



PENNSYLVANIA JUDICIAL CENTER



**COMMONWEALTH OF PENNSYLVANIA  
JUDICIAL CONDUCT BOARD**

601 Commonwealth Avenue, Suite 3500  
P.O. Box 62525  
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(717) 234-7911

ANNUAL REPORT 2013

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# PENNSYLVANIA JUDICIAL CONDUCT BOARD

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(717) 234-7911

<http://www.jcbpa.org>

April 30, 2014

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

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

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

*The Honorable Samuel H. Smith*  
*Speaker of the House*  
*Pennsylvania House of Representatives*  
*139 Main Capitol*  
*Harrisburg, Pennsylvania 17120-2066*

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

*The Honorable Frank Dermody*  
*Democratic Leader*  
*Pennsylvania House of Representatives*  
*423 Main Capitol Building*  
*Harrisburg, PA 17120-3043*

Pursuant to Article V, Section 18(a)(6) of the Pennsylvania Constitution, and Section 2104 of Title 42, Judiciary and Judicial Procedures, the Judicial Conduct Board of Pennsylvania respectfully submits this Annual Report covering the period from January 1 through December 31, 2013.

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

Respectfully submitted,



Robert A. Graci  
Chief Counsel

On Behalf of the Judicial Conduct Board

## MISSION STATEMENT

*The Judicial Conduct Board is an independent Board within the Judicial Branch mandated by the Pennsylvania state 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 must be free to act independently on the merits and in good faith, but who also must be held accountable to the public should they engage in misconduct.*

# 2013 BOARD MEMBERS AND STAFF

JUDGE MEMBERS	ATTORNEY MEMBERS
Honorable James P. Bradley* Court of Common Pleas, Delaware County (Term expiration 08/16/2014)	James E. McErlane, Esquire* Chair of the Judicial Conduct Board (Term expiration 08/16/2014)
Honorable Ann E. Lazarus* Superior Court of Pennsylvania Vice Chair of Judicial Conduct Board (Term expiration 08/31/2015)	Robert G. Del Greco, Jr., Esquire* (Term expiration 07/02/2017)
Honorable Jayne F. Duncan* Magisterial District Judge Secretary of the Judicial Conduct Board (Term expiration 03/14/2016)	

PUBLIC MEMBERS	
Eugene J. Dooley* (Term expiration 08/16/2013)	Honorable Samuel J. Magaro* (Term expiration 09/24/2016)
Philip P. Ripepi, M.D. (Term expiration 08/16/2013)	Lt. Gary S. Scheimer* (Term expiration 10/09/2016)
Francis E. Bianconi <sup>1</sup> (Term expiration 08/16/2014)	C. Eugene McLaughlin (Term expiration 08/16/2013)
Honorable Thomas M. Tighe* (Term expiration 09/03/2017)	Kenneth E. Lawrence, Jr.* (Term expiration 08/16/2014)

BOARD STAFF		
Robert A. Graci, Chief Counsel		
James P. Kleman, Jr. Assistant Counsel	Francis J. Puskas II Deputy Chief Counsel	Elizabeth A. Flaherty Assistant Counsel
Douglas K. Miller Investigator (Pittsburgh)	Charles E. Snyder, Jr. <sup>2</sup> Investigator (Harrisburg)	Sean P. Brennan Investigator (Philadelphia)
Paula R. Caruso Executive Secretary	Toni I. Schreffler Legal Assistant	Sandra K. Re Legal Secretary

\* *Current members through December 31, 2013.* At the end of 2013, there were two vacancies on the Board.

<sup>1</sup>*Died before term expiration on May 6, 2013.*

<sup>2</sup>*Died November 21, 2013.*

# 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 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 mediators, arbitrators or masters.

## MEMBERS OF THE BOARD\*

There are 12 members of the Board. Board Members serve staggered four (4) year terms. The Board is comprised of the following individuals:

- 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 by two appointing authorities - the Governor and the Pennsylvania Supreme Court - neither of whom controls a majority of the appointees to the Board.

## GOVERNING LAW

The Board is governed by Article V, Section 18 of the Pennsylvania Constitution, and Chapter 21, Subchapter A of Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes (available on web site <http://www.jcbpa.org>). As an independent Board in the Judicial Branch having its own constitutional and 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 is defined as conduct that, among other things, violates the Pennsylvania Constitution, the Pennsylvania 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. Other examples of judicial misconduct include inappropriate courtroom demeanor by a judge, such as yelling, profanity, gender bias, or racial slurs; a judge's improper ex parte communication with only one of the parties or attorneys in a case; a public comment regarding a pending case; or a judge's failure to recuse or disqualify in a case where the judge has an interest in the outcome. Further, judicial misconduct could result from a judge 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 also arise from out-of-court activities such as criminal conduct, driving while intoxicated, improper financial or business dealings, sexual harassment or official oppression. Lastly, judicial misconduct could occur through a judge's failure to cooperate with respect to his or her obligations arising from a Board's inquiry, or failure to abide by any provision of a voluntary agreement to resign in lieu of disciplinary action.

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 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, and the Board cannot intervene in a pending case or proceeding. For example, if the Board finds that a judge's actions constitute any form of 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 an appellate court can review and reverse a particular court decision.

Additionally, 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, get prisoners out of jail, or jail a judge who violates the criminal law.

# OVERVIEW OF THE BOARD

## 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 “clear and convincing 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 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 accused judge where the conduct did not rise to a violation of the Code or Rules but the conduct may lead to judicial misconduct if not corrected or constituted only a minor violation that was recognized and rectified by the judge; or
- Issue a Letter of Counsel to the accused judge where the evidence suggests that a violation of the Code or Rules was an isolated incident or the result of inadvertence; or
- File formal charges against the accused 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 reprimand, suspension with or without pay, and removal from the bench and

prohibition from future judicial service. 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 standards for evaluating judicial discipline cases. The number and types of action taken by the Board in calendar year 2013 are presented in the non-public proceedings, private sanction summaries section of this report.



