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**Judicial Conduct Board Should Amend Deferral Policy to Prevent
another Luzerne County-Type Tragedy**

Pennsylvanians for Modern Courts calls on Judicial Conduct Board to Amend its Policy of
Deferring Investigations when Criminal Investigations are Pending

PHILADELPHIA (January 14, 2010) – Pennsylvanians for Modern Courts (PMC) today called upon the Judicial Conduct Board to amend its policy of deferring investigations into complaints against judges when criminal investigations are pending. The Judicial Conduct Board announced this policy during the recent hearings of the Interbranch Commission on Juvenile Justice and adopted new Internal Operating Procedures at the beginning of the year formally permitting such deferrals. PMC questions the wisdom of the policy generally, its potential role in allowing the Luzerne County Courthouse debacle to continue as long as it did, and the Judicial Conduct Board’s ability to ensure that it will not permit another Luzerne County-type scandal to go unexamined and unpunished.

PMC is specifically concerned with the Judicial Conduct Board’s handling of cases that allege judicial misconduct in office – allegations related to the judicial role or function itself. According to the limited information that has been made public, complaints filed with the Board against the Luzerne County judges alleged such misconduct. PMC Deputy Director Shira Goodman explained: “Where there are allegations relating to subversion of the judicial role, the obligation of the Judicial Conduct Board to protect our system of justice from rogue judges should wait for no other process.”

“The people of Pennsylvania need and deserve certainty – certainty that the Board will investigate judicial misconduct in office, regardless of pending criminal investigations,” said

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Goodman. “The Board’s deferral policy does not provide this certainty.” According to PMC, the deferral procedures outlined in IOP 4.07 would not prevent the Board from tabling or deferring a future investigation into allegations like the ones that were made about the Luzerne County judges.

PMC urged the Board to take clear steps to adopt and implement a policy that will ensure that the Judicial Conduct Board will never again cede its jurisdiction and abandon or delay exercising its duty to protect the people of Pennsylvania. “Unless that occurs and the deferral policy is amended,” said Goodman, “we cannot be confident that our judicial discipline system is able to prevent a Luzerne County-type tragedy from occurring again.”

Pennsylvanians for Modern Courts is a statewide, nonprofit, nonpartisan organization working to promote the reform of Pennsylvania’s judicial system. www.pmconline.org.

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