fortunate grandparents of three small boys and two little girls.

Appointed by the Supreme Court of Pennsylvania—Democrat

BIOGRAPHIES continued

James R. Weaver

Mr. Weaver is the past President of the Pennsylvania State Education Association (PSEA) having completed his second term on August 31, 2007. He served his first term as President from September 1, 2003 until August 31, 2005 after serving two years as PSEA Vice President. Since 1996, Mr. Weaver has served on the PSEA Board of Directors, PSEA's Budget Committee and as a member of the committee to evaluate PSEA's executive director. He has also served on numerous PSEA committees, including Change That Works, Creating Collaboration, Strategic Planning Implementation Team on Structure, and chairperson of the Policy Committee and Accountability Workgroup.

Mr. Weaver graduated from Lock Haven College with a Bachelor of Science degree in secondary education-social studies and graduated from Penn State with a Master's in Education degree in social studies. In June 2008, Mr. Weaver retired from teaching with 34 years of service. He had been a Social Studies teacher in the State College Area School District since 1973. From 1999 to 2008, he had been the coordinator for the social studies department. He was president of the 589-member State College Area Education Association from 1994-2001. Before becoming SCAEA president, Mr. Weaver served as vice president and chief negotiator. As SCAEA president, Mr. Weaver was instrumental in bringing collaborative bargaining to the district. He also instituted weekly newsletters and was involved in helping to organize the State College Educational Support Personnel Association in 1998.

In 1997, Mr. Weaver was elected president of Central Region PSEA. He led the reorganization of the region governance to bring communications and activities closer to the cluster and local levels. He currently is serving as Vice President of Central Region PSEA.

Mr. Weaver has been an instructor of Organizational Success at PSEA's Summer Leadership Conference, and since 1990 he has been a delegate to the NEA Representative Assembly. He also served as a member of the PSEA Board negotiations team in contract negotiations with the Staff Organization.

In 2000, Mr. Weaver was the recipient of the House of Representative citation for involvement and participation in the Gift of Time for Children program. Since 2001, Mr. Weaver has served as

a member of the state board of Economics-PA, and has been the treasurer of EconomicsPA since 2004. In 2002 he completed the Education Policy Fellowship Program, and in 2004 was the recipient of the EPFP Distinguished Alumni Service Award.

In 2005 Mr. Weaver was appointed to the Pennsylvania Judicial Conduct Board.

He is also a Lifetime Honorary Member of the Pennsylvania PTA.

Appointed by the Supreme Court of Pennsylvania
– Democrat

Joseph A. Massa, Jr., Esquire Chief Counsel

Joseph A. Massa, Jr. became Chief Counsel of the Judicial Conduct Board on March 4, 2002.

Mr. Massa's professional career has been diverse. Admitted to the Bar on May 1, 1969, Mr. Massa opened a private law practice and was engaged in the general practice of law with a high concentration in family, civil and criminal litigation. He handled thousands of cases, including over 500 jury trials in courts throughout Northwestern Pennsylvania. In addition to his private practice, Mr. Massa served as Warren/Forest County Public Defender from 1969 to 1989; as a three (3) term District Attorney for Warren County from 1990 through 2001; as solicitor for Youngsville Borough and Solicitor for the Warren County School District.

A graduate of the University of Notre Dame (BA in Economics) and the Marshall School of Law of Cleveland State University, he is a member of the American Bar Association, the Pennsylvania Bar Association, the Association of Trial Lawyers of America, the National District Attorneys Association, the Dauphin County Bar Association, the Association of Judicial Disciplinary Counsel and is a past President of the Warren County Bar Association. Also, he is on the Board of Governor's of Saint Thomas More Society of Central Pennsylvania. He has served on the Pennsylvania Attorney General's Task Force for the Protection of Older Pennsylvanians. He was an adjunct instructor (in criminal law) at Pennsylvania State University, Indiana University of Pennsylvania, and Edinboro University of Pennsylvania.

BIOGRAPHIES continued

As a native of Warren County in which he lived and raised his children, Mr. Massa was involved not only in Northwestern Pennsylvania legal, business and community enterprises, but also contributed his support to the educational, political, religious and non-profit endeavors within his county.

Mr. Massa was co-founder of Warren County Students against Drunk Driving and of the Warren County School District Law Enforcement Liaison Team. He received the Warren County Chamber of Commerce Award for Exemplary Service to the community.

He and his wife Rosemarie, reside in New Cumberland and have three grown children and two grandchildren.

