

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

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OF PENNSYLVANIA

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IN RE:

Lyris F. Younge :
Court of Common Pleas :
First Judicial District : 2 JD 2019
Philadelphia County :

**JUDICIAL CONDUCT BOARD'S BRIEF IN SUPPORT OF
PETITION FOR RELIEF FOR INTERIM SUSPENSION,
WITH OR WITHOUT PAY**

AND NOW, this 25th day of September, 2019, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (Board), by and through Chief Counsel Richard W. Long and Deputy Counsel Elizabeth A. Flaherty, pursuant to this Court's directive of September 12, 2019 and files this Brief in Support of Petition for Relief for Interim Suspension With or Without Pay.

PROCEDURAL HISTORY

On August 20, 2019, the Judicial Conduct Board filed a Board Complaint against the Honorable Lyris F. Younge, charging her with ten counts of judicial misconduct. On that same day, the Board filed a Petition for Relief for Interim Suspension With or Without Pay (Petition for Interim Suspension). On August 27, 2019, by and through her attorney, Charles M. Gibbs, Esquire, Judge Younge filed her Answer to the Petition for Interim Suspension. On September 4, 2019, this Court issued an Order for a Hearing on the Petition (Suspension Hearing).

On September 12, 2019, a five-judge panel of this Court presided over the Suspension Hearing, wherein the Board presented four witnesses who testified about particular facts set forth in the Board Complaint. Judge Younge did not present witnesses or testify during the Hearing. At the conclusion of the Hearing, this Court

directed the parties to file Briefs setting forth argument on the issue of interim suspension. The Petition for Interim Suspension is currently before this Court for decision.

FACTUAL BACKGROUND

Since January 4, 2016 through the present time, Judge Lyris F. Younge has served as a judge of the Court of Common Pleas of the First Judicial District, Philadelphia County, Pennsylvania. From January 4, 2016 through July 1, 2018, Judge Younge was assigned to the Family Court Division. During that time, the Board received six Confidential Requests for Investigation pertaining to Judge Younge's on the bench conduct. The Board investigated those complaints pertaining to Child Dependency and Termination of Parental Rights and discovered a pattern of inordinate delay in filing 1925(a)(2)(ii) Opinions in Children's Fast Track Appeals, a failure to be fair, impartial and uphold and apply the law, a failure to ensure the right to be heard, improper demeanor and abuse of the contempt power. **See** Bd. Complaint at 2-45. Based on its investigation and finding of probable cause, the Board charged Judge Younge with numerous violations of the Code of Judicial Conduct and violations of Article V, § 17(b) and 18(d)(1) of the Pennsylvania Constitution. *Id.* at 45-68.

On or about May 10, 2018, Family Court Administrative Judge Margaret Murphy and Supervising Judge Walter J. Olszewski assigned Judge Younge to "Chambers Weeks." This assignment eliminated Judge Younge's responsibility to assume the bench and preside over cases. Instead, she was required to dedicate all of her work hours to drafting overdue Opinions and eliminating the significant backlog of appellate cases in her chambers. On June 11, 2018, while Judge Younge was

assigned to Chambers Weeks, Court of Common Pleas President Judge Sheila Woods-Skipper issued an Order, transferring Judge Younge out of the Family Division and assigning her to the Civil Division, effective July 2, 2018. Judge Younge currently serves in the Statutory Appeals Section. *Id.* at 1-2, ¶¶ 6-7.

ANALYSIS

Pursuant to Article V, Section 18(d)(2) of the Constitution of the Commonwealth of Pennsylvania, this Court has the authority to grant the Board's Petition to Suspend With or Without Pay, based solely on the allegations set forth in the Board Complaint. Section 18(d)(2) provides:

Prior to a hearing, the court may issue an interim order directing the suspension, with or without pay, of any justice, judge or justice of the peace against whom formal charges have been filed with the court by the board or against whom has been filed an indictment or information charging a felony. An interim order under this paragraph shall not be considered a final order from which an appeal may be taken.

PA. CONST. art. V. § 18(d)(2). Based on the multiple egregious allegations and charges set forth in the Board Complaint, the grant of an Order for the interim suspension of Judge Younge is essential to restore public confidence in, and safeguard the integrity of the judicial system during the pendency of litigation proceedings in this complex matter.

At this early stage of the proceedings, a respondent judge is not clothed in a presumption of innocence, nor entitled to the due process rights afforded at the hearing on the merits. *In re Jaffee*, 814 A.2d 308, 317-318 (Pa.Ct.Jud.Disc. 2003). *See also In re Orié Melvin*, 57 A.3d 226, 239 (Pa.Ct.Jud.Disc. 2012). This Court is not obligated to conduct a Hearing prior to issuing an Order for Interim Suspension and can enter such an Order, even in the absence of a Board Petition for Relief. Furthermore, an Order for Interim Suspension is not appealable and does not

prejudice this Court's final decision as to the charged misconduct and possible sanctions. *In re Eakin*, 13 JD 2015 (CJD Order Dec. 22, 2015)(citing *Orie Melvin*, 57 A.3d at 239).

Importantly, the grant of an Order for interim suspension is not dependent upon a determination of whether the Board has proved the alleged conduct by clear and convincing evidence. Where the Board has filed a Petition for Interim Suspension, the Board must prove that the totality of the circumstances provides a reasonable basis to conclude that suspension of the judicial officer is required. *Orie Melvin*, 57 A.3d at 238. This is a far lesser burden of proof than that conferred at the trial or hearing on the merits of the underlying judicial disciplinary case.

The totality of the circumstances test utilized by this Court, when determining whether to issue an Order for Interim Suspension, incorporates the following five non-exclusive factors:

1. The nature of the alleged misconduct;
2. The relation or lack thereof of the alleged misconduct to the duties of the judge;
3. The impact or possible impact on judicial administration;
4. The harm or possible harm to public confidence in the judiciary; and
5. Any circumstances relevant to the conduct in question.

In re Bruno, 69 A.3d 780, 782 (Pa.Ct.Jud.Disc. 2013) (citing *In re Larsen*, 655 A.2d 239, 247 (Pa.Ct.Jud.Disc)). See also *Orie Melvin*, 57 A.3d at 239; *Jaffe*, 814 A.2d at 318. All of the aforementioned cases involved criminal charges against the respondent judges. However, consideration of the totality of the circumstances

factors informs this Court's analysis in cases, such as this, where the Petition for Interim Suspension is based solely on the filing of a Board Complaint.

The Petition for Interim Suspension in *Younge* is based on the allegations of misconduct set forth in the Board Complaint. The factual basis for the specific charges are grouped within the Board Complaint into the following categories: Inordinate Delay; Impartiality, Fairness and Right to Be Heard; Demeanor; and Contempt. There are no allegations of criminal conduct. All of the alleged misconduct is inextricably linked to Judge Younge's performance of her judicial duties. At the September 12, 2019 Suspension Hearing, the Board presented four witnesses, who were all subpoenaed to appear and testify about Judge Younge's alleged misconduct. The totality of the circumstances test, as applied to the credible testimony at the Suspension Hearing and the allegations of misconduct in the Board Complaint, provides a reasonable basis for this Court to grant the Petition for Relief for Interim Suspension.

