

# ANNUAL REPORT 2018



## COMMONWEALTH OF PENNSYLVANIA JUDICIAL CONDUCT BOARD

601 Commonwealth Avenue, Suite 3500

P.O. Box 62525

Harrisburg, Pennsylvania 17120-0901

(717) 234-7911

<http://www.jcbpa.org>



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(717) 234-7911 ♦ [www.jcbpa.org](http://www.jcbpa.org)

March 2019

TO: The Honorable Thomas Wolf  
Governor  
Commonwealth of Pennsylvania  
225 Main Capitol  
Harrisburg, Pennsylvania 17120

The Honorable Thomas G. Saylor  
Chief Justice of Pennsylvania  
200 North Third Street  
Harrisburg, Pennsylvania 17101

The Honorable Joseph B. Scarnati, III  
President Pro Tempore  
Senate of Pennsylvania  
292 Main Capitol  
Harrisburg, Pennsylvania 17120-3025

The Honorable Mike Turzai  
Speaker of the House  
Pennsylvania House of Representatives  
139 Main Capitol  
Harrisburg, Pennsylvania 17120-2066

The Honorable Jay Costa  
Minority Floor Leader  
Senate of Pennsylvania  
535 Main Capitol  
Harrisburg, PA 17120-2033

The Honorable Frank Dermody  
Minority Leader  
Pennsylvania House of Representatives  
423 Main Capitol Building  
Harrisburg, PA 17120-3043

Pursuant to Article V, Section 18(a)(6) of the Pennsylvania Constitution, and Section 2104 of Title 42, Judiciary and Judicial Procedures, the Judicial Conduct Board of Pennsylvania respectfully submits this Annual Report covering the period from January 1 through December 31, 2018.

This Annual Report is available to the general public on the Board's web site at [www.jcbpa.org](http://www.jcbpa.org)

Respectfully submitted,



Richard W. Long  
Chief Counsel

On Behalf of the Judicial Conduct Board



## MISSION STATEMENT

*The Judicial Conduct Board is an independent Board within the Judicial Branch mandated by the Pennsylvania Constitution to receive and investigate complaints of misconduct against judges of Pennsylvania's unified judicial system and, where appropriate, to file formal charges against those judges found to have engaged in improper behavior.*

*The Board, through its staff, is required to investigate every allegation made against Pennsylvania state court judges. This procedure is an essential safeguard to the integrity of, and public confidence in, the judiciary and the judicial process. Judges are held to a high standard of conduct. This standard is set forth both in the Code of Judicial Conduct and in the Rules Governing the Standards of Conduct of Magisterial District Judges.*

*The members and staff of the Judicial Conduct Board are committed to preserving the honor, dignity, independence, and integrity of Pennsylvania's judiciary. Political affiliation, race, color, age, national origin, sex, sexual orientation, ancestry, religious creed, disability, and the position or status of the complainant or judge, are not considerations in reviewing cases. The Board's duties to the public require the honesty, intelligence, professionalism, and diligence of every Board and staff member.*

*The Board's objective is to enforce high standards of ethical conduct for judges, who, when serving in their adjudicatory function, must be free to act independently and in good faith on the merits, but who also must be held accountable to the public should they engage in misconduct.*

# MISSION STATEMENT

# OVERVIEW OF THE BOARD

## 2018 BOARD MEMBERS

### JUDGE MEMBERS

Honorable P. Kevin Brobson\*  
Commonwealth Court of Pennsylvania  
Chair of the Judicial Conduct Board  
(Term expiration 08/31/2019)

Honorable Elizabeth S. Beckley, Esquire\*  
Magisterial District Judge  
Vice-Chair of the Judicial Conduct Board  
(Term expiration 03/14/2020)

Honorable Nina Wright Padilla\*  
(Term expiration 01/25/2022)

### ATTORNEY MEMBERS

James C. Schwartzman, Esquire  
(Resigned 05/02/2018; Term expiration 08/16/2018)

Richard T. Frazier, Esquire  
(Term expiration 02/04/2018)

Mandi L. Culhane, Esquire\*  
(Term expiration 02/05/2022)

Thomas J. Elliott, Esquire\*  
(Term expiration 07/17/2021)

Honorable Patricia H. Jenkins, Esquire\*  
(Term expiration 08/16/2022)

### PUBLIC MEMBERS

Lisa K. Steindel\*  
Secretary of the Judicial Conduct Board  
(Term expiration 01/20/2020)

Wilmarie Gonzalez\*  
(Term expiration 06/20/2020)

Harold E. Flack, II  
(Term expiration 04/17/2018)

Det. Joseph Brown\*  
(Term expiration 12/04/2022)

Arnold Shienvold, Ph.D.\*  
(Term expiration 11/07/2020)

Mustafa L. Rashed\*  
(Term expiration 02/29/2020)

Michael P. Martin  
(Appointed 02/20/2018; Resigned 11/19/2018)

Vacancy\*\*

### BOARD STAFF

Robert A. Graci, Chief Counsel *(Until 12/02/2018)*

Richard W. Long, Chief Counsel *(As of 12/03/2018)*

James P. Kleman, Jr.  
Deputy Counsel

Francis J. Puskas II  
Deputy Chief Counsel

Elizabeth A. Flaherty  
Deputy Counsel

Melissa L. Norton  
Deputy Counsel

Colby J. Miller  
Deputy Counsel

John C. Harlackner  
Investigator Supervisor

Douglas K. Miller  
Investigator

Paul A. Fontanes  
Investigator

Leo P. Zuvich  
Investigator

Paula R. Caruso  
Administrative Coordinator

Toni I. Schreffler  
Legal Assistant

Sandra K. Re  
Legal Secretary

Colleen M. McKinney  
Clerical Assistant

\* Current members through December 31, 2018. \*\*At the end of 2018, there was one gubernatorial vacancy on the Board.

# OVERVIEW OF THE BOARD

## AUTHORITY OF THE BOARD

The Judicial Conduct Board was created by an amendment to the Pennsylvania Constitution adopted on May 18, 1993, and declared in effect by the Governor on August 11, 1993. It is the independent board within the judicial branch of the Commonwealth's government responsible for investigating allegations of judicial misconduct or physical or mental disability.

The Board has jurisdiction over Pennsylvania Supreme Court Justices, Superior and Commonwealth Court Judges, Common Pleas Court Judges, Philadelphia Municipal and Traffic Court Judges\*, and Magisterial District Judges. The Board has no jurisdiction over federal judges and magistrates, administrative hearing officers for state agencies or mediators, arbitrators or masters.

## MEMBERS OF THE BOARD

There are 12 members of the Board. Board Members serve staggered four-year terms. The Board is comprised of the following individuals:

- Six citizen members who are neither attorneys nor judges;
- Three attorneys who are not judges; and
- Three judges, one from each of the following court levels: an appellate court judge from either the Superior or Commonwealth Court; a common pleas court judge; and a magisterial district judge.

Members meet regularly to conduct Board business and receive no compensation for their service.

One of the critical features of the Board's system is its structural independence. The 12 board members are appointed by two appointing authorities: the Governor appoints six members and the Supreme Court appoints six members. The Governor appoints a Common Pleas Court Judge, two attorneys and three citizen members. The Supreme Court appoints a Superior or Commonwealth Court Judge, a Magisterial District Judge, an attorney and three citizen members. Neither the Governor nor the Supreme Court controls a majority of the appointees to the Board. No more than half of the members may be registered in the same political party. At the end of 2017 there were two vacancies on the Board.

## GOVERNING LAW

The Board is governed by Article V, Section 18 of the Pennsylvania Constitution, and Chapter 21, Subchapter A of Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes (available on web site <http://www.jcbpa.org>). As an independent Board in the Judicial Branch having its own constitutional and statutory provisions regarding confidentiality of papers, records,

and proceedings, the Board is not governed by the Open Meetings Act or the Pennsylvania Administrative Code.

## DEFINING JUDICIAL MISCONDUCT

Judicial misconduct is conduct that, among other things, violates the Pennsylvania Constitution, the Code of Judicial Conduct, or the Rules Governing Standards of Conduct of Magisterial District Judges.

## EXAMPLES OF JUDICIAL MISCONDUCT

The conduct forming the basis of a judicial misconduct complaint could arise from the judge's violation of the law or the rules promulgated by the Supreme Court of Pennsylvania. Examples of judicial misconduct include: inappropriate courtroom demeanor such as yelling, profanity, gender bias, or racial slurs; improper *ex parte* communication with only one of the parties or attorneys in a case; a public comment regarding a pending case; or failure to recuse or disqualify in a case where the judge has an interest in the outcome of the case or in which the parties or attorneys are related to the judge. Judicial misconduct also arises from out-of-court activities such as driving under the influence or other criminal activity, improper financial or business dealings, sexual harassment or official oppression. Lastly, judicial misconduct could occur through a judge's failure to cooperate with respect to his or her obligations arising from a Board's inquiry or for a judge's retaliating against a party or the party's attorney for cooperating in a Board inquiry.

Importantly, however, the Board cannot and does not act as a criminal investigation agency; it has no authority to arrest and imprison a judge. Likewise, the Board cannot intervene in a case pending before a judge and cannot reverse rulings of a judge (which is the role of the appellate courts) or reassign a case to another judge or remove or seek the recusal of a judge from a particular case.

## SOURCES OF COMPLAINTS AND ALLEGATIONS

The Board has the duty to consider allegations from any source, including complaints from individuals, public news sources, or information received in the course of investigations that form the basis for new allegations. The Board also accepts and, where warranted, investigates anonymous complaints.

## BOARD LIMITATIONS

The Board does not have the authority to review the correctness of the legal decisions of any judge for any possible errors or to change the decision or ruling of any judge. For example, if the Board finds that a judge's actions constitute any form of misconduct, the Board can only file formal charges in the Court of Judicial Discipline and seek appropriate sanctions against the judge, which could include the

\*The Philadelphia Traffic Court was eliminated by Constitutional amendment adopted by Pennsylvania's electors on April 26, 2016. The term of the last judge of the Traffic Court expired on December 31, 2017.