MISSION STATEMENT

The Judicial Conduct Board is the state agency responsible by constitutional mandate for investigating complaints of misconduct against judges of Pennsylvania's unified judicial system and, where appropriate, filing formal charges against those judges found to have engaged in unethical behavior.

The members and staff of the Judicial Conduct Board take their duties to the citizens and judiciary of Pennsylvania very seriously. The Board is 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 and its staff investigate every allegation made against a Pennsylvania judge. This procedure is an essential safeguard to the integrity of, and public confidence in, the judicial process. Judges are held to a high standard of ethical conduct as prescribed by the laws of Pennsylvania, including the Code of Judicial Conduct, and the Board and its employees strive to conduct themselves in a similar manner.

OVERVIEW OF THE BOARD

Authority of the Board

The Judicial Conduct Board (formerly the Judicial Inquiry and Review Board) was created by an amendment to the Pennsylvania Constitution adopted on May 18, 1993 and declared in effect by the Governor's Office on August 11, 1993. It is the independent state agency responsible for investigating allegations of judicial misconduct or disability or impairment.

The Board has jurisdiction over Pennsylvania Supreme Court Justices; Superior and Commonwealth Court Judges, Common Pleas Court Judges, Philadelphia Municipal and Traffic Court Judges, and Magisterial District Judges. The Board has no jurisdiction over federal judges and magistrates, administrative hearing officers for state agencies or private mediators, arbitrators or masters.

The Board's Unique Role

Under the Pennsylvania State Constitution, the Board is the only agency of state government with the authority to investigate judges for ethical misconduct. Its disciplinary role is unique. The Board's system has served Pennsylvania well since its inception in 1993. Some judges have been publicly disciplined for judicial misconduct, others have been confidentially cautioned, and a number have resigned while under inquiry. It is undoubtedly fair to state that the Pennsylvania Judiciary has become more sensitive to its ethical obligations, and that public confidence in the judiciary has consequently improved.

Members of the Board

There are 12 members of the Board, serving staggered four (4) year terms, as follows:

- Six citizen members who are neither attorneys nor judges;
- Three judges, one from each of the following court levels: an appellate court judge, a common pleas court judge and a magisterial district judge, and
- Three attorneys who are not judges.

Members meet regularly to conduct Board business, and receive no compensation for their service.

One of the critical features of the Board's system is its structural independence. The 12 board members are appointed to staggered four-year terms by various designating authorities - the Governor and the Pennsylvania Supreme Court - neither of whom controls a majority.

OVERVIEW continued

Governing Legislation

The Board is governed by Article V, Section 18 of the Pennsylvania Constitution, Chapter 21, Subchapter A of Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes (Appendix I herein). As part of the judiciary and as an independent entity having its own constitutional and statutory provisions regarding confidentiality of papers, records and proceedings, the Board is not governed by the Pennsylvania Public Information Act, the Open Meetings Act or the Pennsylvania Administrative Code.

Defining Judicial Misconduct

Judicial misconduct could arise from a violation of the Pennsylvania Constitution, the Pennsylvania Crimes Code, the Pennsylvania Code of Judicial Conduct, the Rules Governing Standards of Conduct of Magisterial District Judges, or rules promulgated by the Supreme Court of Pennsylvania. It could occur through the judge's failure to cooperate with the Board. Other examples of judicial misconduct include inappropriate or demeaning courtroom conduct, such as yelling, profanity, gender bias, or racial slurs. It could be improper ex parte communication with only one of the parties or attorneys in a case, a public comment regarding a pending case, or a failure to recuse or disqualify oneself in a case where the judge has an interest in the outcome. It could involve ruling in a case in which the parties, attorneys, or appointees are related within a prohibited degree of kinship to the judge. Judicial misconduct could occur through a judge's failure to cooperate with respect to his or her obligations arising from a Board's inquiry, or failure to abide by any provision of a voluntary agreement to resign in lieu of disciplinary action.

Judicial misconduct could also arise from out-of-court activities, including theft, driving while intoxicated, improper financial or business dealings, sexual harassment or official oppression; and is subject to the same review by the Board.

Sources of Complaints and Allegations

The Board has the duty to consider allegations from any source, including an individual, a news article, or information received in the course of an investigation. Although the Board does accept anonymous complaints, they are much more difficult to fully investigate.

