



**Judicial Conduct Board**  
Commonwealth of Pennsylvania  
Robert A. Graci, Chief Counsel  
717-234-7911

## **Press Release**

**August 29, 2017**

**TO: Media/Press**

**FROM: Judicial Conduct Board**

**SUBJECT: Jonathan D. Grine**  
**Court of Common Pleas**  
**Centre County**  
**Complaint No. 2016-721**

**Harrisburg.** Following investigation into a complaint initiated after a referral from the Disciplinary Board of the Supreme Court of Pennsylvania regarding conduct that took place in 2014 between Judge Jonathan D. Grine and Centre County District Attorney Stacy Parks Miller, the Board voted to resolve the complaint by issuing a Letter of Counsel to the judge. The Letter of Counsel issued to Judge Grine is attached.

The Board issues Letters of Counsel in cases where there is sufficient evidence of judicial misconduct to warrant the filing of charges in the Court of Judicial Discipline, but the evidence suggests that the misconduct by the judge was an isolated incident or first-time infraction. A Letter of Counsel may be private or public and is subject to the judicial officer's acceptance of the Letter and its terms.

Further, evidence of genuine remorse, such as Judge Grine's present willingness to accept public responsibility for his actions, which have resulted in public criticism of the Centre County judiciary, 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 matter resolved by a Letter of Counsel can be used as evidence against the judicial officer in future complaints before the Court of Judicial Discipline, if the judicial officer is charged by the Board in the Court for subsequent misconduct.

### **Contact**

**Robert A. Graci, Chief Counsel**

*The Letter of Counsel, Consent, and Waiver of Confidentiality are attached.*

For more information about the Judicial Conduct Board, please visit our website at [www.jcbpa.org](http://www.jcbpa.org).

**END**



**COMMONWEALTH OF PENNSYLVANIA  
JUDICIAL CONDUCT BOARD**

PENNSYLVANIA JUDICIAL CENTER  
601 COMMONWEALTH AVENUE, SUITE 3500  
P.O. Box 62525  
HARRISBURG, PA 17106-2525  
WWW.JCBPA.ORG

HONORABLE ROBERT A. GRACI  
CHIEF COUNSEL

August 10, 2017

717-234-7911

Honorable Jonathan D. Grine  
c/o Robert S. Tintner, Esquire  
Fox Rothschild LLP  
2000 Market Street, 20<sup>th</sup> Floor  
Philadelphia, PA 19103

Re: JCB Complaint No. 2016-721  
Letter of Counsel

Dear Judge Grine:

At its most recent meeting, the Board reviewed and considered the allegations presented in the above-captioned complaint and voted on a final disposition.

The Board has available to it a procedure by which it may resolve a complaint filed against a judicial officer with the issuance of a document known as a "Letter of Counsel." The Board offers a Letter of Counsel dismissal to a judicial officer when the Board decides that, although a judge has breached the Code of Judicial Conduct or the Pennsylvania Constitution, the judge's actions, though serious, do not warrant the Board's filing of formal charges in the Court of Judicial Discipline. In some instances, the Letter of Counsel dismissal is also conditioned on the judge undertaking other remedial actions. In your case, the Board has conditioned the resolution of the above-captioned complaint on your agreement that this Letter of Counsel will be made public.

In order to receive a Letter of Counsel, a judicial officer must consent in writing and stipulate that the Letter of Counsel may be used against the judge during future Board proceedings if new complaints are lodged with the Board against that same judicial officer. As part of this consent, the judicial officer acknowledges that the Board may also utilize a Letter of Counsel in public proceedings before the Court of Judicial Discipline or the Supreme Court of Pennsylvania if the Board directs that action is to be taken on any future complaints against the judicial officer before either Court.

The above-mentioned complaint alleged that, while your second marriage was in the process of dissolving in the summer of 2014 through early 2015, you were involved in a support relationship with Centre County District Attorney Stacy

Parks Miller. This support relationship was characterized by text messages and telephone calls that took place between you and DA Parks Miller regarding the personal issues you faced regarding your impending second divorce. This support relationship resulted from your past friendship with DA Parks Miller, which first began when you both had been practicing private attorneys in the Centre County area and from her prior representation of you as your divorce attorney for your first divorce. While this support relationship was ongoing, both DA Parks Miller and attorneys in her employ from the Centre County District Attorney's Office presented matters to you in court, but neither you nor DA Parks Miller or any other attorney who may have been aware of the relationship disclosed the existence of the support relationship in any court matter before you. Ultimately, you revealed the past existence of the support relationship you had with DA Parks Miller in Right to Know Law litigation that you instituted in Centre County after a number of individuals sought your cellular telephone records from Centre County pursuant to the Right to Know Law.

Despite the fact that your support relationship with DA Parks Miller was revealed in subsequent civil litigation, this revelation had no effect on obviating the problems arising from the fact of the relationship itself. The gravamen of these problems is that to a reasonable person, the emotional and personal nature of the relationship between you, a judge presiding over criminal matters, and DA Parks Miller, both an advocate in your court presenting those criminal matters and a quasi-judicial officer whose duty is to decide which matters to bring in court, could lead to the charge that your impartiality could reasonably be questioned in criminal matters and that, due to the relationship, you were subject to improper influence by DA Parks Miller in your official conduct. The Board concluded that your conduct with DA Parks Miller ran afoul of the following provisions of the Code of Judicial Conduct and the Pennsylvania Constitution:

**CANON 1: A judge shall uphold and promote the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.**

**Rule 1.1. *Compliance with the Law.***

A judge shall comply with the law, including the Code of Judicial Conduct.