# OVERVIEW OF THE BOARD

judge's removal from the bench. However, even removal would not change the judge's ruling in the underlying case. Only an appellate court or the Pennsylvania Supreme Court acting in its supervisory capacity or exercising its so-called King's Bench authority can review and reverse a particular court decision.

Additionally, the Board cannot provide legal assistance or advice to a complainant. The Board cannot remove a judge from a case. The Board cannot award damages or provide monetary relief to complainants, get prisoners out of jail, or jail a judge who violates the criminal law.

## BOARD INVESTIGATIONS AND ACTIONS

Cases are reviewed, analyzed, and investigated by the Board staff. The first step in an investigation involves a preliminary inquiry, which may include interviews with the complainant, attorneys and other witnesses, and the review of relevant documents. The Board then considers the results of the investigation in reviewing the complaint. The Board has several options available when deciding whether to take action on a case. At this stage, the Board is most likely to make one of two choices:

- Dismiss the complaint because it is clear that the allegations do not warrant disciplinary actions against the accused judge because no provisions of the Constitution, the Code of Judicial Conduct or the Rules Governing Standards of Conduct of Magisterial District Judges have been violated; or

- Authorize a full investigation to determine if there is evidence of misconduct.
- After a full investigation is authorized and conducted, the Board will:
  - Dismiss the complaint because there is no probable cause of judicial misconduct. Typically, the allegations resulting in a dismissal involve legal error, are time barred by the Board's four-year limitations period, or cannot be proven; or
  - Issue a Letter of Caution to the judge under investigation where the conduct did not rise to a violation of the Code or Rules but the conduct may lead to judicial misconduct if not corrected or constituted only a minor violation that was recognized and rectified by the judge; or
  - Issue a Letter of Counsel to the judge under investigation where the evidence suggests a violation of the Code or Rules, but was an isolated incident or the result of inadvertence; or
  - File formal charges against the judge in the Court of Judicial Discipline following a determination by a majority of the Board that there is probable cause to believe that the judge engaged in misconduct.

The types of actions that could be taken by the Court of Judicial Discipline include dismissal of the complaint, public or private reprimand, public censure, fine, probation, suspension with or without pay, removal from the bench which carries with it forfeiture of judicial office, prohibition from future judicial service, or other discipline as authorized by the Constitution and warranted by the record. A detailed discussion of the Board's procedures for analyzing complaints and allegations and an overview of the complaint process is further discussed under the "Judicial Conduct Board of Pennsylvania – Complaint Resolution Process." The number and types of action taken by the Board in calendar year 2018 are presented in the "Case Statistics" section of this report.





# OVERVIEW OF THE BOARD

## BOARD ORGANIZATION AND STAFF

In 2018, the Board had 14 staff positions, including the Chief Counsel, Deputy Chief Counsel, four Deputy Counsel, four investigators, and four support staff. All staff members are full-time employees of the Commonwealth of Pennsylvania. The Board also used the services of one contract attorney in 2018.

Under the Constitution, the Board appoints a Chief Counsel who acts as Board executive director and whose general duties include managing and supervising the administrative activities of the Board's office, its attorneys, investigators, and support staff. The Chief Counsel's specific responsibilities include the following: providing legal advice to the Board; reviewing and processing complaints; developing statistics concerning Board activities; preparing the Board's annual budget; administering the funds of the Board; and keeping the Board informed of all developments potentially affecting the work of the Board.

The Board's legal staff, which consists of Chief Counsel, Deputy Chief Counsel, four Deputy Counsel, a legal assistant and four investigators, is responsible for the evaluation and investigation of complaints. The attorneys are primarily responsible for reviewing and evaluating complaints alleging judicial misconduct. The investigators conduct investigations in consultation with the assigned attorneys. The legal assistant performs various support services for staff counsel and investigators.

The Chief Counsel and the other attorneys serve as trial counsel during proceedings before the Court of Judicial Discipline and are responsible for preparing cases and presenting the evidence that supports the charges before the Court of Judicial Discipline as specified in the Constitution. When necessary, these attorneys also brief and argue appeals to the Supreme Court of Pennsylvania (or the constitutional Special Tribunal if the matter on appeal involves a Supreme Court justice) from rulings of the Court of Judicial Discipline. The staff attorneys also respond to requests for information under the Right-to-Know Law and handle appeals arising from those requests.

## BUDGET

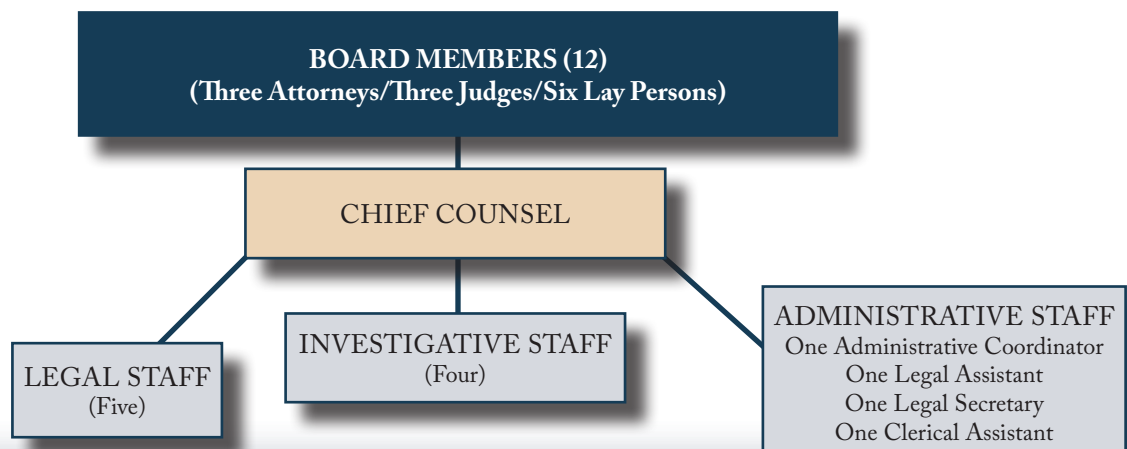
The Judicial Conduct Board's budget is included in the appropriation allotted to the Judicial Branch of the Commonwealth's government. It is formulated and administered independently by the Board. For the 2018-2019 fiscal year (July 1, 2018 — June 30, 2019), the Board's appropriation is \$2,182,000. This appropriation provides funding for salaries and benefits for the staff of the Judicial Conduct Board, as well as annuitant benefits, operational expenses and fixed assets.

### 2014-2018 Budgets (In Thousands)

<i>Fiscal Year*</i>	<i>Amount Appropriated</i>
2014-2015	\$1,577
2015-2016	\$1,956
2016-2017	\$2,182
2017-2018	\$2,182
2018-2019	\$2,182

*\*The Commonwealth of Pennsylvania operates on a fiscal year basis, July 1 through June 30.*

The Judicial Conduct Board's budget is approximately .5% (five tenths of one percent) of the overall budget of the Judicial Branch of the Commonwealth and .05 % (five one hundredths of one percent) of the budget of the Commonwealth.



# OVERVIEW OF THE BOARD

## OUTREACH AND EDUCATION

In 2018, the Board issued a number of press releases regarding cases pending in the Court of Judicial Discipline and noting important Board activities. The Board has expanded the functionality of its web site. Board members and staff regularly participate in educational seminars for a variety of groups. The Board periodically issues Newsletters addressing topics relating to issues arising under the Code of Judicial Conduct and the Rules Governing Standards of Conduct of Magisterial District Judges. When appropriate, the Board also issues informational alerts addressing such topics.

## BOARD WEB SITE

The Board's web site appears at <http://www.jcbpa.org>. The web site provides downloadable complaint forms. The web site also offers answers to frequently asked questions regarding the Board, such as its composition, structure, and jurisdiction; the judicial misconduct complaint process; a description of the range of actions available to the Court of Judicial Discipline from dismissal to sanction; and links of interest to other web sites dealing with judicial ethics.

Also included on the web site are the Board's governing authorities: Article V, Section 18 of the Pennsylvania Constitution; selected provisions from Title 42 of the Pennsylvania Consolidated Statutes, Judiciary and Judicial Procedure; the Board's Rules of Procedure; and its Operating Procedures

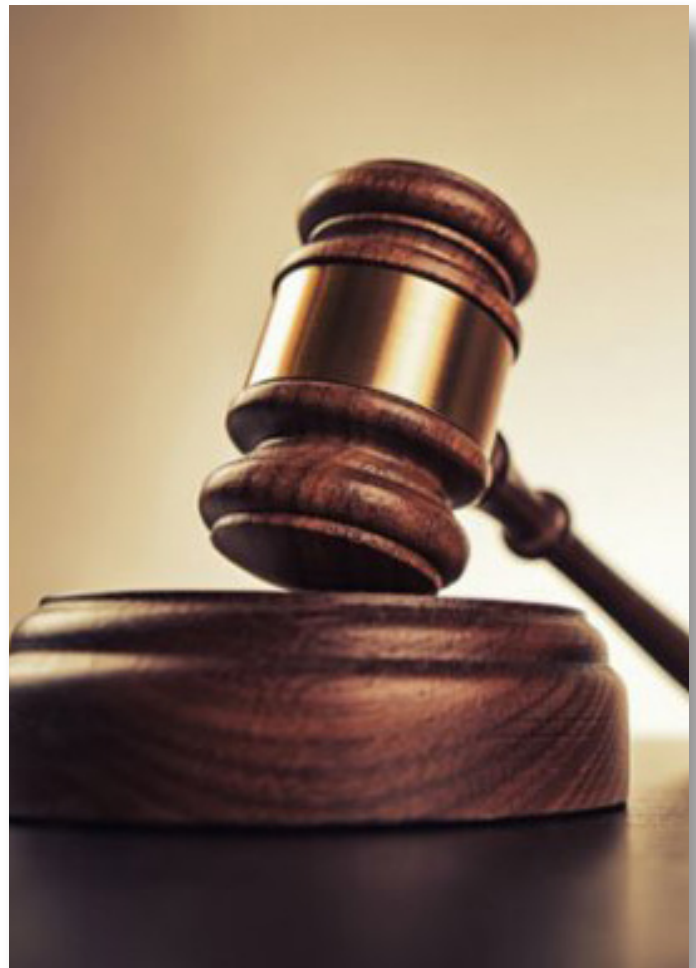
## PUBLIC INFORMATION AND CONFIDENTIALITY OF BOARD PROCEEDINGS

The availability of information and records maintained by the Board is governed by Article V, Section 18(a)(8) of the Pennsylvania Constitution which states: "[c]omplaints filed with the board or initiated by the board shall not be public information." This section also provides that "statements, testimony, documents, records or other information or evidence acquired by the board in the conduct of an investigation" are not public information. Additionally, this constitutional mandate requires that "[a]ll proceedings of the board shall be confidential." Rule 17 of the Board's Rules of Procedure, adopted pursuant to the Board's constitutional rule making authority, provides that "all information and proceedings relating to a complaint and records of the Board's deliberations shall be confidential." This constitutional provision and the Board's Rules mandate the confidentiality of the fact that a complaint has been filed and is pending before the Board.

