

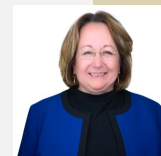
A DAY IN THE LIFE OF A JUDICIAL CONDUCT COMPLAINT

2025 BENCH BAR
JUNE 13, 2025



Hon. Robert J. Colville, District Judge
U.S. District Court,
Western District of Pennsylvania

Amy J. Coco, Esquire
DiBella Weinheimer
ACBA President-Elect



AGENDA

Overview

JCB Process

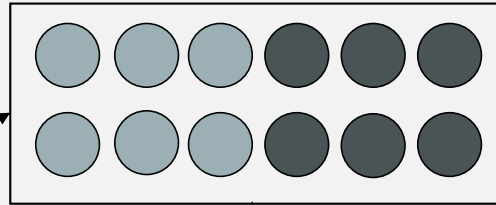
AOPC Process

Diversionsary
Program

Lessons Learned

JUDICIAL CONDUCT BOARD

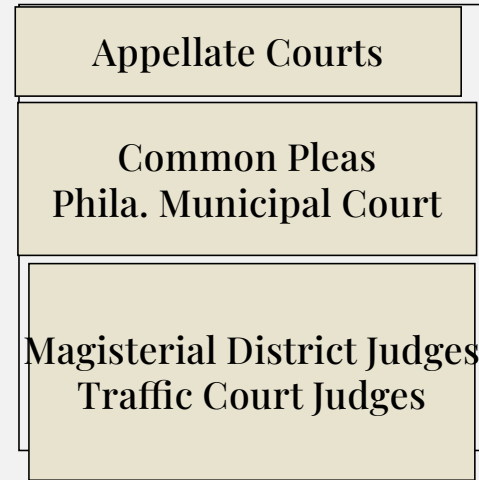
6 Public Members
3 Attorneys
3 Judges



Governor
(6)

Supreme Court
(6)

Jurisdiction



1200+
Judicial
Positions

Pennsylvania Constitution, Article V, Section 18(a)

HISTORY OF JCB

The Judicial Conduct Board (JCB) of Pennsylvania was established after a constitutional amendment approved by voters on May 18, 1993.

Successor to the Judicial Inquiry and Review Board.

Officially convened its first meeting on November 4, 1993. Then Superior Court Judge Del Sole was the first chairman.

The Board disposed of 389 complaints in 1994:

- Dismissed after preliminary inquiry: 360
- Dismissed after full investigation: 23
- Referred to other agencies: 2
- Filed formal charges: 3
- Petitioned for automatic forfeiture: 1

INITIAL YEAR COMPLAINTS

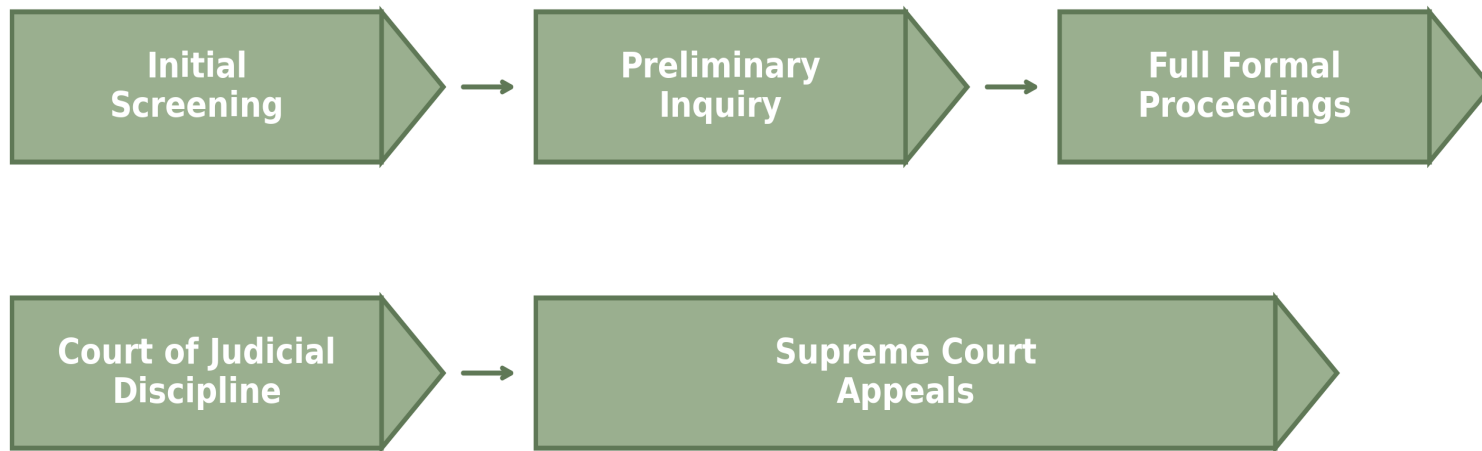
Complainants

- Litigants: Criminal matters (104), family matters (73), civil matters (83)
- Non-litigant laypersons: 28
- Non-litigant lawyers: 18
- Judicial officers: 4
- Board-initiated complaints: 18

Primary Allegations

- Legal error: 180
- Bias: 61
- Judicial demeanor: 15
- Delay: 14
- Ex parte communication: 14
- Other categories: abuse of power, administrative issues, conflict of interest, and criminal misdemeanors.

LIFE OF A JCB COMPLAINT



OVERVIEW OF THE JCB PROCESS



Complaints are reviewed, analyzed, and investigated by Board staff

Preliminary inquiry includes:

- Interviews with the complainant, attorneys, and witnesses
- Review of relevant documents

Board considers the results of the investigation before deciding on action

NATURE OF COMPLAINTS

Administrative Failures, Demeanor, Treatment of Court Staff, Improper Delegation

- Delay – Rule 2.5(A)
- Statement of Financial Interest – Rule 3.15
- Abusing Court Employees – Rule 2.8(B)

Campaign Conduct – Canon 4

- Publicly Endorse Political Candidates- 4.1(A)(3)
- Solicit Funds For Party or Own Candidacy- 4.1(A)(7)
- Misrepresent Facts-4.1(A)(9)

Criminal Conduct – Rule 1.1

Disqualification/Recusal/Disclosure

- Economic Interest – Rule 2.11(A)(2)
- Personal Bias or Prejudice – Rule 2.11(A)(1)
- Large Campaign Contributions – Rule 2.11(A)(4)

Abuse of Power – Rule 1.3

NATURE OF COMPLAINTS

Failure to Cooperate with Board;
Lying to Board; Asking Witness to Lie;
Retaliating Against Complainant –
Rule 2.16

Failure to Follow the Law; Legal
Error; Abuse of Discretion – Rule 1.1

Ex Parte Communications – Rule 2.9

- Communicating With Only One of the Parties or Lawyers
- Independent Investigation of Facts – Rule 2.9(C)

Personal Misconduct

- Criminal Conduct – 1.1
- Gift/Loan From Litigant or Attorney – 3.13
- Misuse of the Office – 1.3 and 2.13
- Dealings With Lawyers or Other Persons Likely to Come Before the Court – 3.13

INITIAL DECISION OPTIONS



Dismiss the Complaint:

- No violations of the Constitution, Code of Judicial Conduct, or Rules Governing Standards

Authorize a Full Investigation:

- Determine if evidence of misconduct exists

FULL INVESTIGATION OUTCOMES

Dismiss the Complaint:

- No probable cause of judicial misconduct
- May involve legal error, time-barred claims, or lack of evidence

Issue a Letter of Caution:

- Conduct may lead to misconduct if not corrected

Issue a Letter of Counsel:

- Minor or isolated violation recognized and rectified

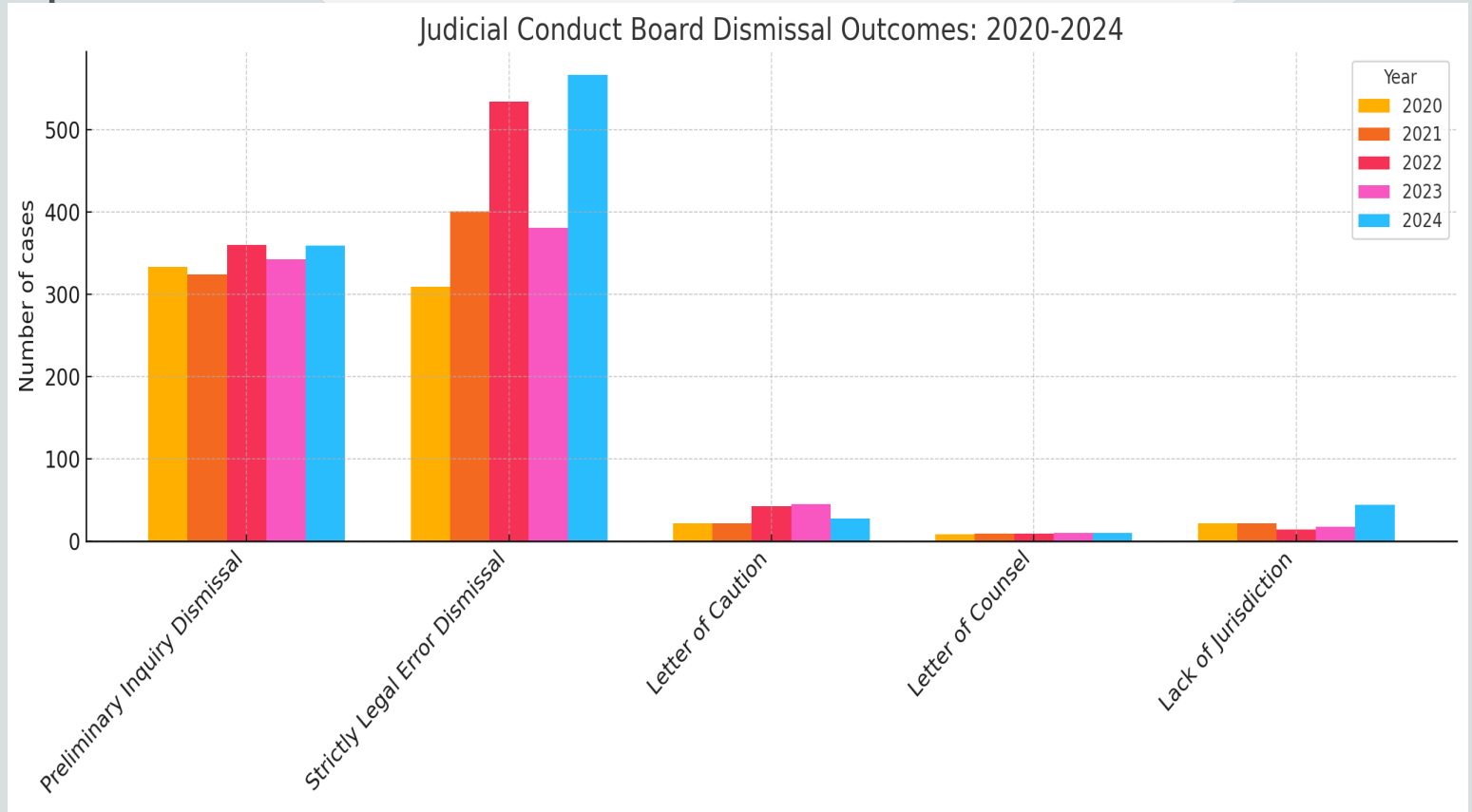
File Formal Charges:

