

COMMONWEALTH OF PENNSYLVANIA
JUDICIAL CONDUCT BOARD

ANNUAL REPORT

1999

Judicial Conduct Board

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Harrisburg, Pennsylvania 17101-2126

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Judicial Conduct Board

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This page reserved for letter from Chair.

Members of the Judicial Conduct Board

(Seated, Left to Right): Judge James Gardner Colins and Judge James P. MacElree II;

(Standing, Left to Right) District Justice Bob Yanich, Matthew J. DiDomenico, Sr., G. David Ament, Michael M. Robinson, John W. Morris, Robert J. Ewanco, William P. Lincke, and Wendell G. Freeland.

Commonwealth of Pennsylvania Judicial Conduct Board

1999

Members of the Board

(As of December 31, 1999)

Judge James Gardner Colins - Chairman	
District Justice Bob Yanich - Vice Chair	
William P. Lincke, Esq. - Secretary	
G. David Ament Francis E. Bianconi John R. Cellucci Matthew J. DiDomenico, Sr.	Wendell G. Freeland, Esq. Judge James P. MacElree II John W. Morris, Esq. Michael M. Robinson

The following member's term ended in 1999:

Robert E. J. Curran, Esq. Robert J. Ewanco Gloria V. Goldy Harry J. Williamson

Former Members of the Board

Judge Joseph A. Del Sole Arthur J. Edmunds Diane M. Edmundson Gerard P. Egan, Esq. Judge John W. Herron Frederick Wells Hill, Esq. Professor Sandra D. Jordan	Sister Matthew Anita MacDonald Gerald J. O'Connor Andrew Palm Charles W. Rubendall II, Esq. District Justice James E. Russo Bernard C. Watson, Ph.D. Reginald W. Wilkes
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lsmith@external.court.state.pa.us.

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Commonwealth of Pennsylvania Judicial Conduct Board

1999

Annual Report

INTRODUCTION

This is the sixth Annual Report prepared and disseminated by the Judicial Conduct Board pursuant to the directive of Article V, §18(a)(6) of the Constitution of the Commonwealth of Pennsylvania as amended on May 18, 1993, by the electorate. The Judicial Conduct Board is the first tier in Pennsylvania's two-tiered judicial disciplinary system and as such, the Board is required to investigate and, where appropriate, prosecute allegations of judicial misconduct. The Court of Judicial Discipline, also established by the 1993 Constitutional amendment, is responsible for determining whether or not misconduct has occurred and, when necessary, imposing the appropriate sanction for any such conduct. The Board and the Court of Judicial Discipline are the successors to the Judicial Inquiry and Review Board. From 1968 until 1993, the Judicial Inquiry and Review Board served as the Commonwealth's primary judicial disciplinary organ.

MEMBERSHIP REQUIREMENTS

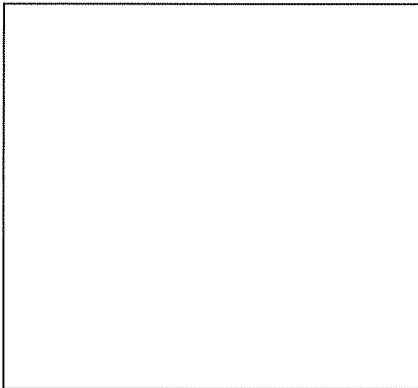
The Pennsylvania Judicial Conduct Board has twelve members: six appointed by the Governor and six appointed by the Supreme Court. No more than half of the members appointed by either authority may be registered in the same political party. The appointments are made in the following way:

<u>Governor</u>	<u>Supreme Court</u>
1 Judge, Common Pleas 2 Lawyers 3 Non-Lawyers	1 Judge, Superior or Commonwealth Courts 1 District Justice 1 Lawyer 3 Non-Lawyers

Members are limited to four consecutive years of service; however, a former member may be reappointed after a lapse of one year. The terms of Robert E. J. Curran, Esq., Harry J. Williamson, and Gloria Vannucci Goldy expired in 1999. Matthew J. DiDomenico, Sr. was appointed by the Supreme Court; and Attorney John W. Morris, Michael M. Robinson, and John R. Cellucci were appointed by the Governor to the Board in 1999.

The Board annually elects three officers. During 1999, Judge James Gardner Colins served as Chairman, District Justice Bob Yanich served as Vice Chair, and William P. Lincke, Esq. served as Secretary.