Board Limitations

The Board cannot exercise appellate review of a case or change the decision or ruling of any court,

nor can the Board intervene in a pending case or proceeding. For example, if the Board finds a judge's actions to be misconduct, the Board can only file formal charges and seek appropriate sanctions against the judge, which could include the judge's removal from the bench. However, even removal would not change the judge's ruling in the underlying case. Only the appellate process is empowered to change the decision of a court.

Likewise, the Board cannot provide individual 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.

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 full 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; or
- Authorize a full investigation to determine if there is "clear and convincing evidence" of misconduct.

After a full investigation is authorized and conducted, the Board makes one of two choices:

- Dismiss the complaint because there is not probable cause of judicial misconduct; or
- File formal charges against the accused judge with the Court of Judicial Discipline following a determination that there is probable cause of judicial misconduct.

The types of actions that could be taken by the Court of Judicial Discipline include dismissal, sanction, suspension, acceptance of a voluntary agreement to resign from judicial office in lieu of disciplinary action, and removal from the bench. A detailed discussion of the Board's procedures for analyzing complaints and allegations and an overview of the complaint process is presented in Section II. The number and types of action taken

OVERVIEW continued

by the Board in calendar year 2008 are presented in the summary of Board Activity in Section IV.

Board Organization and Staff

The Board has nine staff positions, including the Chief Counsel, two attorneys, and six support staff. All Board staff members are full-time Commonwealth State employees.

The Board's legal staff, which consists of attorneys, a legal assistant and investigators, is responsible for the evaluation and investigation of complaints. The attorneys are primarily responsible for reviewing and evaluating new complaints. The investigators conduct in-house and on-site investigations. The legal assistant performs legal research.

The three 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.

The Chief Counsel heads the staff and reports directly to the Board. The Chief Counsel is also the primary liaison between the Board and the judiciary, the public and the media.

Outreach and Education

In 2008, the Chief Counsel and Board members made numerous presentations at judicial training courses and court-staff conferences, describing the Board and discussing various forms of judicial misconduct. Chief Counsel presents the ethics component at the annual recertification classes of the magisterial district judges.

Board Website

The Board's website appears at, www.icbpa.org. The website provides downloadable complaint forms. The website also offers answers to frequently asked questions regarding the Board, such as its composition, structure and jurisdiction; the judicial complaint process; and a description of the range of decisions the Court of Judicial Discipline can make, from dismissal to sanction. Further, the website provides links of interest to other websites dealing with judicial ethics.

Also included are the Board's governing provisions: Code of Judicial Conduct, Pennsylvania Constitution, Article V, Section 18, Rules Governing Standards of Conduct of Magisterial District Judges and other pertinent rules and codes.

Public Information

The availability of information and records maintained by the Board is governed by Article V, Section 18(a)(8) of the Pennsylvania Constitution.

Generally, Board records are confidential. All Board meetings and proceedings are closed to the public to protect complainants from retaliation by accused judges and judges from the embarrassment of complaints that have no merit.

Once formal charges are filed with the Court of Judicial Discipline, the case is no longer confidential and all pleadings and proceedings are open to the public.

Confidentiality of Board Proceedings

Judicial Conduct Board proceedings are strictly confidential, including the fact that there is a complaint or investigation, as provided in Article V, Section 18(a)(8) of the Constitution of the Commonwealth of Pennsylvania, and Rule 17 of the Judicial Conduct Board Rules of Procedures (J.C.B.R.P.).

2008 SUMMARY OF BOARD ACTIVITY AND STATISTICAL DATA

JURISTS POSITIONS:

In 2008, there were 1194 jurists within the Board's jurisdiction.

	2008 Jurists	Senior Jurists
Supreme Court	7	0
Superior Court	15	6
Commonwealth	9	6
Common Pleas	428	75
Magisterial District Judges	521	88
Phila. Municipal Court	25	5
Phila. Traffic Court	7	2
TOTAL	1012	182