# OVERVIEW OF THE BOARD

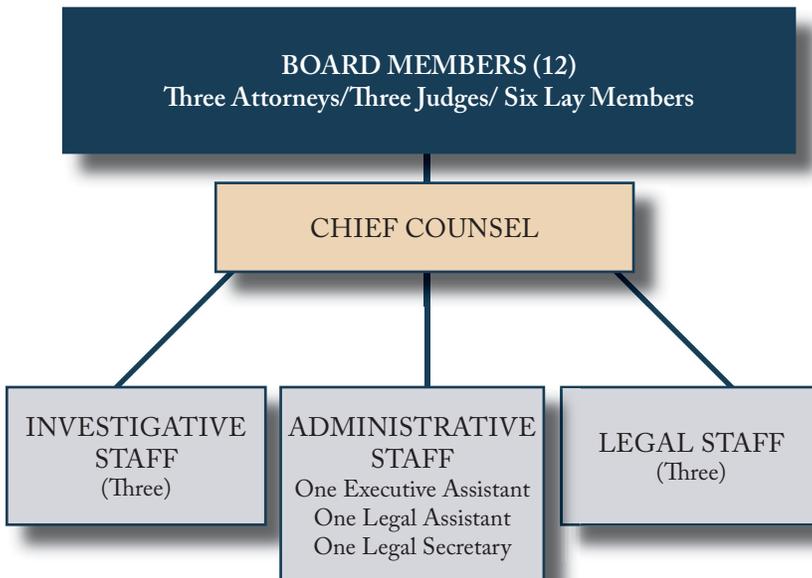
## BOARD ORGANIZATION AND STAFF

The Board has ten staff positions, including the Chief Counsel, Deputy Chief Counsel, two Assistant Counsel, three field investigators, and three support staff. All staff members are full-time employees of the Commonwealth of Pennsylvania.

The Board appoints a Chief Counsel who acts as 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: reviewing and processing complaints; developing statistics concerning Board activities; preparing the proposed annual budget; administering the funds of the Board; and keeping the Board informed of all developments potentially affecting the work of the Board.

The Board's legal staff, which consists of Chief Counsel, Deputy Chief Counsel, two Assistant Counsel, a legal assistant and three investigators, is responsible for the evaluation and investigation of complaints. The attorneys are primarily responsible for reviewing and evaluating new complaints. The investigators conduct on-site investigations and investigations from the Board's offices. The legal assistant performs legal research and other paralegal services.

The Chief Counsel and the other attorneys serve as trial counsel during proceedings before the Court of Judicial Discipline and are responsible for preparing cases and presenting the evidence that supports the charges before the Court of Judicial Discipline. When necessary, these attorneys also brief and argue appeals to the Supreme Court of Pennsylvania from rulings of the Court of Judicial Discipline.



## BUDGET

The Judicial Conduct Board's budget is included in the appropriation allotted to the Judicial Branch of the Commonwealth's government. For the 2013-2014 fiscal year (July 1, 2013 — June 30, 2014), the Board's appropriation was \$1,577,000. 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. The Board continues to exercise financial restraint in recognition of the Commonwealth's general budget crisis.

<i>Fiscal Year*</i>	<i>Amount Appropriated</i>
<i>2009-2010</i>	<i>\$1,182</i>
<i>2010-2011</i>	<i>\$1,182</i>
<i>2011-2012</i>	<i>\$1,182</i>
<i>2012-2013</i>	<i>\$1,531</i>
<i>2013-2014</i>	<i>\$1,577</i>

*\*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 hundredth of one percent) of the budget of the Commonwealth.

# OVERVIEW OF THE BOARD

## OUTREACH AND EDUCATION

In 2013, the Chief Counsel and Board members issued numerous 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 and, has resumed its participation in speaking engagements to the bar, the judiciary, and the general public.

## BOARD WEB SITE

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

Also included on the web site are the Board's governing authorities: Article V, Section 18 of the Pennsylvania Constitution; selected provisions from Title 42 of the Pennsylvania Consolidated Statutes, Judiciary and Judicial Procedure; the Code of Judicial Conduct; the Rules Governing Standards of Conduct of Magisterial District Judges; the Board's Rules of Procedure and its Internal Operating Procedures.

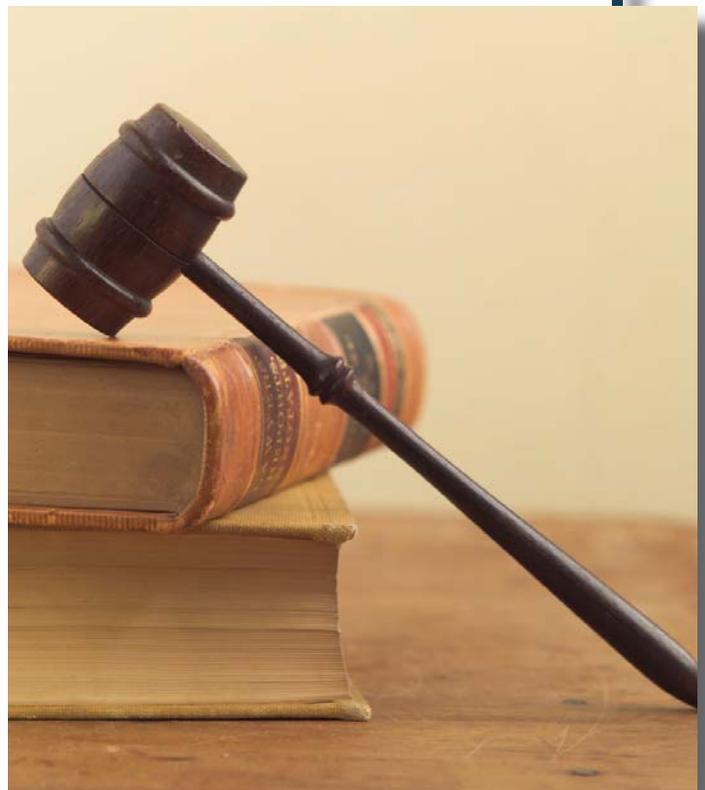
## PUBLIC INFORMATION AND CONFIDENTIALITY OF BOARD PROCEEDINGS

The availability of information and records maintained by the Board is governed by Article V, Section 18(a)(8) of the Pennsylvania Constitution which states: "[c]omplaints filed with the board or initiated by the board shall not be public information." This section also provides that "statements, testimony, documents, records or other information or evidence acquired by the board in the conduct of an investigation" are not public information. Additionally, this constitutional mandate requires that "[a]ll proceedings of the board shall be confidential." Rule 17 of the Board's Rules of Procedure provides that "all information and proceedings relating to a complaint and records of the Board's deliberation 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 closed 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 is designed to protect complainants from retaliation by accused judges and to protect

judges from the embarrassment resulting from the public release of unfounded allegations that have no merit. These confidentiality requirements are subject to limited exceptions set forth in Article V, Section 18(a)(8) of the Constitution and Rule 18 of the Board's Rules of Procedure. They generally involve disclosure of the fact of an investigation if that fact 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.