- Probable cause of misconduct found
- Referred to the Court of Judicial Discipline

PRIVATE RESOLUTIONS

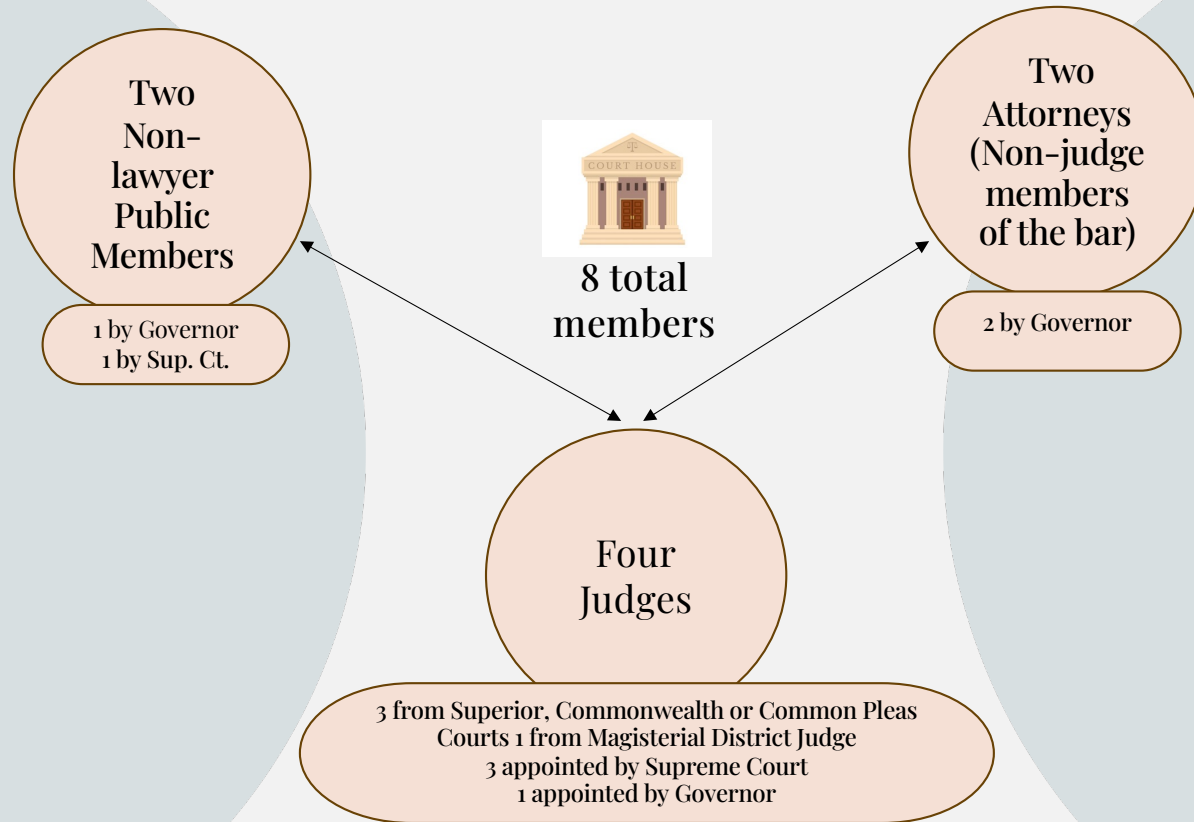
Year	Counsel	Caution	Headline Themes
2020	3	6	Breakdowns in courtroom professionalism—both toward staff (yelling, cursing) and on social media—plus repeated <u>ex-parte</u> outreach and procedural shortcuts.
2021	3	7	Personal legal missteps and overt political speech online, coupled with intemperate treatment of lawyers/litigants and recurring <u>ex-parte</u> conduct.
2022	6	8	Surge in due-process failures (un-arraigned incarcerations, missing hearings) and administrative delays; several judges crossed ethical lines on discrimination or campaign messaging.
2023	4	6	Substance-abuse episodes and courtroom absences made headlines; TikTok-era improprieties (recordings, posts) and abrasive courtroom demeanor stayed common.
2024	6	7	Highest overall category count: heavy on fairness/impartiality problems, coercive settlement tactics, and social-media missteps that blurred privacy lines.

DISMISSALS 2020-24



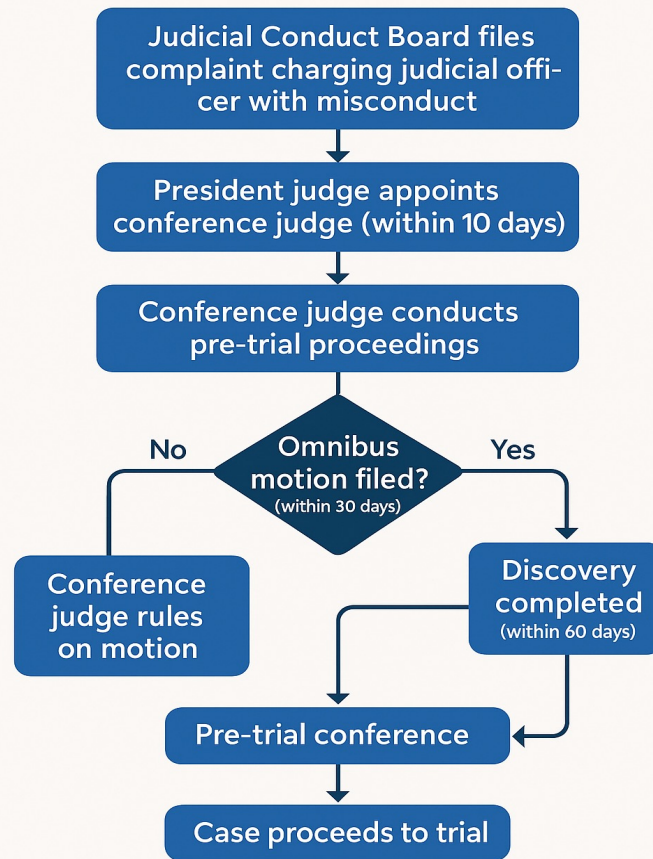
**COURT OF JUDICIAL
DISCIPLINE COMPOSITION**

Pennsylvania Constitution, Article V, Section 18(b)



Appointments: 50% Governor 50% Supreme Court

OVERVIEW OF CJD PROCESS



**COURT OF JUDICIAL
DISCIPLINE POSSIBLE
OUTCOMES**

- Dismissal of the Complaint
- Public or Private Reprimand
- Public Censure
- Fine, Probation, or Suspension (with or without pay)
- Removal from the Bench (with forfeiture of office)
- Prohibition from Future Judicial Service
- Other authorized discipline as warranted
- Loss of pension (With removal/suspension)

**COURT OF JUDICIAL
DISCIPLINE POSSIBLE
OUTCOMES**

- Dismissal of the Complaint
- Public or Private Reprimand
- Public Censure
- Fine, Probation, or Suspension (with or without pay)
- Removal from the Bench (with forfeiture of office)
- Prohibition from Future Judicial Service
- Other authorized discipline as warranted

Category	2020	2021	2022	2023	2024
Requests for Investigation Received/Initiated	702	787	945	825	843
Matters Closed	723	785	964	796	1008
Dismissed as Unfounded	333	333	360	342	359
Dismissed as Legal Error	309	309	534	381	567
Dismissed for Lack of Jurisdiction	21	21	14	17	44
Withdrawn by Complainants	0	0	4	4	0
Dismissed After Full Investigation	10	7	1	1	0
Notices of Full Investigation Issued	10	12	21	18	27
Dismissals with Letters of Caution	21	21	42	45	27
Dismissals with Letters of Counsel	8	8	9	10	10
Formal Charges Filed	5	2	1	2	2
Petitions for Interim Suspension Without Pay	4	1	2	1	1