OVERVIEW continued

Judicial Conduct Board of Pennsylvania – Complaint Resolution Process

INITIAL SCREENING	PRELIMINARY INVESTIGATION	FULL INVESTIGATION	FORMAL PROCEEDINGS	SUPREME COURT
<p>Chief Counsel reviews each “complaint” to determine whether it is a complaint within the Judicial Conduct Board’s (JCB) jurisdiction.</p> <p>Staff returns non-JCB complaints (i.e., complaints against attorneys or federal judges) to complainant with appropriate instructions.</p> <p>For JCB complaints, staff prepares electronic and paper-copy file, sends acknowledgment letter to complainant, and returns paper-copy file to Chief Counsel.</p> <p>Chief Counsel assigns a staff attorney.</p>	<p>Judicial Conduct Board (JCB) attorney and/or investigator conducts preliminary investigation, 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 investigation report and recommendation, along with pertinent materials, to JCB members.</p> <p>JCB meets, reviews and discusses preliminary investigation report and recommendation, and votes to dismiss, to have staff conduct additional preliminary investigation, or to proceed to full investigation as to some or all allegations.</p>	<p>Staff provides judge with pertinent materials 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. Investigator may write supplemental investigation report. Attorney may make recommendation whether to dismiss or to proceed to formal proceedings.</p> <p>Staff distributes judge’s response and any supplemental investigation report and recommendation, along with pertinent materials, to JCB members.</p> <p>JCB meets, reviews and discusses judge’s response, and any supplemental investigation report and recommendation, and votes to dismiss, to have staff conduct additional investigation, or to proceed to file formal charges before the Court of Judicial Discipline.</p>	<p>Staff prepares formal complaint, files complaint with the Court of Judicial Discipline, and serves same upon judge via certified mail. Matter becomes public upon filing.</p> <p>Judge may file written response.</p> <p>Matter may be resolved by stipulated resolution or public hearing.</p> <p>A stipulated resolution may recommend the following:</p> <ul style="list-style-type: none"> - Reprimand; - Suspension; - Removal from Office; - Involuntary Retirement. <p>After a public hearing, the Court of Judicial Discipline may dismiss the matter or may issue a sanction of:</p> <ul style="list-style-type: none"> - Reprimand; - Suspension (with/without pay); - Removal from Office; - Permanent Bar from Bench. 	<p>Either the Judicial Conduct Board or the respondent judge may appeal the order of the Court of Judicial Discipline directly to the Supreme Court of Pennsylvania.</p>

OVERVIEW continued

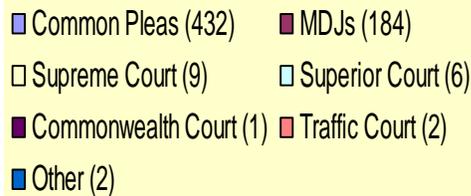
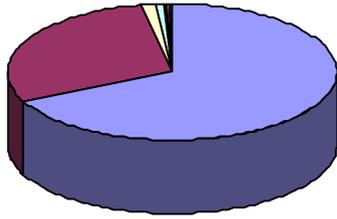
New Complaints – 2008

The Board opened a record number of cases in 2008 – 636.

The following graph shows the breakdown of those cases by type of judicial officer.

LEVEL OF JUDICIAL OFFICER

(Based on cases *opened* during 2008 calendar year)



The Board also received complaints concerning individuals who did not fall within the Board's jurisdiction such as attorneys, federal judges, former judges, workers' compensation judges, other government officials and miscellaneous individuals. The Judicial Conduct Board staff responded to each of these complaints and when appropriate, made referrals. Complaints received outside of the Board's jurisdiction were not opened as Board cases and are, therefore, not included in the number of opened cases.

Complaint Dispositions

The Board disposed of 621 cases in 2008.

Dismissed After Preliminary Inquiry

Of the 621 cases closed in 2008, 579 were dismissed after preliminary inquiry. These complaints had facts that, even if true, would not constitute judicial misconduct. Further, investigation showed the allegations were unfounded or not provable, or the judge gave an adequate explanation of the situation. They also included complaints alleging legal error not involving misconduct or expressed dissatisfaction with a judge's discretionary handling of judicial

duties. Additionally, not all cases are dismissed in the year in which they are received by the Board.

Notice of Full Investigation

If after a preliminary inquiry into a case, the Board feels sufficient evidence of judicial misconduct may have occurred, they will issue a Notice of Full Investigation to the judicial officer. The judicial officer will then have an opportunity to respond to the allegations. In 2008, the Board issued eighteen (18) Notices of Full Investigation, noting one Notice of Full Investigation may be inclusive of multiple case numbers.

Dismissed After Full Investigation

Of the 621 cases closed in 2008, 13 were dismissed after full investigation. In these cases, there was enough evidence after the formal full investigation to continue, and there was not clear and convincing evidence that the alleged misconduct did occur.

Letter of Caution

The Board issued fourteen (14) letters of caution in 2008. Letters of Caution are issued as private warnings of judicial misconduct. The judicial officer is not required to sign or accept a letter of caution.