Pursuant to these provisions, Board meetings and proceedings are confidential and not open to the public. The confidentiality of the Board's proceedings and the non-public nature of documents or information submitted to or gathered by the Board are designed to

protect complainants from retaliation by judges under investigation and to protect judges from the embarrassment resulting from the public release of unfounded allegations. These confidentiality requirements are subject to limited exceptions set forth in Article V, Section 18(a)(8) of the Constitution and Rules 14 and 18 of the Board's Rules of Procedure. They generally involve disclosure of the fact of an investigation if the investigation has become public knowledge by means independent of any action by the Board. They also allow certain disclosures to criminal law enforcement and professional disciplinary agencies if the information submitted to or obtained by the Board relates to violations of the criminal laws or rules of professional conduct. Disclosures are also allowed if the information would call for the exercise of the supervisory authority of the Supreme Court or a president judge.

Formal charges filed by the Board with the Court of Judicial Discipline are public record. Hearings in the Court are public proceedings..



# BOARD PROCEDURE THE COMPLAINT PROCESS

## Judicial Conduct Board of Pennsylvania – Complaint Resolution Process

INITIAL SCREENING	PRELIMINARY INQUIRY	FULL INVESTIGATION	FORMAL PROCEEDINGS	SUPREME COURT
<p>Chief Counsel reviews each Confidential Request for Investigation or “complaint” to determine whether it is within jurisdiction of the Judicial Conduct Board (JCB).</p> <p>Staff returns non-JCB complaints (<i>e.g.</i>, complaints against attorneys or federal judges) to complainants with appropriate instructions.</p> <p>Staff prepares electronic and paper-copy file, sends acknowledgment letters to complainants, and returns paper-copy file to Chief Counsel.</p> <p>Chief Counsel assigns complaints to staff attorneys.</p>	<p>JCB attorney and/or investigator conducts preliminary inquiry, writes preliminary investigation report, and recommends whether to dismiss or to proceed to full investigation as to some or all allegations.</p> <p>Staff distributes preliminary inquiry report and recommendation, along with pertinent materials, to JCB members.</p> <p>JCB Members review preliminary investigation report and recommendation, and vote to dismiss, to have staff conduct additional preliminary inquiry, or to proceed to full investigation as to some or all allegations.</p> <p>If matter is dismissed, complainant and judge are so notified. If matter is not within jurisdiction of JCB (<i>e.g.</i> complaint against attorney or federal judge), complainant is referred to appropriate agency.</p>	<p>Staff provides judge with nature and content of complaint and asks judge to respond in writing to identified allegations.</p> <p>Attorney and/or investigator conduct additional investigation, if necessary, as to issues raised in judge’s response.</p> <p>Staff distributes judge’s response and any supplemental investigation report and recommendation, along with pertinent materials, to JCB members.</p> <p>JCB Members review judge’s response, and any supplemental investigation report and recommendation, and vote to dismiss, to have staff conduct additional investigation, to issue Letter of Caution or Letter of Counsel, or to file formal charges before the Court of Judicial Discipline. Board actions require majority vote of eligible Board Members.</p>	<p>Staff prepares formal complaint, files complaint with the Court of Judicial Discipline, and serves same upon judge. Matter becomes public upon filing.</p> <p>Judge may file written answer.</p> <p>Matter may be presented on stipulated facts or at adversarial hearing before Court of Judicial Discipline.</p> <p>After a public hearing, the Court of Judicial Discipline issues Findings of Fact and Conclusions of Law and will either dismiss or sustain the charges. If they are sustained, the Court of Judicial Discipline will schedule a hearing on sanctions which may include:</p> <ul style="list-style-type: none"> <li>- Reprimand;</li> <li>- Censure;</li> <li>- Fine;</li> <li>- Suspension (with or without pay);</li> <li>- Probation</li> <li>- Removal from office with permanent bar from judicial office.</li> </ul>	<p>If the Court of Judicial Discipline dismisses the complaint against the judge, the JCB may appeal to the Supreme Court of Pennsylvania.</p> <p>If the Court of Judicial Discipline imposes discipline on the judge on any of the charges, the judge may appeal to the Supreme Court.</p> <p>If the accused judge is a justice of the Pennsylvania Supreme Court, the appeal is heard by a Special Tribunal made up of judges randomly chosen for the Superior and Commonwealth Courts as provided in Article V, §18(c)(1) of the Pennsylvania Constitution and sections 726 and 727 of Title 42 (Judiciary and Judicial Procedure).</p>

# 2018 STATISTICS

## OVERVIEW

*During 2018, the Board received or initiated 789 confidential requests for investigations. This is reflective of the continued heightened scrutiny to which judges are rightfully subjected. The Board filed formal charges in the Court of Judicial Discipline against one judge.*

*The Board closed 1,018 pending matters in 2018. Not all cases are dismissed or otherwise acted upon in the year in which they are received by the Board. Of those, 655 were determined to be unfounded after preliminary inquiry and 292 presented claims of legal error and not misconduct. Another 22 were dismissed because the Board lacked jurisdiction over the official against whom the complaint was filed. The Board dismissed 5 after a full investigation. The Board authorized the issuance of notices of full investigation in 24 matters. Six pending matters were closed with the filing of charges in the Court of Judicial Discipline against one judge and one was concluded with the retirement of the judicial officer. The Board dismissed 26 cases with Letters of Caution<sup>1</sup> and dismissed 11 cases with Letters of Counsel.<sup>2</sup>*

## CLASSIFICATION OF ALLEGATIONS

There were 789 complaints received or initiated during the 2018 calendar year. On average, the Board received 66 complaints each month. The Board classified each complaint received into one of the following categories:

Abuse of Discretion/Office/Power .....	132	16.7%
Administrative.....	4	.5%
Alcohol.....	2	.3%
Appearance of Impropriety .....	4	.5%
Bias.....	46	6%
Campaign.....	2	.3%
Competency .....	8	1%
Conflict of Interest.....	8	1%
Criminal.....	3	.4%
Delay.....	25	3.2%
Demeanor .....	56	7.1%
Discrimination .....	1	.1%
Ex Parte.....	17	2.2%
Failure to Accord Right to be Heard.....	16	2%
Failure to Comply With Law.....	10	1.3%
Impropriety .....	8	1%
Inappropriate Comments.....	3	.4%
Legal .....	362	45.8%
Misuse of Social Media.....	1	.1%
Multiple Issues .....	19	2.4%
Nepotism .....	1	.1%
No Jurisdiction .....	22	2.8%
Political .....	5	.6%
Racism.....	1	.1%
Recusal .....	20	2.5%
Retaliation .....	2	.3%
Self-Report by Judge.....	2	.3%
Sexual Harassment.....	1	.1%
Time Barred.....	6	.8%
Violation of Law .....	1	.1%

**Total.....789.....100%**

## JUDICIAL COMPLEMENT

In 2018, there were 1,189 jurists within the Board's jurisdiction.

	2018 Jurists	Senior Jurists
Supreme Court	7	0
Superior Court	15	4
Commonwealth	9	4
Common Pleas	422	101
Magisterial District Judges	503	95
Philadelphia Municipal Court	27	3
<b>TOTAL</b>	<b>982</b>	<b>207</b>

<sup>1</sup>A Letter of Caution is explained below under "Complaint Dispositions."

<sup>2</sup>A Letter of Counsel is explained below under "Complaint Dispositions."

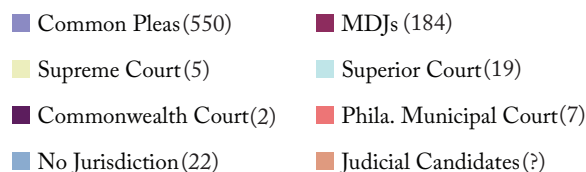
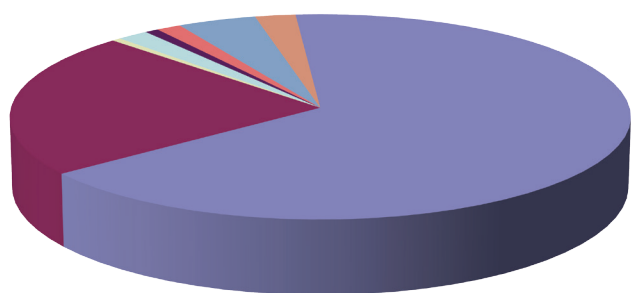


# 2018 STATISTICS

## COMPLAINTS CATEGORIZED BY JUDICIAL OFFICE

Among the complaints filed with the Board, were 22 complaints concerning individuals who did not fall within the Board's jurisdiction such as attorneys, federal judges, workers' compensation judges, other government officials and miscellaneous individuals. The Judicial Conduct Board staff responded to each of these complaints and, where appropriate, referred complainants to the appropriate disciplinary or other authority having jurisdiction or authority over the person who was the subject of the request for investigation.