Year	Complaints Received	Dismissed/ Closed	Letters of Inquiry	Notices of Full Investigation	Issued Letters of Caution	Issued Letters of Counsel	Formal Charges Filed
2010	649	566	50	23	10	7	3
2011	711	585	78	24	35	3	8
2012	660	775	66	12	39	4	5
2013	784	648	34	21	16	4	1
2014	793	754	34	19	12	0	4
Total	3597	3328	262	99	112	18	21
Average	719	666	52	20	22	4	4

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
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
2019	812	911	53	37	32	17	3
Total	4,033	4,166	269	129	119	51	25
Average	807	833	54	26	24	10	5

SUPREME COURT APPEALS

If charges are dismissed, JCB may appeal to the Supreme Court of Pennsylvania

If discipline is imposed, the judge may appeal

- If the judge is a Supreme Court justice, appeals are heard by a Special Tribunal
- Tribunal members are randomly chosen from the Superior and Commonwealth Courts

JUDICIAL DIVERSION PROGRAM

Purposes

- Improve judiciary quality
- Mentoring for judges
- Educational resources
- Remedial support
- Rehabilitation over punishment
- Assist judges facing ethical violations

Issues Addressed

- Mental disabilities
- Physical disabilities
- Emotional disabilities
- Substance abuse
- Minor misconduct not warranting suspension/removal

STEPS TO DIVERSION PROGRAM

- Filing of a Formal Complaint or Petition for Relief
- Plan may include education, counseling, drug and alcohol testing, follow-up treatment, docket management training, monitoring, mentoring programs, or other remedial actions.
- Agreement to Participate and Signing a Formal Agreement
- **Supervision by Appointed Professionals:** The court will appoint qualified counselors, mentors, or other professionals to supervise the diversion program plan.
- **Compliance Monitoring:** The appointed professionals will monitor compliance and report to the Court. Noncompliance will result in the re-institution of formal proceedings and removal from the diversion program.

TYPES OF MATTERS APPROPRIATE FOR THE PROGRAM

Assisted in drafting a private criminal complaint, then adjudicated it.

Held improper ex parte talks with both complainant and ADA.

Refused to recuse from the private-complaint case.

Displayed anger and made intemperate remarks to a constable.

Set monetary bail without applying Rule 523 release criteria.
Ordered defendants jailed for unmet bail before any bail hearing.

Issued arrest warrants for second-degree welfare-fraud misdemeanors contrary to Rule 509.

Demeanor issues including unpleasant treatment both on and off the bench of lawyers and litigants, and also of those who work as personal staff or as County employees.

Allegations concerning ex parte communications regarding matters before the court.

Improper handling of administrative matters.

POLICY ON NON-
DISCRIMINATION AND
EQUAL OPPORTUNITY

This policy ensures that all individuals doing business with the Unified Judicial System of Pennsylvania (UJS) are treated respectfully and non-discriminatorily. Individuals covered by the policy are expected to treat others with respect while working for the UJS in a court facility, and in turn, they should be treated similarly.

Who is Covered?

- Personnel of the System (including judges and sta)
- Supreme Court Boards and Committees
- Related Sta
- Court Users

STEPS TO MAKING A COMPLAINT

Report the Issue:

- If the judge is involved in harassment or discrimination, report the issue to your District Court Administrator by telephone or email.
- If the District Court Administrator is unavailable, fails to act, or is involved, escalate the complaint to the President Judge.
- If the President Judge is unavailable, fails to act, or is involved, contact AOPC Human Resources at 717-231-3309 or via email at Human.Resources@pacourts.us.

Alternative Reporting:

- Download a Non-Discrimination Policy Complaint Form from the UJS website (www.pacourts.us) and submit the completed form to the district

COMPLAINT STEPS

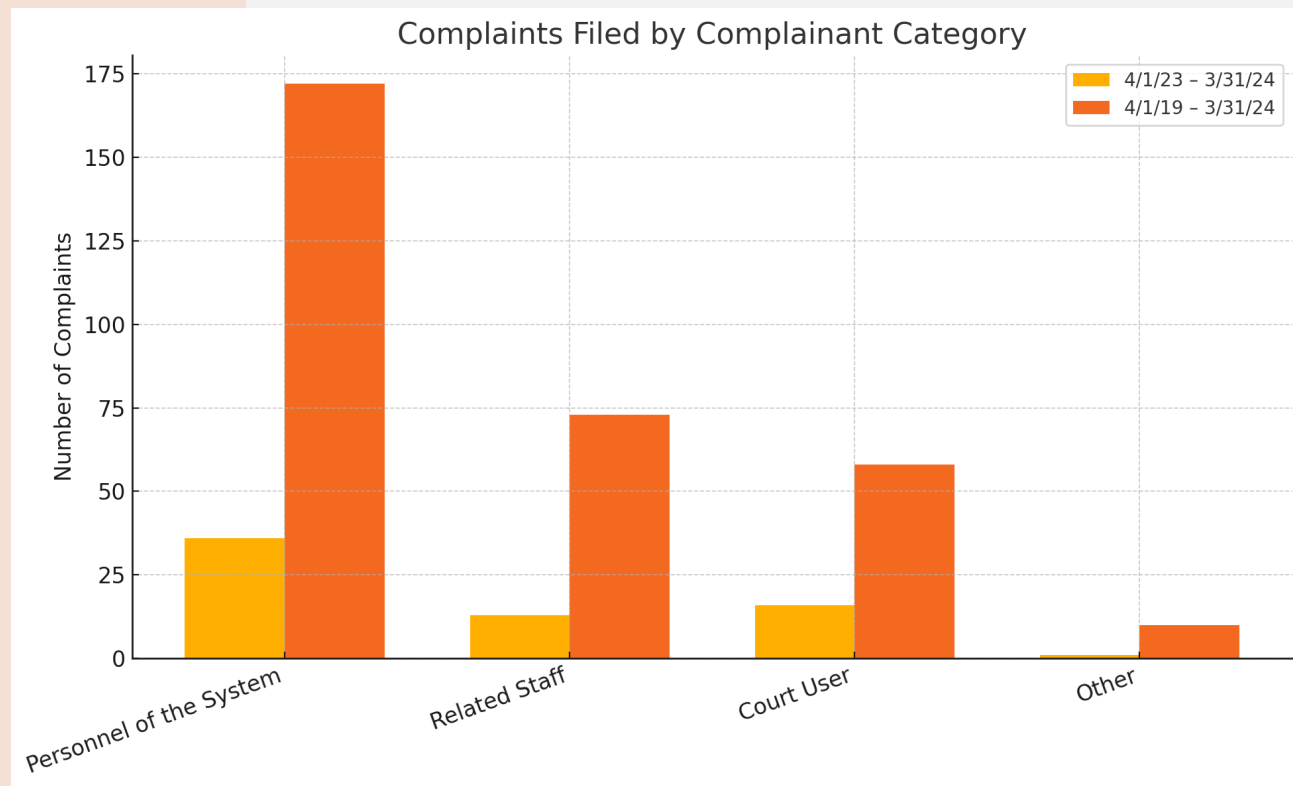
Final Determination:

- The President Judge (or Supreme Court) will make the final determination regarding the violation and inform both the complainant and the accused in writing about the results and any disciplinary/remedial actions.

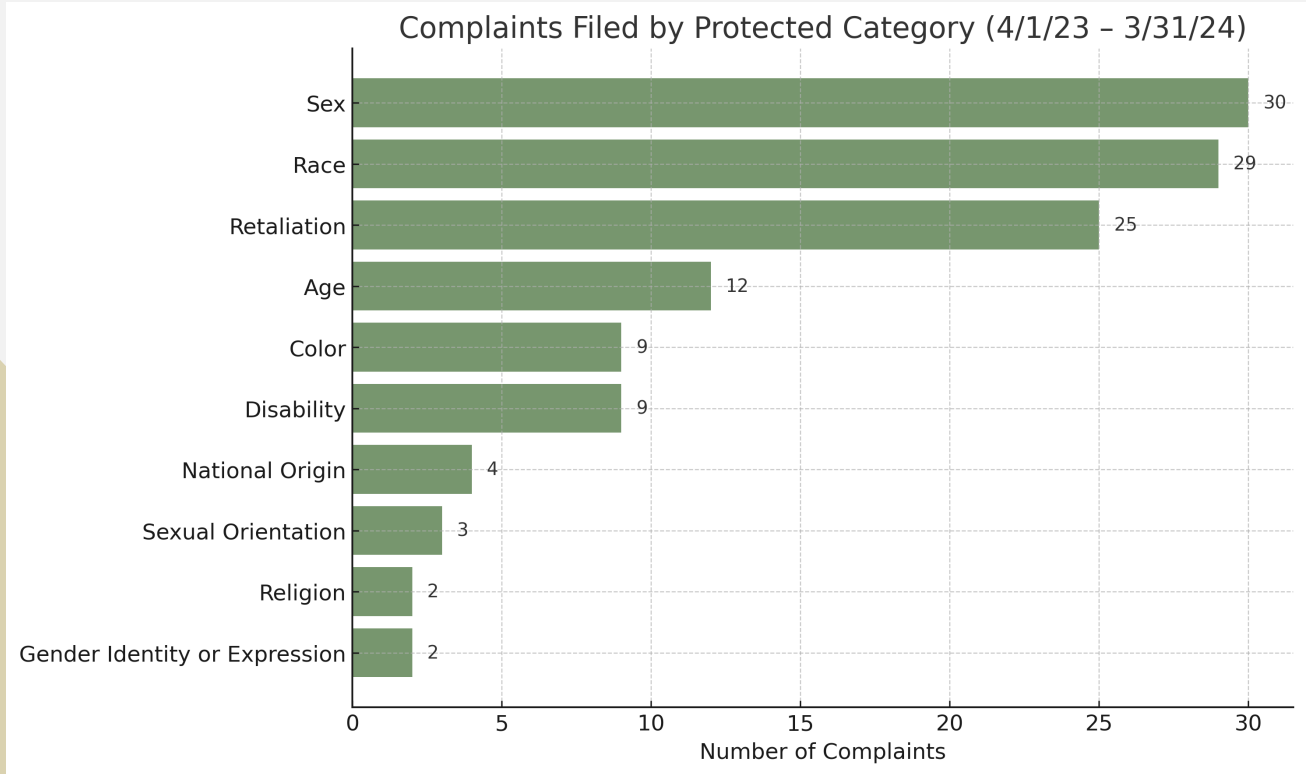
Referral for Further Investigation:

- Complaints against judicial officers may be referred to the Judicial Conduct Board for further investigation.

