

**COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE**

RECEIVED AND FILED

DEC 20 2019

IN RE:

COURT OF JUDICIAL DISCIPLINE  
OF PENNSYLVANIA

Judge Scott DiClaudio :  
Court of Common Pleas :  
First Judicial District : 3 JD 2019  
Philadelphia County :

**TO: SCOTT DICLAUDIO**

**You are hereby notified that the Pennsylvania Judicial Conduct Board has determined that there is probable cause to file formal charges against you for conduct proscribed by Article V, § 17(b) and § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania, and Code of Judicial Conduct. The Board's counsel will present the case in support of the charges before the Pennsylvania Court of Judicial Discipline.**

**You have an absolute right to be represented by a lawyer in all proceedings before the Court of Judicial Discipline. Your attorney should file an entry of appearance with the Court of Judicial Discipline within fifteen (15) days of service of this Board Complaint in accordance with C.J.D.R.P. No. 110.**

**You are hereby notified, pursuant to C.J.D.R.P. No. 302(B), that should you elect to file an omnibus motion, that motion should be filed no later than thirty (30) days after the service of this Complaint in accordance with C.J.D.R.P. No. 411.**

**You are further hereby notified that within thirty (30) days after the service of this Complaint, if no omnibus motion is filed, or within twenty (20) days after the dismissal of all or part of the omnibus motion, you may file an Answer admitting or denying the allegations contained in this Complaint in accordance with C.J.D.R.P. No. 413. Failure to file an Answer shall be deemed a denial of all factual allegations in the Complaint.**

## **COMPLAINT**

AND NOW, this 20<sup>th</sup> day of December, 2019, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (Board) and files this Board Complaint against the Honorable Judge Scott DiClaudio, Judge of the Court of Common Pleas of the First Judicial District, Philadelphia County, Pennsylvania, alleging that Judge DiClaudio has violated the Code of Judicial Conduct and the Constitution of the Commonwealth of Pennsylvania, as more specifically delineated herein.

### **FACTUAL ALLEGATIONS**

1. Article V, § 18 of the Constitution of the Commonwealth of Pennsylvania grants to the Board the authority to determine whether there is probable cause to file formal charges against a judicial officer in this Court, and thereafter, to prosecute the case in support of such charges in this Court.
2. From January 4, 2016, to the present, Judge DiClaudio has served continuously as a Judge of the Court of Common Pleas of Philadelphia County.

#### Cynwyd Club v. DiClaudio

3. On August 20, 2015, when Judge DiClaudio was a judicial candidate, the Cynwyd Club (the Club), a private fitness and social club, filed a civil complaint against him in a magisterial district court in Montgomery County, Pennsylvania.
4. The civil complaint, filed to MJ-38204-CV-117-2015, alleged that then-candidate DiClaudio owed the Club several thousand dollars in unpaid membership dues, purchases and services.
5. On October 15, 2015, when then-candidate DiClaudio failed to appear in the magisterial district court for the hearing on the civil complaint, judgment was

entered in favor of the Club and against then-candidate DiClaudio and in favor of the Club.

6. On November 13, 2015, then-candidate DiClaudio filed a Notice of Appeal in the Court of Common Pleas of Montgomery County from the October 15, 2015 judgment.
7. In his Notice of Appeal, then-candidate DiClaudio indicated that his address was 1500 J.F.K. Blvd, Suite 900, Philadelphia, PA, 19102.
8. On December 3, 2015, the Club filed a civil complaint, Cynwd Club v. Judge DiClaudio, Civil Action No. 2015-29887, in the Montgomery County Court of Common Pleas alleging the same facts as those alleged in the magisterial district court.
9. A copy of the civil complaint was sent via United States mail to then-candidate DiClaudio at 1500 John F. Kennedy Boulevard, Philadelphia, PA, 19102 by counsel for the Club.
10. On April 4, 2016, after Judge DiClaudio failed to file an answer to the civil complaint, a default judgment was entered against him in the amount of \$3,767.67.
11. A copy of the default judgment was sent via United States mail to Judge DiClaudio's judicial office, Criminal Justice Center, 1301 Filbert Street, Room 1203, Philadelphia, PA, 19107 by counsel for the Club.
12. On January 31, 2018, a formal discovery request was sent by the Club to Judge DiClaudio seeking production of documents and answers to interrogatories to aid in collection of the judgment.