President Judge Emeritus Susan Pikes Gantman

Nature of the Alleged Misconduct: Inordinate Delay

The Relation of the Alleged Misconduct to the Duties of the Judge:

As a judge assigned to Family Court, Judge Younge had an explicit duty to comply with the Rules of Appellate Procedure for Children's Fast Track Appeals and to file her Opinions on a timely basis. Pa.R.A.P. No. 1925(a)(2)(ii). President Judge Emeritus Susan Pikes Gantman of the Pennsylvania Superior Court testified about the Superior Court's actions in identifying, monitoring and communicating with Judge Younge about her repeated failure to timely file her 1925(a)(2)(ii) Opinions in Children's Fast Track Appeals. **See** Bd. Complaint, Part A 2-12, ¶¶ 10-39. In her role

as the Chair of the Superior Court Case Management Committee, Judge Gantman has the supervisory responsibility of reviewing the compliance records of new judges to determine if they are timely filing their Opinions in appeals to the Superior Court. If the records demonstrate that a particular judge exhibits a problem with meeting those deadlines, Judge Gantman intervenes, with the assistance of her Secretary Administrator Clerks. N.T. Suspension Hrg. 7:3-8:7 (Sept. 12, 2019).

Judge Gantman disclosed that she focuses her review on new judges because many of them are not familiar with the 30-day deadline for filing 1925(a)(2)(ii) Opinions in Children's Fast Track Appeals. *Id.* at 8:8-11. In April 2016, Judge Gantman reviewed the case dockets for all of the approximately 40 judges who assumed the bench in January 2016, including Judge Younge. Judge Gantman discovered that although Judge Younge timely filed her first few 1925(a)(2)(ii) Opinions in Children's Fast Track Appeals, she developed a backlog of late Opinions soon thereafter. *Id.* at 9:5-24.

Judge Gantman testified that on a monthly basis, she receives a report listing all overdue records. She compiled the monthly listings pertaining to Judge Younge's overdue records from January 1, 2016 through December 8, 2017. **See Attachment A** (Board Ex. 1 "Filed opinions: January 1, 2016-December 8, 2017"). Board Exhibit 1 illustrates that in June 2016, Judge Younge filed six Opinions late. From that point on, Judge Younge demonstrated a pattern of inordinate delay in filing her Opinions in a significant number of Children's Fast Track Appeals. According to Judge Gantman, Board Exhibit 1 indicates the following:

"[A]s you go down the list, you will see her cases are 45 days overdue, 62 days overdue, 192 days overdue and you can go all the way to see that she was never current on any of her cases from that date forward."

N.T. 13:2-12. One of the extreme examples of delay was *In the Interest of A.W., A Minor*. Judge Younge's 1925(a)(2)(ii) Opinion was due on February 13, 2017. However, Judge Younge did not file the Opinion in the Court of Common Pleas until November 1, 2017, 261 days late. *Id.* at 17:12-17. **See** Bd. Complaint at 5, ¶ 27. Two days later, on November 3, 2017, the entire record was filed with the Superior Court. **See Attachment A** (Bd. Exhibit 1) (comparison demonstrates why dates are slightly different between Board Complaint and Board Exhibit 1).

Impact on Judicial Administration:

Based on the first few overdue records, in June 2016, Judge Gantman directed one of her Secretary Administrator Clerks to contact Judge Younge's law clerk or chambers on a regular basis. The emails between the Superior Court and Judge Younge and her law clerks were frequent. Thirty-nine emails pertaining to the delay are listed in a letter from Judge Gantman to a Board Investigator, pursuant to a Board subpoena. N.T. 13:13-20; 14:4-12. **See Attachment B** (Bd. Exhibit 3, May 31, 2018 Letter). The Board Complaint includes 13 of those emails and demonstrates that the June 24, 2016 and July 8, 2016 emails, initiated by Judge Younge, pertained to a request for an extension of time. **See** Bd. Complaint at 4-5; ¶ 25.

Judge Gantman testified that her Superior Court staff sent those email communications to Judge Younge and her law clerks, only after the Superior Court Prothonotary had mailed two letters to Judge Younge's chambers, 30 days apart, for each overdue record. Each of the letters notified Judge Younge that her Opinion in a particular Children's Fast Track Appeal case was late, a fact that she was responsible for tracking in the first place. N.T. 30:9-15; 32:7-33:1. Despite some initial confusion with Judge Younge's email address, Judge Gantman and her Secretary Administrator

Clerks utilized the correct email address by June 2016, when the problem of delay became problematic. *Id.* at 36:3-14. Neither the letters sent via the U.S. Postal Service, nor the email communications rectified the pattern of delay that became evident in a growing number of cases. N.T. 36:3-14.

Acting in her capacity as Chair of the Case Management Committee, Judge Gantman took further steps in an effort to ameliorate Judge Younge's inordinate delay in filing her Opinions. First, she contacted Family Court Administrative Judge Margaret Murphy to alert her to the problem and asked:

"Could they give [Judge Younge] some help because she was falling substantially behind."

Id. at 13:21-24. Second, Judge Gantman asked Superior Court Judge Lillian Ransom to mentor Judge Younge to focus on resolving the issue of overdue records. *Id.* at 14:21-15:4. Third, in April 2017, Judge Gantman asked Superior Court Judge Dubow to work with Administrative Judge Murphy and Supervisory Court Judge Olszewski on corrective measures regarding Judge Younge's mounting backlog of overdue Opinions. Judge Gantman requested this help because of the disproportionate amount of administrative time that she was spending on case management specific to Judge Younge's increasing and unresolved backlog. *Id.* at 15:5-10. Finally, Judge Gantman requested that Administrative Judge Murphy assign Judge Younge to Chambers Weeks to work on drafting her overdue Opinions. *Id.* at 15:11-16.

When asked on direct examination about the effect of delay on court administration, Judge Gantman responded:

"Well on our side, this particular case ended up being extremely time consuming for case management. Not only for me, but I have a whole team of judges that work on it: Judge Ott, Judge Dubow and Judge Bowes and it was time consuming."

Id. at 18:6-13.

The Harm or Possible Harm to Public Confidence in the Judiciary:

Judge Gantman testified about the purpose of tracking delay, enforcing the Children's Fast Track Appeals Rule to file Opinions within 30 days, and the effect of delay on family member litigants:

"We want to be certain that the litigants get a fair trial and an expeditious resolution of the case;" and

"It decreases the confidence in the judiciary when the cases are so delayed."

Id. at 17:18-18:5. In response to this Court's question about the practical effect of a 263-day delay in filing an Opinion, Judge Gantman stated that it is very difficult for a family to wait for the outcome on appeal, waiting for the appeal to be decided and hoping that the Child will return home from kinship or foster care. *Id.* at 26:6-27:13.