From 4/1/23 to 3/31/24, 12 complaints were filed against judges. Over the five-year period from 4/1/19 to 3/31/24, a total of 56 complaints were filed against judges.



COMPLAINT CATEGORIES



LESSONS LEARNED

Apply the “headline test” – how does this conduct appear to outsiders?

- ✓Is the conduct undignified or does it otherwise reflect poorly on the judiciary?
- ✓Does the conduct make you or your staff appear overly angry or demeaning to others?
- ✓Are you personally involved in a legal proceeding related to any of the parties, the attorneys, or the subject matter of a case brought before you?
- ✓Does the conduct offend anyone or make you appear to be prejudiced or biased?
- ✓Is the conduct lawful?



THANK YOU

5 Years of Private Discipline

2024

Letters of Counsel

1. Improper Judicial Demeanor
 - Exhibiting improper demeanor toward court staff, litigants, and attorneys
 - Displaying poor demeanor when confronted about procedural issues
2. Lack of Impartiality/Fairness
 - Failing to conduct proceedings in a fair and impartial manner
 - Declining to hear relevant evidence
 - Attempting to coerce settlement agreements
 - Demonstrating partiality toward and in dealings with elected District Attorney
3. Procedural Violations
 - Dismissing traffic citations based on incorrect reading of law
 - Infringing on the Commonwealth's right to be heard
 - Delaying resolution of post-trial matters
 - Imposing additional conditions without required hearings
4. Ex Parte Communications
 - Engaging in communications with defendants outside proper proceedings
 - Having ex parte communications that changed supervision conditions
5. Recusal Issues
 - Failing to recuse despite admission of partiality
6. Administrative Failures
 - Not reporting delayed matters on Rule 703 Reports

Letters of Caution

1. Confidentiality/Privacy Violations
 - Violating Case Records Public Access Policy by identifying victim's name in text messages
2. Appearance of Impropriety
 - Creating perceptions of favoritism through text messages
 - Making inappropriate remarks about employee's personal life
 - Using social media to promote businesses and events
3. Procedural Due Process Violations
 - Revoking bail sua sponte, resulting in unlawful detention
 - Detaining defendant without hearing until urine sample produced

- Failing to give litigant notice and opportunity to be heard
- Not following appellate court directive
- Ending hearings before parties could fully present cases
- 4. Improper Demeanor/Treatment of Parties
 - Making condescending comments about victim's financial position
 - Displaying poor demeanor toward police regarding juvenile arraignment
 - Ordering litigant out of courtroom under threat of incarceration
 - Exhibiting poor demeanor to attorneys, displaying ill will
 - Making disparaging comments to and about litigants
- 5. Improper Use of Judicial Office
 - Writing impermissible advisory opinion criticizing grandparents and counsel
 - Referencing prior knowledge of witness's criminal history
 - Making coercive comments to defendants
 - Abusing judicial prestige to promote personal book
 - Not properly analyzing disqualification for Facebook friends
 - Displaying "MDJ" license plate on personal vehicle
- 6. Delays/Administrative Failures
 - Being unduly delayed in issuing final decisions in multiple cases
 - Failing to issue custody opinion within required 15-day timeframe
 - Not reassigning case after recusal request
- 7. Campaign Misconduct
 - Participating in political committee while candidate for judgeship
 - Distributing campaign materials with false/misleading information
 - Creating impression of endorsement by another judge

2023

Letters of Counsel

1. Substance Abuse/Personal Conduct Issues
 - Driving under the influence
 - Appearing in court intoxicated/failing to appear for court
2. Improper Behavior in Public Settings
 - Violating security protocols at school board meetings, then later presiding over related cases
 - Inappropriate social media activity that appeared to solicit donations or lend judicial prestige
3. Procedural Violations

- Holding trials in defendants' absence despite mandatory jail sentences
 - Engaging in ex parte communications and improper settlement conferences
 - Refusing to accept filings and making unprofessional comments
4. Unprofessional Conduct
- Using profanity and throwing objects in front of staff
 - Cursing at attorneys out of frustration

Letters of Caution

1. Campaign Conduct Issues
 - Failing to ensure campaign committees followed rules for social media and campaign funds
2. Appearance of Impropriety
 - Privately criticizing police officers in judicial office
 - Making inappropriate posts about the judicial system on social media
 - Using courtrooms for non-judicial purposes (recording TikTok videos)
 - Delivering sectarian prayers in public forums with potential litigants
3. Improper Demeanor/Temperament
 - Displaying sarcastic, irritable, or abrasive behavior toward parties
 - Making disparaging remarks about attorneys' appearance, salary, etc.
 - Using inappropriate language and threatening comments
 - Showing visible anger and raising voice at litigants
4. Procedural/Legal Failings
 - Not advising defendants of legal rights
 - Inconsistently applying the law in certain case types
 - Failing to follow rules for bail decisions, placement hearings, etc.
 - Undue delays in rendering opinions or adjudicating motions
5. Recusal/Conflict of Interest Issues
 - Presiding over cases involving known associates
 - Failing to properly recuse from cases with prior involvement
 - Representing clients in counties where they preside
6. Ex Parte Communications
 - Engaging in conversations with one party without the other present
 - Having law clerks engage in ex parte communications

2022

Letters of Counsel

1. Due Process Violations
 - Failing to conduct proper arraignments and payment determination hearings
 - Incarcerating defendants without proper hearings
 - Holding hearings for defendants not present when incarceration was likely
2. Ex Parte Communications
 - Engaging in communications with defendant's father without Commonwealth's knowledge
 - Entering dispositions without Commonwealth's participation
3. Abuse of Judicial Authority
 - Subjecting defendant to unlawful incarceration without preliminary arraignment
 - Sending text message with implied threat to police officer
 - Approving inaccurate timesheets for court clerk
4. Recusal/Conflict of Interest Issues
 - Failing to recuse from case where defendant's attorney donated substantial campaign funds
 - Presiding over case where defendant had judge's campaign sign in yard
5. Discriminatory Practices
 - Refusing to conduct marriages for gay couples
6. Inappropriate Language
 - Using offensive phrases when speaking about domestic violence victims

Letters of Caution

1. Procedural Due Process Issues
 - Denying accommodation for hearing assistance
 - Finding defendant guilty in absentia without notice
 - Holding custody hearing in absence of incarcerated father
 - Improperly instructing police to arrest defendant without warrant or bail proceeding
 - Failing to process in forma pauperis petitions properly
 - Not issuing verdict/sentence after conclusion of trial
2. Inappropriate Judicial Behavior
 - Making undignified and discourteous comments to defendants
 - Telling litigant that objection means "keep your mouth shut"
 - Making unwarranted personal attack on psychotherapist

- Exhibiting intemperate conduct during video conference
- Criticizing defendant's attorney in open court
- 3. Appearance of Impropriety
 - Citing research that could be interpreted as racially offensive
 - Participating in Facebook livestream regarding defendant who later appeared before judge
 - Giving advice to criminal defendant appearing before judge
 - Speaking with neighbor about pending case
- 4. Ex Parte Communications
 - Engaging in communication with tenant's attorney
 - Reducing defendant's bail after conversation with parent
- 5. Recusal/Post-Recusal Issues
 - Adjudicating petition after formal recusal
 - Issuing administrative order or ruling after recusal
 - Recusing without reason and failing to hear assigned matter
 - Presiding over petitions filed by judge's adult child who was an attorney
- 6. Delays and Administrative Failures
 - Delaying PCRA case opinion for over 2 years
 - Issuing custody opinion 4 months after deadline
 - Delaying Rule 1925(a) opinion, affecting appellate timeline
 - Delaying civil hearing decision for 7 months
 - Arriving 1-2 hours late for scheduled hearings
 - Failing to list delayed cases on Rule 703 reports
- 7. Campaign Misconduct
 - Misstating results of bar association plebiscite
 - Making false/misleading statements about election opponent
- 8. Other Procedural Issues
 - Improperly participating in plea bargaining
 - Requiring full payment at sentencing to accept reduced charges
 - Refusing to review relevant case law despite unfamiliarity
 - Court staff modifying official court docket

2021

Letters of Counsel

1. Personal Legal Violations
 - Being convicted of summary traffic citations for failing to obey police officer's directions
 - Withholding pertinent information when questioned by police in a criminal investigation
2. Social Media/Political Expression Issues

- Posting Facebook remarks and photographs expressing support for a political party/candidates
 - Making negative comments about U.S. Supreme Court opinions and justices
 - Posting photograph and making media comments showing preference for a political party
3. Abuse of Judicial Authority
- Dismissing a criminal case sua sponte based on "inherent power" (later found to be abuse of discretion)
 - Making objectionable statements to DUI defendant (suggesting defendant drink to death)
 - Appearing at relative's traffic stop and interfering with police investigation