13. On March 28, 2018, after Judge DiClaudio failed to respond to the Club's discovery request, the Club filed a Motion to Compel responses to its discovery request.
14. A copy of the Motion to Compel was sent via United States mail to Judge DiClaudio's judicial office, Criminal Justice Center, 1301 Filbert Street, Room 1415, Philadelphia, PA, 19107 by counsel for the Club.
15. On April 19, 2018, a Rule to Show Cause was issued by the Court of Common Pleas of Montgomery County requiring Judge DiClaudio to show cause on or before May 21, 2018, why the Club's Motion to Compel should not be granted.
16. A copy of the Rule to Show Cause was sent via United States mail to Judge DiClaudio's judicial office, Criminal Justice Center, 1301 Filbert Street, Room 1415, Philadelphia, PA, 19107 by counsel for the Club.
17. On May 22, 2018, after Judge DiClaudio failed to respond to the Rule to Show Cause, Senior Judge Arthur Tilson ordered Judge DiClaudio to respond to the Club's discovery request.
18. A copy of the May 22, 2018 order of court was sent via the United States mail to Judge DiClaudio at 1500 John F. Kennedy Boulevard, Philadelphia, PA, 19102 by the Prothonotary of Montgomery County.
19. A copy of the May 22, 2018 order of court was sent via the United States mail to Judge DiClaudio's judicial office, Criminal Justice Center, 1301 Filbert Street, Room 1415, Philadelphia, PA, 19107 by counsel for the Club.
20. The copy of the May 22, 2018 order of court sent to Judge DiClaudio by the Prothonotary of Montgomery County was returned to the sender marked "insufficient address unable to forward."

21. On July 26, 2018, after Judge DiClaudio failed to obey the May 22, 2018 order of court, the Club filed a Motion for Sanctions.
22. A copy of the Motion for Sanctions was sent via United States mail to Judge DiClaudio's judicial office, Criminal Justice Center, 1301 Filbert Street, Room 1415, Philadelphia, PA, 19107 by counsel for the Club.
23. A hearing on the Club's Motion for Sanctions was scheduled for September 27, 2018, in the Court of Common Pleas of Montgomery County.
24. Notice of the September 27, 2018 hearing was sent via the United States mail to Judge DiClaudio's judicial office, Criminal Justice Center, 1301 Filbert Street, Room 1415, Philadelphia, PA, 19107 by counsel for the Club.
25. A second notice of the September 27, 2018 hearing was sent via the United States mail to Judge DiClaudio at 1500 John F. Kennedy Boulevard, Philadelphia, PA, 19102 by the Prothonotary of Montgomery County.
26. The notice of the September 27, 2018 hearing sent to Judge DiClaudio by the Prothonotary of Montgomery County was returned to the sender marked "return to sender vacant unable to forward."
27. On September 27, 2018, when Judge DiClaudio failed to appear in the Court of Common Pleas of Montgomery County, Senior Judge Bernard Moore found Judge DiClaudio in contempt of the May 22, 2018 order, directed him to respond to the discovery request within ten days, and ordered him to pay the Club's attorney fees in the amount of \$1,000.
28. A copy of the September 27, 2018 order of court was sent via the United States mail to Judge DiClaudio at 1500 John F. Kennedy Boulevard, Philadelphia, PA, 19102 by the Prothonotary of Montgomery County.