### LEVEL OF JUDICIAL OFFICE (Complaints received during 2018 calendar year)



## INVESTIGATIVE INQUIRIES

**Letter of Inquiry:** The Board typically considers a Letter of Inquiry to be a less serious mode of inquiry to a judicial officer than a Notice of Full Investigation (described below). Letters of Inquiry are issued generally when the matter under investigation may constitute misconduct by the judge, but the conduct would not likely form the basis of a public Court of Judicial Discipline complaint. The scope of Letters of Inquiry may be broad, although their most common use concerns allegations of judicial delay. It is a less formal means of seeking information from a judicial officer concerning the alleged events or circumstances than a deposition or Notice of Full Investigation. Letters of Inquiry may be sent either formally pursuant to a Board directive or informally from

Chief Counsel. During 2018, the Board and Chief Counsel issued 66 Letters of Inquiry to judicial officers.

After a Letter of Inquiry is issued, staff counsel may determine that subsequent interviews are required either to corroborate or refute the judicial officer's written response. Information obtained through a Letter of Inquiry could lead to the issuance of a Notice of Full Investigation or a Board dismissal.

**Notice of Full Investigation:** If, after appropriate preliminary inquiry into a case, the Board determines that sufficient evidence of judicial misconduct exists such that the case may result in the filing of formal charges in the Court of Judicial Discipline, it will issue a Notice of Full Investigation to the judicial officer. This is required by the Constitution. Before the Board determines there is probable cause of misconduct, the judicial officer must be apprised of the nature and content of the complaint and given an opportunity to respond. After the Board issues the Notice of Full Investigation, the judicial officer has an opportunity to respond to the allegations in writing. In 2018, the Board authorized 24 Notices of Full Investigation. A Notice of Full Investigation may address several separate matters under investigation involving the same judge.

## COMPLAINT DISPOSITIONS

The Board disposed of 1,018 cases in 2018 either by dismissal after preliminary inquiry, strictly legal error dismissal, dismissal after full investigation, dismissal with a letter of caution, dismissal with a letter of counsel or by the filing of formal charges. Not all cases are dismissed or otherwise acted upon in the year in which they are received by the Board.

**Dismissal After Preliminary Inquiry:** Of the 1,018 cases closed in 2018, 655 were dismissed after preliminary inquiry. These complaints involved facts that, even if true, would not constitute judicial misconduct. Investigation showed that either the allegations were unfounded or were not supported by sufficient facts or were not provable, or, when questioned, the judge gave an adequate explanation of the situation.

**Dismissal as Strictly Legal Error:** Of the 1,018 cases closed in 2018, 292 were dismissed as strictly legal error. These complaints generally deal with allegations of legal error and disagreements with judicial rulings. Also included in this category are complaints that are outside the Board's four-year limitation period. Chief Counsel must concur with staff counsel's analysis of the allegations to be considered for dismissal.

**Dismissal with a Letter of Caution:** The Board dismissed 26 cases with Letters of Caution in 2018. The Board issues Letters of Caution when the judicial officer's conduct constitutes an aberration

# 2018 STATISTICS

or an oversight or other minor error in judicial comportment. The purpose of a Letter of Caution is to constitute a “wake-up call” or private warning about conduct that could lead to a finding of judicial misconduct if not corrected promptly by the judicial officer. The judicial officer is not required to sign or accept a Letter of Caution.

**Dismissal with a Letter of Counsel:** The Board dismissed 11 cases with Letters of Counsel in 2018. Generally, the Board issues Letters of Counsel in cases where there is sufficient evidence of judicial misconduct to warrant the filing of formal charges in the Court of Judicial Discipline, but the evidence suggests that it was an isolated incident or first-time infraction by a judicial officer. The Letter of Counsel is a private reprimand and is subject to the judicial officer’s acceptance. Evidence of genuine remorse on the part of a judicial officer 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 Letter of Counsel (and the Letter of Counsel, itself)

may be used as evidence against the judicial officer in a complaint before the Court of Judicial Discipline if the judicial officer is charged with a new violation.

**Resignations or Retirements:** One judicial officer retired while facing Board investigation. That retirement resolved one pending investigation.

## PRELIMINARY MATTERS

**Petitions for Interim Suspension:** The Board may file petitions for interim suspension with the Court of Judicial Discipline. Such petitions are appropriate when the Board has filed formal charges against a judge in the Court of Judicial Discipline or when a judge has been charged with a felony. The Court may issue orders for interim suspension prior to a hearing and may do so with or without pay. These interim orders are not appealable as final orders.

## NON-PUBLIC PROCEEDINGS PRIVATE SANCTION SUMMARIES

As stated above, upon conclusion of its investigation of a complaint, the Board may dismiss the matter with a letter to the judicial officer communicating the Board’s concern or a warning to the judge not to engage in specified behavior. In 2018, the Board expressed concern or warning to judges about the following types of conduct:

**1. LETTERS OF COUNSEL** are issued by the Board as a private admonitions in cases where there is sufficient evidence of judicial misconduct to file formal charges with the Court of Judicial Discipline, but mitigating or extenuating circumstances exist that weigh against the filing of formal charges. The Board’s issuance of a Letter of Counsel is subject to judge’s acceptance and appearance before Chief Counsel of the Judicial Conduct Board. Examples of the type of conduct addressed by Letters of Counsel include the following:

- Canon 1, Rule 1.1 and Canon 4, Rules 4.1(A)(7), Rule 4.1(A)(8) and Rule 4.2(A)(2) – 2014 Rules Governing Standards of Conduct of Magisterial District Judges
  - A judge improperly used office email address and telephone number for campaign purposes, but corrected improper use upon being informed of impropriety and self-reported conduct to the Judicial Conduct Board. Judge did not properly form campaign committee and thereby violated the Election Code by improperly accepting contributions to and making expenditures from the campaign committee. Finally, judge personally accepted campaign contributions for the judge’s campaign committee.
- Canon 1, Rule 1.3 and Canon 4, Rules 4.1(A)(3) and 4.1(A)(11) – 2014 Rules Governing Standards of Conduct of Magisterial District Judges
  - A judge standing for reelection abused the prestige of judicial office by publicly endorsing a candidate for election to non-judicial public office.
- Canon 1, Rules 1.1 and Rule 1.2 and Canon 2, Rules 2.2, 2.8(B) and 2.9(A) – 2014 Code of Judicial Conduct
  - A judge displayed improper demeanor in a criminal matter toward defense counsel and engaged in an ex parte communication with defense counsel. The judge displayed improper demeanor and engaged in inappropriate joking and commentary while presiding over a criminal summary appeal matter. The judge knowingly failed to follow the law and made disparaging comments about a party while presiding over a civil appeal case.

# 2018 STATISTICS

- Canon 2, Rule 2.5(A) – 2014 Code of Judicial Conduct
  - A judge failed to timely rule on post-trial motions on a civil case (6 ½ months)
- Canon 1, Rule 1.2; Canon 2, Rules 2.1; 2.5(A); 2.5(B); and 2.6(A) – 2014 Rules Governing Standards of Conduct of Magisterial District Judges; Pennsylvania Constitution Article V, § 18(d)(1)
  - A judge refused to come to district court to preside over judicial matters during regular business hours and while serving as the assigned on-call judge. The judge failed to arrange coverage for the district court while on vacation and did not establish proper procedures for obtaining coverage. The judge's liberal grant of continuances caused a backlog at the district court. The judge failed to schedule an adequate number of court dates to accommodate the workload of the court. The judge's conduct gave the appearance of impropriety and could be perceived as a failure to promote public confidence in the judiciary, to give precedence to the duties of judicial office, to perform judicial and administrative duties competently and diligently, to cooperate with court officials in the administration of court business, and to ensure the right to be heard. The conduct could also be perceived as bringing disrepute on the judiciary and interfering with the proper administration of justice.

**2. LETTERS OF CAUTION** are issued as private warnings of potential judicial misconduct. Examples of the type of conduct addressed by Letters of Caution include the following:

- Canon 2, Rule 2.11(A)(4) – 2014 Code of Judicial Conduct
  - A judge failed to disqualify from a case where a party to a case before the judge contributed to the judge's campaign in an amount that would raise a reasonable concern about the fairness or impartiality of the judge's consideration of a case involving the party. Judge credited with having sought and followed advice from counsel regarding the duty to disqualify based on campaign contributions.
- Canon 1, Rule 1.2 and Canon 2, Rules 2.6(A) and 2.8(B) – 2014 Rules Governing Standards of Conduct of Magisterial District Judges
  - A judge became frustrated at party's in-court antics and failed to allow party and party's counsel to present party's case. Judge demonstrated a lack of patience, dignity and courtesy toward the party and the party's attorney. Judge did not act in a manner "that promotes public confidence in the independence, integrity, and impartiality of the judiciary."
- Canon 1, Rule 1.1, Canon 2, Rule 2.2 – 2014 Code of Judicial Conduct
  - In a criminal trial, a judge referred to a witness for the prosecution as a "liar" and otherwise attempted to cast doubt on the witness' credibility throughout the jury charge.
- Canon 4, Rules 4.2(A)(1) and 4.2(B)(3) – 2014 Rules Governing Standards of Conduct of Magisterial District Judges
  - A judge endorsed candidates for the office of magisterial district judge who were on the ballot in different counties than the endorsing judge.
- Canon 2, Rule 2.16(B) – 2014 Rules Governing Standards of Conduct of Magisterial District Judges
  - In response to an unjustified complaint made against the judge, the judge engaged in acts of petty retaliation against a member of the judge's office staff.
- Canon 2, Rule 2.9(A) – 2014 Code of Judicial Conduct
  - A judge sought information material to the disposition of a case pending before the judge from a county social services worker.
- Canon 4, Rule 4.1(A)(11) – 2014 Rules Governing Standards of Conduct of Magisterial District Judges
  - A judge made a telephone call to a local public official that was tantamount to an unstated solicitation of the judge's son's impending candidacy for office.