Letters of Caution

1. Inappropriate Conduct/Demeanor
 - Using profane language when admonishing staff
 - Addressing litigants in "egregiously inappropriate" manner
 - Having angry demeanor when interacting with attorneys
 - Criticizing jury for its verdict and suggesting they "got it wrong"
2. Procedural Violations
 - Dismissing offense without allowing prosecution opportunity to be heard
 - Verging on coercing defendant to settle payment determination
 - Failing to timely rule on exceptions to divorce master's report
 - Failing to recuse from probation/parole revocation after prior role as prosecutor in same case
3. Ex Parte Communications
 - Engaging in ex parte communication with defense attorney in criminal matter
 - Initiating improper conversation with code enforcement officer about pending case
 - Unilaterally requesting city department investigation into property in pending case
4. Improper Use of Judicial Office
 - Running private tax preparation business without reporting income
 - Using judicial letterhead to request parking permits for staff
 - Listing judicial information on private law firm website
5. Appearance of Bias/Impropriety
 - Counseling police on how to present testimony and evidence
 - Expressing "special affinity" for particular police department

- Unintentionally sending Facebook friend requests to victims and defendants in pending cases
- 6. Legal/Ethics Violations
 - Engaging in "manufactured spending" to receive credit card points without debt
 - Smoking in personal court office (violating Clean Indoor Air Act)
 - Not supervising judicial assistant who acted discourteously to attorneys
- 7. Campaign Misconduct
 - Making false and misleading claims about opposing candidates in campaign materials

2020

Letters of Counsel

1. Workplace Environment/Personnel Issues
 - Fostering overly-lax or overly-familiar office environment
 - Cursing at and being argumentative with office staff
 - Engaging in intimate activity with court employee in judicial chambers
 - Presiding over matters involving court employee who made case disposition recommendations
 - Subjecting women within the judiciary to improper sexualized conduct
2. Procedural Violations
 - Conducting trial in absentia and imposing incarceration (violating Criminal Procedure Rule 455)
 - Issuing detainer against incarcerated defendant and failing to resolve it, causing unlawful incarceration for nearly two months
3. Improper Involvement in Plea Negotiations
 - Misleading defendant about involvement in developing plea agreement
 - Minimizing seriousness of felony offense
 - Implying defendant should make false statements to Parole Board
 - Promising time credit then failing to apply it properly
 - Promising exceptionally lenient sentence to save Commonwealth "time and expense of trial"
 - Denying defendant evidentiary hearing on PCRA petition challenging induced plea

Letters of Caution

1. Ex Parte Communications
 - Initiating phone call and personal contact with defendant in pending case
 - Participating in ex parte meeting with opposing counsel
 - Meeting in chambers with father of criminal defendant
 - Conversing with criminal defendant after hearing
2. Abuse of Judicial Authority/Position
 - Sending letter on behalf of relative to another judge seeking special consideration
 - Failing to articulate sentence properly, creating appearance of authorizing defendant to break law
 - Recessing landlord-tenant hearing to give landlord time to secure evidence
3. Unprofessional Workplace Conduct
 - Engaging in inappropriate joking and statements to staff
 - Napping in chambers and requiring staff to wake the judge for hearings
 - Failing to be patient, dignified, and courteous to court official and clerks
 - Interfering with police interview of domestic violence victim by demanding relocation
4. Procedural Failures
 - Proceeding with trial knowing affiant was waiting outside courtroom
 - Failing to obtain written Waiver of Counsel from unrepresented defendant
5. Social Media/Public Conduct Issues
 - Seven judges participating in creating TikTok video challenge with objectionable lyrics
 - Using district court premises, judicial robes, gavel, and court equipment for filming
 - Posting photographs of custom-made facemasks including business card of creator
 - Livestreaming while driving to/from court, calling out to friends, adjusting phone
6. Improper Promotion of Judicial Status
 - Failing to monitor law firm website that included "Judge" before name

INTERIM POLICY STATEMENT Judicial Diversion Program

The Court of Judicial Discipline wishes to explore the possibility of implementation of a permanent Judicial Diversion Program as a disposition available to the Court upon the filing of a formal complaint or a petition for relief¹ by the Judicial Conduct Board.

The Court adopts this Interim Policy Statement for guidance and uniform practices pending the decision of the Court to adopt a permanent Judicial Diversion Program.

The Court hopes to develop this Judicial Diversion Program to rehabilitate, and not to punish, therefore the Program, interim and permanent, is for judges who, while charged with ethical violations, typically fall into one of the following categories:

- a. Judicial officers charged with conduct that, if proven, would constitute a violation of the Constitution, the Code of Judicial Conduct, the Rules Governing Standards of Conduct of Magisterial District Judges, or Orders of the Supreme Court of Pennsylvania, but would not likely result in the imposition of serious discipline such as suspension or removal from office following adjudication;
- b. Judicial officers with a mental, physical or emotional disability. In addition to the authority vested in the Court under C.J.D.R.P. No. 601;
- c. Judicial officers with substance abuse issues;

¹ Pursuant to C.J.D.R.P. No. 701, the Judicial Conduct Board may file a Petition for Relief rather than file formal charges under Article V, §18(b)(5) of the Pennsylvania Constitution.

d. Judicial officers who have not previously had formal charges filed against them.

This Judicial Diversion Program is not an option in cases involving criminal charges or corruption.

1. The Pennsylvania Constitution provides authority to the Court of Judicial Discipline to implement a Judicial Diversion Plan:

Article V, § 18(b)(5)

Upon the filing of formal charges with the court by the board, the court shall promptly schedule a hearing or hearings to determine whether a *sanction* should be imposed against a justice, judge or justice of the peace pursuant to the provisions of this section. The court shall be a court of record, with all the attendant duties and powers appropriate to its function. Formal charges filed with the court shall be a matter of public record. All hearings conducted by the court shall be public proceedings conducted pursuant to the rules adopted by the court and in accordance with the principles of due process and the law of evidence. Parties appearing before the court shall have the right to subpoena witnesses and to compel the production of documents, books, accounts and other records as relevant. The subject of the charges shall be presumed innocent in any proceeding before the court, and the board shall have the burden of proving the charges by clear and convincing evidence. All decisions of the court shall be in writing and shall contain findings of fact and conclusions of law. A decision of the court may order removal from office, suspension, censure or other discipline as authorized by this section and as warranted by the record.

Article V, § 18(d)

A justice, judge or justice of the peace shall be subject to disciplinary action pursuant to this section as follows:

(1) A justice, judge or justice of the peace may be suspended, removed from office *or otherwise disciplined* for conviction of a felony; violation of section 17 of this article; misconduct in office; neglect or failure to perform the duties of office or conduct which prejudices the proper administration of justice or brings the judicial office into disrepute, whether or not the conduct occurred while acting in a judicial capacity or is prohibited by law; or conduct in violation of a canon or rule prescribed by the Supreme Court. In the case of a mentally or physically disabled justice, judge or justice of the peace, the court may enter an order of removal from office, retirement, suspension *or other limitations on the activities of the justice, judge or justice of the peace as warranted by the record*. Upon a final order of the court for suspension without pay or removal, prior to any appeal, the justice, judge or justice of the peace shall be suspended or removed from office; and the salary of the justice, judge or justice of the peace shall cease from the date of the order.

2. The Judicial Diversion Program is an alternative to formal disciplinary procedures and sanctions, and participation is a matter of privilege, not of right. The purpose of the Program is to improve the quality of the judiciary by providing mentoring, educational, remedial and rehabilitative programs for judicial officers. The Court of Judicial Discipline expressly reserves the right and obligation to ensure that only appropriate judicial officers are invited to participate in the Program and to ensure the compliance of judicial officers with the conditions of the Program.

3. Upon the filing of a formal complaint or petition for relief, but before adjudication, the Court of Judicial Discipline may invite a judicial officer to comply with a Judicial Diversion Program plan, including but not limited to education, counseling, drug and alcohol testing and follow-up treatment, docket management training, monitoring and/or mentoring programs, or other forms of remedial action, including any combination of dispositions that the Court of Judicial Discipline believes will reasonably improve the conduct the judicial officer. Such invitation may be accompanied by the deferral of final disciplinary proceedings.

If a judicial officer refuses to agree to the diversion plan formal proceedings will be followed.

If the counselor, mentor or other professional appointed to supervise the diversion program reports to the Court of Judicial Discipline, or if the Court of Judicial Discipline otherwise determines, that the judicial officer has been noncompliant with the terms, conditions and obligations of diversion formal proceedings will be re-instituted and the judicial officer will be removed from the diversion program.

4. The judicial officer will be required to sign a formal Judicial Diversion Program agreement or contract outlining the terms, conditions and obligations of the diversion plan.

5. Qualified counselors, mentors or other professionals will be appointed by the Court to supervise the Judicial Diversion Program plan, and

will be permitted to submit to the Court of Judicial Discipline reimbursement vouchers for expenses accrued during their service. The Court of Judicial Discipline shall determine what, if any, additional reasonable compensation shall be paid to any counselor, mentor, or other professional appointed by the Court.



Supreme Court of Pennsylvania
Unified Judicial System of Pennsylvania

Policy on Non-Discrimination & Equal Employment Opportunity

Complaint Procedures

For Non-Employees Regarding Policy Violations by Common Pleas Court Judges, Magisterial District Judges, Personnel of the System, and Related Staff in a Court Facility in a Judicial District of Pennsylvania

The Unified Judicial System of Pennsylvania (UJS) Policy on Non-Discrimination and Equal Employment Opportunity prohibits discrimination or harassment on the basis of race, color, sex, sexual orientation, gender identity or expression, national origin, age, disability, or religion. Any such discrimination or harassment by any Personnel of the System or Related Staff (as defined in the UJS Policy on Non-Discrimination and Equal Employment Opportunity) will not be tolerated.