29. The copy of the September 27, 2018 order of court sent to Judge DiClaudio by the Prothonotary of Montgomery County was returned to the sender marked "return to sender no such number unable to forward."
30. A second copy of the September 27, 2018 order of court was sent via United States mail to Judge DiClaudio's judicial office, Criminal Justice Center, 1301 Filbert Street, Room 1415, Philadelphia, PA, 19107 by counsel for the Club.
31. On October 15, 2018, counsel for the Club filed a Praecipe to Amend Address, requesting that the Prothonotary of Montgomery County change the address of the defendant, Judge DiClaudio, to 1301 Filbert Street, Criminal Justice Center, Room 1415, Philadelphia, PA, 19107.
32. On November 7, 2018, after Judge DiClaudio failed to obey the September 27, 2018 order of court, the Club filed a second Motion for Sanctions.
33. A copy of the Club's second Motion for Sanctions was sent via United States mail to Judge DiClaudio's judicial office, Criminal Justice Center, 1301 Filbert Street, Room 1415, Philadelphia, PA, 19107 by counsel for the Club.
34. A hearing on the Club's second Motion for Sanctions was scheduled for February 7, 2019, in the Court of Common Pleas of Montgomery County.
35. Two copies of the notice of the February 7, 2019 hearing were sent via the United States mail to Judge DiClaudio's judicial office, Criminal Justice Center, 1301 Filbert Street, Room 1415, Philadelphia, PA, 19107; one by the Prothonotary of Montgomery County and the other by counsel for the Club.
36. On February 7, 2019, when Judge DiClaudio failed to appear in the Court of Common Pleas of Montgomery County, Senior Judge Emanuel Bertin found Judge DiClaudio in contempt of the September 27, 2018 order, directed him

to respond to the discovery request within ten days, pay the Club's attorney fees in the amount of \$1,000 per the September 27, 2018 order and \$2,500 for the February 7, 2019 matter.

37. Two copies of the February 7, 2019 order of court were sent via the United States mail to Judge DiClaudio's judicial office, Criminal Justice Center, 1301 Filbert Street, Room 1415, Philadelphia, PA, 19107; one by the Prothonotary of Montgomery County and the other by counsel for the Club.
38. On February 26, 2019, after Judge DiClaudio failed to obey the February 7, 2019 order of court, the Club filed a third Motion for Sanctions.
39. A copy of the Club's third Motion for Sanctions was sent via United States mail to Judge DiClaudio's judicial office, Criminal Justice Center, 1301 Filbert Street, Room 1415, Philadelphia, PA, 19107 by counsel for the Club.
40. A hearing on the Club's third Motion for Sanctions was scheduled for April 11, 2019, in the Court of Common Pleas of Montgomery County.
41. Two copies of the notice of the April 11, 2019 hearing were sent via the United States mail to Judge DiClaudio's judicial office, Criminal Justice Center, 1301 Filbert Street, Room 1415, Philadelphia, PA, 19107; one by the Prothonotary of Montgomery County and the other by counsel for the Club.
42. On April 10, 2019, the hearing on the Club's third Motion for Sanctions was continued by the court to a date to be determined.
43. Notice that the April 11, 2019 hearing on the Club's third Motion for Sanctions had been continued to a date to be determined was sent to Judge DiClaudio's judicial office, Criminal Justice Center, 1301 Filbert Street, Room 1415, Philadelphia, PA, 19107 by the Prothonotary of Montgomery County.