# 2018 STATISTICS

- Rule 701 (E)(2) – Rules of Judicial Administration
  - After recusing from several cases due to a prior relationship with a litigant, a judge selected his own replacement jurist.
- Canon 2, Rule 2.8 – 2014 Code of Judicial Conduct
  - A judge used language that was inappropriate and lacking in the dignity required of the judiciary during a court proceeding.
- Canon 1, Rule 1.2 – 2014 Code of Judicial Conduct
  - A judge routinely had lunch in public with attorneys who had matters pending before him.
- Canon 1, Rule 1.2, Canon 2, Rule 2.9 – 2014 Rules Governing Standards of Conduct of Magisterial District Judges
  - A judge engaged in behavior, including an ex parte communication for an administrative purpose, that created the impression that he was attempting to use his position to assist a criminal defendant with a case that was filed in his district court.
- Canon 2, Rule 2.11 – 2014 Rules Governing Standards of Conduct of Magisterial District Judges
  - A judge presided over a criminal matter where the complaining witness was a former client of the judge's law firm for whom the judge's firm was still owed money for the legal service his firm provided to the witness.
- Canon 2, Rule 2.5(A) – 2014 Code of Judicial Conduct
  - A judge failed to timely rule on two Post Conviction Relief Act petitions and related motions for transcripts (7 months; 9 months).
- Canon 1, Rule 1.2 and Canon 3, Rule 3.1 – 2014 Rules Governing Standards of Conduct of Magisterial District Judges
  - A judge presided over a preliminary arraignment and preliminary hearings on criminal cases where the judge was Facebook friends with the victim, the victim's mother, the victim's grandparents and the arresting police officer.
- Canon 1, Rule 1.2 and Canon 3, Rule 3.1 – 2014 Rules Governing Standards of Conduct of Magisterial District Judges
  - A judge presided over preliminary arraignments on criminal cases where the judge was Facebook friends with the victim's mother, the victim's grandparents, the arresting police officer, the arresting police officer's spouse, a detective and close friend of the victim, and the defendant's probation officer.
- Canon 2, Rule 2.5(A) – 2014 Code of Judicial Conduct
  - A judge failed to timely issue a ruling on a civil case following trial (7 ½ months).
- Canon 2, Rule 2.11 – 2014 Rules Governing Standards of Conduct of Magisterial District Judges
  - A judge presided over a civil matter when the plaintiff was a person with whom the judge socialized and the plaintiff had done work on the judge's home. The plaintiff's father had asked the judge to run for judicial office and the plaintiff's brother had served as the judge's campaign manager for the judge's reelection campaign.
- Canon 1, Rule 1.2; Canon 2, Rule 2.3; Canon 2, Rule 2.8 – 2014 Code of Judicial Conduct
  - A judge used inappropriate language when addressing a female defendant at her sentencing hearing. The choice of words lacked dignity and courtesy, gave the appearance of impropriety and could be perceived as biased or prejudiced against women.
- Canon 1, Rule 1.2 – 2014 Code of Judicial Conduct
  - A judge attended an event sponsored by a political organization after prevailing in the 2017 General Election,



# 2018 STATISTICS

but before the Secretary of the Commonwealth certified the votes and the Governor issued the Commission. The conduct gave the appearance of impropriety.

- Canons 2A and 3A(3) – 2014 Code of Judicial Conduct
  - o While presiding over a sentencing hearing in a criminal matter, a judge spoke about, and in front of, the defendant in a demeaning and inappropriately harsh manner. Such conduct gave the appearance of impropriety and could be perceived as a failure to promote public confidence in the integrity and impartiality of the judiciary, and a failure to be patient, dignified and courteous to litigants.
- Canon 4, Rules 4.1(A)(7) and Rule 4.4(B)(1) – 2014 Code of Judicial Conduct
  - o While conducting a door-to-door judicial campaign, the judicial candidate accepted a \$100 cash donation from a constituent, an individual who had previously contributed to the candidate's campaigns for State Representative. The judge then submitted the tainted contribution to his judicial campaign committee. Such conduct could be perceived as an impermissible solicitation or acceptance of a campaign contribution and a failure to take reasonable steps to cause the judicial campaign committee to accept only such campaign contributions as are permitted by law or Rule.
- Rules 2A; 3A; and 5A – Old Rules Governing Standards of Conduct of Magisterial District Judges; Canon 1, Rules 1.2 and 1.3 of the 2014 Rules Governing Standards of Conduct of Magisterial District Judges
  - o A judge failed to secure proper coverage for his district court, failed to be available to his court clerks and police officers, repeatedly arrived late at Central Court and failed to train and supervise newly hired court clerks. The conduct gave the appearance of impropriety and could be perceived as a failure to promote public confidence in the judiciary, a failure to prioritize the business of court and a failure to facilitate the performance of court staff. Additionally, the judge required a police officer to sign a statement alleging that another judge failed to follow a policy. The conduct implicated the Rules against abuse of power and the appearance of impropriety.

The Canons of the Code of Judicial Conduct and the Rules Governing Standards of Conduct for Magisterial District Judges and the concomitant Rules and Comments related thereto, may be found on the Board's website, [www.http://jcbpa.org](http://jcbpa.org) "Governing Law" tab.

# 2018 STATISTICS

## SUMMARY OF BOARD ACTIVITY

### COMPLAINT ACTIVITY DURING 2018

Dismissals after Preliminary Inquiry – 655
Strictly Legal Error Dismissals - 292
Non-Jurisdiction Dismissals - 22
Letters of Inquiry – 66
Notices of Full Investigation – 24*
Letters of Caution – 26
Letters of Counsel - 11
Retirement in Lieu of Formal Charges - 1
Formal Complaints in the Court of Judicial Discipline – 1
Petitions for Interim Suspension – 0

*\*A Notice of Full Investigation may relate to multiple case numbers involving the same judicial officer.*

### Five Year Statistical Summary\*

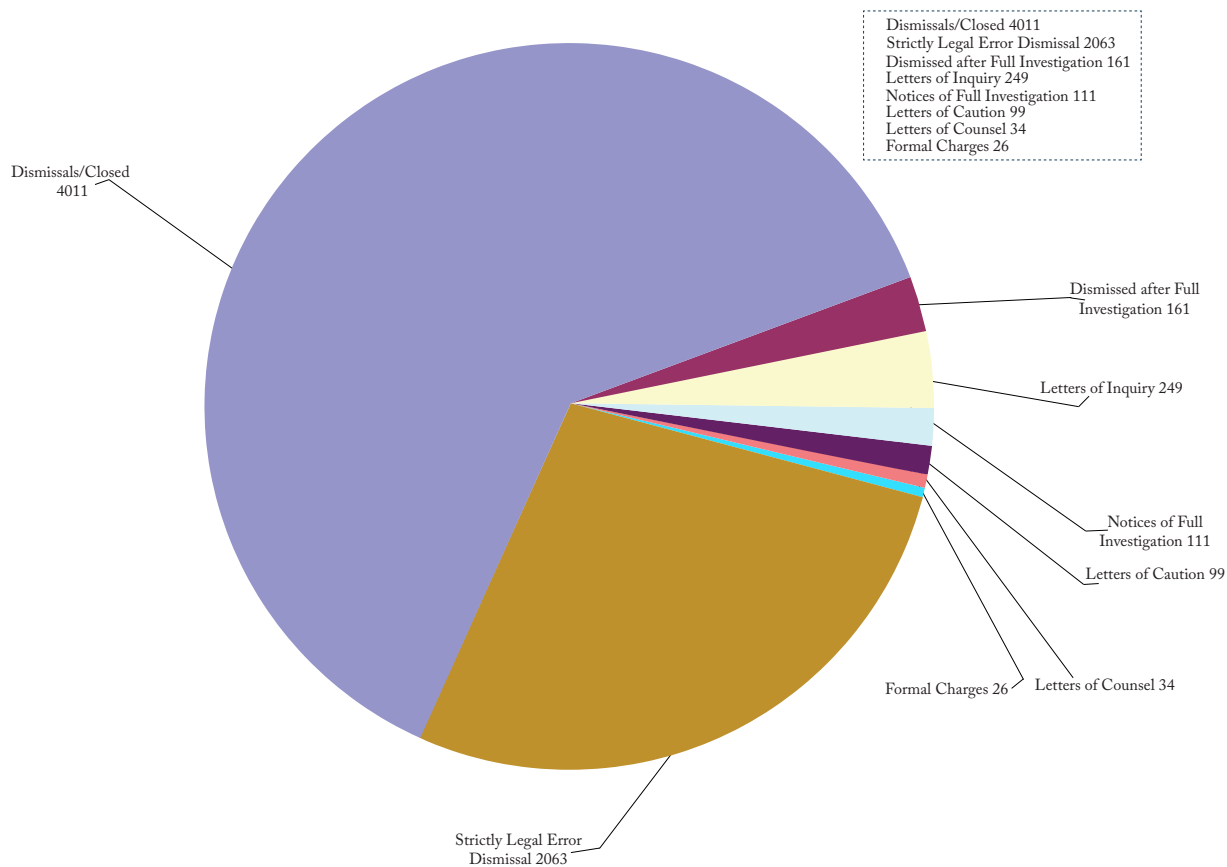
Year	Complaints Received/ Initiated	Dismissed/ Closed	Letters of Inquiry	Notices of Full Investigation Issued	Letters of Caution Issued	Letters of Counsel Issued	Formal Charges Filed
2014	793	754	34	19	12	0	4
2015	845	584	30	26	13	14	13
2016	804	634	57	15	21	4	5
2017	783	1,019	63	27	27	5	3
2018	789	1,018	66	24	26	11	1
Total	4,014	4,009	249	111	99	34	26
Average	803	802	50	22	20	7	5

\*Note: Complaints are not necessarily closed in the year in which they are received and may remain active for more than one year. In addition, multiple complaints may involve the same judicial officer

# 2018 STATISTICS

## COMPLAINT ACTIVITY: 5-YEAR SUMMARY

(Based on calendar years 2014, 2015, 2016, 2017 and 2018)



