

Judicial Conduct Board

Commonwealth of Pennsylvania

Joseph A. Massa, Jr., Chief Counsel
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Press Release

November 27, 2006

TO: Media / Press
FROM: Judicial Conduct Board *jamjr*
SUBJECT: Formal Charges
Ann H. Lokuta,
Judge, Court of Common Pleas;
Luzerne County

On November 27, 2006, the Judicial Conduct Board instituted formal proceedings against Judge Ann H. Lokuta of the Court of Common Pleas, Luzerne County, Pennsylvania. A Board Complaint was filed today with the Court of Judicial Discipline in Harrisburg.

In accordance with rules that govern proceedings before the Court of Judicial Discipline, Judge Lokuta has an opportunity to respond to the charges and a right to a public hearing at which the parties will have an opportunity to introduce evidence and examine and cross-examine witnesses.

Following completion of the hearing, the Court will determine if the charges have been proven by clear and convincing evidence. If so, a Sanctions Hearing will be scheduled, at which time the Court determines what sanctions to impose.

Counsel: Francis J. Puskas II, Deputy Chief Counsel
Respondent's: Samuel Stretton, Esquire
Contact: Francis J. Puskas II, Esquire
Deputy Chief Counsel, Judicial Conduct Board
Note: Board Complaint attached.

(This information may also be found on www.jcbpa.org)

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COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

In re:

Ann H. Lokuta, :
Judge of the Court of Common Pleas; :
Eleventh Judicial District : 3 JD 06
Luzerne County :

IMPORTANT NOTICE

TO: ANN H. LOKUTA:

You are hereby notified that the Pennsylvania Judicial Conduct Board has determined there is probable cause to file formal charges against you for conduct proscribed by Article V, §17(b) and §18(d)(1) of the Constitution of the Commonwealth of Pennsylvania and the Code of Judicial Conduct. The Board's counsel will present the case in support of the charges before the Pennsylvania Court of Judicial Discipline.

You have an absolute right to be represented by a lawyer in all proceedings before the Court of Judicial Discipline. Your attorney should file an entry of appearance with the Court of Judicial Discipline within fifteen (15) days of service of this Board Complaint in accordance with C.J.D.R.P. No. 302(B).

You are hereby further notified, pursuant to C.J.D.R.P. No. 302(E), that should you elect to file an omnibus motion, that motion should be filed no later than thirty (30) days after the service of this complaint in accordance with C.J.D.R.P. No. 411.

AND NOW, this 27th day of November, 2006, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (hereinafter "Board") and files this Board Complaint against the Honorable Ann H. Lokuta (hereinafter "Respondent"), Judge of the Court of Common Pleas of the Eleventh Judicial District, Luzerne County, Pennsylvania, alleging that the Respondent has violated the Code of Judicial Conduct and Article V, §17(b) and §18(d)(1) of the Constitution of the Commonwealth of Pennsylvania, as more specifically delineated herein.

1. Pursuant to Article V, §18 of the Constitution of the Commonwealth of Pennsylvania and Judicial Conduct Board Rule of Procedure 31(A)(3), promulgated by the Pennsylvania Supreme Court on March 20, 1995 (amended 1996), the Board is granted authority to determine whether there is probable cause to file formal charges, and, when it concludes that probable cause exists, to file formal charges, against a justice, judge, or justice of the peace, for proscribed conduct and to present the case in support of such charges before the Court of Judicial Discipline.
2. Since January 1992, the Respondent has served continuously to the present as a duly-elected Judge of the Court of Common Pleas serving the Eleventh Judicial District, Luzerne County, Pennsylvania.
3. Since taking the bench in 1992, the Respondent routinely engages in a pattern of behavior toward attorneys appearing before her characterized as discourteous, rude, impatient, undignified, abusive, unprofessional, shabby, sarcastic, demeaning, unreasonably critical, and condescending. The

Respondent unnecessarily and unreasonably makes it difficult for attorneys to perform their professional duties and services and humiliates and embarrasses attorneys in front of clients, witnesses, and jurors, and even directs, or admonishes, their physical movements. Her tone of voice, facial expressions, and manner are demeaning and condescending toward attorneys. Examples include, but are not limited, to the following:

- 3.1. During a court proceeding, attorney Virginia Murtha-Cowley, Esq. Assistant Public Defender, after questioning a witness or presenting an argument, sat down in her chair at counsel's table. The Respondent demanded to know why attorney Murtha-Cowley sat down. The Respondent chastised Murtha-Cowley and directed that she was not to sit down until the Respondent told her to sit down. Attorney Murtha-Cowley then stood up and remained standing until the case was finished and continued standing until the next case was called. The Respondent then demanded to know why attorney Murtha-Cowley was still standing. Murtha-Cowley stated that the Respondent had not told her to sit down.
- 3.2. The Respondent was observed giving attorneys "*three point five*" (3½) minutes to provide her with oral argument. In response to this directive, the attorneys were compelled to speak rapidly in order to make all their points in the allotted time; however, the Respondent then interrupted while the clock continued to run on the allotted time, telling them to slow down because she could "*not possibly write that fast*" due to her Thoracic Outlet Syndrome. The Respondent then directed, "*Continue. You have 45 seconds.*"
- 3.3. During a trial, the Respondent called court reporter Daniel Coll away from his stenographic machine to the side of her bench while Ingrid Cronin, Esq., Assistant District Attorney, was making an opening statement to the jury. The Respondent then made a remark about a juror's hair. Attorney Cronin, noting that Coll had been interrupted, paused. Before Coll could get back to the stenographic machine, the Respondent snapped, "*Counsel continue.*" Cronin stood silent, noting that Coll had not yet reached the stenographic machine to continue taking down the opening statement. Despite this circumstance, the Respondent demanded again, "*Counsel continue!*" while Coll scurried to the stenographic machine.
- 3.4. The Respondent routinely addresses male minors with the archaic courtesy title "Master" before their given name. On one occasion, an attorney tried to

follow this peculiar protocol and referred to a high school student as "Master." The Respondent then publicly corrected the attorney in a demeaning manner by informing him that since the boy was 18 years of age, he should be addressed as "Mister."

- 3.5. A male public defender was waiting for his case to be called in the Respondent's courtroom. When he stood up, the Respondent stopped the proceedings in progress and chastised him in open court for standing up too quickly.
- 3.6. A private attorney was observed turning around to check his file to confirm some information. The Respondent scolded him for doing so, stating, "*Don't look away from the Court.*" Similarly, the Respondent on another occasion immediately scolded attorney Virginia Murtha-Cowley when she turned around, "*Don't turn your back on this Jurist.*"
4. Since taking the bench in 1992, the Respondent routinely engages in a pattern of behavior toward court personnel and her personal staff characterized as discourteous, rude, impatient, undignified, abusive, unprofessional, demeaning, humiliating, intimidating, and volatile. The Respondent inappropriately and unreasonably engages in verbal outbursts at court personnel, her personal staff, and legal interns. The Respondent abuses, humiliates, and berates such persons in the presence of other court personnel, personal staff, attorneys, or the public. The Respondent has exceptionally high turnover in personal staff because of her behavior, with employees often leaving within days or months of being hired. Examples include, but are not limited to, the following:
 - 4.1. On or about May 2, 2003, the Respondent came into her office for one hour. While there, one court employee Jack Mulroy came by the Respondent's office with information on summer interns. The Respondent scolded Mulroy for telling her verbally and not putting it in writing. Mulroy politely apologized and said he would do so, though he explained that he always notified all other judges verbally. The Respondent told Mulroy, "*THIS JURIST wants it in writing!*" The Respondent then scolded her executive secretary, Susan Weber,

for not telling Mulroy to let her catch her breath since the Respondent was out of breath from coming up the stairs. In a loud voice, the Respondent stated, *"You don't get it. He is just a lackey. We are on the upper rung of the pecking order. He does what we say. You are the Captain and Maureen is the 1st Lieutenant. . .or the other way around, but everyone answers to us. Actually, I am the Captain. Don't you see how he treated me?!!"*

- 4.2. Approximately in 1999, the Respondent presided over a trial and called for a break. The Respondent asked tipstaff/law clerk Judith Flaherty to bring one of the attorneys back into her chambers, a female attorney from Lackawanna County. Flaherty did so and left the room because the Respondent usually did not want the clerk to be there. Afterward, the Respondent called Flaherty back and asked her to go into court with her, instructing that Flaherty walk ahead of her. As the Respondent followed Flaherty, who was opening the door into the courtroom, the Respondent yelled at Flaherty under her breath so the attorney could not hear, *"Don't you ever leave me alone with an attorney in chambers again!"* and physically poked Flaherty in the shoulder. Flaherty turned around in surprise and disbelief, believing the Respondent was about to hit her; however, the Respondent noticed people on the other side of the courtroom and comported herself, telling Flaherty to go back into chambers with her.
- 4.3. On or about June 6, 2003, the Respondent arrived at work at 2:00 PM and yelled at her executive secretary, Susan Weber, because she accepted a motion for continuance presented by attorney John Rovinsky, Esq., for a motor vehicle suspension appeal for Miscellaneous Court. The Respondent yelled, *"Are you trying to put me over the edge or are you just stupid?!"* Weber advised the Respondent that motor vehicle suspension appeals were scheduled when the Respondent had Miscellaneous Court. The Respondent screamed, *"No!! I don't have Miscellaneous Court during the summer, summer motion's Judges do."* When Weber advised that it was her understanding that the Respondent did have Miscellaneous Court in the summer, the Respondent called Ann Burns in Court Administration and found that Weber was correct. The Respondent did not apologize or acknowledge her error. Instead, she made her staff work past the workday hours and told Weber she may have to come in and work on weekends.
- 4.4. Approximately summer 2003, Poison Control called the Respondent's office and advised about a small child who accidentally drank bleach. At the time, the Respondent's tipstaff person's son (Maureen