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



# BOARD PROCEDURE

## THE COMPLAINT 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 complainant with appropriate instructions.</p> <p>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 investigations to a staff attorney.</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 meets, reviews and discusses preliminary investigation report and recommendation, and votes 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 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.</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, 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 Board Members.</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 presented on stipulated facts or at adversarial hearing before Court of Judicial Discipline.</p> <p>After a public hearing, the Court of Judicial Discipline will issue Findings of Fact and Conclusions of Law and will either dismiss the charges or sustain them. 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"> <li>- Reprimand;</li> <li>- Suspension (with/without pay);</li> <li>- Removal from Office;</li> <li>- Permanent bar from Bench.</li> </ul>	<p>If the Court of Judicial Discipline dismisses the charges 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, 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.</p>

# 2013 STATISTICS

## OVERVIEW

*During 2013, the Board received 784 confidential requests for investigations. This number is the largest number of requests for investigation ever received by the Board in a single year and is reflective of continued heightened scrutiny of judicial conduct. The Board filed formal charges against one judge, filed petitions for interim suspension against six judges who were indicted for felonies, and completed two appeals before the Pennsylvania Supreme Court. The Board dismissed 648 complaints as unfounded after preliminary inquiry, and issued 21 notices of full investigation. One judge, after receiving a Notice of Full Investigation, resigned from the bench and agreed not to seek senior judge status. The Board dismissed three pending cases following full investigation. The Board dismissed 16 other cases with letters of caution, and dismissed four with letters of counsel. A letter of caution is the Board's private "warning" procedure. A letter of counsel constitutes a private rebuke by the Board for conduct by a judicial officer that would normally result in the Board's filing of charges before the Court of Judicial Discipline. Letters of counsel are issued only in circumstances where the subject judicial officer shows genuine remorse or other mitigating factors are present.*

## CLASSIFICATION OF ALLEGATIONS

There were 784 complaints received during the 2013 calendar year. The Board classified each complaint received into one of the following categories: (The Board on average received 65 complaints each month.) After staff and Board review, about 90% of filed complaints were deemed unfounded or without merit.

Abuse of Discretion/Office/Power	71	9.1%
Administrative	5	0.6%
Appearance of Impropriety	2	0.3%
Bias	51	6.5%
Conflict of Interest	3	0.4%
Criminal	13	1.6%
Delay	44	5.6%
Demeanor	57	7.3%
Ex Parte	10	1.3%
Failure to Recuse	12	1.5%
Impropriety	5	0.6%
Jurisdiction	1	0.1%
Legal	417	53.3%
No Jurisdiction	43	5.5%
Multiple Issues	37	4.7%
Political	11	1.4%
Prejudice	1	0.1%
Public Comment	1	0.1%
<b>Total</b>	<b>784</b>	<b>100%</b>

## JUDICIAL COMPLEMENT

*In 2013, there were 1,237 jurists within the Board's jurisdiction.*

	2013 Jurists	Senior Jurists
Supreme Court	7	1
Superior Court	13	5
Commonwealth	9	4
Common Pleas	444	106
Magisterial District Judges	506	116
Philadelphia Municipal Court	28	4
<b>TOTAL</b>	<b>1007</b>	<b>230</b>

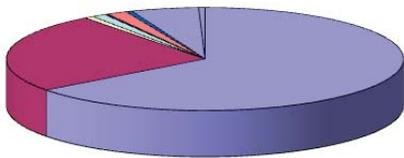
# 2013 STATISTICS

## COMPLAINTS CATEGORIZED BY JUDICIAL OFFICE

In addition to complaints filed properly with the Board, the Board also received 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. As a result, the Board added a new category entitled "No Jurisdiction," to reflect those complaints that involve actors or agencies outside the jurisdiction of the Board. The Judicial Conduct Board staff responded to each of these complaints and, where appropriate, staff referred complainants to the appropriate disciplinary or other authority.

### LEVEL OF JUDICIAL OFFICE

(Complaints received during 2013 calendar year)



■ Common Pleas (507)	■ MDJs (196)
□ Supreme Court (6)	□ Superior Court (9)
■ Commonwealth Court (2)	■ Phila. Municipal Court (13)
■ Phila. Traffic Court (4)	■ No Jurisdiction (43)
■ Judicial Candidates (4)	

## 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 Court of Judicial Discipline complaint. The scope of Letters of Inquiry may be broad, although their most common use is with 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 2013, the Board and Chief Counsel issued 34 Letters of Inquiry to judicial officers within the Board's jurisdiction.

After a Letter of Inquiry is issued, staff counsel may determine that subsequent interviews are required either to corroborate or refute the respondent judicial officer's written response. Information obtained by the Board through a Letter of Inquiry could lead to the issuance of a Notice of Full Investigation or to a Board dismissal.

**NOTICE OF FULL INVESTIGATION:** If, after a 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. In certain circumstances, the Board may elect to issue a Notice of Full Investigation (i.e. without a formal Letter of Inquiry of the Board or Letter of Inquiry of Chief Counsel) based upon substantiated media reports of criminal misconduct, media reports of a federal or state indictment, or from information of a similar nature from a reliable source. After the Board issues the Notice of Full Investigation, the judicial officer has an opportunity to respond to the allegations in writing. In 2013, the Board issued 21 Notices of Full Investigation. It should be noted that one Notice of Full Investigation may address several matters under investigation.



