

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

Press Release

February 15, 2012

TO: Media/Press

FROM: Judicial Conduct Board

**SUBJECT: Rita A. Arnold,
Magisterial District Judge;
Magisterial District 15-2-06;
Chester County
2 JD 2012**

Harrisburg. The Judicial Conduct Board today filed formal charges by Board Complaint in the Court of Judicial Discipline against Magisterial District Judge Rita A. Arnold of Chester County.

In accordance with the rules which govern proceedings before the Court of Judicial Discipline, Magisterial District Judge Arnold has an opportunity to respond to the charges, obtain and inspect the evidence which forms the basis of the allegations and the right to a public trial before the Court of Judicial Discipline.

Upon completion of the trial, if the Court determines that the charges have been proven by clear and convincing evidence, it will schedule a Sanctions Hearing to determine what sanctions should be imposed upon the magisterial district judge for violating the Rules Governing Standards of Conduct of Magisterial District Judges and the Pennsylvania Constitution. Possible sanctions include reprimand, suspension, or removal from office.

Counsel

Board: James P. Kleman, Jr., Esquire

Respondent: Dawson R. Muth, Esquire

Contact

Joseph A. Massa, Jr., Chief Counsel

Board Complaint is attached.

For more information about the Judicial Conduct Board, please visit our website at www.jcbpa.org.

END

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RECEIVED AND FILED
OFFICE OF
JUDICIAL DISCIPLINE
OF PENNSYLVANIA

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

In re:

Rita A. Arnold;	:	
Magisterial District Judge;	:	
Magisterial District Court	:	
15-2-06	:	
Chester County	:	
	:	2 JD 2012
	:	

IMPORTANT NOTICE

TO: RITA A. ARNOLD:

You are hereby notified that the Pennsylvania Judicial Conduct Board determined that probable cause exists 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 Rules Governing the Standards of Conduct of Magisterial District Judges. 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 in accordance with C.J.D.R.P. No. 110.

You are hereby notified, pursuant to C.J.D.R.P. No. 302(B), 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.

You are further hereby notified that, if you elect not to file an omnibus motion, you may file an Answer admitting or denying the allegations contained in this Complaint within thirty (30) days after the service of this Complaint in accordance with C.J.D.R.P. No. 413. Otherwise, you may file an answer within twenty (20) days after the entry of an order dismissing all or part of your omnibus motion. Failure to file an Answer shall be deemed a denial of all factual allegations in the Complaint.

COMPLAINT

AND NOW, this 15th day of February, 2012, pursuant to Court of Judicial Discipline Rule of Procedure 301, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (the Board), through counsel, and files this Complaint against Rita A. Arnold, Magisterial District Judge, Magisterial District Court 15-2-06 (Respondent). The Board alleges that Respondent violated the Constitution of the Commonwealth of Pennsylvania, Article V, § § 17(b) and 18(d)(1), and the Rules Governing Standards of Conduct of Magisterial District Judges by virtue of her conduct, delineated specifically as follows:

1. Article V, § 18 of the Constitution of the Commonwealth of Pennsylvania grants to the Board the authority to determine whether there is probable cause to file formal charges against a judicial officer in this Court and, thereafter, to prosecute the case in support of such charges before this Court.
2. Since January 3, 1994, Respondent served as a Magisterial District Judge for Magisterial District 15-2-06, Chester County. Respondent continues to serve Magisterial District Court 15-2-06 as a magisterial district judge.

SUPPORTING FACTS AND CHARGES

3. Respondent is the mother of Forrest C. Solomon, Jr., and Jonathan Arnold, adult half-brothers, who, as of January 2010,

each resided with her at her residence located at 1307 Lone Eagle Road, Downingtown, PA 19335

4. Forrest C. Solomon, Jr., has an extensive record of arrests for crimes ranging from simple assault and harassment to possession with intent to deliver. On January 19, 2010, Mr. Solomon was subject to the supervision of the Chester County Adult Probation and Parole Department (Chester County Probation/Parole) for a conviction for indecent assault and for probation violations on other cases that arose from the indecent assault conviction. Mr. Solomon's supervision will terminate on until July 1, 2015.
5. Respondent knew that Mr. Solomon was subject to Chester County Probation/Parole supervision, and she often transported him to his regularly scheduled meetings with Joseph Zangrilli, his then-probation officer.
6. On January 6, 2010, Mr. Solomon failed a required random drug screening at a regularly scheduled meeting with Mr. Zangrilli.
7. Thereafter, on January 19, 2010, Trooper Lauren Long of the Pennsylvania State Police (PSP), Embreeville Barracks, cited Mr. Solomon with harassment, 18 Pa.C.S.A. § 2709(a)(1), graded as a summary offense, as the result of an altercation that took place between Respondent's sons, Mr. Solomon and Jonathan

Arnold, at Respondent's residence, which is situated within Respondent's magisterial district.