Gushanas' son) was supposed to be coming into the office because Gushanas' mother or father was ill. The Respondent's law clerk summer intern, Rebecca Sammon, took the call and was concerned and did not know whether the call related to Gushanas' son or was a wrong number that needed to be properly redirected to the right person. Sammon went to advise the Respondent and in doing so called the Respondent "Judge." The Respondent screamed and blasted the young intern to the point she made her cry. The Respondent screamed at Sammon *"How dare you come in here and disrespect me. I'm your Honor!"*

4.5. Approximately at some time between February and May 2005, the Respondent in a demeaning and insulting manner asked her secretary, Susan Moyer, *"I can't understand what part you don't get. Have you ever had head injuries or mental health problems that prevent you from understanding what people are asking you?"* On another occasion during the same time period, the Respondent was making photocopies and condescendingly told Moyer, *"This is supposed to be your job, but I don't know if you are qualified enough to handle it."*

4.6. The Respondent was observed criticizing a court clerk for not swearing someone in fast enough.

4.7. The Respondent speaks at an almost unreportable speed. During a court proceeding, court reporter Lisa Tratthen respectfully asked the Respondent to slow down. The Respondent responded by speaking even faster. Tratthen maintained her composure in court, but thereafter returned to her office and broke into tears.

5. Since taking the bench in 1992, the Respondent has engaged in abusive conduct toward her personal staff and court personnel by giving contradictory instructions concerning procedures she wants followed and then when such procedures are followed, berating court personnel or personal staff for doing as she instructed. When personal staff follow the Respondent's instructions, she chastises them and, if questioned about her instruction, denies that she ever gave such instruction. If personal staff point out that the Respondent is

contradicting her prior instruction, she does not acknowledge what she has done and instead berates them for being "*insubordinate*" or questions their mental competency. Examples include, but are not limited to, the following:

- 5.1. At some time between 1999 to 2001, the Respondent instructed tipstaff/law clerk Judith Flaherty that she wanted her to enter her courtroom using the door connecting her office area directly to the courtroom. When court was next in session, Flaherty followed the Respondent's instructions. The Respondent then reprimanded and screamed at Flaherty, advising that Flaherty was to enter the courtroom through the door located in the hallway between the Respondent's office area and the courtroom, not from the door connecting her office area directly to the courtroom. The Respondent further commented that she did not know what was wrong with Flaherty and why Flaherty could not do what she instructed. When court was next in session, Flaherty entered the courtroom through the door located in the hallway between the Respondent's office area and the courtroom. The Respondent again reprimanded Flaherty, instructing that Flaherty was to enter her courtroom using the door connecting her office area directly to the courtroom.
- 5.2. The Respondent frequently enters her courtroom speaking before she sits at the bench. The Respondent instructed court reporters, "*Every time I speak, it's on the record,*" and required them to take down everything she said, including her speech as she walked to the bench. A week after giving this instruction, the Respondent publicly chastised court reporter Daniel Coll for doing precisely what she instructed, incredulously querying, "*What are you doing? This is not on the record. Do you see a case here?*"
- 5.3. On or about April 2003, the Respondent screamed at her executive secretary, Susan Weber, in front of the entire staff because she had not received a message when she was out of the office. The Respondent had instructed Weber to leave messages with staff persons Maureen Gushanas on her answering machine or law clerk Selyne Youngclaus at her home number. Weber followed the Respondent's instructions and left messages for the Respondent with Gushanas. The Respondent called Weber back and screamed and yelled at her as follows: "*It is my day off! How dare you call with messages! How would you like it if I did that to you?!*" The Respondent told Weber that Gushanas also had the day off and yelled, "*How dare you call Maureen on her day off as well!*"