How to File a Complaint

If you believe you have been harassed or discriminated against by a Common Pleas Court Judge, Magisterial District Judge, Personnel of the System or Related Staff in a Court Facility in a Judicial District of Pennsylvania, you should report this harassment/discrimination to the District Court Administrator of the Judicial District where the incident occurred by telephone or via e-mail.

If you feel you have been retaliated against because you asked a harasser to stop their offending behavior, or because you filed a complaint alleging harassment or discrimination, you should report this retaliation to the District Court Administrator of the Judicial District where the incident occurred by telephone or via e-mail.

If you believe that the District Court Administrator of the Judicial District where the incident occurred is involved in the discrimination, harassment, or retaliation, you should report your concerns to the President Judge of the Judicial District where the incident occurred.

If you believe that the President Judge of the Judicial District where the incident occurred is involved in the discrimination, harassment, or retaliation, you should contact the Administrative Office of Pennsylvania Courts, Human Resources by calling 717-231-3309 or via e-mail at Human.Resources@pacourts.us.

If the District Court Administrator and the President Judge are not available or fail to take action, you should contact the Administrative Office of Pennsylvania Courts, Human Resources by calling 717-231-3309 or via e-mail at Human.Resources@pacourts.us.

As an alternative to reporting alleged discrimination via telephone or email in any of the situations described above, you may download a Non-Discrimination Policy Complaint Form from the UJS website at www.pacourts.us. The completed Complaint Form should then be submitted to the District Court Administrator of the Judicial District where the incident occurred for review.

Investigation and Adjudication of Complaints Against Judges and Personnel of the System

Individuals filing complaints alleging harassment or discrimination are advised that UJS authorities will take action to end any ongoing harassment/discrimination, will investigate all such complaints promptly, and will undertake remedial and/or disciplinary action as required. Complaints of harassment/discrimination involving Related Staff will be referred to the respective Related Staff office for investigation and appropriate action.

All individuals filing complaints are advised that legal considerations do not allow the UJS the discretion to delay, defer, or decline action on such complaints even if the complainant requests that no investigative or disciplinary action be taken.

Allegations of sexual harassment, other harassment, or any other type of discrimination involving a Common Pleas Court Judge, Magisterial District Judge, or Personnel of the System (as defined in the UJS Policy on Non-Discrimination and Equal Employment Opportunity) in a Court Facility in a Judicial District of Pennsylvania will be investigated promptly by the District Court Administrator; or, if appropriate, by an alternate authority appointed by the President Judge. Allegations involving the President Judge will be investigated by an authority to be appointed by the Court Administrator of Pennsylvania.

Interviews will be conducted with the complainant and any witnesses identified. The individual accused of harassment or discrimination will be given an opportunity to respond to the allegations, but ordered not to retaliate against or confront the complainant.

Following the investigation, the District Court Administrator (or other designated authority) will prepare a report summarizing his/her findings, and forward the report to the President Judge for review. The President Judge will make the final determination as to whether a violation of the UJS Non-Discrimination Policy occurred or did not occur, or if there is inconclusive evidence to make a determination. The complainant and the accused will both be informed in writing as to the results of the investigation and as to any appropriate disciplinary and/or remedial action that may be taken as the result of the investigation. Matters involving complaints against an attorney or a judicial officer may be referred to the Disciplinary Board of the Supreme Court of Pennsylvania or the Judicial Conduct Board, respectively, for further investigation.

In cases involving the President Judge or an administrative judge appointed by the Supreme Court of Pennsylvania, the findings of the investigation will be submitted to the Supreme Court, which will make the final determination as to whether a violation of the UJS Non-Discrimination Policy occurred or did not occur, or if there is inconclusive evidence to make a determination. The complainant and the accused will both be informed in writing as to the results of the investigation and as to any appropriate disciplinary and/or remedial action that may be taken as the result of the investigation. The matter may also be referred to the Judicial Conduct Board for further investigation.

The timeframe for completing the investigation and final adjudication will vary based on the circumstances and complexity of the case. However, complainants may be assured that every effort will be made to resolve allegations of harassment or discrimination as expeditiously as possible.

Investigation and Adjudication of Complaints Against Related Staff

Allegations of sexual harassment, other harassment, or any other type of discrimination involving Related Staff (as defined in the UJS Policy on Non-Discrimination and Equal Employment Opportunity) in a Court Facility in a Judicial District of Pennsylvania will be reported to the appropriate officials in the respective Related Staff office for investigation and appropriate action. The Supreme Court expects each Related Staff office to take discrimination and harassment allegations very seriously and to properly investigate and adjudicate such complaints.

Exclusion of Judicial Proceedings and the Judicial Decision-Making Process

This Policy does not apply to a judicial officer's or attorney's consideration of, or reference to, a protected class as referenced above, when such consideration or reference is appropriate under the law and is relevant to an issue in a judicial proceeding, to the judicial decision-making process or to the proper administration of justice.

Confidentiality

All complaints will be investigated in as confidential a manner as possible, and all related files will be kept confidential to the extent possible. Individuals involved in the investigative process, including but not limited to, the complainant, the accused, and witnesses or other persons interviewed during the process, will be directed to refrain from sharing information, including the identity of the complainant, with anyone other than the investigators. Anyone contacted or interviewed during the course of an investigation will be advised that all parties involved are entitled to respect and confidentiality and that they may not share information related to the case.

Prohibition Against Retaliation

Retaliation in any form by a Common Pleas Court Judge, Magisterial District Judge, Personnel of the System, or Related Staff against any person who files a complaint about harassment or discrimination, or who assists in the investigation of such complaints is prohibited. Individuals filing complaints of sexual/other harassment or any other form of discrimination will be protected from retribution or retaliation - *even if the investigation results in a finding that no discrimination has occurred.*

Personnel of the System who are found to have retaliated against a complainant or any individual who assists in the investigation of a complaint may be subject to appropriate disciplinary action. If there is clear and compelling evidence that a claim of harassment or discrimination had no basis in fact, was purely malicious in nature, and was filed with the sole intent to harm the accused party, appropriate disciplinary action may be taken against the individual making the false allegation.

Related Staff who are reported to the appropriate officials in their Related Staff office and who are found to have retaliated against a complainant or any individual who assists in the investigation of a complaint may be subject to disciplinary action in accordance with the policies of that office.



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Supreme Court of Pennsylvania
Unified Judicial System of Pennsylvania

Policy on Non-Discrimination & Equal Employment Opportunity

Complaint Procedures

**For Common Pleas Court Judges, Magisterial District Judges, Personnel of the System,
and Related Staff in a Court Facility in a Judicial District of Pennsylvania**

The Unified Judicial System of Pennsylvania (UJS) Policy on Non-Discrimination and Equal Employment Opportunity prohibits discrimination or harassment on the basis of race, color, sex, sexual orientation, gender identity or expression, national origin, age, disability, or religion. Any such discrimination or harassment by any Personnel of the System or Related Staff (as defined in the UJS Policy on Non-Discrimination and Equal Employment Opportunity) will not be tolerated.

How to File a Complaint

If you believe you have been harassed or discriminated against in a Court Facility, you should take the actions outlined below.

Harassment: If you feel you are being harassed, you should tell the harasser politely but firmly that his/her conduct is not welcome and must stop. If the conduct persists, or if you are not comfortable confronting the harasser, you should report this harassment to your immediate supervisor. If he/she is involved, is not available, or fails to take action, you should report this harassing behavior to your District Court Administrator by telephone or via e-mail.

Discrimination: If you feel you have been discriminated against, you should report this discrimination to your District Court Administrator by telephone or via email.

If you observe behavior that you believe is harassment or discrimination, you should notify your immediate supervisor. If he/she is involved, is not available, or fails to take action, you should report your observations to your District Court Administrator by telephone or via email.

If you feel you have been retaliated against because you asked a harasser to stop their offending behavior, or because you filed a complaint alleging harassment or discrimination, you should report this retaliation to your immediate supervisor. If he/she is involved, is not available, or fails to take action, you should report this retaliation to your District Court Administrator, by telephone or via email.

If you are a judge or a supervisor who has observed, or has been made aware of, harassment or discrimination in a Court Facility, you must (1) take immediate action to terminate any ongoing harassment/discrimination if you are reasonably able to do so; and (2) immediately inform your District Court Administrator. Please note that all allegations should be treated as confidential personnel matters and you should never undertake independent action to investigate allegations of harassment or discrimination without first coordinating such actions with your District Court Administrator.

If your District Court Administrator is not available, fails to take action, or is involved in the discrimination, harassment, or retaliation, you should report your concerns to your President Judge.

If your President Judge is not available, fails to take action, or is involved in the discrimination, harassment, or retaliation, you should contact AOPC Human Resources by calling 717-231-3309 or via e-mail at Human.Resources@pacourts.us.

As an alternative to reporting alleged discrimination via telephone or email in any of the situations described above, you may download a Non-Discrimination Policy Complaint Form from the UJS website at www.pacourts.us. The completed Complaint Form should then be submitted to your District Court Administrator for review.

Investigation and Adjudication of Complaints Against Judges and Personnel of the System

Individuals filing complaints alleging harassment or discrimination are advised that UJS authorities will take action to end any ongoing harassment/discrimination, will investigate all such complaints promptly, and will undertake remedial and/or disciplinary action as required. *Complaints of harassment/discrimination involving Related Staff will be referred to the respective Related Staff office for investigation and appropriate action.*

All individuals filing complaints are advised that legal considerations do not allow the UJS the discretion to delay, defer, or decline action on such complaints even if the complainant requests that no investigative or disciplinary action be taken.