8. As Mr. Solomon's acts on January 19, 2010, took place within Respondent's magisterial district, the PSP filed the citation in Respondent's court on January 20, 2010, the day following the altercation. Respondent's staff member, Britney Clark, date stamped and initialed the citation.
9. The Solomon citation then moved from Clark's desk to Respondent's "in box" on her desk for her to docket it into the Magisterial District Judge System (MDJS). Respondent did not docket the Solomon citation into MDJS at that time.
10. On the same day that the Solomon citation was filed in Respondent's court, Respondent called Sergeant Brandon Daniels of the Embreeville PSP regarding Solomon's arrest and the citation.
11. During their telephone conversation, Respondent told Sergeant Daniels "that was my son and that was my house," referring to both Solomon and the site of the incident. Respondent stated that she had thought that the troopers were only removing Solomon from the house after they responded to the incident between her two sons, and Respondent asked why the troopers had decided to cite her son (Solomon).

12. Sergeant Daniels could not answer Respondent's questions about the Solomon citation because he was not aware of the details of the Solomon case. Therefore, Sergeant Daniels told Respondent that he would inquire into the matter and call Respondent back.
13. At some point during the course of Sergeant Daniels' inquiry into the background of the Solomon arrest and citation, he received the Solomon citation back at the barracks. The citation, when received by Sergeant Daniels, had already been date stamped and marked received by Respondent's court.
14. Sergeant Daniels called Respondent back and told her that, after his investigation, he thought that the Solomon citation had been properly issued. Sergeant Daniels also told Respondent that he was going to return the citation to her court. Respondent was upset regarding the filing of the citation and replied that she could not hear the case because it involved her son and that she would have to transfer it. During either the first or second conversation between Respondent and Sergeant Daniels, Respondent stated that Solomon was on probation. Respondent also stated words to the effect that it was a shame that "something as simple as this could really mess" Solomon up.
15. During the period of time that the Solomon citation sat in Respondent's personal office without being docketed, Respondent's court offices at 441 Boot Road, Downingtown, PA,

were forced to close on two occasions due to a noxious fume problem. Respondent's court offices closed for the first time on or about January 27, 2010, and they reopened briefly on or about February 8, 2010. Thereafter, on or about February 10, 2010, Respondent's court office location at 441 Boot Road closed permanently due to the noxious fume problem.

16. Respondent's office staff were located at various magisterial district court office locations in Chester County due to the noxious fume problem, whereat they conducted their duties for Respondent. Respondent worked at the offices of Magisterial District Judge Mark Bruno until on or about February 15, 2010, whereupon Respondent's offices were relocated to a temporary office location.
17. On or about February 2010, while Respondent and her staff worked from an office located at 2 North High Street, West Chester, Respondent approached Patricia M. Davis, her office manager, and spoke to her about the Solomon citation.
18. During the course of this conversation, Respondent handed the Solomon citation to Ms. Davis and told her to "hold onto it." Respondent told Ms. Davis that she (Respondent) would instruct her (Ms. Davis) when she was to docket the Solomon citation into the MDJS and when to transfer the citation. Respondent told Ms. Davis that Mr. Solomon had a probation hearing coming up and that Respondent did not know if the

citation filed against him would "affect it or not[,]" meaning Solomon's probationary status.

19. Based on Respondent's instructions, Ms. Davis placed the Solomon citation in her work bin on her desk and did not docket it. The Solomon citation was not docketed until April 5, 2010. During the period of time that Ms. Davis possessed the Solomon citation, she reminded Respondent on at least one occasion about the Solomon citation.
20. On or about March 14, 2010, Trooper Long was reviewing the status of the citations that she had filed, and she determined that the Solomon citation was not yet docketed. Trooper Long informed Sergeant Daniels, her superior, of this fact, and he told Trooper Long that he would contact Respondent about the matter.
21. On March 15, 2010, Sergeant Daniels telephonically contacted Respondent to inquire about the status of the case. Sergeant Daniels told Respondent that it was time to update the status of PSP citations, and the PSP was aware that the Solomon citation was not yet docketed. Respondent replied that "it was not a problem," and she told Sergeant Daniels that there was a lot going on and that her court was really backlogged but that the Solomon citation would be docketed "any day."