6. Since taking the bench in 1992, the Respondent routinely engages in questioning witnesses to determine their level of education and, once she discovers they are lesser educated, uses vocabulary, phraseology, or terminology that is archaic or beyond their comprehension. The Respondent has been observed purposely talking to witnesses "*way above their head*" and has even been observed using foreign language phrases, rather than speaking plainly in an understandable format.
7. Since approximately 1996, the Respondent has engaged in abusive and harassing conduct toward her personal staff by giving a staff person an assignment, waiting a few minutes, approaching the staff person again, telling them to stop, and then giving another assignment. The Respondent will again wait a few minutes before giving the same staff person another assignment. The Respondent will often give even more succeeding assignments. The Respondent will then often engage in continuous intercom buzzing of the staff person so they cannot actually complete the assigned task and then continuously berate the staff person for failing to finish the first assignment, telling them they are doing a terrible job. One witness described this behavior as "*a constant grinding away on someone.*"
8. Since approximately 2001, the Respondent's personal relationship with her executive secretary (former tipstaff), Maureen Gushanas, has resulted in disruption to the orderly functioning of the Respondent's office and created an atmosphere characterized by yelling, screaming, and crude outbursts of

inappropriate language and commentary in the judicial chambers between the Respondent and Gushanas, and between Gushanas and other personal staff. It has involved the Respondent and Gushanas teaming up to harass, bully, and intimidate other staff persons, and facilitated and engendered rude behavior by Gushanas toward personal staff and attorneys. Examples of this behavior include, but are not limited to, the following:

- 8.1. Approximately 2003, the Respondent and Gushanas were arguing on the telephone. The Respondent would call, yell and scream at Gushanas, hang up, and then call back again a few minutes later. Gushanas held out the receiver so the then executive secretary, Susan Weber, could hear the Respondent shouting at her. Weber heard the Respondent calling Gushanas a "*fat pig whore*" and a "*low life.*"
- 8.2. On or about June 20, 2003, the Respondent arrived at her office at approximately 12:00 noon. She criticized the work product of her then executive secretary, Susan Weber. The Respondent advised Weber that she could go to lunch if she "*needed*" to go, but she had to get done a certain amount of work. The Respondent advised Weber that she should come in to work weekends and nights like she did, though this was false. The Respondent then began repeatedly buzzing her then tipstaff, Maureen Gushanas, and Weber, on the intercom. Gushanas would get up from her desk, go into the Respondent's chambers, and then return to her desk. Gushanas hardly had time to get back to her desk before the Respondent would buzz her again. Gushanas had requested vacation time and submitted her request to the Respondent, who denied it. The Respondent then made Gushanas photocopy something. Gushanas was visibly shaken and upset by the constant buzzing and the Respondent's denial of her request. An inappropriate screaming match ensued between the Respondent and Gushanas in front of Weber, law clerk Selyne Youngclaus, Esq., and law clerk intern Rebecca Sammon. Gushanas went out into the corridor near the office of the Court Administrator, William Sharkey, and screamed loudly, "*Why Judge, is it because I'm not sleeping with you anymore?!*" or "*Just because I'm not sleeping with you anymore!*" Gushanas then slammed the door. Gushanas later returned to her desk and apologized for her outburst to law clerk Selyne Youngclaus, Esq. The Respondent did nothing to halt the

inappropriate screaming back and forth in front of staff or Gushanas' inappropriate outburst.

- 8.3. On or about November 25, 2003, the Respondent and tipstaff Maureen Gushanas inappropriately badgered and harassed executive secretary Susan Weber about her handling of a question about a continuance for a Protection From Abuse ("PFA") matter coming from Assistant District Attorney Jane Acri, Esq., the previous day while both the Respondent and Gushanas were not at the Respondent's office and could not be reached.

Attorney Acri had called the Respondent's chambers to ask what should be done about a continuance needed the next day for PFA Court. Weber asked Acri what she normally did and Acri stated she normally took the motion to the PFA Coordinator. Weber suggested that Acri follow that same procedure. Weber then called Molly Sheridan at the PFA office and asked if she had heard from Acri. Sheridan confirmed that she had and stated the matter would be taken care of the next morning with a temporary order. Weber conveyed this information to the Respondent via Gushanas' answering machine, as the Respondent gave no means of contacting her directly and specifically instructed that contact was to be made through Gushanas.

The Respondent and Gushanas were upset and instructed Weber to sit down to discuss the matter. Both the Respondent and Gushanas insisted that Weber did not understand PFAs and continuances. The Respondent scolded Weber for not handling the motion properly and accepting it from the District Attorney's office. The Respondent then told Weber she was not producing the kind of work she expected from a secretary. When an exasperated Weber stated that she was doing the best she could and if that did not meet the Respondent's expectations, the decision was in the Respondent's hands, Gushanas became excited and interjected, "*Judge, obviously she just wants to get fired and collect unemployment, so just do it!!*" The Respondent and Gushanas then resumed their back and forth harassing questions about why the secretary accepted the motion and why she did not understand PFAs.