The totality of the circumstances as applied to the alleged misconduct of inordinate delay and the related charges provides a reasonable basis for this Court to grant the Petition for Interim Suspension.

Brian McLaughlin, Esquire

Nature of the Alleged Misconduct: Abuse of Contempt Power

The Relation of the Alleged Misconduct to the Duties of the Judge:

As a judge of the Family Court Division, Judge Younge had an explicit duty to respect and comply with the law, including when utilizing her contempt power, and to ensure the right to be heard to every person who has a legal interest in a proceeding, or that person's lawyer. Pa.C.J.C. Rules 1.1, 2.6(A). These Rules include the judicious use of the contempt power.

Brian McLaughlin, Esquire, testified about the underlying facts pertaining to Judge Younge's January 23, 2018 ruling, holding him in contempt of court for his absence from her courtroom at the November 30, 2017 Termination of Parental Rights (TPR) Hearing in *In the Interest of K.R. and B.T.* N.T. at 40-80 generally. **See** Bd. Complaint at 34-36, ¶¶112-118.

Attorney McLaughlin "guesstimated" that between January 2016 and May 2018, he appeared before Judge Younge once every two weeks in Family Court. N.T. 40:6-15. That equates to approximately 64 appearances in her courtroom. On November 30, 2017, he timely "checked in" with Judge Younge's court crier. While waiting for Judge Younge to begin the TPR Hearing, Judge Rebstock's court crier informed him that Judge Rebstock asked that he come to his courtroom on a delinquency matter. Attorney McLaughlin believed that he could quickly handle the delinquency matter and return to Judge Younge's courtroom in time for the TPR hearing. He communicated as such to Judge Younge's court crier. N.T. 41:21-42:24.

The delinquency case did not go as anticipated and involved a time-consuming Motion to Suppress. When Judge Younge's court crier appeared in Judge Rebstock's courtroom to summon Mr. McLaughlin back to Courtroom 5A, Judge Rebstock sent a message back to Judge Younge, that Mr. McLaughlin would return to her courtroom following the hearing in his courtroom. *Id.* at 43:5-44:19. While Mr. McLaughlin was returning to Courtroom 5A, an individual informed him that Judge Younge had issued a Rule to Show Cause for contempt of court, based on his absence from her courtroom when she assumed the bench for the TPR Hearing. *Id.* at 44:20-45:3.

Attorney McLaughlin attempted to apologize to Judge Younge that same day, but her Personal [judicial assistant] informed him that Judge Younge was not

available. *Id.* at 45:4-15. The following week, when Attorney McLaughlin again attempted to apologize to Judge Younge, she acknowledged that she knew he had been called to Judge Rebstock's courtroom on November 30, 2017. Mr. McLaughlin testified that Judge Younge did not permit him to offer a detailed explanation. Instead, she emphasized that his priorities should have been focused on the TPR case scheduled in her courtroom. *Id.* at 45:17-47:6.

Judge Younge also suggested that a finding of contempt against Attorney McLaughlin could produce adverse consequences for him professionally. Attorney McLaughlin is a member of the group of designated "dependency wheel" attorneys. He receives assignments from the City of Philadelphia to represent mothers, fathers and children in Child Dependency cases. While he attempted to apologize to Judge Younge, she pointed out that a finding of contempt could affect his future receipt of assignments from the "dependency wheel." *Id.* at 47:13-25. Mr. McLaughlin stated:

"So I don't believe I really got the opportunity to apologize nor did I think that would have made a difference on that day in question"

Id. at 47:25-48:3. Attorney McLaughlin specifically recalled that his attempt to apologize to Judge Younge did not dissuade her from proceeding with the contempt charge. He attributed the following language to Judge Younge:

"Well you might get thrown off the wheel for the dependency cases, and basically you got to come back here, and I'm not changing my opinion about you being in contempt, and basically you didn't do your job."

Id. at 71:12-16.

Resigned to the fact that Judge Younge refused to resolve the matter via his earnest apology, Attorney McLaughlin hired Karen Williams, Esquire, to represent him in the contempt matter. *Id.* at 50:9-11. He also filed a motion to remove himself from the TPR case in *In the Interest of K.R, A Minor* and *In the Interest of B.T, A*

Minor, in order to avoid any negative impact on Mother during the pendency of his contempt case. *Id.* at 49: 17-22. Attorney McLaughlin explained that initially, the Contempt Hearing was scheduled separately from the TPR Hearing. However, it was later merged into the TPR hearings. *Id.* at 48:23-49:9. After Judge Younge continued the contempt matter on December 7, 2017, and reissued the Rule to Show Cause, neither Attorney McLaughlin nor Attorney Williams received notice from the Court of Common Pleas regarding the scheduling of the Contempt Hearing. **See** Bd. Complaint at 35, ¶¶ 112(o)-(q). On January 23, 2018, Mr. McLaughlin appeared at the scheduled TPR Hearing in *In the Interest of K.R.* and *In the Interest of B.T.*, where Judge Younge granted his Motion to remove himself from the case. N.T. 48:19-22, 50:9-17.

Attorney Williams had accompanied Attorney McLaughlin to the January 23, 2018 TPR Hearing in order to protect his interests, given the lack of notice as to when the Contempt Hearing would be held. *Id.* at 50:11-17, 59:14-25. Attorneys McLaughlin and Williams left Courtroom 5A after the Judge Younge ruled on his Motion, but returned in less than hour after learning that the Contempt Hearing would take place that day. *Id.* at 50:18-51:4.

Upon returning to Courtroom 5A, Attorney Williams argued pre-trial issues only as to the lack of notice about when the Contempt Hearing would take place and whether the contempt charge was civil or criminal. *Id.* at 51:9-52:10; 66:13-19. Attorney McLaughlin testified that Judge Younge held him in civil contempt of court without hearing any witness testimony and without admitting any evidence, such as Judge Rebstock's card with his handwritten note about summoning Attorney McLaughlin to his courtroom. In response to this Court's question about whether the

January 23, 2017 Hearing involved any witness testimony or evidence to prove the charge of civil contempt, Mr. McLaughlin responded:

“No. As I indicated previously, there couldn’t have been any evidence because the only thing that occurred was Judge Younge speaking and Ms. Williams speaking. I never gave any testimony nor do I recall anybody providing any testimony. It never got to that point.”

Id. at 68:4-21. Based on Judge Younge’s actions and ruling in this contempt matter, the Board Complaint charges Judge Younge with failure to comply with the law, failure to ensure the right to be heard. Judge Younge’s alleged misconduct pertaining to the denial of due process and the wrongful ruling in contempt harms public confidence in the judiciary.

