

PRESS RELEASE



JUDICIAL CONDUCT BOARD

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Contact Person: Joseph A. Massa, Jr., Chief Counsel

DATE: April 14, 2005

TO: Media/Press

FROM: Joseph A. Massa, Jr., Chief Counsel
Judicial Conduct Board

SUBJECT: Allan Clifford Berkhimer
Magisterial District Judge In and For
Magisterial District 47-3-06
Cambria County
No. 4 JD 04

Harrisburg. The Pennsylvania Court of Judicial Discipline has ruled that Magisterial District Judge Allan Clifford Berkhimer engaged in conduct which brings the judicial office into disrepute; and that he used his magisterial district office and employees for “partisan political activity,” and is subject to discipline. Said the Court,

“We find that (Berkhimer’s) conduct in this case was so persistent, so pervasive, so inescapable, so diminishing of his office, and so extreme that we conclude that disrepute was brought upon the judicial office itself.”

The Judicial Conduct Board filed a complaint against Berkheimer on June 15, 2004.

The Board presented its case in two parts: the first part styled, *“Indecorous Language and Behavior Unbecoming a Judicial Officer”*, arose from complaints that he routinely used improper and offensive language in dealing with his staff and others. The second part of the Board Complaint styled, *“Improper Use of County Employees, Equipment and Funds”*, arose from Berkheimer’s practice of having his employees send congratulatory notes by mail to constituents who were mentioned in the local newspaper for some accomplishment.

A three-day trial was conducted (in Washington, Pennsylvania) on December 14, 15, and 16, 2004, at which time testimony was taken.

Joseph A. Massa, Jr., Chief Counsel to the Judicial Conduct Board advised that the Board is pleased with the ruling of the Court of Judicial Discipline. Massa stated,

“The Board felt strongly that Berkheimer’s coarse and vulgar behavior was inappropriate and brought the judicial office into disrepute and warranted severe discipline. The Court’s ruling has vindicated the Board’s conclusions.”

By Order of the Court, Berkheimer has ten (10) days to file an objection to the Court’s Findings of Fact and Conclusions of Law. If no objections are filed, the Court will conduct a hearing on the issue of sanctions on May 18, 2005, at 1:00 p.m. in Commonwealth Court, Courtroom No. 1, 5th Floor, Irvis Office Building, Harrisburg, Pennsylvania.

Court of Judicial Discipline’s Order and Opinion attached.

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