- 8.4. On or about December 10, 2003, at the completion of Miscellaneous Court, then tipstaff Maureen Gushanas brought court files to the Respondent's executive secretary, Susan Weber. When Weber questioned Gushanas about the status of one of the files and what she should do with it, Gushanas cut Weber off and unreasonably and inappropriately screamed at Weber, "*How dare you question anything I do!*" Gushanas continued an inappropriate outburst and tirade into

the Respondent's chambers, saying she would not tolerate the secretary's behavior and could not work with her any longer. Gushanas yelled to the Respondent, "*She would not know her ass from a hole in the ground. She is the most incompetent secretary I have ever met!*" The Respondent watched this exchange from her chamber door, appearing pleased with the exchange. The Respondent did nothing to halt Gushanas' inappropriate outburst or language. The Respondent did nothing to diffuse the situation.

9. Since taking the bench in 1992, the Respondent routinely engages in a pattern of behavior that has created a hostile work and courtroom environment in which attorneys, court personnel, and the Respondent's personal staff, are constantly on edge with anxiety and fear because of the Respondent's volatile and unpredictable behavior. This has served to compromise the ability of court personnel and the Respondent's personal staff to perform their important functions to the best of their ability and the effective operation of the courtroom.
10. Since taking the bench in 1992, the Respondent routinely engages in a pattern of behavior in the courtroom disruptive to court security provided by the Sheriff, constantly negative and critical of the deputy sheriff's, and disruptive and distracting to court proceedings. The Respondent often directs the placement of deputy sheriffs in her courtroom down to exact foot spacing and displays an unreasonable hyper-vigilance concerning the deputy sheriff's performance of their work.

As deputy sheriffs move around the Respondent's courtroom monitoring it or toward individuals that may potentially create a security problem, or if a

particular deputy sheriff is relieved by another deputy sheriff's arrival, the Respondent will interrupt court proceedings and draw attention to what the deputy sheriffs are doing, often to the detriment of the courtroom security and safety, to inquire openly what is going on: "*Why are you here? Is there something I should be aware of?*" The Respondent's behavior impedes the ability of the deputy sheriffs to freely and discreetly move around the courtroom to address possible developing problematic situations posing a security concern.

If a deputy sheriff's keys jingle or his or her radio goes off too loud, or coughs or sneezes, the Respondent will halt court proceedings to inquire if there is a problem or to admonish that "*this Jurist will not allow that.*" If the Respondent observes two deputy sheriffs talking, she has been observed stopping court proceedings to ask, "*Is there a problem?*" If the deputy sheriffs state there is no problem, she will admonish them not to do it again.

Unlike all other judges in Luzerne County, the Respondent will not permit defendants to be shackled in the courtroom with other defendants, but requires they be removed immediately, creating a situation where three deputy sheriffs must exit the courtroom with the prisoner to shackle them in an unsecured, public corridor. The Respondent will then demand that the third deputy sheriff immediately return to the courtroom, thereby leaving two deputies without backup cover, or, when the third deputy re-enters the courtroom, demand to know why he or she is causing a disruption by re-entering the courtroom.

11. Since taking the bench in 1992, the Respondent has exhibited a non-collegiality with other judges and court departments in the 11th Judicial District disruptive to court operations, has directed her personal staff not to interact or to severely limit interaction with other court personnel and judges, and has fostered an atmosphere of non-cooperation and negativity. The Respondent continually engages in public, on-the-record negative commentary in her courtroom about President Judge Michael Conahan and Court Administration.
12. The Respondent has encouraged discourtesy by chastising personal staff persons for exhibiting demeanor she perceived as too pleasant or courteous to those coming in contact with her office, including but not limited to the following examples.
 - 12.1. Approximately summer 2003, a law clerk intern named Rebecca Sammon was polite and pleasant on the telephone with Judge Joseph M. Augello's secretary, a Mrs. Hanlin. Sammon knew Mrs. Hanlin through her mother. Upon hearing this, the Respondent instructed Sammon to be unfriendly: "*[D]on't be pleasant to that woman. She's no friend of you or this chamber.*"
 - 12.2. Approximately winter/spring 2005, the Respondent chastised her secretary, Susan Moyer, for being friendly with people contacting her chambers, stating she was "*too flowery*" and "*too nice to people.*" The Respondent advised Moyer that her then tipstaff person, Maureen Gushanas, "*has worked long and hard to keep the phone from ringing*" and the Respondent wanted it kept that way.
13. Since at least 2004, the Respondent has been observed on numerous occasions coming to court or her office and presenting an undignified appearance, with hair disheveled, greasy and unkempt. The Respondent has been observed wearing the same clothes on successive days and her tops would be stained.