Nature of the Alleged Misconduct: Inordinate Delay

Relation of the Misconduct to Duties of the Judge:

Judge Younge had an explicit duty to file her 1925 Opinions within 30 days of the filing of a Notice of Appeal in a Children’s Fast Track Appeal. Pa.R.A.P. No. 1925(a)(2)(ii). On February 21, 2018, Attorney McLaughlin, by and through Attorney Williams, filed an appeal in the Superior Court. On July 31, 2018, Judge Younge untimely filed her 1925(a)(2)(ii) Opinion, 129 days late. **See** Bd. Complaint at 9, ¶ 34. At the Suspension Hearing, Attorney McLaughlin recalled that the delay was approximately four months beyond the 30-day deadline in Children’s Fast Track Appeals. N.T. 53:11-19. On appeal, the Superior Court vacated Judge Younge’s January 23, 2018 Contempt Order, finding that Attorney McLaughlin had no wrongful intent on November 30, 2018, a necessary element for civil contempt. *In the Interest of K.R., A Minor*, 587 EDA 2018; *In the Interest of B.T., A Minor*, 588 EDA 2018. **See** Bd. Complaint at 36, ¶¶ 113-118.

The Harm to Public Confidence in the Judiciary:

As an officer of the court and a member of the public, Attorney McLaughlin had a reasonable expectation that the Appeal from the contempt finding in a Children's Fast Track Appeal would be decided expeditiously. At the Suspension Hearing, Attorney McLaughlin explained that the four month delay in the filing of Judge Younge's 1925(a)(2)(ii) Opinion had an adverse effect on him professionally. As an officer of the court, he wanted to clear the affront to his character, and be vindicated as quickly as possible about the questions hanging over him as to his work ethic and his ability to perform his job. Judge Younge's delay in filing her Opinion slowed the process of clearing his good name of the accusation of contempt. N.T. 55:2-56:14. Besides the \$750 fine, he also had to bear the expense of hiring an attorney to litigate the contempt matter, when his apology should have been enough to resolve the matter. *Id.* at 78:2-6.

Nature of the Alleged Misconduct: Improper Demeanor

Relation of the Alleged Misconduct to the Duties of the Judge:

Judge Younge is required to treat all those who appear before her in court proceedings with patience, courtesy and dignity. Pa.C.J.C. Rule 2.8(B). During the Suspension Hearing, Attorney McLaughlin responded to this Court's numerous questions, seeking clarification of the Board's allegation that Judge Younge was "rude, arrogant and dismissive" toward him when he attempted to apologize to her during the week of December 4, 2017. N.T. 68:21-77:10. **See** Complaint at 34, ¶ 111.

Attorney McLaughlin thoroughly explained the basis for the word "dismissive," tying it to Judge Younge's disinterest in his apology, despite her knowledge of the facts and circumstances of Judge Rebstock summoning him to his courtroom. In his

personal, subjective view, the descriptive words, "rude and arrogant," are part of the dismissive manner in which Judge Younge refused to listen to his reasoned apology and to recognize the absence of willful conduct on his part. N.T. at 69:6-76:10. Attorney McLaughlin questioned why Judge Younge failed to treat him with respect, despite knowing that he was caught between two judges, why she insisted on proceeding to litigation when he had no wrongful intent and why she threatened his professional career. In response to this Court's final question about his perception that Judge Younge's response to his attempt to apologize was "rude, arrogant and dismissive," Attorney McLaughlin stated:

"Correct and why do this? Why treat my career with that little respect. That was my issue."

N.T. at 76:22-23.

Aaron Mixon, Esquire

Nature of the Alleged Misconduct: Failure to Be Fair, Impartial, Uphold, and Apply the Law; Failure to Accord the Right to Be Heard

Relation of the Alleged Misconduct to the Duties of the Judge:

Judge Younge had a duty to hear testimony and admit evidence on the record when ruling in a Dependency matter. Aaron Mixon, Esquire, testified about the September 1, 2016 Adjudicatory Hearing in *In the Interest of S.S.*, a truancy matter, wherein he represented the guardian, Grandmother of S.S. **See** Bd. Complaint at 6, ¶ 28; 16, ¶ 60. Attorney Mixon confirmed that following a sidebar discussion, Judge Younge adjudicated S.S. dependent and ordered his placement in foster care, without any witness testimony or evidence placed on the record. N.T. at 93:13-19. During the hearing, Mr. Mixon asked Judge Younge if there was going to be any evidence entered. Although the Department of Human Services had the burden of calling

witnesses and entering evidence about the truancy issue, Judge Younge asked Attorney Mixon if he wanted to present any evidence. Despite Attorney Mixon's question, DHS did not carry its burden and Judge Younge did not require the production of evidence. *Id.* at 93:20-94:3.

Nature of the Alleged Misconduct: Inordinate Delay

Relation of the Alleged Misconduct to the Duties of the Judge:

Judge Younge had a duty to timely file her Opinions in Children's Fast Track Appeals 30 days after the filing of the appeal. Pa.R.A.P. No. 1925(a)(2)(ii). On September 1, 2016, Attorney Mixon filed an appeal in the Superior Court. *In the Interest of S.S., A Minor*, Docket No. 3002 EDA 2016. On May 12, 2017, Judge Younge untimely filed her 1925(a)(2)(ii) Opinion, 197 days beyond the 30-day deadline in Children's Fast Track Appeals. On October 18, 2017, the Superior Court issued its Memorandum Opinion and Order, reversing Judge Younge's September 1, 2016 Order, reversing Judge Younge's Order. **See** Bd. Complaint at 6, ¶ 28

The Harm to Public Confidence in the Judiciary:

The public has an expectation that Child Dependency matters will be expeditiously handled on appeal because of the impact of removing children from the home and placing them in foster care. The 197-day delay in Judge Younge's Opinion in *In the Interest of S.S., A Minor*, adversely affected S.S. and his guardian Grandmother in that S.S. could not return to his Grandmother's home until the Superior Court ruled on the appeal. N.T. 94:4 -96:12. Such an extreme delay undermines public confidence in the judiciary.

Nature of the Alleged Misconduct: Improper Demeanor

The Relation of the Alleged Misconduct to the Duties of the Judge:

Judge Younge is required to be patient, dignified and courteous to all those who appear before her in court proceedings. Pa.C.J.C. Rule 2.8(B). Attorney Mixon testified that he has known Judge Younge since 2004 or 2005, including the time when she worked as a solicitor for the Department of Human Services (DHS). He approximated that between January 2016 and May 2018, he appeared before Judge Younge hundreds of times in Child Dependency matters. N.T. at 82:12-83:1. During some of those hearings, Attorney Mixon witnessed Judge Younge become upset with social workers, attorneys and parents who failed to comply with her orders. He saw her raise her voice and scream at individuals who appeared before her. *Id.* at 83:5-23.

At the April 27, 2016 Permanency Review Hearing, *In the Interest of J.C., A Minor*, Judge Younge became upset about the lack of compliance with her April 13, 2016 Order to relocate J.C. to another foster group home. Other girls at the foster home had “jumped” J.C., which gave rise to safety issues. At the April 27, 2016 Hearing, DHS reported that J.C. was “jumped” again. **See** Bd. Complaint at 22, ¶59.