BIOGRAPHICAL SKETCHES



G. David Ament

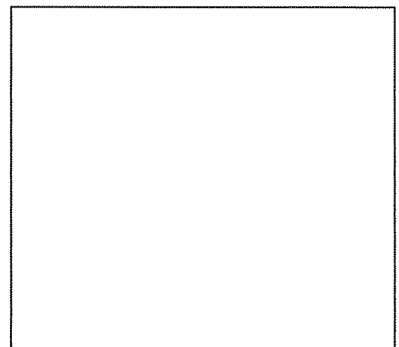
G. David Ament is a partner in the firm, InsuranceMasters of Lancaster, Ltd. He is an insurance broker, specializing in commercial property and casualty insurance. He has served on the Board of Directors of Big Brothers/Big Sisters of Lancaster, is a past president of the Lancaster Northeast Rotary Club, is a past chairman of the Grandview Methodist Church

Board of Trustees and Administrative Board, is a member of the Professional Insurance Agents Association and the Society of Certified Insurance Counselors.

Mr. Ament is a native of Lancaster and received a Bachelor of Arts degree from Franklin and Marshall College.

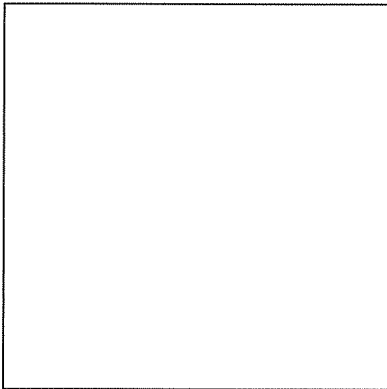
Appointed by the Governor; Democrat.

Francis E. Bianconi



A resident of Lackawanna County, Francis E. Bianconi has been a partner in the Montdale Country Club since 1959. Mr. Bianconi is a member of the Executive Committee of Lackawanna County, the Advisory Board of the Lake Ariel Bank, the American Legion, the Small Business Bureau, and the Italian-American Club. A graduate of Olyphant High School, he served as a paratrooper in the United States Army from 1954 through 1956.

Appointed by the Supreme Court; Democrat.



John R. Cellucci

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

Housing Development Corporation.

Mr. Cellucci received a Bachelor of Science in Civil Engineering from Pennsylvania Military College (now Widener University) and received his certification as a Professional Engineer.

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

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

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

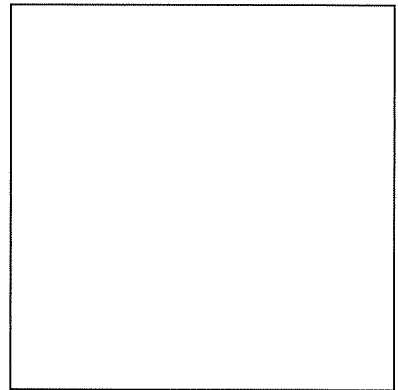
Mr. Cellucci is an active member of the Widener Alumni Association and has been a past Vice-President on the Alumni Board of Widener University. He is also an active supporter of numerous non-profit organizations, most recently the Philadelphia Zoobilee, and The Friends of the Ocean City Pops, Inc. He is also a member of the Vespers Club of Philadelphia and the Avalon (N.J.) Yacht Club.

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

Appointed by the Governor; Republican.

Judge James Gardner Colins

Judge James Gardner Colins, Judge of the Commonwealth Court of Pennsylvania, was commissioned to the Court in January, 1984, and served as President Judge from September 1, 1994 to August 31, 1999. Judge Colins has served on the Supreme Court's state-wide computerization committee; the Judicial Audit Committee of the Administrative Office of Pennsylvania Courts; the Compensation and Benefits Committee of the Pennsylvania Conference of State Trial Judges; the Pennsylvania Futures Commission, as well as the Century III Commission of the Philadelphia Bar Association.



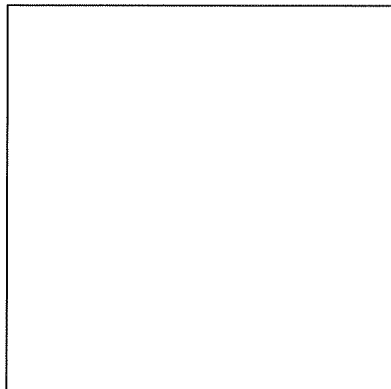
Following his January 1998 appointment to the Judicial Council by the Supreme Court of Pennsylvania, in February 1998 Judge Colins was appointed to serve on the Judicial Conduct Board. In June 1998, he was appointed a member of the Pennsylvania Bar Association's Judiciary, Academy and Bar Committee. In August 1998, Judge Colins was appointed by the president of the American Bar Association to serve on the Commission on Opportunities for Minorities in the Profession.