The Respondent has been observed wearing jeans, black boots, and sweat shirts to her office.

14. Approximately summer/fall 2001, the Respondent handled the civil matter of *Violet O'Brien, et ux. V. Harry Alexanderian, M.D., et al.*, No. 3577-C-1995, a medical malpractice suit. In September 2001, Plaintiff's counsel, Thomas Foley, Jr., Esq., filed a Motion for Recusal and a Proposed Order to Vacate and a Supplemental Motion for Recusation. In its Motion, Foley delineated facts indicating the Respondent's impartiality might reasonably be questioned, including

- Foley's wife, attorney Jill Miller, had testified in proceedings before the Judicial Conduct Board concerning a complaint filed against the Respondent by attorney Beth Sindaco, Esq., regarding a personal injury case in which the Respondent was a plaintiff represented by attorney Miller and in which fees and distributions relative to the case became an issue.
- Foley served as Jill Miller's counsel during the proceedings before the Judicial Conduct Board involving the Respondent. When the Board subpoenaed Miller to testify, the Respondent initially would not sign a waiver of counsel to permit Miller's testimony and Miller was threatened with sanctions. Foley believed the Respondent viewed attorney Miller's testimony as adverse to her interest and later only gave a limited waiver because of that

circumstance.

- Attorney Miller had received legal referrals from attorney Beth Sindaco, Esq., which involved financial gain to Sindaco for which Attorney Foley opined there was reason to believe the Respondent was aware.
- The Respondent solicited employment for attorney Nancy Alexanderian, Esq., from attorney Jill Miller Esq. for a position as an associate attorney in Miller's law firm. Nancy Alexanderian was the daughter of the defendant, Dr. Harry Alexanderian, M.D. Notwithstanding the Respondent's solicitation and recommendation for the hiring of Nancy Alexanderian, attorney Miller did not hire her. Attorney Miller, wife of attorney Foley, was in the law firm of Foley, McLane, Fole, McDonald, & MacGregor, P.C., the law firm suing Dr. Alexanderian.

When the Respondent's senior law clerk, Theodore Krohn, discussed the Motion for Recusal and expressed that he could find no basis for drafting an opinion justifying the Respondent's denial of the motion, the Respondent told Krohn, referring to attorney Foley, *"I want you to cut him a new asshole."*

15. In June 2004, the Respondent lodged an inaccurate and false complaint against Deputy Court Administrator Peter J. Adonizio with President Judge Michael T. Conahan, claiming that Adonizio had menaced, threatened, berated, and screamed at herself and her tipstaff, Maureen Gushanas, and requesting an

investigation and disciplinary action against Adonizio. This false complaint arose from an incident involving improper demeanor and behavior by the Respondent and her then tipstaff, Maureen Gushanas as related in Paragraph number 16.

16. On or about June 10, 2004, the Respondent and her tipstaff, Maureen Gushanas, engaged in undignified and discourteous behavior in the open corridor of the Luzerne County Courthouse directed at Deputy Court Administrator Peter Adonizio. On this date, the Respondent was looking for Adonizio to question him about a meeting that had been held. When Adonizio came out of Court Administration, Gushanas approached him within view of the Respondent, telling him the Respondent wanted to speak with him. Adonizio asked if he and Gushanas could move a little down the hall so no one would hear them. Gushanas refused. Adonizio then told Gushanas he could not speak to the Respondent at that time because he had to take his wife to an oncology appointment because she just had surgery to remove her breast. Gushanas loudly replied, "*I am not telling her that.*" Adonizio said fine and started to walk past the elevators to where the Respondent stood in front of Courtroom #4, where President Judge Michael Conahan was presiding. Gushanas was heard saying Adonizio was harassing her.

Adonizio walked over to the Respondent and asked if he could speak with her privately in Courtroom #7. The Respondent loudly replied "*No*" and told him not to speak to her in that tone of voice. Adonizio addressed her saying,

"Judge, I'll explain to you in here why I can't meet with you right now"

(meaning Courtroom #7). The Respondent screamed at him to get away from her and then shouted to Deputy Sheriff Klinefelter, who came from Courtroom #4, that Adonizio was harassing her: *"He's harassing me! Get him away from me!"* The Respondent and Gushanas then headed for an elevator. When the elevator opened, Gushanas yelled for those on the elevator to clear out because a judge was coming on board. Judge Hugh Mundy was leaving the elevator.