Allegations of sexual harassment, other harassment, or any other type of discrimination involving a Common Pleas Court Judge, Magisterial District Judge, or Personnel of the System (as defined in the UJS Policy on Non-Discrimination and Equal Employment Opportunity) in a Court Facility in a Judicial District of Pennsylvania will be investigated promptly by your District Court Administrator; or, if appropriate, by an alternate authority appointed by the President Judge. Allegations involving the President Judge will be investigated by an authority to be appointed by the Court Administrator of Pennsylvania.

Interviews will be conducted with the complainant and any witnesses identified. The individual accused of harassment or discrimination will be given an opportunity to respond to the allegations, but ordered not to retaliate against or confront the complainant.

Following the investigation, the District Court Administrator (or other designated authority) will prepare a report summarizing his/her findings, and will forward the report to the President Judge for review. The President Judge will make the final determination as to whether a violation of the UJS Non-Discrimination Policy occurred or did not occur, or if there is inconclusive evidence to make a determination. The complainant and the accused will both be informed in writing as to the results of the investigation and as to any appropriate disciplinary and/or remedial action that may be taken as the result of the investigation. Matters involving complaints against attorneys or judicial officers may be referred to the Disciplinary Board of the Supreme Court of Pennsylvania or to the Judicial Conduct Board, respectively, for further investigation.

In cases involving the President Judge or an administrative judge appointed by the Supreme Court of Pennsylvania, the findings of the investigation will be submitted to the Supreme Court, which will make the final determination as to whether a violation of the UJS Non-Discrimination Policy occurred or did not occur, or if there is inconclusive evidence to make a determination. The complainant and the accused will both be informed in writing as to the results of the investigation and as to any appropriate disciplinary and/or remedial action that may be taken as the result of the investigation. The matter may also be referred to the Judicial Conduct Board for further investigation.

The timeframe for completing the investigation and final adjudication will vary based on the circumstances and complexity of the case. However, complainants may be assured that every effort will be made to resolve allegations of harassment or discrimination as expeditiously as possible.

Investigation and Adjudication of Complaints Against Related Staff

Allegations of sexual harassment, other harassment, or any other type of discrimination involving Related Staff (as defined in the UJS Policy on Non-Discrimination and Equal Employment Opportunity) in a Court Facility in a Judicial District of Pennsylvania will be reported to the appropriate officials in the Related Staff office for investigation and appropriate action. The Supreme Court expects each Related Staff office serving the UJS to take discrimination and harassment allegations very seriously and to properly investigate and adjudicate such complaints.

Exclusion of Judicial Proceedings and the Judicial Decision-Making Process

This Policy does not apply to a judicial officer's or attorney's consideration of, or reference to, a protected class as referenced above, when such consideration or reference is appropriate under the law and is relevant to an issue in a judicial proceeding, to the judicial decision-making process or to the proper administration of justice.

Confidentiality

All complaints will be investigated in as confidential a manner as possible, and all related files will be kept confidential to the extent possible. Individuals involved in the investigative process, including but not limited to, the complainant, the accused, and witnesses or other persons interviewed during the process will be directed to refrain from sharing information, including the identity of the complainant, with anyone other than the investigators. Anyone contacted or interviewed during the course of an investigation will be advised that all parties involved are entitled to respect and confidentiality and that they may not share information related to the case.

Prohibition Against Retaliation

Retaliation in any form by a Common Pleas Court Judge, Magisterial District Judge, Personnel of the System, or Related Staff against any person who files a complaint about harassment or discrimination, or who assists in the investigation of such complaints is prohibited. Individuals filing complaints of sexual/other harassment or any other form of discrimination will be protected from retribution or retaliation - *even if the investigation results in a finding that no discrimination has occurred.*

Personnel of the System who are found to have retaliated against a complainant or any individual who assists in the investigation of a complaint may be subject to appropriate disciplinary action. If there is clear and compelling evidence that a claim of harassment or discrimination had no basis in fact, was purely malicious in nature, and was filed with the sole intent to harm the accused party, appropriate disciplinary action may be taken against the individual making the false allegation.

Related Staff who are reported to the appropriate officials in their Related Staff office and who are found to have retaliated against a complainant or any individual who assists in the investigation of a complaint may be subject to disciplinary action in accordance with the policies of that office.



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Supreme Court of Pennsylvania
Unified Judicial System of Pennsylvania

Policy on Non-Discrimination and Equal Employment Opportunity

The Supreme Court of Pennsylvania declares that it is the policy of the Unified Judicial System of Pennsylvania (UJS) to ensure that all individuals having business with the UJS are treated in a dignified, civil, respectful, and non-discriminatory manner.

This policy prohibits all forms of discrimination and harassment in a Court Facility (defined as “Any building or office serving as the workplace for Personnel of the System, Supreme Court Boards and Committees, and/or Related Staff; and any UJS-related building or office in which Court Users conduct business with the UJS”), and applies to the following:

Personnel of the System – defined in 42 Pa.C.S.A. § 102 as “Judicial officers, personal staff, administrative staff, and central staff.”

Supreme Court Boards and Committees – includes all staff and appointed members of boards, committees and court-related panels appointed by the Supreme Court of Pennsylvania, including, but not limited to, the following - Board of Law Examiners, Continuing Legal Education Board, Disciplinary Board, Interest on Lawyers Trust Account Board, Minor Judiciary Education Board, Pennsylvania Lawyers Fund for Client Security Board, Interbranch Commission for Gender, Racial and Ethnic Fairness, Investment Advisory Board, Appellate Court Procedural Rules Committee, Civil Procedural Rules Committee, Committee on Rules of Evidence, Criminal Procedural Rules Committee, Domestic Relations Procedural Rules Committee, Juvenile Court Procedural Rules Committee, Minor Court Rules Committee, Orphans’ Court Procedural Rules Committee.

Related Staff – defined in 42 Pa.C.S.A. § 102 as “All individuals employed at public expense who serve the UJS, but the term does not include Personnel of the System”. Those who serve the UJS include district attorneys, public defenders, sheriffs and other officers serving process or enforcing orders, registers of wills, prothonotaries, clerks of courts, clerks of the orphan’s court division, coroners, jury commissioners, probation officials, and personnel of all of the foregoing.

Court Users – includes, but is not limited to, attorneys, applicants for employment, litigants, witnesses, jurors, and court volunteers.

The Supreme Court of Pennsylvania is committed to the principles of equal employment opportunity to ensure legal and appropriate hiring and employment practices, and to promote public confidence in the fairness and integrity of the judicial system and the judicial process. It is, therefore, the policy of the Supreme Court that there shall be no discrimination because

of race, color, sex, sexual orientation, gender identity or expression, national origin, age, disability, or religion by any Personnel of the System, Supreme Court Boards and Committees, or Related Staff in any employment-related action (e.g., hiring, promotion, terms or privileges of employment, etc.), or by any Personnel of the System, Supreme Court Boards and Committees, Related Staff or attorney in any court-related action.

Accordingly, all judicial officers, managerial and supervisory Personnel of the System, and Supreme Court Boards and Committees shall ensure adherence to and compliance with this Policy and the procedures intended to facilitate its implementation and administration.

Prohibition Against Discrimination and Harassment

Discrimination and harassment because of race, color, sex, sexual orientation, gender identity or expression, national origin, age, disability, or religion are prohibited. Such discrimination and harassment constitute an abuse of authority that will not be tolerated by the UJS. Further, such discrimination and harassment constitute misconduct, warranting appropriate disciplinary action. All judicial officers, managerial and supervisory Personnel of the System, and Supreme Court Boards and Committees shall ensure adherence to, and compliance with, this Policy.

1. Prohibition Against Discrimination

Under this Policy, discrimination includes actions by an individual or organization that cause an individual or a group of individuals to be denigrated or treated less favorably than another person or group because of one's race, color, sex, sexual orientation, gender identity or expression, national origin, age, disability, or religion. Such discriminatory conduct may include, but is not limited to, actions relating to the following:

1. Recruitment and hiring by Personnel of the System, Supreme Court Boards and Committees, or Related Staff; or
2. Provision of salary, benefits, or other terms or conditions of employment by Personnel of the System, Supreme Court Boards and Committees, or Related Staff; or
3. Provision of training and other education opportunities by Personnel of the System, Supreme Court Boards and Committees, or Related Staff; or
4. Promotions, transfers, discharge or other employment actions by Personnel of the System, Supreme Court Boards and Committees, or Related Staff; or
5. Any matter relating to the judicial process by Personnel of the System, Supreme Court Boards and Committees, Related Staff or attorneys.

2. Prohibition Against Harassment

a. Sexual Harassment

Sexual harassment is sex discrimination. Equal Employment Opportunity Commission (EEOC) guidelines define sexual harassment as unwelcome sexual attention, sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature where:

1. The submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
2. The submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment does not refer to socially acceptable behavior or occasional compliments of a socially acceptable nature. It refers to behavior that a reasonable person could and does consider unwelcome or personally offensive. Sexual harassment involves improper behavior or requests that establish improper *quid pro quo* workplace requirements of a sexual nature, or which otherwise create a hostile work environment for a reasonable person of that gender. Types of sexual harassment include:

1. "*Quid Pro Quo*" Harassment – Is when an individual in a position of authority demands sexual consideration in exchange for the promise of a job, certain job benefits such as raises or promotions, or the promise of continued employment.
2. "Hostile Work Environment" Harassment – Is when unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature create an atmosphere which unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment for any individual.

Sexual harassment may take different forms including, but not limited to, the following examples.