Letter of Counsel

The Board issued eight (8) letters of counsel in 2008. Letters of Counsel are issued in cases where there is sufficient evidence of judicial misconduct, but the evidence suggests that it was an isolated incident. The Letter of Counsel is a private reprimand and is subject to the judicial officer's acceptance.

Formal Charges

In two (2) of the 621 closed cases in 2008, the Board filed formal charges with the Court of Judicial Discipline. In these cases, the Board determined there was clear and convincing evidence that judicial misconduct had occurred.

OVERVIEW continued

COMPLAINT DISPOSITION ACTIVITY DURING 2008

Dismissed after Preliminary Inquiry – 579
Notice of Full Investigation – 18 (One Notice of Full Investigation Letter may be inclusive of multiple case numbers.)
Letter of Counsel – 8
Letter of Caution – 14
Formal Charges – 2

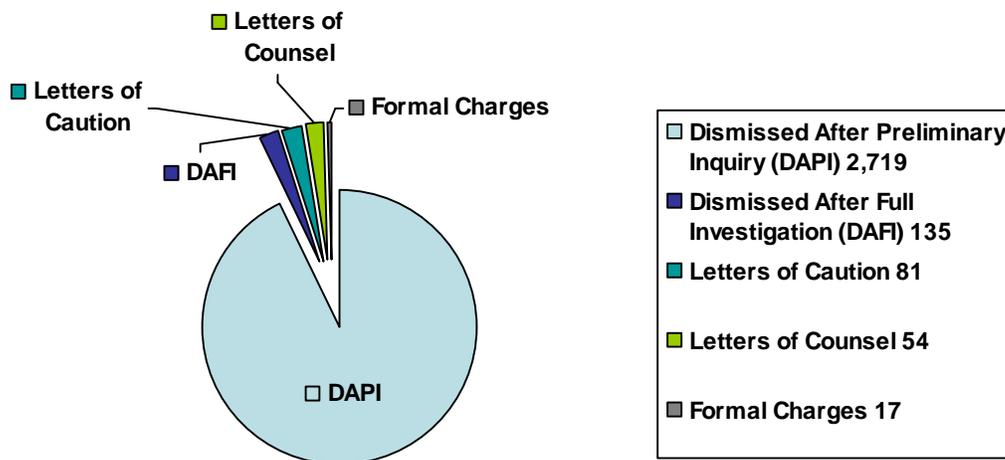
Five Year Statistical Summary*

Year	Complaints Received	Notices of Full Investigation Issued	Letters Of Caution Issued	Letters Of Counsel Issued	Dismissed After Preliminary Inquiry	Formal Charges Filed
2004	556	18	17	4	528	6
2005	508	20	20	12	490	4
2006	597	41	15	10	507	3
2007	620	38	15	20	615	2
2008	636**	18	14	8	579	2
Total	2917	135	81	54	2719	17

* Note: Complaints are not necessarily closed in the year in which received and may remain active cases for more than one year. In addition, multiple complaints may be collectively assigned to a judicial officer.

** This number exceeds all prior yearly totals since the Board's inception in 1993.

COMPLAINT DISPOSITION: 5-YEAR SUMMARY
(Based on calendar years 2004, 2005, 2006, 2007, and 2008)



JUDICIAL MISCONDUCT

The following are some types of judicial misconduct that may lead to discipline:

Improper Courtroom Decorum

- Rude, abusive, and otherwise improper treatment of parties, counsel, witnesses, jurors, court staff and others.
- Failing or refusing to dispose promptly of judicial business.
- Improper or eccentric conduct while on the bench, such as sleeping or drunkenness.
- Expressions of bias based on gender, ethnicity, etc.

Improper Influence

- Allowing family, social, or political relationships to influence judicial decision-making.
- Conflict of interest.
- Giving or receiving gifts, bribes, loans, or favors.

Other Improper or Illegal Activities Including Off-Bench Conduct

- Abusing the contempt power.
- Interfering with the attorney-client relationship.
- Communicating improperly with only one side to a proceeding.
- Commenting or interfering with a pending or impending case.
- Engaging in improper political campaign activities.
- Misappropriating or misusing public property, funds, or resources.
- Violating rules relating to court administration.
- Obstruction of justice, perjury, or filing a false document.
- Ticket-fixing.
- Non-court criminal behavior.
- Use of court resources for personal gain.
- Inappropriate political activity (not related to judge's campaign for judicial office).
- Failure to cooperate with board; lying to board; asking witness to lie, Private Discipline

If the Board determines that alleged conduct has occurred, it may issue a "Letter of Counsel" privately reprimanding the judge. This private reprimand requires a judge to present himself or herself before Chief Counsel to sign and receive the Letter of Counsel containing the Board's official disapproval and reprimand. As part of this process, a judge must agree that the "Letter of

OVERVIEW continued

Counsel” may be used in future court proceedings should new complaints be filed against him or her.