# 2013 STATISTICS

## COMPLAINT DISPOSITIONS

The Board disposed of 648 cases in 2013 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. These dismissals do not include preliminary matters. Not all cases are dismissed in the year in which they are received by the Board.

**DISMISSAL AFTER PRELIMINARY INQUIRY:** Of the 648 cases closed in 2013, 288 were dismissed after preliminary inquiry. These complaints had 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 648 cases closed in 2013, 336 were dismissed as strictly legal error. These complaints generally deal with allegations of legal error and disagreement with judicial rulings. Also included in this category are complaints dismissed that involved actors or agencies outside the jurisdiction of the Board. Chief Counsel must concur with staff counsel's analysis of the allegations to be considered for dismissal.

**DISMISSAL AFTER FULL INVESTIGATION:** Of the cases closed in 2013, the Board dismissed three after full investigation, i.e., after it issued a Notice of Full Investigation. In these cases, the Board determined that it lacked sufficient evidence after conducting the formal full investigation to continue investigating the matter and/or there was not clear and convincing evidence of the alleged misconduct.

**DISMISSAL WITH A LETTER OF CAUTION:** The Board dismissed 16 cases with Letters of Caution in 2013. The Board issues Letters of Caution when the judicial officer's conduct constitutes an aberration 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 four cases with Letters of Counsel in 2013. 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 can 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 charge.

**RESIGNATIONS:** One judge, after receiving a Notice of Full Investigation, resigned from the bench and agreed not to seek senior judge status. Based upon that agreement, the Board dismissed the complaint against the judge.

## 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 on the charges and may do so with or without pay. These interim orders are not appealable. In 2013, the Board filed six Petitions for Interim Suspension Without Pay with the Court of Judicial Discipline. The respondent judges in those matters had been indicted for felonies.



# 2013 STATISTICS

## 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 2013, 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 reprimand in cases where there is sufficient evidence of judicial misconduct to file formal charges with the Court of Judicial Discipline, but mitigating 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 the Chief Counsel of the Judicial Conduct Board. Examples as follows:

- Canon 2A; Canon 3C(1)(a); Canon 5A; Pa. Constitution, art. V, § 18(d)(1)
  - The judicial officer conducted a clandestine sexual relationship with an attorney who appeared before the judicial officer as an advocate on several occasions.
- Rule 2A; Rule 4; Rule 5; Rule 8A; Pa. Constitution, art. V, § 18(d)(1)
  - The judicial officer engaged in a course of conduct that included in appropriate and undignified behavior, including engaging in shouting matches, conduct ex parte investigations of facts, failing to appropriately supervise staff, and failing to disqualify himself from matters involving individuals with whom he had a business relationship. This judicial officer was placed on Board supervised probation and mentorship as a condition to the Board's resolution of this matter by a Letter of Counsel.

2. **LETTERS OF CAUTION** (Issued as private warnings of judicial misconduct). Examples as follows:

- Rule 13
  - The judicial officer used the prestige of his judicial office to advertise for a for-profit business owned by the judicial officer.
- Canon 2A; Canon 3C(1)
  - During a criminal trial involving a public official, the judicial officer failed to make known to the parties that a relative, who attended the trial, was employed by the same agency as the defendant and was present at the trial and verdict.
- Canon 3A(5)
  - The judicial officer delayed ruling on a motion for expungement for a year.

- Pa. Constitution, art. V, § 18(d)(1)
  - Following a school sporting event over which the judicial officer served as a referee, the judicial officer engaged in a physical altercation in the school parking lot with a heckling attendee.
- Pa. Constitution, art. V, § 18(d)(1)
  - During a chance encounter, the judicial officer engaged in a petty, undignified, and childish exchange of words with former tenants who were the subject of a prior Letter of Counsel received by the judicial officer for engaging in retaliatory business practices toward the same tenants.
- Canon 3C
  - The judicial made rulings in a civil case while failing to disclose that a relative of the judge was employed by one of the law firms involved in the case.
- Canon 3A(5); Canon 3B(1)
  - The judicial officer delayed the submission of a 1925(a) Opinion and failed to list the case on two Pa.R.J.A. Rule 703 Reports.
- Pa. Constitution, art. V, § 18(d)(1); Rule 2A; Rule 5A
  - A judicial officer failed to disclose pertinent information during an official interview.
- Pa. Constitution, art. V, § 17(b), 18(d)(1); Canon 3A(2); Canon 3A(3)
  - In a number of proceedings involving various parties and attorneys, the judge demonstrated improper demeanor and failed to treat the litigants and counsel in a patient, dignified and courteous manner. The judge stormed off the bench, inappropriately demeaned counsel and responded angrily toward him. The judge failed to maintain decorum in the courtroom.
- Pa. Constitution, art. V, § 17(b); Canon 7B
  - A candidate for judge personally asked for (and received) the endorsement of an organization. The candidate did not act through a committee organized to seek such endorsements. The candidate self-reported the canonical violation.
- Pa. Constitution, art. V, § 17(b); Canon 3A(1); Canon 3A(5)
  - Judge delayed ruling on matters ripe for decision and, in one case, for a period spanning a number of years. Judge failed to list cases on required Pa.R.J.A. Rule 703 Reports.

The Code of Judicial Conduct Canons and the Rules Governing Standards of Conduct for Magisterial District Judges may be referenced on the Board's website, [www.http://jcbpa.org](http://jcbpa.org) Gaoverning Law tab.