# 2018 STATISTICS

## SUMMARY OF COURT OF JUDICIAL DISCIPLINE SANCTIONS IMPOSED

JUDICIAL OFFICER	DESCRIPTION OF MISCONDUCT	DATE & SANCTION IMPOSED
MDJ Robert Jennings III 4 JD 2014	<p>Board Complaint filed 11/14/2014</p> <p>The judge conditioned assignment of work to constables on a 10% contribution of their payments from his court to his re-election campaign; failed to transfer parking tickets against him, a staff member and the husband of a staff member to other offices; made sexually suggestive or inappropriate comments to women employed by his court and about women having business in his court; CJD suspended him with pay on 11/17/2014.</p> <p>On 09/18/2015, the Office of Attorney General charged him with one count of extortion, four counts of coercion, four counts of official oppression and four counts of demand property to secure employment; Judge resigned short time thereafter; 09/11/2017 pleaded no contest; sentenced to two years probation, \$2,135 in restitution to two of the constables who gave him money in his 2009 election campaign under duress</p> <p>Amended Board Complaint filed 10/31/2017</p> <p>Convicted of criminal activity related to judicial office</p>	<p>07/18/2018 Findings of Fact and Conclusions of Law</p> <p>12/19/2018 Sanction Order Removed from office and barred from holding judicial office in future</p>
Former MDJ David W. Tidd 3 JD 2016	<p>Board Complaint filed 08/26/2016</p> <p>Retaliated against staff for cooperation with JCB investigation; Routinely demeaned and cursed out staff in presence of officers, litigants and members of the public; conducted hearings in reception area of his office; plea bargained with defendants without officer present; plea bargained with officers without defendants present; made demeaning comments about defendants to staff; improperly mixed bankruptcy practice with judicial office</p>	<p>12/15/2017 Findings of Fact and Conclusions of Law Retaliatory conduct toward staff only Finding in violation of MDJ Rules; Board did not meet burden of proof regarding other alleged Counts</p> <p>04/04/2018 Sanction Order Reprimand</p>



# 2018 STATISTICS

## Nationwide:

The nationwide statistics of judicial discipline are outlined below.\*  
Pennsylvania's statistics are generally consistent with the national statistics.

Since 1980, 432 judges have been removed from office. This corresponds to an average of 12 judges removed each year. Notwithstanding these statistics, the vast majority of Pennsylvania judges comport themselves appropriately, and discharge their judicial responsibilities with independence, integrity, dignity and honor. Indeed, consistent with national statistics, on average, 90 percent of all complaints filed with the Judicial Conduct Board are dismissed after preliminary inquiry, and less than one percent result in the filing of formal charges against a judge before the Court of Judicial Discipline.

In 2018:	
•	7 judges were removed from office
•	One judge agreed to resign and was publicly admonished
•	25 judges resigned or retired in lieu of discipline and agreed to never serve again pursuant to public agreements with conduct commissions
•	11 judges were suspended without pay as a final sanction. One was indefinite and included a public censure. The other suspensions ranged from six days to 3 years. Other suspensions were for 15 days, 30 days, 35 days (plus a public censure), 45 days (plus a public censure), 60 days, three months (plus a \$1,000 fine), six months, and 180 days (to be reduced to 90 days if the judge agreed to certain conditions such as a mentor and monthly reports on pending cases).
•	84 judges (or former judges in 11 cases) received public censures, reprimands, admonishments, or warnings.
•	39 judges were publicly reprimanded (one included a suspension without loss of compensation, nine included additional conditions).
•	23 judges were publicly admonished (in six cases, additional education was also ordered).
•	15 public censures (two former judges were barred from serving in judicial office as well as censured; one censure included a \$2,000 fine, one included an agreement not to run for re-election, three included orders of additional education)
•	Seven judges received a public warning (five also ordered additional education)
•	Three judges were subject to cease and desist orders
•	Five former judges were disbarred or their law licenses were suspended in attorney discipline proceedings for conduct while they were judges

*\*Statistics from the National Center for State Courts, Center for Judicial Ethics, January 23, 2019.*



# JUDICIAL CONDUCT BOARD MEMBERS' BIOGRAPHIES

# JUDICIAL CONDUCT BOARD MEMBERS' BIOGRAPHIES

**HONORABLE P. KEVIN BROBSON; Chair (February 5, 2018 – Present); Secretary (February 2, 2016 – February 5, 2018);** Lycoming College (B.A.), *magna cum laude*; Widener University Commonwealth Law School (J.D.), *summa cum laude*, managing editor Law Review; former judicial clerk for the Honorable James McGirr Kelly, U.S. District Court, Eastern District of PA; former associate at Buchanan Ingersoll PC; former shareholder/practice group chair at Buchanan Ingersoll & Rooney PC; former member Middle Paxton Township Planning Commission; master emeritus, James S. Bowman American Inn of Court; former master, William W. Lipsitt American Inn of Court; member, American, Pennsylvania, and Dauphin County Bar Associations; member, Pennsylvania Commonwealth Court Historical Society; rated among the Best Lawyers in America in 2009 and 2010; recipient of the *Legal Intelligencer* and *Pennsylvania Law Weekly* “Lawyers on the Fast Track” awards (2005), and the Central Penn Business Journal “Forty Under 40” award (2005); Dauphin County Bar Association and the Pennsylvania Bar Association pro bono awards and recognitions; serves on the Widener Commonwealth Law School Board of Advisors; Widener Commonwealth Law School Jurist-in-Residence (2017-2018); past chair and member of the Board of Directors of Jump Street, a nonprofit community arts and outreach organization; member, Advisory Board of The Four Diamonds at Penn State Hershey Children’s Hospital; Chair, 2012 to 2014; Penn State IFC/Panhellenic Dance Marathon (THON) recipient of Diamond of Honesty Award (2013); elected judge, Commonwealth Court 2009; appointed by the Supreme Court of Pennsylvania to four-year term on Judicial Conduct Board of Pennsylvania, 2015.

**HONORABLE ELIZABETH S. BECKLEY, Vice-Chair (February 5, 2018 – Present);** American University, (B.A., Criminal Justice); Thomas M. Cooley School of Law, Lansing, Michigan, (J.D.), winner of American Jurisprudence Award for Excellence in Trial Advocacy; Magisterial District Judge, District Court 09-1-02, Cumberland County (2012-present); maintains part-time practice with Beckley & Madden, LLC; admitted to practice before the Supreme Court of Pennsylvania, United States Court of Appeals for the Third Circuit, and United States District Court for the Middle District; member of American Bar Association, Pennsylvania Bar Association- served as a member of the House of Delegates, May 2002 – Present, Dauphin County Bar Association-President, 2011 and social member of Cumberland County Bar Association; former Hearing Committee Member of the Disciplinary Board of

the Supreme Court of Pennsylvania, 2011 – 2016; former member Camp Hill Borough Council, the Capital Region Council of Governments, and West Shore Area Jaycees-President, 1996 – 2002; member of Camp Hill Woman’s Club-President, 2012 – 2013; volunteer Conference Officer for Dauphin County Domestic Relations, 2000; Notary Public, 1997 – Present; Judicial Conduct Board Member since March 2016.

**LISA K. STEINDEL, Secretary (February 5, 2018 – Present);** University of Pittsburgh, (B.S., Psychology; M.Ed, Vocational Counseling); Certified in Vocational Rehabilitation Counseling; founder What should I be, LLC; served as expert witness in cases involving career planning; former Career Counselor at the Career Development Center, assisting displaced workers, recent graduates, and homemakers returning to the work force; former Executive Director of the Pittsburgh Chapter of the American Jewish Committee and worked to establish and maintain interfaith relations with the Catholic Diocese, the Hindu Sri Venkateswara Temple Community, and the Islamic Center of Pittsburgh, continues to teach Jewish Customs and ceremonies in Pittsburgh Catholic Diocese High Schools as part of the Catholic-Jewish Education Enrichment Program; Life Member of the National Council of Jewish Women, Hadassah, and Na’amat; past President of the Pittsburgh Counsel of Na’amat, dedicated to the support of all women and children in the State of Israel, across ethnic and religious lines; married to Rabbi Stephen Steindel who serves as Rabbi Emeritus of Congregation Beth Shalom in Pittsburgh; parents of four grown children and nine grandchildren; Judicial Conduct Board Member since February 2016 and current Chair of the Board’s Personnel Committee.

**JAMES C. SCHWARTZMAN, ESQUIRE; Chair (February 2, 2016 - February 5, 2018);** Washington University, (A.B. in Psychology), 1967; Villanova University School of Law, (J.D.), cum laude, 1972; Associate Editor, Villanova Law Review and National Legal Honorary, Order of the Coif, published Adopted Children in Pennsylvania: A Class Without a Clause, 17 Villanova Law Review 1066 (1972); extensive experience representing and counseling lawyers, law firms and judges on legal and judicial ethics-related issues. Admitted to Practice: U.S. Court of Appeals for the Third Circuit, U.S. District Court for the Eastern District of Pennsylvania, U.S. District Court for the Middle District of Pennsylvania, U.S. Supreme Court, U.S. Court of Claims and U.S. Tax Court; Shareholder in Law Firm of Stevens & Lee, 2005 – Present: Chair, Ethics and Professional



# JUDICIAL CONDUCT BOARD MEMBERS' BIOGRAPHIES

Responsibility Group; Private practice, 1992-2005: Law Office of James C. Schwartzman & Associates; Private practice, senior shareholder in law firm of Schwartzman & Hepps 1977-1992; Assistant United States Attorney, 1974-1977; Law Clerk to Honorable J. William Ditter, Jr., United States District Judge for the Eastern District of Pennsylvania; Professional Associations: Pennsylvania Bar Association, Philadelphia Bar Association, American Trial Lawyers Association, Pennsylvania Trial Lawyers Association, Philadelphia Trial Lawyers Association, Association of Professional Responsibility Lawyers; other affiliations: Committee of Seventy, 2002-2015; Instructor, Attorney General's Advocacy Institute United States Department of Justice, Temple University School of Law; Lecturer: Temple University Graduate Law School, Cheltenham Evening School, Abington High School, Bucks County Police Chief's Association, Various awards and commendations from United States Department of Justice; AV rated by Martindale-Hubbell; Appointed by Governor Robert Casey to Philadelphia Trial Court Nominating Commission, Member of Philadelphia Senatorial Judicial Nomination Commission, 1987-1995; Pennsylvania Super Lawyer, 2004-2017 and voted one of Top 100 Lawyers in Philadelphia and Pennsylvania; listed in The Best Lawyers in America, 2006-2017 in areas of Ethics and Professional Responsibility, Plaintiffs' Legal Malpractice Law and Defendants' Legal Malpractice Law; 2015 Philadelphia Ethics and Professional Responsibility Law "Lawyer of the Year"; National Heritage Life Insurance Company, Trustee 1997-2001; Ethics Director, American Electronic Laboratories, Inc.; Independence Blue Cross Board of Directors, 1993-Present; Southeastern Pennsylvania Transportation Authority, Board of Directors, 1991-2015; Judicial Conduct Board Member, 2014-Present, Vice-Chairman 2015, Chairman 2016-2018; Interest on Lawyers Trust Account (IOLTA) Board of the Supreme Court of Pennsylvania, Member 2008-2014, Vice-Chairman 2012, Chairman 2013-2014; Continuing Legal Education Board of the Supreme Court of Pennsylvania, Member 1992-1999, Vice-Chairman 1992-1995, Chairman 1996-1999; Disciplinary Board of the Supreme Court of Pennsylvania, Member 1983-1989, Vice-Chairman 1985-1986, Chairman 1986-1987; resigned May 2, 2018; Judicial Conduct Board Member since 2014.