44. Two copies of notice that the April 11, 2019 hearing on the Club's third Motion for Sanctions was rescheduled for May 30, 2019, was sent to Judge DiClaudio's judicial office, Criminal Justice Center, 1301 Filbert Street, Room 1415, Philadelphia, PA, 19107; one by the Prothonotary of Montgomery County and the other by counsel for the Club.
45. On May 30, 2019, when Judge DiClaudio failed to appear in the Court of Common Pleas of Montgomery County, Senior Judge Emanuel Bertin found Judge DiClaudio in contempt of the September 27, 2018 and February 7, 2019 orders, directed him to respond to the discovery request within ten days, pay the Club's attorney fees in the amount of \$1,000 per the September 27, 2018 order, \$2,500 per the February 7, 2019 order and \$1,780 for the May 30, 2019 matter.
46. Two copies of the May 30, 2019 order of court were sent via the United States mail to Judge DiClaudio's judicial office, Criminal Justice Center, 1301 Filbert Street, Room 1415, Philadelphia, PA, 19107; one by the Prothonotary of Montgomery County and the other by counsel for the Club.
47. On August 20, 2019, after Judge DiClaudio failed to obey the May 30, 2019 order of court, the Club filed a fourth Motion for Sanctions.
48. A hearing on the Club's fourth Motion for Sanctions was scheduled for October 24, 2019, in the Court of Common Pleas of Montgomery County.
49. Two copies of the notice of the October 24, 2019 hearing were sent via the United States mail to Judge DiClaudio's judicial office, Criminal Justice Center, 1301 Filbert Street, Room 1415, Philadelphia, PA, 19107; one by the Prothonotary of Montgomery County and the other by counsel for the Club.

50. On October 24, 2019, Judge DiClaudio and counsel for the Club appeared in the Court of Common Pleas of Montgomery County before Senior Judge Emanuel Bertin.
51. During the October 24, 2019 hearing, Judge DiClaudio agreed to pay the sum of \$9,500 to the Club in two payments.

Statements of Financial Interest

52. On March 4, 2011, the Pennsylvania Department of Revenue filed a lien against Scott DiClaudio in the amount of \$7,536.10 and the lien remains unsatisfied.
53. On June 12, 2014, the Pennsylvania Department of Revenue filed a lien against Scott DiClaudio in the amount of \$10,174.97 and the lien remains unsatisfied.
54. On March 11, 2017, the Pennsylvania Department of Revenue filed a lien against Judge DiClaudio in the amount of \$10,174.97 and the lien remains unsatisfied.
55. On July 28, 2017, the Internal Revenue Service filed a lien against Judge DiClaudio in the amount of \$287,500.11 and the lien remains unsatisfied.
56. By order of the Supreme Court of Pennsylvania dated February 6, 2015, all Pennsylvania judicial officers are required to file an annual Statement of Financial Interest (SOFI) no later than May 1 of each year.
57. Question eight on the SOFI form requires judicial officers to provide a list of all creditors.
58. The instructions which accompany the SOFI form pertaining to question eight direct judicial officers to "list the creditor, address and interest rate of those debts which at any time during the prior year were over \$6,500."

59. On April 29, 2016, Judge DiClaudio submitted his annual SOFI pertaining to his 2015 financial interests.
60. Judge DiClaudio's April 29, 2016 SOFI did not list the Pennsylvania Department of Revenue as a creditor.
61. On April 26, 2017, Judge DiClaudio submitted his annual SOFI pertaining to his 2016 financial interests.
62. Judge DiClaudio's April 26, 2017 SOFI did not list the Pennsylvania Department of Revenue as a creditor.
63. On May 1, 2018, Judge DiClaudio submitted his annual SOFI pertaining to his 2017 financial interests.
64. Judge DiClaudio's May 1, 2018 SOFI did not list the Pennsylvania Department of Revenue or the Internal Revenue Service as a creditor.
65. On April 29, 2019, Judge DiClaudio submitted his annual SOFI pertaining to his 2018 financial interests.
66. Judge DiClaudio's April 29, 2019 SOFI did not list the Pennsylvania Department of Revenue or the Internal Revenue Service as a creditor.

### **CHARGES**

#### **Count 1 – Violation of Canon 1, Rule 1.1**

67. By virtue of some or all of the conduct alleged in paragraphs 3 through 51 above, Judge DiClaudio violated Canon 1, Rule 1.1 of the Code of Judicial Conduct.
68. Canon 1, Rule 1.1 states the following:

Canon 1, Rule 1.1. Compliance with the Law.