At the September 12, 2019 CJD Suspension Hearing, Board counsel played two audio clips from the April 27, 2016 Permanency Hearing to demonstrate that when Judge Younge became upset about a perceived lack of compliance by DHS, she yelled and screamed from the bench. Attorney Mixon represented Father in the case, and observed Judge Younge’s reactive temperament issues. N.T. at 83:24-84:10, 92:10-11. In the first clip, Judge Younge announced a court Order from the bench, which

contains derogatory, demeaning and disrespectful remarks about DHS Social Worker Jiminez:

The Court: Let me tell you something. Ishmael - - and this is court order. Ishmael Jiminez can never darken the threshold of [Courtroom] 5. I would not believe his tongue if it were notarized. And honest to goodness, I mean that.

N.T. Permanency Hrg. 24:9-13 (Apr. 27, 2016). **See also** Bd. Complaint at 22, ¶ 61. Such inflammatory language is unacceptable and violates Judge Younge's duty to comply with Rule 2.8(B).

In the second clip, Judge Younge reacts fiercely when DHS Social Worker Julia Ressler testifies on direct examination about a report she received from the Case Liaison, "that [J.C.] was the instigator in a couple of fights - -." Judge Younge abruptly interrupted Ms. Ressler and angrily rebuffed her attempts to testify:

The Court: I'm not receiving that from DHS and so you can save that for the contempt hearing because it's easy to kind of make her the victim when we know you did not exercise good social work practice in this case. So I'll be damned if you're going to let that young lady and paint her out to be a victim as if she has not already been abused enough by coming into a system that doesn't protect her. We're not doing that at this hearing. I'm not that judge. You know what, come back in ten days and I'm going to read you all the Riot Act and I don't care who feels some kind of way about it and everything like that but it's not going to happen in my courtroom ever, ever, ever, that a child should be at risk like that and DHS is on the clock because you know what, that's how you end up in the Daily News and this judge is not going to be on the front page for some nonsense like that. I'm not doing it.

N.T. Suspension Hrg. 91:13-92:8. (amended by Board counsel to conform exactly with audio). When Judge Younge interrupted Ms. Ressler, her tone was angry and her volume was loud to the point of yelling. Although it may be acceptable for a judge to express concern and to be upset when a child such as J.C. is subject to being "jumped," Judge Younge's rant at DHS was impatient and disrespectful, and included

her threat to conduct a contempt hearing pertaining to the failure of DHS to facilitate the change in placement for J.C.

Harm to Public Confidence in the Judiciary

Judge Younge's impatient, discourteous, undignified and disrespectful temperament during the Hearing in *In the Interest of J.C., A Minor*, is but one example of the many cases of improper demeanor, which are set forth in the Board Complaint. The transfer of Judge Younge to Statutory Appeals, Civil Division does not alter, mitigate or resolve the anger management issues that she exhibited toward lawyers, social workers and families who appeared before her in Family Court. The Board will prove those allegations by clear and convincing evidence at trial. Judge Younge's repeated display of an improper demeanor on the bench undermines public confidence in the judiciary. This Court's action to suspend Judge Younge, with or without pay, is essential to protecting the judicial office during the pendency of this case.

Brandi McLaughlin, Esquire

Nature of the Alleged Misconduct: Ensure the Right to Be Heard; Impartiality, Fairness and Duty to Uphold and Apply the Law

Relation of the Alleged Misconduct to Duties of the Judge:

Judge Younge is required to provide litigants and their attorneys with a legal interest in a proceeding with the right to be heard according to law. She is also obligated to uphold and apply the law and perform her duties fairly and impartially. Pa.C.J.C. Rules 2.6(A) & 2.2. Attorney Brandi McLaughlin testified about *In the Interest of N.M., A Minor*, a Child Dependency and Termination of Parental Rights case in which she represented Father and her co-counsel, Claire Leotta, Esquire, represented Mother. **See** Bd. Complaint 17, ¶ 52.

Between January 2016 and May 2018, Attorney McLaughlin appeared before Judge Younge approximately 15 to 20 times. In May or June 2016, Attorney McLaughlin entered her appearance for Father. At a prior Hearing, Judge Younge had ordered placement of eight-week old infant, N.M. in general foster care, pursuant to allegations that abuse caused her to suffer rib fractures. At that same Hearing, Judge Younge ordered the two-year old brother, E.M, be placed in kinship care with Paternal Grandmother, who had been approved for kinship care multiple times and previously worked for DHS in Harrisburg. N.T. 101:8-102:25, 129:8-12.

At the July 2016 Adjudicatory Hearing, Judge Younge heard medical testimony that N.M.'s rib fractures were not accidental and entered a finding that the injury was due to abuse, despite Mother's testimony that was not consistent with that finding. Judge Younge ordered a Behavioral Health Assessment, but no Parenting Capacity Evaluation or parental services, based on favorable testimony from the social worker about the compliance of Parents and their interactions with N.M. and E.M. during visits. Judge Younge entered an Order for E.M. to return to the care of Father and Mother, but denied Attorney McLaughlin's Motion to move N.M. to kinship care with Paternal Grandmother. During the July 2016 Hearing, Judge Younge repeated the goal for N.M. to return home for reunification with parents. *Id.* at 103:1-104:13.

Attorney McLaughlin stated that after the July 2016 Hearing, there was a shift in Judge Younge's view away from the goal of reunification. At each subsequent hearing, Attorneys McLaughlin and Leotta requested orders to transfer N.M. to kinship care, but Judge Younge repeatedly denied those motions. *Id.* at 104:17-105:2. **See also** Bd. Complaint at 17, ¶ 52(e-g) (August 18, 2016 and December 8, 2016 hearings). At this stage, N.M. was now 10-months old. At the December 8, 2016

Hearing, Judge Younge stated that she would admit medical evidence pertinent to the finding of abuse. N.T. 104:17-106:2; 106:14-107:21.

On January 6, 2017, co-counsel McLaughlin and Leotta filed appeals from the December 8, 2016 Order, denying kinship care for N.M. *In the Interest of N.M., A Minor*, 154 EDA 2017 and 190 EDA 2017. **See** Bd. Complaint at 18, ¶ 52(h). Their reasons for the appeal were two-fold. First, it did not comply with federal and state law. Second, they objected to Judge Younge's statements about keeping N.M. in foster care until Parents "own[ed] up to the abuse." Attorney McLaughlin testified about the reasons for the first appeal:

"[The reason why it was not only the denial of kinship, but it was the position that the judge took during the hearing and the language that was used. . . . [S]aying that their parents had to cop to it or that the child was going to be kept in general foster care and so it wasn't just what we perceived to be getting the law wrong, but it was the language that was used to reach that decision."

N.T. 121:7-14.

At the September 12, 2019 Suspension Hearing, Attorney McLaughlin testified that during the pendency of the first appeal, Mother hired a second attorney, Mark Freeman, to be in charge of medical evidence and witness testimony to disprove parental abuse the cause of the rib fractures. At the March 2017 Hearing, where both of Mother's attorneys appeared on her behalf, Judge Younge became very upset and told Mother that she was not allowed to have two attorneys in the courtroom. Judge Younge refused to hear medical testimony and left the bench after making a *pro forma* finding that N.M. was safe as placed in non-kinship foster care. *Id.* at 109:9-111:9.