**RICHARD T. FRAZIER, ESQUIRE; Vice-Chair (February 2, 2016 – February 4, 2018);** Dartmouth College, (A.B.), 1969; Tuck School of Business, Dartmouth College (M.B.A.), 1970; Villanova University School of Law, (J.D.), *cum laude*, 1976; Editor, Villanova Law Review and Order

of the Coif; Villanova University School of Law (L.L.M.) Taxation, 1988; Partner, Saul Ewing, LLP, resident in the Philadelphia and Chesterbrook Offices; Member of Firm's Business Department, the Tax Practice Group and the Health Law Practice Group; engaged in diverse tax and business practice and involved in complex transactions involving cooperative arrangements between nonprofit and for-profit organizations; advises nonprofit educational and healthcare organizations, entrepreneurs and investors; actively involved in planning and implementation of numerous acquisitions and restructurings of nonprofit organizations, creation of alternative investment vehicles, and in formation of joint ventures between nonprofit and for-profit entities; Admitted to practice in Florida and Pennsylvania; Memberships and Affiliations: former Member and Chairperson, Easttown Township Board of Supervisors; former Member, Board of Directors, Philadelphia Citizens for Children and Youth; Co-Chairperson, Campaign for Child Survival; Member, American Bar Association Tax and Health Law sections; Vice-Chair, American Bar Association Health Law Section, Breast Cancer Task Force; Member, Corporation Bureau Advisory Committee, Pennsylvania Department of State; Member, Pennsylvania Bar Association; Philadelphia Bar Association; American Health Lawyers association; Selected for inclusion in Pennsylvania Super Lawyers, 2005; Judicial Conduct Board Member since 2014.

**HONORABLE NINA WRIGHT PADILLA;** University of Maryland (B.S.), University of Maryland School of Law (J.D.); private law practice for 10 years, with a concentration in Consumer Bankruptcy, as well as general civil litigation and criminal law; served as a legal analyst on both the Greater Media and Comcast Cable Programs, "Today's Law" and "Legaline"; elected judge, First Judicial District in 2003; currently assigned to Commerce Court - Civil Trial Division; previously assigned to the Motions and Statutory Appeals Program, Class Actions and Conservatorships, frequently assigned to Election Court; sat in Philadelphia Family Court, Domestic matters of Divorce, Support, Custody, Domestic Violence and Criminal Abuse; June 2012 was assigned to the Criminal Trial Division; served as a panelist in legal education programs for the Pennsylvania Bar Institute, Philadelphia Bar Association and the Hispanic Bar Association of Pennsylvania. Committee Chair of the Board of View and Board of Revision of Taxes Committee for the Court of Common Pleas Board of Judges; appointed by the Governor of Pennsylvania to fill an unexpired term on the Board; reappointed to a full four-year term to the Judicial Conduct Board of Pennsylvania, 2018.

# JUDICIAL CONDUCT BOARD MEMBERS' BIOGRAPHIES

**HAROLD E. FLACK, II**; New England College (B.A.), 1981; former President of Diamond Manufacturing Company and co-owner of Diamond Consolidated Industries along with his late brother Charles D. "Rusty" Flack for over 30 years; served as President of Exeter Architectural Products of Wyoming, Pennsylvania and Palm City, Florida; retired 2010 when Diamond Consolidated Industries merged with Reliance Steel and Aluminum Company of Los Angeles, California (NYSE RS); Diamond Manufacturing is North America's leading and largest producer of perforated metal products with plants in Wyoming, Pennsylvania, Michigan City, Indiana, New Berlin Wisconsin, Manchester, Tennessee, Charlotte, North Carolina and Cedar Hill, Texas; Diamond has been in business in Wyoming, Pennsylvania since 1915; the company was founded by Mr. Flack's Great Grandfather; currently serving as President of the North Mountain Club, serves on the Board of Trustees of Misericordia University, the Wyoming Commemorative Association and the Westmoreland Club, where he is Past President and Chairs the Nominating Committee; has served as a board member of Diamond Consolidated Industries, Exeter Architectural Products, Eastern Insurance Group, M&T Bank, Northeastern Pennsylvania advisory Board and the Greater Wilkes-Barre Chamber of Business and Industry; former member of the Board of Trustees of New England College where he served in various capacities including Vice-Chairman and Annual Fund Chairman; served as Chairman of Wyoming Valley Chapter of Ducks Unlimited, Chairman of the Pennsylvania State Police Troop P Camp Cadet program, Chairman of the Alexis D'Toqueville Society of the United Way, President of the Wyoming Business Club, a Board Member of the Northeastern Pennsylvania Council of the Boy Scouts of America and Chairman of the Wyoming Valley Airport Advisory Board; 2001 he and his family were named Outstanding Philanthropists of the Year by the Association of Fundraising; Judicial Conduct Board Member since 2013; married to Jean for 35 years and has 4 children; currently resides in Dallas, Pennsylvania; Judicial Conduct Board Member since 2014.

**MUSTAFA L. RASHED**, Temple University (B.S.), (1995-1999); United States Navy, Petty Officer Third Class, Operation Desert Storm in Iraq and Operation Restore Hope in Somalia, received numerous commendations for achievement and leadership (1991-1995); President and CEO of Bellevue Strategies, a Philadelphia based, minority-owned government relations, advocacy and strategic communications firm, serves as firm's manager of day-to-day operations and is responsible for operations, technology,

HR and vision (2011-present); Vice President of Media and Brand Strategy, Bellevue Communications Group, a public relations firm in Philadelphia (2008-2011); Worked for media organizations: NBC10 (2005-2008), KYW Newsradio (2001-2005) and the Philadelphia Public Record (2000-2001); work in advocacy includes political campaigns, corporate and nonprofit clients; Serves on Board of Directors of the African American Museum in Philadelphia (2014-present); PCCY (2016-present); Dean's Council at Temple University's School of Tourism & Hospitality Management (2015-present); Member of National Urban League's Philadelphia Chapter (2015-present); Advocate of public education and a strong municipal public school system; Frequent media commentator on politics, social and community affairs; Guest columnist for Philadelphia Magazine and Al Dia; Judicial Conduct Board Member since February 2016; reappointed to the Judicial Conduct Board on September 5, 2017 and current member of the Board's Personnel Committee.

**WILMARIE GONZÁLEZ**, Rosemont College (M.S., Management); Eastern University (B.S., Organizational Management); Director, Bureau of Quality Assurance & Program Analytics at PA Department of Human Services, Office of Long-Term Living (OLTL), 2015 – Present, Bureau responsible for quality and performance standards of Medicaid home and community-based services programs as required by Centers for Medicare and Medicaid Services. From 2005-2015, served as the statewide lead advocate on the development and implementation of federal and state laws, regulations, policies and procedures impacting protective services and ombudsman programs. Established and maintained strong ties with federal and state legislators on regulatory, legislative and policy issues affecting the aging population. Represented the agency before legislative and executive branches in strengthening advocacy systems. Activities included requiring protective services and ombudsman mandatory trainings to both local provider of services and volunteers, and enforced state regulations pertaining to senior protections; helped the state to leverage the impact of state coalitions and local programs across the state. Led teams in state studies and evaluations on elder abuse, financial exploitation, and guardianship issues affecting the aging population; and, participated in Orphans Court and U.S. Bankruptcy Court proceedings representing the interests of older consumers. Prior to public service, spent 10 years at PECO Energy, as community liaison working with community partners and local government reviewing proposals and approving grants; involved in the areas of

# JUDICIAL CONDUCT BOARD MEMBERS' BIOGRAPHIES

legal, finance, investor relations, and the successful merger of PECO Energy and Unicom creating Exelon Corporation in 2000; previously spent 12 years in the legal profession involved in the areas of products liability, maritime, and litigation with a number of law firms in Philadelphia; have been recognized by a number organizations to include the National Conference of Puerto Rican Women, Inc., Delaware Valley's Most Influential Latinos Award from the Most Influential Latinos Foundation and Impacto Latino Newspaper, and PHL Diversity; former board member in national, state and local organizations influencing public policy, education, seniors, and the arts. Former member of the Pennsylvania Supreme Court Elder Law Task Force and Advisory Council on Elder Justice in the Courts; Judicial Conduct Board Member since June 2016.

**DR. ARNOLD SHIENVOLD**, Colgate University, (B.A.), 1972; University of Alabama (M.A.), 1976; (Ph.D.), 1977; Worked at Harrisburg Hospital, Polyclinic Medical Center, and Hershey Medical Center; Managing Partner of Riegler, Shienvold & Associates, a comprehensive psychological practice, 1980 – Present; Expertise in areas of custody evaluation, family mediation, and psychotherapy; Presenter of lectures, seminars and workshops on custody issues and family mediation to the Dauphin County, Cumberland County, York County and Adams County Bar Associations, the American Academy of Matrimonial Lawyers, the Pennsylvania Academy of Matrimonial Lawyers, the Association of Family and Conciliation Courts and the Association for Conflict Resolution; Past President of the Academy of Family Mediators, Association of Conflict Resolution and the Association of Family and Conciliation Courts; Member, AFCC's task force to develop model standards for custody evaluators; Member, Pennsylvania Psychological Association custody workgroup; Former member, Pennsylvania Supreme Court committee on changing the culture of custody disputes in Pennsylvania courts; Co-author of the chapter, Custody Evaluations, Custody Law & Practice in Pennsylvania; Award for Distinguished Contributions to the Science and Profession of Psychology from the Pennsylvania Psychological Association, 2011; Judicial Conduct Board Member since November 2016 and current member of the Board's Personnel Committee.