President Judge Colins has been a CLE lecturer for the Pennsylvania Bar Institute, the Pennsylvania Defense Institute, the Pennsylvania Bar Association, numerous county bar associations, as well as other professional organizations.

Prior to his election to the Commonwealth Court, President Judge Colins served as an assistant district attorney for Philadelphia County. After leaving the District Attorney's Office, he entered the private practice of law prior to his judgeship on the Philadelphia Municipal Court Bench in 1980.

He is an alumnus of Northeast High School (Philadelphia); the University of Pennsylvania; and Villanova University School of Law. He resides in Philadelphia with his wife, Judith Nilon, Esquire, and their four children.

Appointed by the Supreme Court; Democrat.



Matthew J. DiDomenico, Sr.

Matthew J. DiDomenico, Sr., is a licensed real estate broker in Devon. He has a comprehensive residential and commercial real estate background and extensive experience in the acquisition and development of residential and commercial real estate. He is also a consultant to lending and health care institutions.

For the past 30 years, Mr. DiDomenico, who holds real estate brokerage licenses in the Commonwealth of Pennsylvania and the state of New Jersey, has been president of CENTURY 21 John Matthew Inc., Realtors in Devon. He is directly involved in the day-to-day operations of the firm, including the appraising, marketing, sales, leasing, and management of residential, commercial, and industrial properties in southeastern Pennsylvania and southern New Jersey.

In addition to his responsibilities with CENTURY 21 John Matthew Inc., Realtors, Mr. DiDomenico is also president of two other companies, Devon Financial Services, Inc., a

real estate development company, and Devon Management Group, a real estate consulting company. Both companies are located in Devon.

As president of Devon Financial Services, Inc., Mr. DiDomenico is responsible for evaluating residential and commercial sites and determining the economic practicality of developing the sites. He also negotiates land acquisitions, obtains land use and/or zoning approvals, construction financing, and supervises subcontractors during the installation of site improvements.

As president of Devon Management Group, Mr. DiDomenico is responsible for assessing the feasibility of real estate projects for financial institutions and manages various construction projects.

Mr. DiDomenico's clients include Kimco Realty Trust, Melmark, Mercy Health Systems, Affordable Care, First Financial Bank, and Anchor Health Properties.

In addition to his business responsibilities, Mr. DiDomenico serves on the Boards of various organizations, including Chairman of the Board of Governors at Mercy Community Hospital, Executive Vice President of the National Italian American Foundation (NIAF), and the Advisory Board at First Financial Bank. He previously served on the Board of Directors of Cabrini College, Chapel of The Four Chaplains, Constitution Bank, Berwyn-Devon Business Association and Columbus Quincentennial. He is also active in many local community organizations and has received many awards for his community service, including Citizen of the Year from the Berwyn-Devon Business Association and an exemplary citizenship citation from the Commonwealth of Pennsylvania. He has received community service awards from the Easttown and Radnor Township Neighborhood Watch Programs, was awarded a membership in the Circle of Leaders for his efforts on behalf of Catholic Charities, and recipient of the benefactor award for his contribution to the Chapel of Four Chaplains.

Mr. DiDomenico is a member of the Delaware Valley Realtors Association, the National Association of Realtors, the Pennsylvania Association of Realtors and the American Fraternity of Real Estate Appraisers. He is a graduate of the Realtors Institute and also attended the Real Estate National Marketing Institute, receiving a Certified Residential Broker designation and a Certified Residential Specialist designation. Mr. DiDomenico also attended Penn State University.

A Wayne, Pennsylvania resident, Mr. DiDomenico is married and has four children and four grandchildren.

Appointed by the Supreme Court; Republican.

Wendell G. Freeland, Esquire

Wendell G. Freeland is a member of the Allegheny County law firm of Freeland & Kronz and appears before the federal and state courts at the trial and appellate levels. He is first president of the Neighborhood Legal Services Association and serves as a member of the Executive Board of Trial Lawyers in Criminal Court Association. He was a member of the board of the Urban League of Pittsburgh and served as its president from 1962 to 1966.