22. On April 5, 2010, Respondent docketed the Solomon citation into MDJS and thereafter instructed Ms. Davis to transfer the Solomon citation to Judge Bruno's court for disposition.
23. Trooper Long continued to check the Pennsylvania Justice Network (JNET) to determine the status of the Solomon citation. On April 8, 2010, Trooper Long learned that the citation was docketed on April 5, 2010, and that the citation was transferred to the court of Magisterial District Judge Bruno on April 7, 2010.
24. The rules in Chester County regarding transfer of cases from one Magisterial District Court to another require the transferring court to first obtain a transfer order from the President Judge of Chester County prior to effecting the transfer. Respondent did not follow this procedure when transferring the Solomon citation to Judge Bruno's court.
25. On April 7, 2010, after Ms. Davis effected the transfer of the case (in contravention of the pertinent Chester County rule), Respondent called Judge Bruno's court office and told someone present at Judge Bruno's office that Mr. Solomon was in drug/alcohol rehabilitation. Mary Ellen Rzucidlo, Judge Bruno's Office Manager, noted the following in Mr. Solomon's electronic case file: "4-7-10 - Judge was just informed that the defendant is in rehab. Hearing set up for 5/19/10 at 9:30 AM. MER."

26. Judge Bruno continued the case from the scheduled hearing date of May 19, 2010, until June 2, 2010, in order to accommodate Trooper Long's prescheduled vacation. On June 2, 2010, the parties appeared, and Judge Bruno dismissed the matter because Jonathon Arnold, the victim, did not appear for the trial and because Solomon presented a certificate of his successful completion of the rehabilitation program.
27. Chester County Probation did not learn of Mr. Solomon's citation, and, as such, it did not take official action against him for the issuance of the citation or for his missed meetings, failed drug tests or for a combination of these matters. Parenthetically, before Chester County Probation took action against Mr. Solomon for his failed drug tests and missed meetings, Respondent informed Mr. Zangrilli that Mr. Solomon needed treatment and that he was in a rehabilitation program.
28. While working on a project for the Chester County Controller's office involving case management reports, an employee in Chester County District Judge Administration recognized Mr. Solomon's name and noted several irregularities during case processing of the Solomon citation and on the electronic MDJS case docket for the citation. The employee was aware of the fact that Mr. Solomon was Respondent's son. These irregularities were reported to Patricia Norwood-Foden, District Court Administrator of Chester County. Ms. Norwood-Foden then reviewed the electronic docket of the case on MDJS and other information, including the Solomon citation itself.

29. Based upon her independent review, Ms. Norwood-Foden uncovered the following irregularities regarding the processing of the Solomon citation in Respondent's Court:
- A. Respondent's court received and date stamped the Solomon citation on January 20, 2010. However, the Solomon citation was date stamped a second time on February 8, 2010, and it was not docketed by Respondent until April 5, 2010.
 - B. Respondent transferred the case to Judge Bruno's court without a valid transfer order from the President Judge.
 - C. Comparison of the other citations filed during the period of the noxious fume problem in Respondent's court with the Solomon citation indicated that the only citation docketed late was the Solomon citation.
 - D. Though the case was transferred to Judge Bruno's court, the MDJS case disposition processing report indicated that the user name "RARNOLD" (Respondent's screen name) entered the disposition of "dismissed" into the MDJS system after Judge Bruno conducted the trial hearing.

30. Ms. Norwood-Foden reported the irregularities to President Judge MacElree. At the direction of President Judge MacElree, Ms. Norwood-Foden discussed the matter with Respondent on or about October 15, 2010. During this conversation, Ms. Norwood-Foden reiterated the proper procedures to transfer a case to Respondent, and she acknowledged that she was aware of the proper procedure. Ms. Norwood-Foden also directed Respondent to craft a written response to President Judge MacElree to address their concerns about the processing of the Solomon citation by Respondent's court.
31. Respondent authored a written response to President Judge MacElree on October 18, 2010. In summary, Respondent indicated in the written response that she did not timely docket the Solomon citation because she misplaced and completely forgot about the citation during the move of her court offices from 441 Boot Road occasioned by the noxious fume problem in January-February 2010. Respondent denied any knowledge of the entry of the "dismissed" disposition for the citation and she denied any "intention of doing anything improper with the citation, or to obtain any favorable treatment for" Mr. Solomon, her son.
32. On October 27, 2010, President Judge MacElree mailed the results of Ms. Norwood-Foden's investigation (including Respondent's October 18, 2010 letter) to the Judicial Conduct Board. Upon review of this material, Chief Counsel opened an investigation on behalf of the Board.