**THOMAS J. ELLIOTT, ESQUIRE**, Georgetown University (A.B.), 1971; Georgetown University Law Center (J.D.), 1974; Senior Founding Shareholder, Vice President and Board Member Elliott Greenleaf; extensive commercial litigation practice in federal and state trial and appellate courts; admitted to practice in: the United States Supreme

Court, the United States Courts for Appeal of the Second and Third Circuits, the United States District Courts for the Eastern, Middle and Western Districts of Pennsylvania and the Pennsylvania Supreme Court; former law clerk to Honorable John B. Hannum – Judge, United States District Court for the Eastern District of Pennsylvania; AV rated by Martindale-Hubbell; selected Pennsylvania Super Lawyer; appointed by the Pennsylvania Supreme Court to serve on the Disciplinary Board of the Supreme Court of Pennsylvania; member of the Pennsylvania Bar Association Committee on Legal Ethics and Professional Responsibility; member of the Pennsylvania Bar Association Committee on Federal Practice; Treasurer and Director of the Historical Society of the United States District Court for the Eastern District of Pennsylvania; chaired Pennsylvania Bar Institute Continuing Legal Education Programs on Commercial Litigation, Evidentiary Issues, Remedies and Legal Ethics; member of the American Bar Association and served as Chair of the Litigation Section's Trial Practice Committee and Chair of the Demonstrative Evidence Subcommittee; served as Panel Member of the Federal Bench Bar Conference and as a member of the Third Circuit Judicial conference; Member of the Montgomery Bar Association and served as: Member of Board of Directors; President of the Trial Lawyers Section; Co-Chair Federal Court Practice Committee; Chair of the Business Banking and Corporate Counsel Committee; Vice-Chair of the Rules of Federal Court Committee; Panel Member and Speaker at CLE Legal Ethics Program; Program Planner and Speaker at CLE Program on Practice before United States States Magistrate Judges, and was selected as the Trial Lawyer of the Year; negotiated transactions involving the purchase, sale and financing of professional sports franchises in Pennsylvania, Maryland, California, New Mexico, Oregon and Tennessee; counsels owners of professional sports franchises on all aspects of management and operations including: stadium finance and construction, negotiation with local authorities and municipalities for physical and financial infrastructure, playing surface selection and installation, ownership and team tax issues, stadium naming rights, vendor agreements, merchandising and licensing; published extensively, including: the Pennsylvania Bar Association, the Pennsylvania Bar Institute and the Philadelphia and Montgomery Bar Associations. Judicial Conduct Board Member since July 17, 2017 and current Member of the Board's Personnel Committee.

**MANDI L. CULHANE, ESQUIRE**; Bucknell University (B.A.), magna cum laude; George Mason University School of Law, now the Antonin Scalia Law School (J.D.), *magna*



# JUDICIAL CONDUCT BOARD MEMBERS' BIOGRAPHIES

*cum laude*; Shareholder, law firm of Goehring, Rutter & Boehm, with offices in Pittsburgh and Philadelphia; practices within the firm's Municipal, Municipal Creditors' Rights, Real Estate and Litigation Groups; admitted to practice before the Supreme Court of the United States, the United States Court of Appeals for the Third Circuit, the United States District Courts for the Western and Middle Districts of Pennsylvania, all Pennsylvania and West Virginia state courts; member of Allegheny County, Pennsylvania and American Bar Associations; joined Allegheny County Bar Foundation Fellows Class in 2010 and participated in Allegheny County Bar Foundation Young Lawyer's Division Bar Leadership Initiative Class in 2007-2008; 2010-2019, recognized as a Pennsylvania Super Lawyer Rising Star for her work in areas of appellate practice and municipal law; appointed by the Governor of Pennsylvania as an attorney member on February 5, 2018.

**HONORABLE PATRICIA H. JENKINS**; Albright College (B.S.), Dickinson Law School (J.D.); Master of Laws degree, Villanova University Graduate Tax Program; appointed to Delaware County Court of Common Pleas by Governor Robert P. Casey in 1993; elected to full term later in 1993 and retained for two ten-year terms; appointed by Governor Tom Corbett to the Superior Court of Pennsylvania and confirmed by the Senate in December 2013; served on the Superior Court until January 2016; served as Senior Judge on the Superior Court until end of 2016; following service as Senior Judge, returned to the practice of law; former partner at Kassab Archbold Jackson & O'Brien law firm; served as solicitor for Delaware County Department of Human Services; taught Paralegal Studies at Villanova and Widener Universities; served on the advisory board of Villanova's Matthew J. Ryan Center for the Study of Free Institutions and the Public Good, named in honor of her late husband, Pennsylvania State Representative and Speaker of the House, the Honorable Matthew J. Ryan; member of the American, Pennsylvania and Delaware County Bar Associations and the United States Supreme Court Historical Society; served on Board of Overseers of the Veterinary School of the University of Pennsylvania from 2007-2016; served on Board of Directors of Riddle Memorial Hospital and Board of Trustees of Haverford State Hospital; appointed by the Supreme Court of Pennsylvania to fill an unexpired term as a non-judge lawyer-member on the Judicial Conduct Board, 2018

**MICHAEL P. MARTIN**, attended Edinboro University of Pennsylvania; President and owner of Printing Concepts,

Inc., a sheet-fed commercial printing company employing 34 people in Erie; widely recognized as the region's leader in print and direct mail services; serves as a member of Northwest Bank Regional Advisory Board, the Erie Philharmonic Board of Governors and the UPMC Hamot Board of Corporators; chair of Millcreek Township Zoning and Hearing Board; Vice-Chair of Erie Metropolitan Transit Authority; served on Erie County Redevelopment Authority, First National Bank Advisory Board, Erie Regional Chamber and Growth Partnership; one of founding members of Erie Runners Club; appointed by the Governor of Pennsylvania to fill unexpired term as a lay member on the Judicial Conduct Board, February 20, 2018; resigned November 19, 2018.

**DET. JOSEPH M. BROWN**, Alvernia University (B.A., candidate-Criminal Justice); Detective, Berks County Office of the District Attorney; retired as Sergeant with West Reading Police Department (1991-2019); while at West Reading, served as patrol officer, criminal investigator and ultimately, patrol sergeant; served as detective with Berks County Office of the District Attorney Major Crimes Unit; experienced polygraph examiner; serves as President Berks Lodge #71, Fraternal Order of Police; serves as President Berks County Police Heroes Fund (founder); serves as Treasurer of Pennsylvania State Order of Police, organization represents over 40,000 active and retired members of law enforcement across the Commonwealth; Northwestern University School of Police Staff and Command (2018); Reading Area Community College, Associates Degree in Public Administration (2016), Associates Degree in Law Enforcement Administration (1999); Reading Police Academy (1986); Awards and Commendations: Police Officer of the Year (1998), Medal of Honor, Combat Cross (2), Wound Award, Gallantry Star (3), Exceptional Duty Award, Federal Bureau of Investigation-Letter of Commendation, Reading Bureau of Police-Letter of Commendation, and West Reading Police Department-Letter of Commendation; Professional Memberships: American Association Police Polygraphists, American Polygraph Association, International Association of Hostage Negotiators, Mid-Atlantic Great Lakes Organized Crime Law Enforcement Network-Primary Representative; Volunteer activities: Alvernia University Criminal Justice Program, Berks County Parks and Recreation Board-Member, Children's Christmas Program, Operation Restoring Hope; appointed by the Governor of Pennsylvania as a lay member on the Judicial Conduct Board, December 4, 2018.



## CONFIDENTIAL REQUEST FOR INVESTIGATION

**INSTRUCTIONS:** Please type or print. If you wish to provide documents to support your allegations, please attach copies of those documents. We cannot return documents. The Board's jurisdiction extends only to Pennsylvania Supreme Court Justices, Superior and Commonwealth Court Judges, Common Pleas Court Judges, Philadelphia Municipal and Traffic Court Judges and Magisterial District Judges. Once completed, you must sign and return this form to the address above.

**NOTICE:** The Judicial Conduct Board has no authority to change a Judge's decisions or rulings. Our jurisdiction extends only to conduct that violates the Code of Judicial Conduct or the Rules Governing Standards of Conduct of Magisterial District Judges, which may be found at our web site at [www.jcbpa.org](http://www.jcbpa.org).

### Your Information:

**Name:**

**Address:**

**Telephone:**

(      )

**City:**

**State:**

**Zip:**

(      )

### Judicial Officer's Information:

**Name:**

**Type of Judicial Officer:**

☐ Magisterial District Judge

**County:**

☐ Judge

**Case Information:** (If misconduct allegations relate to Court Proceedings.)

☐ Case Has Been Appealed

**Case Name:**

**Case Docket Number:**

**Your Attorney:**

**Opposing Attorney:**

**Witness:**

**Name:**

**Name:**

**Name:**

**Address:**

**Address:**

**Address:**

**Phone:**

**Phone:**

**Phone:**

I certify that I have read the information concerning the Judicial Conduct Board's function, jurisdiction, and procedures included in the accompanying brochure. I further swear (or affirm) that the above information is true and accurate. The statements in this complaint are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities.)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Your Signature

Please explain your complaint on the reverse of this form.

**Please use this page to explain your complaint, providing as much detail as possible.  
Attach additional pages if needed.**

Please note, it is not required that you present your grievance to the Board in person. Personal interviews are not required and are not usually necessary for our preliminary review, investigation, and understanding of grievances. If we need further information relative to your grievances, you will be contacted by phone or letter and arrangements will be made for an interview if deemed necessary.

**(BACK SIDE OF REQUEST FOR CONFIDENTIAL INVESTIGATION)**





## JUDICIAL CONDUCT BOARD

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