Thereafter, the Respondent immediately wrote a letter to President Judge Conahan reporting Adonizio for disciplinary action, falsely describing him as *"intentionally confrontive [sic] and physically menacing"* and falsely accusing him of engaging in inappropriate conduct that was *"menacing and threatening"* toward her and Gushanas. President Judge Conahan directed that an internal investigation be conducted. Paul McGarry, Director of Administrative Services, conducted the investigation and took written statements from all persons witnessing the incident, including Adonizio. None of the witnesses supported the Respondent's claims or that Adonizio was threatening or harassing her or Gushanas.

The investigation found that Adonizio did nothing wrong, but noted that witnesses to the incident *"consistently describes Judge Lokuta as agitated, combative and unreasonable in the manner in which she addressed the situation."* President Judge Conahan responded to the Respondent's complaining letter, saying that it was Gushanas who was found to be

"intentionally confrontational and physically menacing" and directed that the Respondent contact McGarry as to what sanctions should be imposed on Gushanas. He also directed that a copy of his letter be placed in Gushanas' employment file.

17. During the time period 1999 to 2001, the Respondent misused a tipstaff/law clerk named Judith Flaherty to perform personal errands and menial tasks while she was being paid by Luzerne County for court business, including cleaning her home bathroom, kitchen, hallway, and living room, scrubbing the Respondent's floor by hand, organizing the Respondent's purchases and house clutter, bubble wrapping her antiques, putting the Respondent's Christmas ornaments in storage containers, shoveling snow from her sidewalk and driveway, clearing snow off of the Respondent's car, taking the Respondent's car to the carwash, performing yard work, removing rocks from the Respondent's yard weighing from one (1) to fifty (50) pounds, and personal shopping. Flaherty was at the Respondent's home performing these inappropriate matters for days and weeks at a time.
18. During the summer of 2002 and/or summer 2003, the Respondent had her intern law clerk, Rebecca Sammon, perform work unrelated to the Respondent's judicial duties while on county time. The Respondent would circle obituaries in the newspapers and have Sammon write sympathy notes to the families of those circled. Sammon created a sympathy/condolence note

computer file template for this work. When Sammon's grandmother died, the Respondent sent Sammon a note using the template Sammon created.

19. Approximately in summer 2002, the Respondent had law clerk intern Rebecca Sammon perform work on matters unrelated to the Respondent's judicial duties while on county time. Specifically, the Respondent had Sammon perform legal research on a potential complaint the Respondent was contemplating filing with the Administrative Office of Pennsylvania Courts ("AOPC") or a lawsuit about how she was being treated unfairly by the president judge. The Respondent instructed Sammon not to tell anyone about this work. The Respondent had other staff working on these matters, including having them make photocopies of documents and typing letters. The Respondent told staff these matters took precedence over court work.

20. Since at least 1996, the Respondent is frequently tardy by at least ½ hour or more, or entirely absent from court, and has her personal staff cover for her tardiness or absence by providing false information to waiting attorneys or litigants that she is occupied with other matters. On numerous occasions, the Respondent would sleep until noon and arrive at her office in the afternoon, contributing to delay of court matters. Personal staff would have to call the Respondent to let her know she had criminal trials and the Respondent, who was usually still sleeping or had just awakened, would arrive later in the day and criminal trials would be delayed. The Respondent also takes frequent and lengthy breaks, further delaying court matters.

The Respondent has her personal staff convey the false impression she is physically present in her chambers but occupied with other work, by either directing them to park in her parking place when she is absent or by using what she refers to as the "open the hatch" procedure, whereby the staff leaves the courtroom door slightly ajar and she surreptitiously enters her chambers through the courtroom and thereby avoids having persons waiting in the outside hallway actually see that she has just arrived at the courthouse and was not actually there. The Respondent often arrives late and leaves early and unnecessarily spends court time engaging in repetitive, on-the-record negative commentary about the amount of work that has been "thrust" upon her by the President Judge or Court Administration and how difficult it is for her to manage her court work. Examples include, but are not limited to, the following:

20.1. On or about March 26, 2003, the Respondent instructed her executive secretary, Susan Weber, that any time she was absent from her office, Weber was to say the Respondent was having back problems. The Respondent further instructed Weber that anytime she wrote a memorandum to Court Administrator William Sharkey about the Respondent's absence, she was to say it was due to the Respondent's Thoracic Outlet Syndrome, no matter what reason she was absent.

20.2. The Respondent's senior law clerk, Theodore Krohn, observed that on one occasion, the Respondent had a court room full of attorneys, litigants, and witnesses waiting for court to begin. The Respondent was in her chambers engaging in "chit chat." When Krohn reminded her that people were waiting, the Respondent said words to the effect, "*Tell them we are doing research.*"

By virtue of some, or all of the facts, alleged in paragraphs 1 through 16 of this Board Complaint, the Respondent is subject to discipline pursuant to Article V, §18(d)(1) of the Pennsylvania Constitution for the following reasons:

Count 1: The Respondent has violated Canon 3A(3) of the Code of Judicial Conduct, which provides:

Judges should be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom they deal in their official capacity, and should require similar conduct of lawyers and of their staff, court officials, and others subject to their direction and control.