33. During the course of its investigation, the Board deposed Respondent on October 5, 2011. At that deposition, Respondent acknowledged that she did not forget completely about the Solomon citation during her office moves. Respondent testified that she forgot about the citation between February 15, 2010 (when the citation was packed in a box) and March 15, 2010, when she spoke with Sergeant Daniels. Respondent maintained that, after she spoke with Sergeant Daniels, she searched for the citation until April 5, 2010, when she found it in a box and docketed it. Respondent acknowledged, however, that the delay in docketing the citation and her transfer of the citation each was improper, of itself.
34. The Board issued a subpoena for Office Manager Patricia Davis to appear at its offices and to testify regarding the processing of the Solomon citation. When Respondent learned of the subpoena, she instructed Ms. Davis to testify to the Board that she (Ms. Davis) did not know of the Solomon citation until Respondent told her to transfer the citation on April 5, 2010. If Ms. Davis would have testified in this fashion, the testimony would have been false, as Ms. Davis became aware of the Solomon citation in February 2010, when Respondent gave Ms. Davis the Solomon citation and told her not to docket it. Also at that time Respondent learned of Ms. Davis' Board deposition, Respondent had a quizzical, out-of-context conversation with Ms. Davis about their loyalty to each other regarding a personnel issue with Court Administration that had been

resolved one year prior to the issuance of the subpoena and the conversation.

35. Unsettled by Respondent's "loyalty" conversation, Ms. Davis reported the matter to Ms. Norwood-Foden, who memorialized the matter and reported it to President Judge MacElree. Ms. Davis was also provided counsel by Chester County for her Board deposition.
36. The Board conducted a deposition of Ms. Davis on December 20, 2011. At the deposition, Ms. Davis testified that Respondent instructed her in February 2010 to hold on to the Solomon citation and not to docket it. Ms. Davis also testified that, after Respondent learned of Ms. Davis' pending Board deposition, Respondent instructed Ms. Davis as to how Respondent wanted Ms. Davis to testify if the Board asked Ms. Davis about when she first learned of the citation.
37. At a meeting held on February 6, 2012, the Board found that there was probable cause to file formal charges in this Court against Respondent for the aforementioned conduct. The Board asserts that Respondent's conduct violated the following provisions of the Rules Governing Standards of Conduct of Magisterial District Judges and the Constitution of this Commonwealth:

RULE 5: ADMINISTRATIVE RESPONSIBILITIES

- A. Magisterial district judges shall diligently discharge their administrative responsibilities, maintain competence in judicial administration and facilitate the performance of the administrative responsibilities of their staff and of other members of the judiciary and court officials.***

- B. Magisterial district judges shall require their staff to observe the standards of fidelity and diligence that apply to them.***

The Board asserts that Respondent has violated these Rules by the following acts:

1. Failing to docket the Solomon citation in a timely fashion or failing to require that the Solomon citation was docketed by staff in a timely fashion.
2. Directing her staff not to docket the Solomon citation.
3. Intentionally directing the transfer of the Solomon citation to Judge Bruno's court in contravention of the established Chester County rule.
4. Providing misrepresentations of material fact to Chester County Court Administration, the President Judge, and the Board (an arm of the judicial administrative authority of this Commonwealth) during their investigation of these facts.

5. Directing Ms. Davis to provide misrepresentations of material fact to the Board in its official investigation of the aforementioned facts.

RULE 13: INCOMPATIBLE PRACTICES

Magisterial district judges and all employees assigned to or appointed by magisterial district judges shall not engage, directly or indirectly, in any activity or act incompatible with the expeditious, proper and impartial discharge of their duties, including, but not limited to, (1) in any activity prohibited by law.