1. *Verbal*: Sexually explicit language, sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions or threats.
2. *Non-Verbal*: Display of sexually suggestive objects or pictures, commentaries, suggestive or insulting sounds, leering, whistling, or obscene gestures.
3. *Physical*: Unwanted physical contact, or the threat of unwanted physical contact, including offensive touching, un-welcomed sexual intercourse, sexual assault and other forms of physical contact of a sexual nature.

b. Racial and Other Harassment

Under this Policy, racial and other harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of that individual's race, color, sexual orientation, gender identity or expression, national origin, age, disability, or religion. Harassing conduct may include, but is not limited to, the following:

1. *Verbal*: Epithets, slurs, stereotyping, or denigrating jokes.
2. *Non-Verbal*: Display of written or graphic materials that denigrate or show hostility or aversion toward an individual or group in such a manner as to be readily viewed by others.
3. *Physical*: Threatening, intimidating, or hostile acts.

Prohibition Against Retaliation

Retaliation in any form against any person who complains about harassment or discrimination, who files a harassment or discrimination complaint, or who cooperates with, or assists in, the investigation of such complaints is prohibited under this Policy. Retaliation constitutes an abuse of authority, and will not be tolerated. Retaliation by any Personnel of the System, Supreme Court Boards and Committees, or Related Staff will be considered misconduct warranting disciplinary action. All judicial officers, managerial and supervisory Personnel of the System, and Supreme Court Boards and Committees shall ensure adherence to and compliance with this Policy.

Charges of retaliation will be viewed as separate and distinct from the original complaint or action which precipitated the alleged retaliation and may form the basis for a new complaint. Retaliation may result in disciplinary action even though the original harassment or discrimination complaint was determined to be unfounded and dismissed.

Compliance and Reporting Responsibilities

All Personnel of the System, Supreme Court Boards and Committees, and Related Staff are expected to comply with this Policy, and all judicial officers, managerial and supervisory Personnel of the System, and Supreme Court Boards and Committees are obligated to take appropriate measures to ensure that prohibited conduct does not occur, or is properly reported, if observed.

Personnel of the System and Supreme Court Boards and Committees who engage in any form of prohibited discrimination or harassment within a Court Facility may be subject to disciplinary action.

Related Staff who serve the UJS and who engage in any form of prohibited discrimination or harassment within a Court Facility will be reported to the chief official in their Related Staff offices for appropriate review and action. With respect to violations of this UJS Policy by

Related Staff, the Supreme Court expects each Related Staff office to take discrimination and harassment complaints very seriously and to properly investigate and adjudicate such complaints.

Any Personnel of the System, Supreme Court Boards and Committees, Related Staff, or Court Users who feel they have been subjected to, or have observed, any form of discrimination or harassment in any judicial process or Court Facility are urged to report such discrimination or harassment in accordance with the published UJS Non-Discrimination and Equal Employment Opportunity Complaint Procedures which are posted as a companion document to this Policy.

Any Personnel of the System, Supreme Court Boards and Committees, Related Staff or Court Users who do not have access to these complaint procedures may obtain a copy of these procedures from their local personnel office, AOPC Human Resources at 717-231-3309, or the UJS Website at www.pacourts.us.

Judicial officers, managerial and supervisory Personnel of the System, and Supreme Court Boards and Committees who observe, or have reason to believe that discrimination or harassment has occurred in a Court Facility, must (1) take immediate action to terminate any ongoing harassment/discrimination if they are reasonably able to do so; or (2) immediately report such harassment/discrimination, if possible, as described in the UJS Non-Discrimination and Equal Employment Opportunity Complaint Procedures referenced above.

Filing Complaints under This Policy

The UJS Non-Discrimination and Equal Employment Opportunity Complaint Procedures accompanying this Policy offer guidance as to how to file complaints of alleged harassment or discrimination as described in this Policy. Specific procedures have been created for Personnel of the System, Supreme Court Boards and Committees, and Related Staff based on their organizational entity. Separate procedures have been created for Court Users doing business with the UJS in a Court Facility. Complaints should be filed with the office designated in each procedure document either by phone, by email, or by using the Non-Discrimination Plan Complaint Form available on the UJS website at www.pacourts.us.

If the appropriate procedures are not immediately available, complainants may obtain a copy of these procedures from their local personnel office, AOPC Human Resources at 717-231-3309, or the UJS Website at www.pacourts.us.

Investigation and Adjudication of Complaints

All complaints alleging harassment or discrimination will be fully investigated and adjudicated by duly designated authorities of the UJS. Such authorities are identified in the complaint procedures which are posted as a companion document to this Policy.

Disciplinary or Remedial Actions

Violations of this Policy may result in disciplinary action as prescribed by the appropriate policies, which govern the behavior and performance of Personnel of the System, Supreme Court Boards and Committees, and Related Staff. In addition to such discipline, appropriate remedial actions will be taken by the employing authority to (1) remedy the instant complaint, and (2) prevent future violations.

Responsibility to Monitor the Implementation and Enforcement of this Policy

For UJS offices employing Personnel of the System and Supreme Court Boards and Committees, the AOPC shall undertake those measures necessary to properly monitor compliance with this Policy through the following actions:

1. Develop and promote policies and procedures designed to ensure equal employment opportunity and fair and non-discriminatory treatment of the protected classes listed in this Policy.
2. Develop the administrative policies and procedures needed to ensure that alleged violations of this Policy can be appropriately investigated on a timely basis.
3. Collect data related to the hiring and employment practices of each UJS office employing Personnel of the System and Supreme Court Boards and Committees and conduct related audits of equal employment opportunity and non-discrimination practices.
4. Collect and maintain data/statistics relating to the number, nature, and disposition of complaints filed under this Policy.
5. Work with each UJS office employing Personnel of the System and Supreme Court Boards and Committees to oversee the development of education and training opportunities and materials designed to promote and ensure proper adherence to these policy guidelines.

For those offices employing Related Staff, the Supreme Court expects each office to take appropriate steps to monitor and enforce this Policy through 1) the development of administrative policies and procedures, 2) the collection of data and statistics, and 3) the development of education and training opportunities and materials.

Penalties for Misconduct

Any Personnel of the System or Supreme Court Boards and Committees who have been found to have violated this Policy, impeded the investigation of any complaint filed under this Policy, or retaliated against individuals who have provided evidence or have otherwise cooperated with any investigation of a complaint filed under this Policy, may be subject to appropriate remedial or disciplinary action up to and including discharge, as provided by the policies governing their employment with the UJS.

Any Related Staff serving the UJS who have been reported to officials in their respective offices for appropriate review and action and have been found to have violated this Policy, impeded the investigation of any complaint filed under this Policy, or retaliated against individuals who have provided evidence or have otherwise cooperated with any investigation of a complaint filed under this Policy, may be subject to appropriate remedial or disciplinary actions, as provided by the policies of their respective offices.

The Supreme Court expects each Related Staff office serving the UJS to take such violations very seriously and to apply appropriate remedial or disciplinary actions.

Any judicial officer or attorney who - after proper investigation by the appropriate authority - has been found to have violated this Policy, impeded the investigation of any complaint filed under this Policy, or retaliated against individuals who have provided evidence or have otherwise cooperated with any investigation of a complaint filed under this Policy, may be subject to appropriate remedial or disciplinary action by the Disciplinary Board (in the case of attorneys) or the Court of Judicial Discipline (in the case of judicial officers.)

Exclusion of Judicial Proceedings and the Judicial Decision-Making Process

This Policy does not apply to a judicial officer's or attorney's consideration of, or reference to, a protected class as referenced above, when such consideration or reference is appropriate under the law and is relevant to an issue in a judicial proceeding, to the judicial decision-making process or to the proper administration of justice.

Distribution of Policy and Procedures

Personnel of the System - A copy of this Policy and accompanying complaint procedures will be provided initially to all current employees and will be posted prominently in visible locations within Court Facilities. Thereafter, a copy of this Policy, with accompanying complaint procedures, will be distributed to all new Personnel of the System upon their entry into judiciary service.

Supreme Court Boards and Committees – Copies of this Policy and accompanying complaint procedures will be provided initially to the administrator of each Supreme Court Board and Committee for distribution to all current employees and appointed members and for posting prominently in visible locations within Court Facilities. Thereafter, the administrator of each Supreme Court Board and Committee will distribute a copy of this Policy, with accompanying complaint procedures, to all new staff and appointed members upon their entry into judiciary service or appointment to a board/committee.

Related Staff – A copy of this Policy and accompanying complaint procedures will be provided to the chief official in each Related Staff office for duplication and distribution to all current employees and new Related Staff upon their entry into service.

Court Users – A copy of this Policy and accompanying complaint procedures will be prominently posted in a location visible to all Court Users within each Court Facility.



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COMMONWEALTH OF PENNSYLVANIA JUDICIAL CONDUCT BOARD Pennsylvania Judicial Center 601 Commonwealth Ave., Suite 3500 P.O. Box 62525 Harrisburg, PA 17106-2525 (717)-234-7911		OFFICIAL USE ONLY Rec'd: _____ JCB No: _____ County: _____
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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 Court Judges and Magisterial District Judges. Once completed, you must sign and return this original 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 website at www.jcbpa.org.

Your Information: (Please Print)

Name:		Email Address:	
Address:		Telephone:	
		()	
City:	State:	Zip:	()

Judicial Officer's Information:

Name:	Type of Judicial Officer: <input type="checkbox"/> Magisterial District Judge <input type="checkbox"/> Judge
County:	

Case Information: (If misconduct allegations relate to Court Proceedings.)	<input type="checkbox"/> Case Has Been Appealed
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Case Name:	Case Docket Number:
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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 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, letter, or email.