From 1967 through 1976, he was a member and senior vice president of the National Urban League Board of Trustees. Mr. Freeland has served as the president of the Homer S. Brown Law Association. He is a former member of the Appellate Rules Committee of the Supreme Court of Pennsylvania. He has chaired the Federal Court Section of the Allegheny County Bar Association, and has served as a member of the House of Delegates of the Pennsylvania Bar Association. He has also served as a member of the Civil Justice Advisory Group of the U.S. District Court for the Western District of Pennsylvania. He currently serves on the Board of Governors of the Joint Center for Political and Economic Studies; from 1978 through 1990, he was the chairman of that Board.

Mr. Freeland was born in Baltimore, Maryland. He attended the Colored Schools of Baltimore, and received a bachelor's degree, *cum laude*, from Howard University. He

earned an LL.B., with honors, from the University of Maryland School of Law, and was also elected to the Order of the Coif. He currently serves as a member of the Board of Trustees of Westminster College and has served on the Board of Trustees of the University of Pittsburgh, where he also served on and chaired the Board of Visitors of the School of Social Work.

Appointed by the Supreme Court; Republican.

William P. Lincke, Esquire

William P. Lincke, Esquire, is the managing partner of the Delaware County law firm of Beatty, Cramp, Kauffman & Lincke. He specializes in corporate law, especially involving nonprofit institutions, school districts and municipalities.

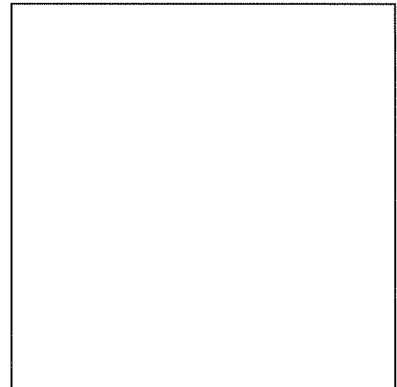
Mr. Lincke has served as Chairman of the Trial Court Nominating Commission of Delaware County from 1987 to 1995. He is now a member of the Trial Court Nominating Commission of Delaware County, having been reappointed in 1995. He serves as chairman of the Dickinson College Board of Advisors and also serves on Dickinson's Board of Trustees. He has served as a member and President of the Board of Family and Community Service of Delaware County.

After receiving a Bachelor of Arts degree from Dickinson College, Mr. Lincke earned a J.D. from Villanova University School of Law. He resides in Chadds Ford with his wife, Elizabeth.

Appointed by the Governor; Democrat.

Honorable James P. MacElree II

James P. MacElree II is a Judge of the Court of Common Pleas for Chester County. He is the former District Attorney of Chester County (1984-1992) and served in that office as a First Assistant, Chief Deputy, Deputy, and Assistant from 1974 to 1984.



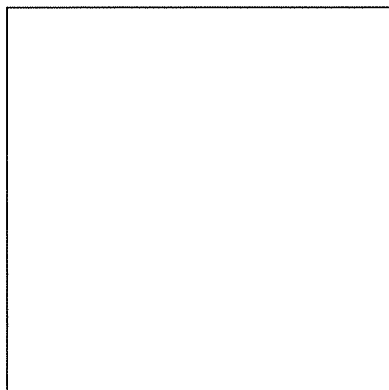
He received a Bachelor of Arts Degree from West Chester University and earned a law degree from the University of Maryland Law School. He is admitted to the bar before all Pennsylvania courts and the United State Supreme Court. He has lectured at West Chester University, the Delaware and Montgomery County Community College, the Pennsylvania State Police Academy, and the Pennsylvania District Attorneys Institute.

Your comments, observations, and suggestions regarding the Annual Report are helpful and welcomed. Please direct them to: Greg Anthony at the Board's Harrisburg office (225 Market Street, Suite 500, Harrisburg, PA 17101-2126; ganthony@external.court.state.pa.us).

He is the former president of the Pennsylvania District Attorneys Association (1989-1990) and is a former member of the National District Attorneys Association and the Pennsylvania Trial Lawyers. He is a fellow of the American College of Prosecuting Attorneys and served as a special prosecutor dealing with political corruption in 1975 and 1976. During his 25 years of involvement in the justice system, he has testified before various legislative committees and sub-committees concerning a wide range of criminal justice issues and the state. He also testified before Governor Casey's Penn-Free anti-drug committee and served on the Pennsylvania Commission on Crime and Delinquency Prison Overcrowding Committee. In his years as a criminal prosecutor, Judge MacElree tried virtually every form of offense under the Pennsylvania Crimes Code, including capital murder cases and a multitude of serious felony cases.