**Rule 1.2. *Promoting Confidence in the Judiciary.***

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of

the judiciary, and shall avoid impropriety and the appearance of impropriety.

**CANON 2: A judge shall perform the duties of judicial office impartially, competently and diligently.**

**Rule 2.4.** *External Influences on Judicial Conduct.*

- (C) A judge shall not convey or permit others to convey the impression that any person or organization is in a position to influence the judge.

**Rule 2.11.** *Disqualification.*

- (A) A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances:
- (i) The judge has a personal bias or prejudice concerning a party or a party's lawyer[.]

**CANON 3: A judge shall conduct the judge's personal and extrajudicial activities to minimize the risk of conflict with the obligations of judicial office.**

**Rule 3.1.** *Extrajudicial activities in General.*

Judges shall regulate their extrajudicial activities to minimize the risk of conflict with their judicial duties and to comply with all provisions of this Canon. However, a judge shall not:

- (A) participate in activities that will interfere with the proper performance of the judge's judicial duties;
- (B) participate in activities that will lead to frequent disqualification of the judge;
- (C) participate in activities that would reasonably appear to undermine the judge's independence, integrity, or impartiality[.]

**Article V, § 17(b) of the Pennsylvania Constitution**, as an automatic, derivative violation of the Code provisions noted above; Art. V, § 17(b) provides that "Justices and judges shall not engage in any activity prohibited by law and shall not violate any canon of legal or judicial ethics prescribed by the Supreme Court."

In deliberating on this matter, the Board considered your thorough cooperation with its investigation and your apology and acceptance of responsibility. The Board also acknowledged judges suffering from emotional and personal difficulties should seek support from those who are willing and able to provide such support.

Nevertheless, your position as a judge places a number of constraints on your personal activity, including on any personal relationship that you may have with an attorney. **See** Code of Judicial Conduct, Canon 1, Rule 1.2 comment at 2 ("A judge should expect to be the subject of public scrutiny that might be viewed as burdensome if applied to other citizens, and must accept the restrictions imposed by the Code."). The relationship you had with DA Parks Miller as described above is simply unacceptable and inappropriate for any judge. However, in light of your expression of contrition and for other considerations attendant to this complaint, the Board agreed to offer you the opportunity to resolve this complaint through the acceptance of this public Letter of Counsel. Of course, should you engage in other acts of judicial misconduct, the Board may revisit this matter and seek appropriate disciplinary action based upon the matter described in this Letter, as well as using the Letter and the information referred to in it in future proceedings as discussed above.

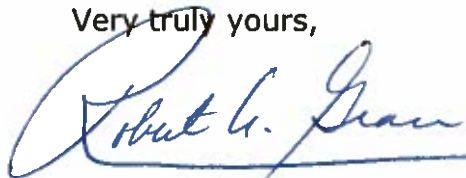
By accepting this resolution, you consent to a dismissal of this case through the procedure outlined above. As you have already indicated your consent to this resolution through counsel, you are directed to meet with me at the Board's offices located in the Pennsylvania Judicial Center, 601 Commonwealth Avenue, Suite 3500, Harrisburg, Pennsylvania, and to personally sign an original Statement of Consent and Waiver of Confidentiality, such as is contained at the end of this letter. The Board will retain the original Statement of Consent and Waiver of Confidentiality (attached to a copy of this Letter of Counsel) for its file. Thereafter, the above-complaint number will be dismissed.

Honorable Jonathan D. Grine  
Page 5 of 7  
August 10, 2017

---

You may schedule your meeting with me at your earliest convenience, but no later than August 25, 2017.

Very truly yours,

A handwritten signature in blue ink that reads "Robert A. Graci". The signature is written in a cursive style with a large initial "R" and a horizontal line at the end.

Robert A. Graci  
Chief Counsel

**Attachments**

UPS Overnight Delivery  
Tracking No. 1Z Y4X 745 01 9593 1926

**CONSENT**

I, Jonathan D. Grine, consent to the dismissal of Complaint Number 2016-721 with the issuance of this Letter of Counsel. **I understand and agree that the contents of this Letter of Counsel and any supporting facts for this Letter of Counsel obtained through the Board's investigation may be used during any future proceedings involving new complaints against me before the Board. I understand and agree that the contents of this Letter of Counsel and any supporting facts for this Letter of Counsel may be used in public proceedings against me before either the Court of Judicial Discipline or the Supreme Court of Pennsylvania.**

DATE: 8/29/17




---

Jonathan D. Grine  
Judge  
Court of Common Pleas  
Centre County

**WAIVER OF CONFIDENTIALITY**

I, Jonathan D. Grine, Judge of the Court of Common Pleas of Centre County, hereby waive the confidentiality provisions of the following authorities: (1) Article V, § 18(a)(8) of the Pennsylvania Constitution; (2) Rule 17 of the Judicial Conduct Board Rules of Procedure; (3) any applicable Internal Operating Procedure of the Judicial Conduct Board; and (4) any case precedent regarding the confidentiality of judicial conduct complaints filed with the Judicial Conduct Board. I understand that this waiver of confidentiality applies only to the Board's investigation and disposition of Judicial Conduct Board Complaint Number 2016-721, and does not apply to any complaints that may be presented against me in the future. I understand that this waiver does not apply to the content of medical records or personal identifiers such as Social Security Numbers, home addresses, and names of minor children, which may have been received by the Board in the course of its investigation. I understand that this waiver allows the Board, in its sole discretion, to publicly disclose the Letter of Counsel issued by the Board to Jonathan D. Grine, dated August 10, 2017.

DATE: 8/29/17

  
\_\_\_\_\_  
Jonathan D. Grine  
Judge  
Court of Common Pleas  
Centre County