At the May 2017 hearing, Judge Younge refused to permit testimony and evidence from two doctors about medical causation of N.M.'s injuries and *sua sponte*

entered an Order that DHS not investigate kinship care for N.M. That same day, the City Solicitor filed a Motion for a Goal Change from reunification to termination of parental rights. *Id.* at 111:13-113:4. Following an October 26, 2017 Hearing, Judge Younge entered Orders, terminating the parental rights of Mother and Father. *Id.* at 113:5-14.

Attorneys McLaughlin and Leotta timely filed appeals from those Orders in the Superior Court. **See** Bd. Complaint at 7, ¶ 31 & at 18-19, ¶ 52(m)-(0); *In the Interest of N.W.M., a Minor*, Docket Nos. 3714 EDA 2017; 3715 EDA 2017. The Superior Court granted the co-counsel's motion to stay the termination during the appeal process. N.T. 113:20-23. Judge Younge filed her 1925 (a)(2)(ii) Opinion on August 10, 2017, 52 days past the required due date. **See** Bd. Complaint at 7, ¶ 31. In its consolidated May 4, 2018 Opinion and Order, the Superior Court reversed the Permanency Orders and vacated the Goal Change/Termination Orders, finding that Judge Younge's repeated decisions denying kinship care were not in the best interest of the child, N.M., were without an evidentiary basis, and not in accord with the Child Protective Services Law. **See** Bd. Complaint at 19, ¶ 52(p)-(r).

Attorney McLaughlin testified that on remand, Judge Younge granted a motion for her to recuse herself from the case. Within a week of the Superior Court Opinion, the newly assigned judge granted an emergency petition to move N.M. to kinship care. In July 2016, after six weeks of kinship care with Paternal Grandmother, the judge ordered that N.M. be reunified with Mother and Father and discharged from dependency status. N.T. at 115:15-116:10. By the time N.M. returned home to Parents, she was two and one-half years old.

The Harm to Public Confidence in the Judiciary:

Attorney McLaughlin's testimony demonstrates that Judge Younge failed to be fair and impartial and to uphold and apply the law when she repeatedly denied kinship care for N.M. Attorney McLaughlin accurately recalled the record of the hearing where Judge Younge explicitly stated that she would keep N.M. in kinship care until the parents admitted to abusing N.M. Judge Younge's words demonstrate an absence of impartiality and fairness and instead illustrate an overreaching and punitive mindset, contrary to the best interest of N.M. Judge Younge's refusal to permit medical testimony denied Parents and their attorneys with the opportunity to be heard.

The Nature of the Alleged Misconduct: Inordinate Delay:

Relation of Alleged Misconduct to Duties of the Judge:

Judge Younge had an explicit duty to file her Opinions in Children's Fast Track Appeals within 30 days of the filing of the Notice of Appeal. Pa.R.A.P. No. 1925(a)(2)(ii). On December 8, 2016, co-counsel McLaughlin and Leotta filed the first set of appeals. On August 10, 2017, Judge Younge untimely filed the first 1925(a)(2)(ii) Opinion, 184 days beyond the 30-day deadline. **See** Bd. Complaint at 7, ¶ 30. On November 17, 2017, co-counsel McLaughlin and Leotta filed the second set of appeals. *Id.* at 7, ¶ 31. On February 9, 2018, Judge Younge untimely filed the second 1925(a)(2)(ii) Opinion, 52 days beyond the required due date. *Id.* at ¶ 31.

The Harm to Public Confidence in the Judiciary:

Attorney McLaughlin testified about the adverse effect of Judge Younge's delay in filing those Opinions:

"Clearly, the delay was traumatizing?" The family was hoping to move the case towards reunification and get their child back. The delay and

the denial of kinship seems to just create more distance between the family and their child”

N.T. 108:25-109:6.

Nature of the Alleged Misconduct: Improper Demeanor March 2017 Hearing:

Relation of the Alleged Misconduct to the Duties of the Judge:

Judge Younge has a duty to treat all those who appear before her with patience, dignity and courtesy. Pa. C.J.C. Rule 2.8(B). At the September 12, 2019 Suspension Hearing, Attorney McLaughlin responded to questions from the bench about Judge Younge’s demeanor during proceedings. Attorney McLaughlin stated that Judge Younge was generally courteous and respectful during proceedings in two Child Dependency cases. However, at some of the hearings in *In the Interest of N.M., A Minor*, she observed Judge Younge’s improper demeanor:

“[T]hen there were sometimes that I believed her demeanor was hard to explain, understand, difficult and inappropriate in some ways.”

N.T. 126:21-127:5; 131:17-21. During direct examination, Attorney McLaughlin recalled that during the March 2017 hearing, Judge Younge became upset when Mother appeared with two attorneys. Attorney McLaughlin stated that Judge Younge said she “felt disrespected” and that it was “discourteous to assume that the court would be okay with mother having more than one attorney in the courtroom.” When Attorney Freeman, Mother’s second attorney, tried to explain the legal basis for the dual representation for Mother, Judge Younge left the bench without conducting the hearing. *Id.* at 109:17-111:3.

In response to a question from the bench, Attorney McLaughlin confirmed that during some of the hearings in *In the Interest of N.M., A Minor*, she observed Judge

Younge's temperament to be impatient, undignified, discourteous, disrespectful and arrogant. *Id.* at 127:6-13.

Harm to Public Confidence in the Judiciary:

Attorney Brandi McLaughlin's testimony about Judge Younge's demeanor during some of the hearings in *In the Interest of N.M., A Minor*, is consistent with the testimony of Attorneys Mixon and Brian McLaughlin. Arrogant and impatient are apt terms to describe her conduct of yelling during the March 2017 Hearing and leaving the bench without holding the hearing, because she felt disrespected. This conduct played out in front of Parents of N.M., lawyers, social workers and others who appeared before Judge Younge. Judge Younge's refusal to hear testimony prolonged the placement of N.M. in foster care and inconvenienced all of the professionals and family members. Such conduct is unacceptable and undermines public confidence in the judiciary.

Interim Suspension of Judicial Officers in Prior Cases

In its decision to grant the Petition for Interim Suspension with pay in *In re Bruno*, 69 A.3d 780, 796-97 (Pa.Ct.Jud.Disc. 2013), this Court set forth two charts of judicial officers who had been subject to interim suspension orders, issued by either this Court or by the Pennsylvania Supreme Court. The lists include the Type of Pleading, the Disposition and the Charges. Those lists are set forth at **Attachment C** for historical reference.