Judge MacElree was born in Chester County, Pennsylvania, and has been involved in many community activities there, including the Boy Scouts of America, the March of Dimes, the Sea Explorers, the Bar Association, and Rotary. Judge MacElree is an avid outdoorsman.

Appointed by the Governor; Republican.



John W. Morris, Esquire

John W. Morris is a sole practitioner in Philadelphia, specializing in trial practice and management of corporate litigation.

Mr. Morris has written and lectured throughout the country on trial techniques and ethics, and is a Lecturer at Temple University School of Law. He is also a member of the Disciplinary Board of the Supreme Court of Pennsylvania. He was formerly First Assistant District Attorney of Philadelphia and a Director of the Pennsylvania Association of Criminal Defense Lawyers.

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Mr. Morris is a graduate of Yale University (B.A.) and the University of Pennsylvania Law School (J.D.). He was born in Gainesville, Georgia; raised in Wilmington, Delaware; and now resides in Center City Philadelphia with his wife, Virginia.

Appointed by the Governor; Democrat.

Michael M. Robinson

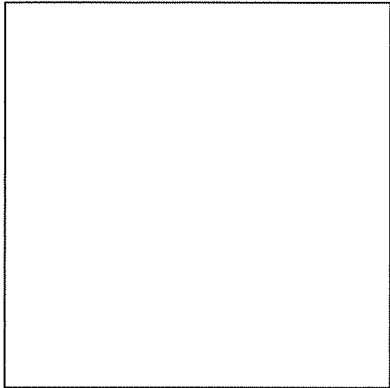
Michael M. Robinson is President and Owner of PAP Security Printing, Inc., which provides secure printed items for the gaming/wagering industry, as well as ATM receipts, fulfillment and warehousing services.

He is a member o YPO (Young President's Organization), a Commissioner for the Governor's Advisory Commission on African American Affairs and Board Member/Secretary of Drug Free Pennsylvania.

Mr. Robinson is a native of Pennsylvania and attended Lycoming College, majoring in Business.

Appointed by the Governor; Republican.

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District Justice Bob Yanich

Bob Yanich is a District Justice in suburban Harrisburg, Dauphin County. He was elected in 1987 and re-elected in 1993 without opposition.

He has an extensive background in radio and television as an on-air personality and broadcast executive.

He is a lecturer at Dickinson and Weidner Law Schools, and instructor of "Peoples Law" courses at Harrisburg Area Community College and the Pennsylvania State Police Academy in Hershey. He is a judicial member of the American Bar Association.

District Justice Yanich has been very active in the Special Court Judges Association since 1988. He has held positions on various state committees. He serves on the Legislative Committee and was "liaison" to the Keystone Safety Network and Pennsylvania League of Cities. He presently serves on the Dauphin County Prison Board of Inspectors. He was elected Vice chair of the Judicial Conduct Board for 1999.

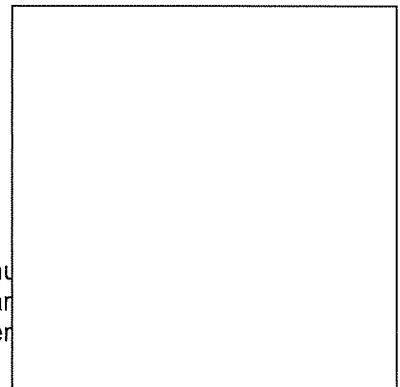
District Justice Yanich graduated from Steelton High School and he received his Judiciary Certification at Wilson College. He has received numerous awards for his work with youth and civic organizations in the greater Harrisburg area.

Appointed by the Supreme Court; Republican.

Vincent J. Quinn, Chief Counsel

Vincent J. Quinn is a graduate of St. Joseph's College and the University of Pennsylvania Law School. After serving as a law clerk to the Honorable Frederick Edenharter of the

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Court of Common Pleas of Berks County, he practiced law continuously in Lancaster County from 1978 until 1994. He was the coordinator of the Lancaster Bar Association's Pro Bono program and from 1989 until 1994 was the Chief Public Defender for Lancaster County. In May of 1994, he was appointed the first Chief Counsel for the Pennsylvania Judicial Conduct Board.