In 2008, the Board issued eight (8) Letters of Counsel. Examples of the complaints resulting in this private discipline include:

- Political activity of staff;
- Failure to disclose to litigants information that might warrant recusal.
- Inappropriate demeanor (inside/outside the courtroom, ex parte communications, and political activity).
- Improper delay in addressing court matters ripe for disposition.
- Failure to reside within magisterial district (ultimate resignation).
- Alteration of official court documents.
- Inappropriate remarks to a victim seeking a protection from abuse order (PFA).
- Maintaining a list of police officers who had cooperated with Board investigations, containing disparaging comments describing each police officer.
- Public comment regarding pending legal issues.

Nationwide:

Pennsylvania reflects a nationwide trend of increased scrutiny of judicial conduct. The nationwide statistics of judicial discipline are outlined below.

In 2008:
• 12 judges were removed from office
• 11 judges resigned (or retired) in lieu of discipline
• 114 judges received other public sanctions
• 12 judges were suspended without pay, with sanction lengths between 3 days to 3 years
• 17 judges were publicly censured
• 69 judges were publicly reprimanded or admonished
Since 1980:
• 350 judges have been removed

The 350 judges removed since 1980 corresponds to an average of 12.5 judges removed each year.

Notwithstanding these statistics, the vast majority of Pennsylvania judges comport themselves appropriately, and discharge their judicial responsibilities with dignity and honor. Indeed, ninety-five (95) percent of all complaints filed with the Judicial Conduct Board are dismissed after preliminary inquiry, and less than one (1) percent result in the filing of formal charges against a judge before the Court of Judicial Discipline.

COMMONWEALTH OF PENNSYLVANIA

**JUDICIAL CONDUCT BOARD
PENNSYLVANIA JUDICIAL CENTER
601 COMMONWEALTH AVE, SUITE 3500
P.O. BOX 62525
HARRISBURG, PA 17120-0901
(717)-234-7911**



OFFICIAL USE ONLY

Rec'd: _____

JCB No: _____

County: _____

CONFIDENTIAL REQUEST FOR INVESTIGATION

INSTRUCTIONS: Please type or print. If you wish to provide documents to support your allegations, please attach copies of those documents. We cannot return documents. The Board's jurisdiction extends only to Pennsylvania Supreme Court Justices, Superior and Commonwealth Court Judges, Common Pleas Court Judges, Philadelphia Municipal and Traffic Court Judges and Magisterial District Judges. Once completed, you must sign and return this form to the address above.

NOTICE: The Judicial Conduct Board has no authority to change a Judge's decisions or rulings. Our jurisdiction extends only to conduct that violates the Code of Judicial Conduct or the Rules Governing Standards of Conduct of Magisterial District Judges, which may be found at our website at www.jcbpa.org.

Your Information:

Name: _____

Address: _____

Telephone: _____

()

City: _____

State: _____

Zip: _____

()

Judicial Officer's Information:

Name: _____

Type of Judicial Officer:

Magisterial District Judge

County: _____

Judge

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

Case Has Been Appealed

Case Name: _____

Case Docket Number: _____

Your Attorney:

Opposing Attorney:

Witness:

Name: _____

Name: _____

Name: _____

Address: _____

Address: _____

Address: _____

Phone: _____

Phone: _____

Phone: _____

I certify that I have read the information concerning the Judicial Conduct Board's function, jurisdiction, and procedures included in the accompanying brochure. I further swear (or affirm) that the above information is true and accurate. The statements in this complaint are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities.)

Date

Your Signature

**Please use this page to explain your complaint, providing as much detail as possible.
Attach additional pages if needed.**

Please note, it is not required that you present your grievance to the Board in person. Personal interviews are not required and are not usually necessary for our preliminary review, investigation, and understanding of grievances. If we need further information relative to your grievances, you will be contacted by phone or letter and arrangements will be made for an interview if deemed necessary.

BACK SIDE
OF REQUEST FOR CONFIDENTIAL INVESTIGATION