Since *Bruno*, this Court has issued numerous Orders to suspend judicial officers, based either on Board Complaints or on criminal conduct. The following chart depicts this Court's Suspension Orders based on Board Complaints filed between 2014 and 2019:

<u>Interim Suspension Based on Board Complaint</u>			
<u>Case</u>	<u>Petition Interim Suspension</u>	<u>Disposition</u>	<u>Charges</u>
<i>Domitrovich</i> 1 JD 2014	With/Without Pay July 7, 2014	Denied Oct. 8, 2014 Suspension Hearing held.	Improper Demeanor, <i>Ex Parte</i> ; False or misleading statements to Board
<i>Jennings</i> 4 JD 2014	With/Without Pay Nov. 14, 2014 Without Pay July 23, 2015	Granted With Pay Nov. 17, 2014. Leave to file response. Without Pay based on new criminal charges.	Conditioned work assignments to constables on 10% contribution to his re-election campaign; failed to transfer parking tickets to another court; sexually suggestive comments about women. Later criminal charges OAG.
<i>Vann</i> 1 JD 2015	With/Without Pay Jan. 2, 2015	Granted, With Pay Jan. 13, 2015 Waiver of Hearing by defense counsel via telephone call. No Suspension Hearing Trial Nov. 2015	Special consideration daughter of close friend in domestic violence case; Failure to recuse from deciding PFAs.
<i>Segal</i> 3 JD 2015	With/Without Pay Mar. 11, 2015	Granted Without Pay Jan. 28, 2016, After trial on merits. No hearing re: suspension.	<i>Ex parte</i> Communication; Special consideration Failure to Report Failure to Recuse
<i>O'Neill</i> 4 JD 2015	With/Without Pay Mar. 11, 2015	Granted Without Pay Feb. 2, 2016. Note: Jan. 29, 2016 Trial continued based on Pending Federal Indictment	<i>Ex parte</i> communications. Special Consideration Failure to Recuse. Later charged with lying to FBI
<i>Eakin</i> 13 JD 2015	No Petition Dec. 10, 2015 Rule to Show Cause Order.	Order With Pay Dec. 22, 2015 Suspension Hearing held. Dec. 21, 2015	Sending and receiving inappropriate and offensive email communications, using work computer

<u>Interim Suspension Based on Board Complaint</u>			
<u>Case</u>	<u>Petition Interim Suspension</u>	<u>Disposition</u>	<u>Charges</u>
<i>Roca</i> 14 JD 2015	With/Without Pay Dec. 18, 2015	Granted With Pay Jan. 13, 2016. No Suspension Hearing.	<i>Ex Parte</i> Special Consideration
<i>Hladio</i> 6 JD 2016	With/Without Pay December 7, 2016	Granted With Pay Feb. 27, 2017 Suspension Hearing held. Reinstated June 20, 2017	Sexual harassment; improper demeanor; Failure to uphold the law.
<i>Hladio</i> 3 JD 2017	Renewed Petition With/Without Pay Oct. 10, 2017	Granted With Pay Oct. 27, 2017, Conference call, defense counsel did not oppose Petition.	Retaliation against Board witnesses; Demeanor; Bias;
<i>Younge</i> 2 JD 2019	Pending Decision With/Without Pay Aug. 20, 2019	Suspension Hearing held. Sept. 12, 2019	Inordinate delay Children's Fast Track Appeals; failure to be fair, impartial, and afford right to be heard; improper demeanor; abuse of contempt power.

A companion chart of the Interim Suspensions based on criminal conduct, although not relevant to this analysis, is set forth at **Attachment D**.

Comparison to Prior Interim Suspension Cases

Although this Court is tasked with deciding each Petition for Interim Suspension on a case-by-case basis, it is instructive to compare and contrast the instant Petition with prior suspension decisions by this Court. Since the Petition for Interim Suspension in *In re Younge* is based solely on the August 20, 2019 Board Complaint, the discussion in this brief will be confined to other cases where the Petitions for Interim Suspension were also based on Board Complaints.

In re Domitrovich, 1 JD 2014

On October 8, 2014, this Court denied the Board's July 7, 2014 Petition for Interim Suspension of Court of Common Pleas Judge Stephanie Domitrovich, after briefs and a hearing. *In re Domitrovich*, 1 JD 2014, CJD Order (Oct. 8, 2014). In that case, the Board Complaint charged Judge Domitrovich with numerous violations, including improper demeanor, *ex parte* communications, failure to train, supervise and manage her staff, making false or misleading statements to Board counsel, and disrepute. In lieu of trial, Judge Domitrovich successfully completed this Court's newly established Interim Policy Statement/Judicial Diversion Program, and the case was dismissed on August 31, 2016. *Domitrovich*, 1 JD 2014 (CJD Order Aug. 31, 2016).

Granted, some of the charges in this case are similar to those in *Domitrovich*, in that the Board has charged Judge Younge with improper demeanor, failure to supervise her staff, and disrepute. However, the *Younge* case is distinguishable from *Domitrovich* and interim suspension is necessary because of the egregiousness of the additional factual allegations and charges, which significantly undermine public confidence in the judiciary and the administration of justice.

Here, Judge Younge's inordinate delay in filing 1925(a)(2)(ii) Opinions in numerous Children's Fast Track Appeals caused dependent children to remain in foster care for longer periods of time than if she had met the expedited filing deadlines. Those lengthy separations unjustly and negatively affected the natural bond between parents and children. The inordinate delay contravened the Children's Fast Track Appeals Rules and adversely affected the rights of families to expeditious resolution of their appeals. Judge Younge knew that she had a duty to comply with

those Rules, yet she failed to resolve the backlog in her chambers, despite the repeated efforts of, and burden on Superior Court judges and staff to supervise and manage her submission of her Opinions. The public elected Judge Younge with the expectation that she would fulfill her duties. She did not. **See** Bd. Complaint at Count 1, Rules 2.5(A) and 2.5(B).

Additionally, Judge Younge is charged with abusing her contempt power in multiple cases. Not only was Attorney Brian McLaughlin negatively impacted by Judge Younge's wrong decision on the merits in his civil contempt case, but also the facts demonstrate a deprivation of due process, a failure to admit testimony and evidence, and a significant delay in the opportunity to vindicate his good character and ethics as an attorney. *In the Interest of K.R., A Minor* and *In the Interest of B.T., A Minor*. Examples of the other allegations of the abuse of contempt cases include Judge Younge wrongfully ordering the imprisonment of Father for seven days for contempt of a non-existent Order (*In the Interest of E.O., A Minor* and *In the Interest of B.O., A Minor*); and wrongfully ordering that a Grandmother, H.R., be held in contempt and detained until her daughter, N.W., delivered the baby, N.M., to DHS. *In the Interest of Q.R., A Minor*, and *In the Interest of L.R., A Minor*. **See** Bd. Complaint, Part D at 9, 34 ¶¶ 34, 112, 130. The contempt findings by Judge Younge in those cases harmed the liberty interests of those individuals and are in stark contrast to the charges in *Domitrovich*.