Mr. Quinn has served on the Board of Directors of the Pennsylvania Association of Criminal Defense Lawyers and the Public Defender Association of Pennsylvania. He has taught at Harrisburg Area Community College and has lectured on judicial ethics at programs sponsored by the Governor's Office of General Counsel, Lancaster Bar Association, the Pennsylvania State Conference of Trial Judges, the Minor Judiciary Education Board, and the Pennsylvania Association of Criminal Defense Lawyers. Presently he is a member of the Lancaster and Pennsylvania Bar Associations and the Association of Judicial Disciplinary Counsel.

The following board members' terms concluded in 1999:

Robert E. J. Curran, Esquire

Robert E. J. Curran is a partner in the Delaware County law firm of Curran & Byrne, P.C. Mr. Curran attended the Malvern Preparatory School and, after receiving a bachelor's degree from Washington & Lee University, he earned a J.D. from the Temple University Law School. He is admitted to the bar before all Pennsylvania courts, the Court of Appeals for the Third Circuit of the United States, and the United States Supreme Court.

In 1972, Mr. Curran was appointed the United States Attorney for the Eastern District of Pennsylvania by President Richard M. Nixon and served until April 30, 1976. During his term as United States Attorney, he was appointed to and served on the Attorney General's Advisory Committee. In 1967 and 1968, Mr. Curran was a delegate to the Constitutional Convention for the Commonwealth of Pennsylvania. In that capacity, he was co-chairman of the subcommittee on Incompatible Activities of Judges, Their Suspension, Removal, Discipline and Compulsory Retirement (Committee on Judiciary). From 1979 until 1984, he served as the chairman of the Criminal Justice Act Selection Committee for the Federal District Court in the Eastern District of Pennsylvania. He is

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also a former solicitor for the Sheriff of Delaware County, the Delaware County Housing Authority, the Delaware County Airport Authority, the Delaware County Association of Police Chiefs, RDC Inc., and the Aronimink Golf Club. Mr. Curran has lectured in law at the Temple University Law School and is a former officer of the Federal Bar Association (Philadelphia Chapter). He also served as a Special Attorney General for the Commonwealth of Pennsylvania, Department of Justice, in Delaware County from 1963 through 1971.

Appointed by the Governor; Republican.

Robert J. Ewanco

Robert J. Ewanco is Secretary Treasurer of the Pennsylvania Conference of Teamsters with approximately 140,000 members in addition to being Secretary Treasurer and principal Officer of Teamsters Local 636.

He has served on the Pennsylvania Federal Judicial Nominating Commission and as Trustee, Secretary and Chairman of the Western Pennsylvania Teamsters and Employers Pension Fund.

He is currently the Secretary on the Board of the City of Pittsburgh Stadium Authority. He is also a member of the Regional Housing Advisory Committee and the Greater Pittsburgh Community Food Bank Capital Campaign Cabinet.

As legislative director for the Teamsters in Western Pennsylvania, he is often called on to lobby in Harrisburg for and against legislation that affects working people in Pennsylvania.

Robert J. Ewanco attended St. Mary's High School and the Allegheny County Community College.

Appointed by the Supreme Court; Democrat.

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Gloria V. Goldy

Born in Williamsport, Gloria Goldy moved to Lancaster County in 1961 with her husband, Dr. David J. Goldy, a pediatric dentist.

At Lycoming College in Williamsport, she was a consistent Dean's List student who graduated with an Associate Degree in Secretarial Science.

From 1961 to 1994 Mrs. Goldy was Secretary-Treasurer of Dr. Goldy's professional corporation where she maintained an active role in the business portion of the dental practice. During the same period of time, she served as President of the Welcome Wagon Club of Lancaster, President of the Auxiliary to the Lancaster County Dental Society, and was an active volunteer in many other community organizations. At St. Philip the Apostle Church she has served as lector, CCD teacher, Confirmation Coordinator, member and secretary of the Parish Advisory Council.

In 1983 she was elected Lancaster County Clerk of the Court and served two energetic terms modernizing the office.

In 1991 she was elected President of the Pennsylvania Prothonotaries' and Clerks of Courts' Association. As President, she distributed Clerk of Court manuals to every Common Pleas President Judge and criminal court office in the state. The manual was the first ever written to standardize procedures throughout the state. It is inclusive for every class county from Philadelphia to Fulton and is updated yearly. It was written by a committee of clerks from the state organization and funded by the Administrative Office of the Pennsylvania Courts. Mrs. Goldy chaired that committee.