A judge shall comply with the law, including the Code of Judicial Conduct.

69. Judge DiClaudio failed to comply with the Montgomery County Court of Common Pleas court orders dated May 22, 2018, September 27, 2018, February 7, 2019 and May 30, 2019 in the matter of Cynwyd Club v. DiClaudio.
70. By failing to comply with the Montgomery County Court of Common Pleas court orders, Judge DiClaudio failed to comply with the law within the meaning of Canon 1, Rule 1.1 of the Code of Judicial Conduct.

**Count 2 – Violation of Canon 1, Rule 1.1**

71. By virtue of some or all of the conduct alleged in paragraphs 52 through 66 above, Judge DiClaudio violated Canon 1, Rule 1.1 of the Code of Judicial Conduct.
72. Canon 1, Rule 1.1 states the following:

Canon 1, Rule 1.1. Compliance with the Law.  
A judge shall comply with the law, including the Code of Judicial Conduct.
73. Law as defined by the Code of Judicial Conduct includes "Supreme Court Rules and directives."
74. Judge DiClaudio failed to accurately complete his 2016 and 2017 SOFIs by failing to list the Pennsylvania Department of Revenue as a creditor.
75. Judge DiClaudio failed to accurately complete his 2018 and 2019 SOFIs by failing to list the Pennsylvania Department of Revenue and the Internal Revenue Service as creditors.
76. By failing to accurately complete his SOFIs, as required by a Supreme Court directive, Judge DiClaudio failed to comply with the law within the meaning of Canon 1, Rule 1.1 of the Code of Judicial Conduct.

**Count 3 - Violation of Canon 1, Rule 1.2**

77. By virtue of some or all of the conduct alleged in paragraphs 3 through 51 above, Judge DiClaudio violated Canon 1, Rule 1.2 of the Code of Judicial Conduct.
78. Canon 1, Rule 1.2 states the following:
- Canon 1, Rule 1.2. Promoting Confidence in the Judiciary.  
A judge shall . . . avoid impropriety and the appearance of impropriety.
79. Impropriety is defined by the Code of Judicial Conduct as:
- conduct that violates the law, court rules, or provisions of [the Code of Judicial Conduct],[.]
80. By failing to comply with the Montgomery County Court of Common Pleas court orders dated May 22, 2018, September 27, 2018, February 7, 2019 and May 30, 2019 in the matter of Cynwyd Club v. DiClaudio, violated the law and provisions of the Code of Judicial Conduct.
81. By violating the law and provisions of the Code of Judicial Conduct, Judge DiClaudio failed to avoid impropriety within the meaning of Canon 1, Rule 1.2 of the Code of Judicial Conduct.
82. By failing to comply with the Montgomery County Court of Common Pleas court orders dated May 22, 2018, September 27, 2018, February 7, 2019 and May 30, 2019 in the matter of Cynwyd Club v. DiClaudio, Judge DiClaudio created in reasonable minds a perception that he had violated the Code of Judicial Conduct and therefore failed to avoid the appearance of impropriety within the meaning of Canon 1, Rule 1.2 of the Code of Judicial Conduct.

**Count 4 - Violation of Article V, § 17(b) of the Constitution of the Commonwealth of Pennsylvania**

83. By virtue of some or all of the conduct set forth above, Judge DiClaudio violated Article V, § 17(b) of the Constitution of the Commonwealth of Pennsylvania.
84. Article V, § 17(b) of the Constitution of the Commonwealth of Pennsylvania states the following:

Article V, § 17(b) Derivative Violation  
Justices and judges shall not engage in any activity prohibited by law and shall not violate any canon of legal or judicial ethics prescribed by the Supreme Court.