Count 2: The Respondent has violated Article V, §18(d)(1) of the Pennsylvania Constitution by engaging in conduct which brings the judicial office into disrepute.

Count 3: The Respondent has violated Canon 3A(5) of the Code of Judicial Conduct, which provides:

Judges should dispose promptly of the business of the court.

Count 4: The Respondent has violated Canon 2A of the Code of Judicial Conduct, which provides:

Judges should respect and comply with the law and should conduct themselves at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

Count 5: The Respondent has violated Canon 3C(1)(a), which provides in relevant

part:

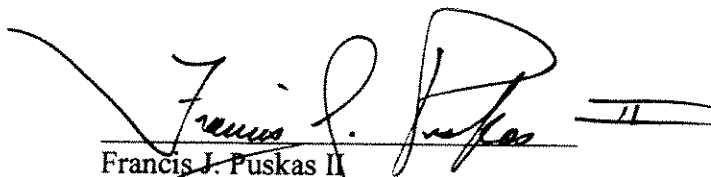
(1) Judges should disqualify themselves in a proceeding in which their impartiality might reasonably be questioned, including but not limited to instances where:

(a) they have a personal bias or prejudice concerning a party. . .

Count 6: The Respondent has violated Article V, §18(d)(1) of the Pennsylvania Constitution by engaging in conduct which prejudices the proper administration of justice.

WHEREFORE, Ann H. Lokuta, the Judge named in these charges, is subject to disciplinary action pursuant to the Constitution of the Commonwealth of Pennsylvania, Article V, §18(d)(1).

Respectfully submitted,



Francis J. Puskas II
Deputy Chief Counsel
Pa. Supreme Court ID No. 76540

DATE: November 27, 2006

Judicial Conduct Board
301 Chestnut Street, Suite 403
Harrisburg, PA 17101
(717) 234-7911

COMMONWEALTH OF PENNSYLVANIA

COURT OF JUDICIAL DISCIPLINE

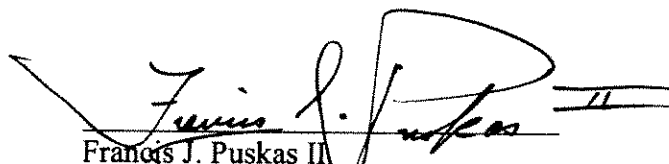
In re:

Ann H. Lokuta, :
Judge of the Court of Common Pleas; :
Eleventh Judicial District : 3 JD 06
Luzerne County :

VERIFICATION

I, Francis J. Puskas II, Deputy Chief Counsel to the Judicial Conduct Board, verify that the Judicial Conduct Board found probable cause to file the formal charges contained in the Board Complaint. I understand that the statements herein are made subject to the penalties of 18 Pa. Cons. Stat. Ann. §4904, relating to unsworn falsification to authorities.

Respectfully submitted,



Francis J. Puskas II
Deputy Chief Counsel
Pa. Supreme Court ID No. 76540

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In re:

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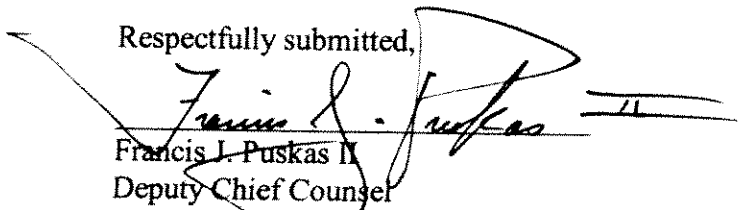
PROOF OF SERVICE

In compliance with Rule 122(D) of the Court of Judicial Discipline Rules of Procedure, on or about November 27, 2006, a copy of this *BOARD COMPLAINT* was sent by Certified Mail to the Respondent's counsel, Samuel C. Stretton, Esquire, who agreed to accept service of this *BOARD COMPLAINT* on behalf of his client, the Respondent:

The Honorable Ann H. Lokuta
c/o Samuel C. Stretton, Esquire
301 South High Street
P.O. Box 3231
West Chester, PA 19381-3231

Certified Mail No. 7161 7145 5370 0000 2944
Return Receipt Requested

Respectfully submitted,



DATE: November 27, 2006

Francis J. Puskas II
Deputy Chief Counsel
Pa. Supreme Court ID No. 76540
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