# 2013 STATISTICS

## SUMMARY OF BOARD ACTIVITY

### COMPLAINT ACTIVITY DURING 2013

Dismissed after Preliminary Inquiry – 288
Strictly Legal Error Dismissed - 336
Letter of Inquiry – 34*
Notice of Full Investigation – 21**
Letter of Caution – 16
Letter of Counsel – 4
Resignation - 1
Formal Charges – 1***
Petitions for Suspension Without Pay – 6

\*Letters of Inquiry authorized by the Board: 2; Letters of Inquiry issued by Board Counsel: 32

\*\*One Notice of Full Investigation may include multiple case numbers

\*\*\*Formal Charges resulted from a case disposition in a prior year

### Five Year Statistical Summary\*

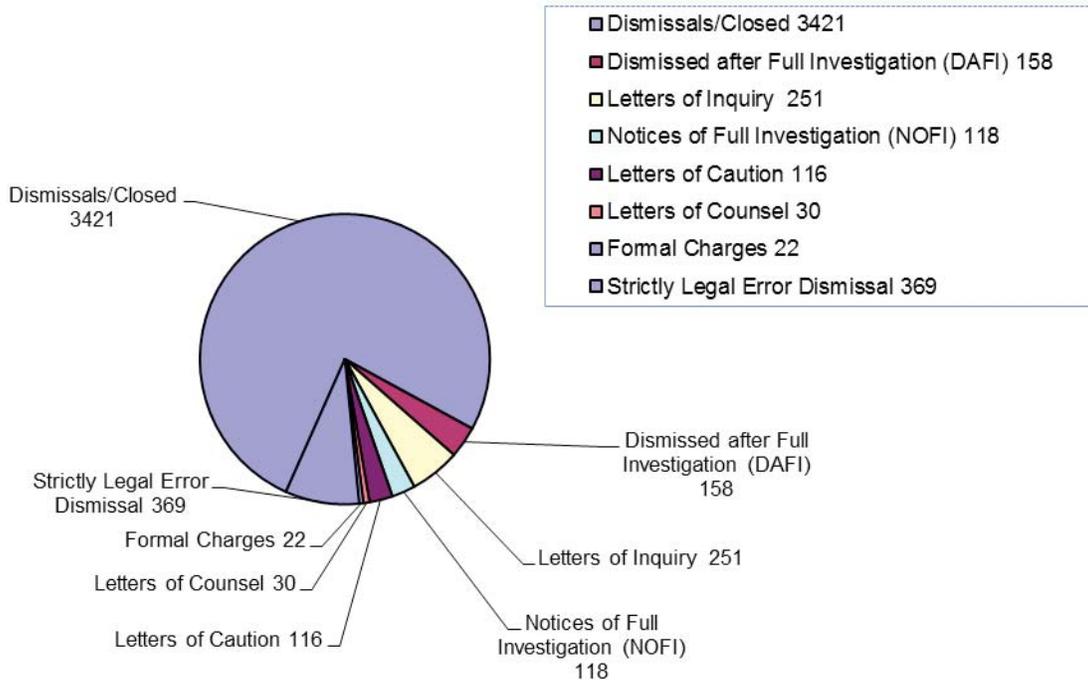
Year	Complaints Received	Dismissed/ Closed	Letters of Inquiry	Notices of Full Investigation	Issued Letters of Caution	Issued Letters of Counsel	Formal Charges Filed
2009	681	628	23	20	12	4	3
2010	649	566	50	23	10	7	3
2011	711	585	78	24	35	3	8
2012	660	775	66	12	39	4	5
2013	784	648	34	21	16	4	1
<b>Total</b>	<b>3485</b>	<b>3302</b>	<b>251</b>	<b>100</b>	<b>112</b>	<b>22</b>	<b>20</b>
<b>Average</b>	<b>697</b>	<b>660</b>	<b>50</b>	<b>20</b>	<b>22</b>	<b>4</b>	<b>4</b>

\*Note: Complaints are not necessarily closed in the year in which received and may remain active for more than one year. In addition, multiple complaints may be collectively assigned to a judicial officer. This report covers Board activity in the calendar year 2013.

# 2013 STATISTICS

## COMPLAINT ACTIVITY: 5-YEAR SUMMARY

(Based on calendar years 2009, 2010, 2011, 2012, and 2013)



## JUDICIAL MISCONDUCT

Five Year Statistics

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

### IMPROPER COURTROOM DECORUM

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

Over the past five years, 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.
- Verbal abuse or derogatory comments.
- Intoxication and harassment.
- Conducting a clandestine sexual relationship with attorney who appeared as an advocate on several occasions.
- Conducting ex parte investigation of facts.
- Failure to appropriately supervise staff.
- Failure to disqualify from matters involving individuals with whom there was a business relationship.

# 2013 STATISTICS

## SUMMARY OF COURT OF JUDICIAL DISCIPLINE PROCEEDINGS

JUDICIAL OFFICER	DESCRIPTION OF MISCONDUCT	DATE & SANCTION IMPOSED
MDJ Kelly Ballentine 7 JD 2013	Ballentine plead guilty to 3 counts Tampering with Public Records or Information	05/28/2013 Suspended Without Pay retroactive to 2/11/2013 06/10/2013 Suspended Without Pay until 5/31/2013; probation until 12/31/2014; repay Commonwealth sum total of salary, retirement contributions and Social Security contributions totaling \$18,296.93
Sr. MDJ Kenneth Miller 6 JD 2013  (Petition for Interim Suspension Without Pay)	Miller charged by federal indictment with 1 count felony mail fraud, aiding and abetting	2/04/2013 Suspended from all duties as senior MDJ, ineligible to accept future assignments
Sr. MDJ H. Warren Hogeland 5 JD 2013  (Petition for Interim Suspension Without Pay)	Hogeland charged by federal indictment with 1 count conspiracy to commit wire and mail fraud, 1 count mail fraud, aiding and abetting	2/04/2013 Suspended from all duties as senior MDJ, ineligible to accept future assignments  Died; charges dismissed (12/12/2013)
Sr. TC Fortunato N. Perri, Sr. 4 JD 2013  (Petition for Interim Suspension Without Pay)	Perri charged by federal indictment with felony mail and wire fraud	2/04/2013 Suspended from all duties as senior TC judge, ineligible to accept future assignments
MDJ Mark A. Bruno 3 JD 2013  (Petition for Interim Suspension Without Pay)	Bruno charged by federal indictment with felony mail and wire fraud and conspiracy offenses	5/24/2013 Suspended with pay until further order of Court; effective as of 2/01/2013, to be reimbursed any compensation withheld since 02/01/2013
TC Michael Sullivan 2 JD 2013  (Petition for Interim Suspension Without Pay)	Sullivan charged by federal indictment with 1 count of conspiracy to commit wire and mail fraud, 18 counts of wire fraud, 3 counts of mail fraud	8/09/2013 Suspended Without Pay
TC Michael Lowry 1 JD 2013  (Petition for Interim Suspension Without Pay)	Lowry charged by federal indictment with felony wire fraud charges related to ticket-fixing	10/25/2013 Suspended With Pay; Court found indictment does not contain allegations that “even aver the elements of the federal crime of wire fraud”
CP Thomas M. Nocella 7 JD 2012	Nocella repeatedly misrepresented his judicial qualifications to Phila. Commission on Judicial Selection and Retention; violated law when found in contempt for conduct in assisting a political action in defying court orders	6/25/2013 Suspended Without Pay 8/05/2013 Sanctions Order Removal, ineligible to hold future judicial office 8/07/2013 Appeal to SCT – 35 EAP 2013