The Board asserts that Respondent has violated this Rule by the following acts:

1. Failing to docket the Solomon citation in a timely fashion or failing to require that the Solomon citation was docketed by staff in a timely fashion.
2. Directing her staff not to docket the Solomon citation.
3. Directing the transfer of the Solomon citation to Judge Bruno's court in contravention of the established Chester County rule.
4. Providing misrepresentations of material fact to Chester County Court Administration, the President Judge, and the Board (an arm of the judicial administrative authority of this Commonwealth) during their investigation of these facts.
5. Directing Ms. Davis to provide misrepresentations of material fact to the Board in its official investigation of the aforementioned facts.

ARTICLE V, § 17(b)

[...]. [Magisterial District Judges] shall be governed by rules or canons which shall be prescribed by the Supreme Court.

The Board asserts that Respondent has violated this provision by violating the aforementioned Rules Governing the Standards of Conduct of Magisterial District Judges.

ARTICLE V, § 18(d)(1)

A justice, judge, or [magisterial district judge] may be suspended, removed from office, or otherwise disciplined for [...] failure to perform the duties of office or conduct which prejudices the proper administration of justice[.]

The Board asserts that Respondent has violated this provision by the following acts:

1. Failing to docket the Solomon citation in a timely fashion or failing to require that the Solomon citation was docketed by staff in a timely fashion.
2. Directing her staff not to docket the Solomon citation.
3. Directing the transfer of the Solomon citation to Judge Bruno's court in contravention of the established Chester County rule.
4. Providing misrepresentations of material fact to Chester County Court Administration, the President Judge, and the Board (an arm of the judicial administrative authority of this Commonwealth) during their investigation of these facts.

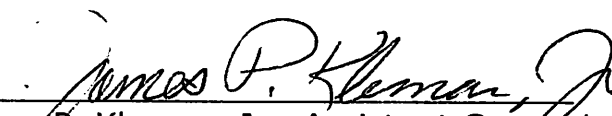
5. Directing Ms. Davis to provide misrepresentations of material fact to the Board in its official investigation of the aforementioned facts.

WHEREFORE, the Board asserts that Respondent Rita A. Arnold, Magisterial District Judge, is subject to disciplinary action and sanction pursuant to the Constitution of the Commonwealth of Pennsylvania, Article V, § 18(d)(1).

Respectfully submitted,

JOSEPH A. MASSA, JR.
CHIEF COUNSEL

Date: February 15, 2012

BY: 
James P. Kleman, Jr., Assistant Counsel
Pa. Supreme Court No. 87637
Judicial Conduct Board
601 Commonwealth Avenue
P.O. Box 62525
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717-234-7911

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

In re:

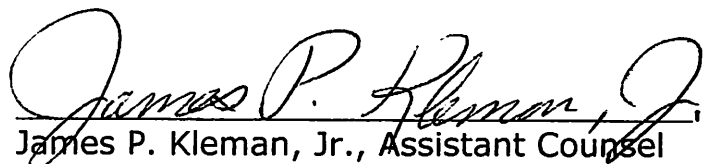
Rita A. Arnold; :
Magisterial District Judge; :
Magisterial District Court :
15-2-06 :
Chester County :
: **2 JD 2012**
:

VERIFICATION

I, James P. Kleman, Assistant Counsel to the Judicial Conduct Board, verify that I am authorized to make this verification and file the foregoing *BOARD COMPLAINT*. I verify that the Judicial Conduct Board found probable cause to file the formal charges contained in this Board Complaint. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S § 4904, relating to unsworn falsification to authorities.

Respectfully submitted,

Date: February 15, 2012


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COMMONWEALTH OF PENNSYLVANIA

COURT OF JUDICIAL DISCIPLINE

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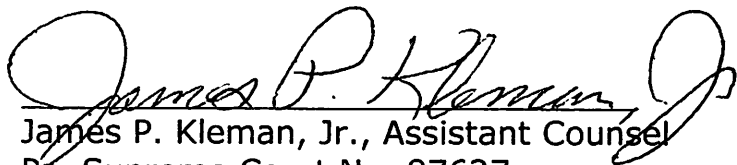
PROOF OF SERVICE

In compliance with Rule 122(D) of the Court of Judicial Discipline Rules of Procedure, on February 15, 2012, a copy of this *BOARD COMPLAINT* was sent by Certified Mail to counsel for the Respondent, who agreed to accept service of this Board Complaint on behalf of his client:

Dawson R. Muth, Esquire
Goldberg, Meanix, McCallin & Muth
213-215 West Miner Street
West Chester, PA 19382

Certified Mail No. 7161 7145 5373 0150 0026
Return Receipt Requested

Respectfully submitted,



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