85. A violation of the Code of Judicial Conduct constitutes an automatic, derivative violation of Article V, § 17(b) of the Constitution of the Commonwealth of Pennsylvania.
86. Judge DiClaudio violated Canon 1, Rule 1.1 (2 counts).
87. Judge DiClaudio violated Canon 1, Rule 1.2.
88. By violation of all, or some, of the Rules set forth above, Judge DiClaudio violated Article V, § 17(b) of the Constitution of the Commonwealth of Pennsylvania.

**Count 5 - Violation of Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania**

89. By virtue of some or all of the conduct alleged in paragraphs 3 through 51 above, Judge DiClaudio violated Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania.
90. Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania states the following:

Article V, § 18(d)(1) Disrepute

A justice, judge or justice of the peace may be suspended, removed from office or otherwise disciplined for . . . conduct which . . . brings the judicial office into disrepute, whether or not the conduct occurred while acting in a judicial capacity[.]

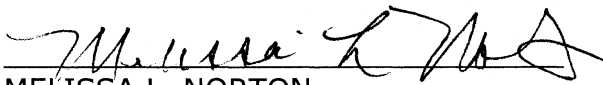
91. By failing to comply with the Montgomery County Court of Common Pleas court orders dated May 22, 2018, September 27, 2018, February 7, 2019 and May 30, 2019 in the matter of Cynwyd Club v. DiClaudio, Judge DiClaudio engaged in conduct beyond the reasonable expectations of the public as to the behavior of judicial officers, conduct that was so extreme that it brings the judicial office itself into disrepute.
92. As described in paragraphs 3 through 63 above, Judge DiClaudio engaged in conduct so extreme that it brought the judiciary as a whole into disrepute within the meaning of the Disrepute Clause of Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania.

WHEREFORE, Scott DiClaudio, Judge of the Court of Common Pleas of Philadelphia County, Pennsylvania, is subject to disciplinary action pursuant to the Constitution of the Commonwealth of Pennsylvania, Article V, § 18(d)(1).

Respectfully submitted,

Richard W. Long  
Chief Counsel

DATE: December 20, 2019

By:   
MELISSA L. NORTON  
Deputy Counsel  
Pa. Supreme Court ID No. 46684

Judicial Conduct Board  
Pennsylvania Judicial Center  
601 Commonwealth Avenue, Suite 3500  
Harrisburg, PA 17106  
(717) 234-7911



**COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE**

IN RE:

Judge Scott DiClaudio	:	
Court of Common Pleas	:	
First Judicial District	:	3 JD 2019
Philadelphia County	:	

**VERIFICATION**

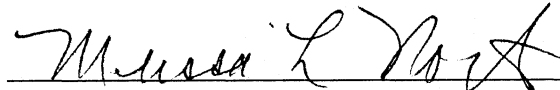
I, Melissa L. Norton, Deputy Counsel to the Judicial Conduct Board, verify that the Judicial Conduct Board found probable cause to file the formal charges contained in the *BOARD COMPLAINT*. I understand that the statements herein are made subject to the penalties of 18 Pa. Cons. Stat. Ann. §4904, relating to unsworn falsification to authorities.

Respectfully submitted,

Richard W. Long  
Chief Counsel

DATE: December 20, 2019

By:



MELISSA L. NORTON  
Deputy Counsel  
Pa. Supreme Court ID No. 46684

Judicial Conduct Board  
Pennsylvania Judicial Center  
601 Commonwealth Avenue, Suite 3500  
Harrisburg, PA 17106  
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**COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE**

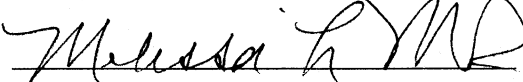
IN RE:

Judge Scott DiClaudio :  
Court of Common Pleas :  
First Judicial District : 3 JD 2019  
Philadelphia County :

**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Judicial Conduct Board of Pennsylvania

Signature: 

Name: Melissa L. Norton  
Assistant Counsel

Attorney No.: 46684