# 2013 STATISTICS

## Nationwide:

The nationwide statistics of judicial discipline are outlined below.\*

*Pennsylvania's statistics are generally consistent with the national statistics.*

Since 1980, 400 judges have been removed.

This corresponds to an average of 12 judges removed each year.

## In 2013:

- *5 judges (or former judges in two cases) were removed from office as a result of state judicial discipline proceedings*
- *One judge was suspended without pay until the end of his term*
- *Two former judges were barred from serving in judicial office. (one of those former judges was also censured; one was suspended from the practice of law for one year)*
- *Two judges were involuntarily retired due to disabilities*
- *18 judges resigned or retired in lieu of discipline and agreed not to serve judicial office again*
- *80 judges received other public sanctions*
- *11 judges were suspended without pay, with sanction lengths between 30 days to 1-year. (two suspensions were stayed in whole or in part conditioned on no additional misconduct; one suspension included a censure; three included reprimands; one included a reprimand and \$1,000 fine; one included a reprimand and order not to run for re-election)*
- *One judge was ordered to reimburse the court for pay received for almost four months while suspended with pay pending criminal charges*
- *13 judges were censured*
- *40 judges were publicly reprimanded (three included fines of \$500, \$1,000, and \$2,500)*
- *11 judges were publicly admonished*
- *One judge received a public warning*
- *Two judges received letter of informal adjustment*
- *One judge was privately reprimanded, but the reprimand was made public with the judge's consent*

## NATIONAL JUDICIAL DISCIPLINE STATISTICS

Notwithstanding these statistics, the vast majority of Pennsylvania judges comport themselves appropriately, and discharge their judicial responsibilities with 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 results in the filing of formal charges against a judge before the Court of Judicial Discipline.

\*Statistics generally from the American Judicature Society Center for Judicial Ethics, Volume 35, No. 4 Winter 2014.



# JUDICIAL CONDUCT BOARD MEMBERS' BIOGRAPHIES

JAMES E. MCERLANE, ESQUIRE, *Chair* (since August 16, 2012); Villanova University A.B., 1964; Villanova University J.D., 1967; JAGC, USN 1967-1970, Vietnam Veteran; Senior Partner Lamb McErlane PC, West Chester, PA; one of the founding members of the firm which organized on January 1, 1971; practice has concentrated in the area of general business, finance, real estate, municipal and governmental regulations; former organizations and associations: chair, Business and Industry Chamber for Chester County, Greater Philadelphia Chamber of Commerce, Philadelphia Regional Port Authority, Paoli Hospital, Community Volunteers in Medicine, Board of Consultors of the Villanova Law School, West Chester University Foundation, Chester County Food Bank, and Chester County Library Trust, among others.

HONORABLE ANNE E. LAZARUS, *Vice-Chair* (since August 16, 2012); State University of N.Y. at Stony Brook (B.A.), 1972; Temple University School of Law (J.D.), 1976, (LLM), 1986; former legal counsel Philadelphia Court of Common Pleas Orphans' Court Division; former member/chair PA Conference of State Trial Judges Judicial Ethics Commission; former co-chair PA Conference of State Trial Judges Orphans' Court Committee; Judicial Conduct Board member since 2011; former chair 1st Judicial District Judges Pro Bono Commission, 1st Judicial District Merit Selection Committee; Supreme Court of

Pa. *Ad Hoc Committee Judicial Canons of Ethics*; adjunct professor: Widener University School of Law; National Institute of Trial Advocacy; National Judicial College; Temple University Beasley School of Law; lectured: PA Bar Institute; board member: Volunteer of the Indigent Program; Vice-President Gershman Y of Philadelphia; former president: Prisoners' Fam. Welfare Association.; Temple American Inn of Court; former chancellor (inaug.) Louis D. Brandeis Law Society; former board member Temple Beth Hille/Beth El; former Board member/adv. former member Hahnemann University Nursing School; current member: American Judges Association, Temple University School of Law Alumni Association; President Brandeis Law Society Foundation; board Member PA Bar Association Foundation; awards: 1st recipient PA Bar Association Legal Services for the Public Committee Judge's Award-2005; 1st recipient PLAN of Pa; Bernard White Community Service Award-2008, Brandeis Law Society Benjamin F. Levy Community Service Award-2008; Sandra Day O'Connor Award, Philadelphia Bar Association-2013; appointed judge, Philadelphia County Court of Common Pleas, 1991, elected 1991, retained 2001; elected judge, Superior Court, November 2009.

HONORABLE JAYNE F. DUNCAN, *Secretary* (since August 16, 2012); Dickinson School of Law (J.D.), 1982; Deputy District Attorney, Dauphin County; Magisterial District Judge, District Court 02-3-09, Lancaster County; Chairperson of the Ethics and Professionalism Committee of the Special Court Judges Association, Committee member for many years; former member of the Pennsylvania Supreme Court Criminal Procedural Rules Committee; Judicial Conduct Board member since 2012; former President of Lancaster County District Justice Association; Vice-President of the Lancaster County Bar Association; former instructor for the municipal Police Training Certification class; lectured on the topic of Magisterial District Judge practice for the Lancaster Bar Association and the PBI; adjunct professor Elizabethtown College; teaches Ethics for the Minor judiciary Education Board "Supplemental Practicum".