In 1993-94 she was a Lancaster County coordinator for Governor Tom Ridge's gubernatorial campaign and also coordinated the campaign of Judge James Cullen for the Court of Common Pleas, Lancaster County.

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Appointed by the Governor; Republican.

Harry J. Williamson

Harry J. Williamson is President of Citybel Corporation, Williamsonten, Inc., Seven Sons, Inc., and a partner in Williamson Hospitality Company, all of which are Philadelphia area food service and restaurant companies.

He was a member of the Philadelphia Council of Boy Scouts of America (BSA), and the Philadelphia Council on Alcoholism. He is also a former trustee of Malvern Preparatory School, and chairman of the Restaurant Division of the Catholic Charities Appeal of the Archdiocese of Philadelphia. Mr. Williamson has worked with various other charitable and school organizations over the years.

Mr. Williamson is a native of Philadelphia and attended Malvern Preparatory School.

Appointed by Supreme Court; Republican.

JURISDICTION

The Judicial Conduct Board is required to investigate complaints against Pennsylvania judicial officers including Supreme Court Justices, Judges of the Superior and Commonwealth Courts, Common Pleas Court Judges, District Justices, Philadelphia Municipal Court Judges, Philadelphia Traffic Court Judges, and Pittsburgh City Magistrates. The Board cannot consider complaints against federal judges, or administrative law judges.

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The Board has the constitutional authority to consider a complaint, from any source, that a judicial officer has engaged in ethical misconduct or has a mental or physical disability which substantially impairs the performance of judicial duties.

The Board has no authority to act as an appellate court. It cannot review, reverse, or vacate a decision of a judicial officer, nor interfere in ongoing litigation. The Board is also unable to order a judge to refrain from considering a particular case.

INTERNAL ADMINISTRATION

The Judicial Conduct Board held eight regularly scheduled meetings during 1999. In addition, there were four special meetings held via teleconference.

As an independent agency, the Board administers its own budget and staff. For the Fiscal Year 1999-99 the Board's budget is \$929,000. The budget allocations may be summarized as follows:

	1995-96	1996-97	1997-98	1998-99	1999-00
Personnel	\$527,238	\$569,200	\$585,000	\$618,800	\$660,100
Operating Expenses	\$323,762	\$267,800	\$273,000	\$266,200	\$257,900
Fixed Assets	\$12,000	\$1,000	\$8,000	\$5,000	\$11,000
TOTAL	\$863,000	\$838,000	\$866,000	\$890,000	\$929,000

Throughout 1999 the Board maintained its full complement of personnel. The staff includes nine full-time employees. Vincent J. Quinn serves as Chief Counsel and supervises the other staff members.

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PROCEDURES

The Board initiates investigations based on information received from any reliable source including anonymous contacts, media reports, and referrals from other agencies. Most investigations are based on complaints received from named individuals. A complaint from a named individual must be verified and state the allegations upon which it is based, together with the name of the judicial officer against whom it is made. In all other cases where the Board receives information raising an issue of judicial misconduct, after receiving Board approval, a written complaint is filed by Chief Counsel.

All complaints are referred to Chief Counsel who reviews the allegations of the complaint. In the rare circumstance where it is clear that the complaint refers to conduct by someone who is clearly not within the jurisdiction of the Board, Chief Counsel will advise the complainant of this fact and refer the party to the appropriate agency. All other complaints are docketed and the complainant is advised of a file number which should be used in future correspondence.

After a complaint is docketed, the Board, through its staff, conducts a preliminary inquiry. If necessary, the staff will obtain additional information from the complainant, attorneys involved in the underlying litigation, and other individuals who may have relevant information. Frequently, staff will obtain documents such as trial transcripts, docket entries, and other court records.

Upon completion of the preliminary inquiry, counsel submits the complaint and a report, which may include a recommendation, for the Board's review. At this stage, the Board may dismiss the complaint because it is without merit, direct further preliminary inquiry, or authorize a full investigation.

A clear majority of the complaints docketed by the Board are dismissed following the preliminary inquiry. Many dismissals occur at this stage because the complaint:

1. Is obviously frivolous or proved so after a preliminary inquiry;
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2. Represents an effort by a disappointed litigant to obtain review of the merits of a judicial officer's decision;
3. Is based on a misunderstanding of the judicial process or the proper role of the judicial officer.

A judicial officer is usually not aware of a complaint during a preliminary inquiry. Therefore, the general rule is that the judicial officer is not notified when a complaint is dismissed at this stage. An exception to this practice occurs when the complaint is a matter of common knowledge within the community or if the judicial officer is otherwise aware of the complaint. In these limited circumstances, the Board will notify the judicial officer of the dismissal.

If the Board believes that the complaint is of arguable merit, it will proceed with a full investigation. The purpose of a full investigation is to determine if probable cause exists to believe there is clear and convincing evidence of ethical misconduct which warrants discipline.

Following authorization of a full investigation, counsel will promptly send a Notice of Full Investigation to the judicial officer. The Notice of Full Investigation notifies the judicial officer of the existence and nature of the complaint and advises the jurist of the right to respond fully to the allegations.

During a full investigation, the Board may issue subpoenas to compel the testimony of witnesses, the production of documents or other items of physical evidence relevant to the investigation, or the testimony of the subject of the investigation. Following completion of the full investigation, the Board will either dismiss the complaint or direct counsel to file formal charges before the Court of Judicial Discipline.

If the Board elects to file formal charges, a Board Complaint is filed with the Court of Judicial Discipline. Board counsel presents the case in compliance with the rules of procedure adopted by the Court.

Complaints filed with the Board and any other statements, testimony, documents, records, or other information or evidence acquired for the Board during investigation are not matters of public information. All meetings and other proceedings of the Board are confidential. The Board may open individual matters to the public following receipt of a written waiver from the subject of the investigation. This confidentiality serves the dual

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purpose of preserving the anonymity of complainants to insulate them from concerns about possible retaliation and preventing damage to the reputations of innocent judicial officers who are the targets of baseless complaints.

All proceedings before the Court of Judicial Discipline are matters of public record and the general public is permitted to attend any hearings.

BOARD ACTIVITY

CASE DISPOSITIONS

During 1999, the Board opened 522 complaints against judicial officers. Table 1 reflects the breakdown of those complaints by type of jurist..

TABLE 1	1995	1996	1997	1998	1999
Minor Judiciary	182	181	207	169	245
Judges of Courts of Record	357	327	320	291	272
Non-judicial Officers*		6	5	2	5
TOTAL	539	514	532	462	522

* Opened for administrative purposes.

Table 2 reflects the status of the complaints from 1995 through 1999.

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TABLE 2	1995	1996	1997	1998	1999
Litigant - Criminal Matter	172	218	180	161	201
Litigant - Family Matter	78	22	55	51	35
Litigant - Civil Matter	142	174	182	145	154
Non-litigant Layperson	69	52	75	72	84
Non-litigant Lawyer	15	16	15	10	27
Judicial Officer	10	4	6	1	1
Board Initiated	53	28	19	22	20
TOTAL	539	514	532	462	522
TOTAL					

Table 3 classifies the complaint on the basis of its primary allegation.

TABLE 3	1995	1996	1997	1998	1999
Abuse of Power	11	16	6	27	13
Administrative	21	12	19	10	24
Bias	129	62	94	81	102
Business/Fiduciary	0	0	0	1	0
Conflict of Interest	14	9	7	4	6
Criminal	9	5	4	6	6
Delay	28	17	19	12	9
Disability	0	0	1	1	1
Ex Parte Communication	37	12	17	12	15
Financial Disclosure	0	0	0	0	0

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Fundraising	0	0	0	0	1
Gifts	0	0	1	0	0
Judicial Demeanor	24	20	22	19	22
Legal Error	237	328	316	267	266
Other	11	24	13	16	19
Political - Campaign	12	1	9	2	26
Political - Other	3	4	4	4	11
Public Comment	5	3	0	0	0
Substance Abuse	0	0	0	0	1
TOTAL	539	514	532	462	522

During 1999, the Judicial Conduct Board disposed of 479 complaints. Table 4 reflects the stage at which ultimate disposition occurred.

TABLE 4	1995	1996	1997	1998	1999
Dismissed after Preliminary Inquiry	505	456	541	425	444
Dismissed after Full Investigation	28	27	21	19	22
Dismissed after Issuance of Letter of Counsel	17	17	9	7	9
Filed Formal Charges	4	2	3	2	4
TOTAL	554	502	574	453	479

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NOTES

This page was NOT included with 1999 Annual Report.

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