HONORABLE JAMES P. BRADLEY, LaSalle University (B.A.), 1968; Temple University School of Law (J.D.), 1972; USMCR-Honorable Discharge; Judicial Conduct Board member since 2010; managing attorney, Kemper Group, Philadelphia, 1980-1987; attorney/partner, Donaghue & Bradley, Upper Darby, concentration in litigation, zoning and municipal law; elected judge Delaware County Ct. of Common Pleas, 2006; Township of Upper Darby; Zoning Board Solicitor for the Township of Upper Darby; Cabrini College, Adjunct Professor, 2012 to present.

# JUDICIAL CONDUCT BOARD MEMBERS' BIOGRAPHIES

**C. EUGENE MCLAUGHLIN** (until term ended August 16, 2013); Villanova University (B.S.); 1950 - 1975 United States Marine Corps, Lt. Colonel, Retired; Regimental Legal Officer, Ninth Marines, served as Board Member on twelve General Courts Martial, Prosecutor/Defense and Board Member on Special Courts Martial, final command: Executive Officer, 4th service Regiment/4th Marine Division; 1953 - 2005 McLaughlin Brother Inc., President and CEO, bookbinding supplier for publishing industry with specialty in medical publishing, with books such as *The Merck Manual* and *Gray's Anatomy*, consultant and material provider for *The Gideon Bible*; 2005 - Present McLaughlin Consulting; 1999 - 2005 served as member of the Disciplinary Board of the Supreme Court of Pennsylvania; member Union League of Philadelphia, *The Vesper Club* and *Old York Road Country Club*.

**FRANCIS E. BLANCONI** (until his passing on May 6, 2013); Olyphant High School graduate; United States Army, 1954 - 1956; partner in the *Montdale Country Club* since 1959; member of the Executive Committee of Lackawanna County, Advisory Board of the *Lake Ariel Bank*, *American Legion*, *Small Business Bureau* and *Italian-American Club*; served a prior four-year term on the Judicial Conduct Board, 1996 - 2000.

**PHILIP P. RIPEPI, M.D.** (until term ended August 16, 2013); Valley Forge Military Academy, 1949 - 1952; John Carroll University (B.A.), 1956; University of Pittsburgh School of Medicine (M.D.), 1960; Mercy Hospital of Pittsburgh, Rotating Internship, 1960 - 1961; Mercy Hospital of Pittsburgh, General Surgery Residency, 1961 - 1965; Sloan Kettering Memorial, Surgical Oncology Fellowship, 1965 - 1966; Board Certified: American Board of Surgery, 1966, Fellow American College of Surgeons, 1969; Pennsylvania: Medical Licensing Board, 1961; Certifications: Supervising Physician to Physician Assistants, Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs; Contact Nd: YAG Lasering General Surgery and Laser Laparoscopic Cholecystectomy, 1990, Center for Outpatient Surgery, Baptist Medical Center, Kansas City, KS; Operative Laparoscopy and Advanced Operative Laparoscopy for General Surgery, Laparoscopic Training Center, Inc., Marietta, GA; Course Instructor: Use of the CO2 Laser in General Surgery, Mercy Hospital of Pittsburgh; Associate Examiner, American Board of Surgery Certifying Examination, 1984; Private practice, General and Oncologic Surgery, 1996 - Present; constructed and manage Southwestern Ambulatory Surgery Center, first licensed out-patient surgery facility in PA, 1986 - Present; constructed and manage Southwestern Nursing Center, 118 Bed skilled nursing unit, 1986 - Present; constructed and manage Arrowood, 127 apartment units of independent living, 1997 - Present; constructed and manage Southwestern

Assisted Living, 40 bed facility, 2001 - Present; partner, Mon Valley Care Center, 60 bed skilled nursing unit, 40 bed assisted living facility, 2001 - Present; partner, MCM Consulting & Management Services, 2002 - Present; partner, Valley Forge Capitol Advisor, 2003 - Present; Appointments: Memorial Hospital Cancer & Allied Diseases, 1965 - 1966, Mercy Hospital of Pittsburgh active staff, 1996 - 2003, South Hill Health Systems - Jefferson Hospital active staff, 1977 - 2005, St. Francis Central Hospital, 1985 - until closure, Southwestern Ambulatory Surgery Center, 1986 - Present, Interim Chairman Department of Surgery, Mercy Hospital of Pittsburgh, 1988 - 1990, Interim Chairman Department of Surgery, Mercy Hospital of Pittsburgh, 1991 - 1993, St. Clair Memorial Hospital, courtesy, 2004 - Present; Memberships: American College of Surgeons, International College of Surgeons, Pennsylvania Medical Society, American Medical Society, Pittsburgh Gut Club, SCI Conservation Fund-past President, life member, Allegheny County Medical Society, Pittsburgh Academy of Medicine, Pittsburgh Surgical Society, American College of Physician Executives, NRA-life member.

# JUDICIAL CONDUCT BOARD MEMBERS' BIOGRAPHIES

HONORABLE SAMUEL J. MAGARO; *William Penn High School; attended Elizabethtown College; United States Air Force, Honorable Discharge, 2 years combat zone in Korean Conflict; Probation Officer, Dauphin County-4 years; Chief Inheritance Tax Officer, Dauphin County-4 years; Research Analysis for PA Speaker of House of Representatives-2 years; Personnel Director, Republican State Committee-5 years; Magisterial District Court Judge, District Court 12-3-03, Dauphin County-1975-2002; Senior Magisterial District Judge, 2002 - 2010; former member Court of Judicial Discipline, 1994 - 1998; former President of Special Court Judges Association; former Chairman PA Intergovernmental Task Force (Quality of Justice); American Judicature Society on Ethics; member Minor Judiciary Education Board, 2011 - 2014; Memberships and Associations: 4th Degree Knights of Columbus; American Legion 272, lifetime member; former Parish Council member at Holy Name of Jesus; former member American Judicature Society; former member Sons of Italy; Awards and Honors: PA Young Republican of the Year-1964, John Jeffers Award Magisterial District Judge-2000, Dauphin County Appreciation Award-2000, PA Supreme Court Appreciation Award- 2002, Themis Award Magisterial District Judge-2002, Mayor's Award for Public Service-2003; Judicial Conduct Board member: 2001 - 2005, 2007 - 2011, 2012 - 2016, former Chair and Vice-Chair; married to the former Mary Roberto, 1954-present (60 years); 5 children, 13 grandchildren, and 5 great-grandchildren.*

EUGENE J. DOOLEY; *Wharton School, University of Pennsylvania (M.B.A.), 1990; United States Army, Private/Sergeant, Intelligence Division, 1964 - 1966, 1st Lieutenant, 82nd Airborne Division, Intelligence Division, 1966 - 1968; City of Philadelphia Police Department, 1969-1992: Police Officer, Highway Patrol, Tactical Patrol-1969 - 1973, Detective-Homicide Division, 1973 - 1975, Sergeant-Supervised Detective Division and Highway Patrol-1975 - 1980, Lieutenant-Center City Patrol District, 1980 - 1982, Captain-Commanding Officer Homicide Division, command of 95 detectives, supervising over 1,000 murder investigations, 1982 - 1985, Commanding Officer 8th Police District, responsible for community policing in residential district, 1985 - 1986, Inspector, Commanding Officer Police Division, responsible for police districts and detective divisions, 1986 - 1990, Chief Inspector-Commanding Officer, Police Academy-1991, Inspector-Commanding Officer, Patrol Division-1992; Rutgers University Chief of Police, responsible for initiating community police operations, labor management and relations, and managing staff of 60 support personnel (30 sworn support personnel, 30 full-time security guards) 1992-1995; Columbia Motion Pictures, NY, Technical Advisor, script development and resolution for motion picture film, 1995 - 1997; Butterworth Restaurant, owner/operator, gross per annum \$1 million, 1997 - 2001, East Whiteland Township Police Department Chief of Police, 12,000 population, 30,000 commute daily to work within Township, responsible for all police operations-28*

*sworn officers, 2 civilian employees, 2002 - Present; Judicial Conduct Board member since 2012.*

LT. GARY S. SCHEIMER; *Kent State University (B.A.), Law Enforcement Administration, magna cum laude, 1976; Retail Security Manager, Sears and J.C. Penney Co., 1976 - 1979; Security Specialist, Equibank, N.A., Pittsburgh, 1980 - 1981; Police Officer, Borough of Dormont, 1981 - 1993; Police Sergeant, Borough of Dormont, 1993 - 2009; Instructor, Institute of Security and Technology, Pittsburgh, 1986 - 1988; Police Lieutenant, Carnegie Mellon University Police Department, Pittsburgh, 2009 - Present; Memberships and Associations: Alpha Phi Sigma-National Police Science Honorary, Pi Sigma Alpha-National Political Science Honorary, Fraternal Order of Police, Lodge 91-Life Member, Dormont Police Association, President-2001 - 2009; Awards and Honors: Director's Award of Excellence, 1st in class-Allegheny County Police Academy-1982, Governor's Highway Safety Award-1998, PA State Senate and House of Representative Citations for Homicide Investigation-2002, FOP Lodge 91 "Excellence in Law Enforcement" Award-2003; Judicial Conduct Board member since 2012.*

# JUDICIAL CONDUCT BOARD MEMBERS' BIOGRAPHIES

KENNETH E. LAWRENCE, JR.; *Temple University (B.A.), Political Science; University of Pennsylvania, Fels Center of Government (M.P.A). Senior Vice President for Government, Community and Public Affairs for Temple University; Founder and President of Public Affairs Strategies where he represented corporate and non-profit organizations; Merck & Company, Inc.-5 years, handling public, community, and media relations; served as Public Policy Representative for the Greater Philadelphia Chamber of Commerce; involved with wide variety of civic organizations including: Avenue of the Arts, Inc., Big Brothers Big Sisters of Southeastern PA, Philadelphia Industrial Development Corporation (PIDC), Southeastern Pennsylvania Transportation Authority; Judicial Conduct Board member since 2013.*

HONORABLE THOMAS M. TIGUE; *King's College (B.A.), Government, 1968; former member of the Pennsylvania House of Representatives, 118th District (1981 - 2006); Democratic chair of the House Veterans Affairs and Emergency Preparedness Committee; U.S. Marine Corps, Colonel, Retired; Silver Star, Vietnam War; former member of Pittston Area School Board; Judicial Conduct Board member since 2013; married, Dianne, 4 children, 9 grandchildren.*

ROBERT G. DEL GRECO, JR.; *Allegheny College (B.A.), cum laude, English, selected by the Sports Information Directors of America as First Team Academic All-American and awarded a post-graduate scholarship "in recognition of his outstanding achievements as a scholar and an athlete" by the National Collegiate Athletic Association, 1976; Duquesne University School of Law (J.D.), Duquesne Law Review staff, 1981; Pittsburgh-area lawyer and shareholder in the law firm of Dickie, McCarney & Chilcote, P.C., concentration in criminal and civil defense; admitted to the bars of the Supreme Court of Pennsylvania and the Supreme Court of the United States; member of the Allegheny County and Pennsylvania Bar Associations; frequent lecturer, authored publications and presented seminars on behalf of the Pennsylvania Bar Institute; since 2009 listed in *The Best Lawyers in America*;*

*numerous accomplishments including: election to the Allegheny College Hall of Fame, the Italian Heritage Society of America Hall of Fame, and the Seton LaSalle School Hall of Fame; former Assistant District Attorney in Allegheny County; former adjunct professor at Duquesne University School of Law; former Hearing Committee Member of the Disciplinary Board of the Supreme Court of Pennsylvania; Judicial Conduct Board member since 2013.*



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## CONFIDENTIAL REQUEST FOR INVESTIGATION

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

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

Please explain your complaint on the reverse of this form.

**BACK SIDE**  
*OF REQUEST FOR CONFIDENTIAL INVESTIGATION*



## JUDICIAL CONDUCT BOARD

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