Additionally the Board has charged, and offered credible witness testimony by Attorney Brandi McLaughlin, that Judge Younge failed to act fairly and impartially, and to uphold and apply the law, when she repeatedly denied kinship care for N.M., and failed to ensure the right to be heard as to medical testimony in a Child

Dependency and Termination of Parental Rights case. *In the Interest of N.M., A Minor*. The Board has also charged that Judge Younge's conduct repeatedly failed to promote public confidence in the independence, integrity and impartiality of the judiciary. Judge Gantman offered specific testimony on the effect that the pattern of inordinate delay has on the courts, stating:

"It decreases the confidence in the judiciary when the cases are delayed."

N.T. 17:18-18:4-5.

Unlike *Domitrovich*, the Board has charged that in multiple instances, Judge Younge's conduct prejudiced the proper administration of justice. Attorney Aaron Mixon testified that Judge Younge adjudicated the S.S. Dependent and ordered his placement in foster care, without even conducting a hearing on the record. *In the Interest of S.S., A Minor*. Attorney Brian McLaughlin testified about his contempt hearing where Judge Younge refused to listen to his attorney's argument about due process issues and then rushed to a ruling of contempt, without hearing any witness testimony or admitting any evidence. *In the Interest of K.R., A Minor*, and *In the Interest of B.T., A Minor*. The testimony and evidence presented at the Suspension Hearing, together with the allegations and charges in the Board Complaint, form a reasonable basis to believe that suspension of Judge Younge is essential during the pendency of the CJD proceedings.

The testimony and evidence presented at the Suspension Hearing, together with the allegations and charges in the Board Complaint, demonstrate that the alleged misconduct in this case is more egregious and distinguishable from that in the *Domitrovich* case and forms a reasonable basis to believe that suspension of Judge Younge is essential during the pendency of the CJD proceedings.

In re Vann, 1 JD 2015

On January 2, 2015, the Board filed a Board Complaint and Petition for Interim Suspension With or Without Pay against Magisterial District Judge Dawn L. Vann. *In re Vann, 5 JD 2015*. The Board charges against Judge Vann included allowing her friendship with the daughter of a close friend to influence her judicial conduct and judgment, lending the prestige of the judicial office to advance the private interest of another, and failure to recuse herself from related PFA proceedings. This misconduct is dissimilar to the alleged misconduct in *Younge*.

Like *Younge*, the Board charged Judge Vann with failure to respect and comply with the law, failure to promote public confidence in the integrity and impartiality of the judiciary, disrepute and prejudicing the proper administration of justice. The totality of the circumstances test demonstrated that the alleged misconduct formed a reasonable basis to require the suspension of Judge Vann. Through her counsel, Judge Vann waived a Suspension Hearing. This Court granted the Petition for Interim Suspension with pay for the pendency of the matter. CJD Order, 1 JD 2015 (Jan. 13, 2015). Trial was held in November 2015.

In re Segal, 5 JD 2015

On March 11, 2015, the Board filed a Board Complaint and Petition for Interim Suspension against Municipal Court Judge Dawn A. Segal. *In re Segal, 5 JD 2015*. The Board's charges against Judge Segal included *ex parte* communications with former Municipal Court Judge Joseph C. Waters, who had requested favorable treatment for litigants, failure to recuse, and failure to report the conduct of former Judge Waters, prejudicing the proper administration of justice and disrepute. Board counsel and Judge Segal's counsel submitted briefs on the Petition for Interim

Suspension, which remained undecided throughout 2015. After the January 28, 2016 trial on the merits, this Court granted the Petition for Interim Suspension without pay. *In re Segal*, 5 JD 2015 (CJD Order Jan. 28, 2016).

The Segal case differs from Younge in that on or about September 24, 2014, the same date that former Judge Waters pled guilty to federal charges of mail fraud and honest services fraud, Municipal Court President Judge Marsha Neifield verbally informed Judge Segal that she was reassigned to limited judicial duties until further notice. *In re Segal*, 3 JD 2015 (Bd. Complaint at 3, ¶ 3 Mar. 11, 2015)). Judge Segal was not permitted to preside over any cases during that time period. This restriction temporarily mitigated the need for interim suspension.

In re O’Neil, 4 JD 2015

This case was a companion case to *In re Segal*. On March 11, 2015, the Board filed a Board Complaint and Petition for Interim Suspension With or Without Pay against Municipal Court Judge Joseph J. O’Neill. *In re O’Neill*, 4 JD 2015. The Complaint contained a similar set of charges to those in the *Segal*. As in *Segal*, on or about September 24, 2014, Municipal Court President Judge Marsha Neifield verbally informed Judge O’Neill that he was reassigned to limited judicial duties until further notice. *In re O’Neill*, 4 JD 2015 (Bd. Complaint at 3, ¶ 3 Mar.11, 2015). Briefs were filed and the Petition remained undecided. Trial was scheduled for January 29, 2016; however, the CJD entered a January 27, 2016 Continuance Order based on a pending federal indictment. On February 2, 2016, this Court granted the Petition for Interim Suspension without pay.

In the Younge case, Court of Common Pleas President Judge Skipper reassigned Judge Younge from the Family Division to the Statutory Appeals Section

of the Civil Division. Judge Younge continues to preside over cases, which are complex in nature. Although the transfer to another division eliminates the intense pressure of the expedited filing requirements in Children's Fast Track Appeals, it does not mitigate any of the other alleged misconduct charged in the Board Complaint, does not restore public confidence in, or protect the integrity of the judicial system. Those goals can only be achieved through the grant of the Board's Petition for Interim Suspension in *Younge*.

In re Eakin, 13 JD 2015

The Board filed a Board Complaint against Justice J. Michael Eakin on December 8, 2015, but did not file a Petition for Interim Suspension. On December 10, 2015, this Court issued a Rule to Show Cause and scheduled an Interim Suspension Hearing. Following the December 21, 2015 Hearing, on December 22, 2015, this Court entered an Order, suspending Justice Eakin with pay. The charges in this case pertained to the sending and receiving of inappropriate and offensive email communications, using a work computer. The misconduct differs significantly from that in *Younge* and therefore, the Eakin case is not helpful to this analysis.

In re Roca, 14 JD 2015

On December 18, 2015, the Board filed a Board Complaint and a Petition for Interim Suspension With or Without Pay against Court of Common Pleas Judge Angeles Roca, based on charges that she engaged in *ex parte* communications with former Judge Waters, to obtain favorable treatment for her son in a Municipal Court matter. Similar to *Younge*, the charges also included violations of the Administration of Justice and Disrepute Clauses of Article V, § 18(d)(1) of the Pennsylvania Constitution. No Suspension Hearing was held. On January 13, 2016, this Court

granted the Petition for Interim Suspension without pay. *In re Roca*, 14 JD 2015 (CJD Order Jan. 13, 2016).

In re Hladio, 6 JD 2016, 3 JD 2017

On December 7, 2016, the Board filed a Board Complaint and a Petition for Interim Suspension against Judge Hladio. *In re Hladio*, 6 JD 2017. The charges included sexual harassment of his office manager, improper demeanor at District Court and Central Court, failure to uphold the law, and violations of the Administration of Justice and Disrepute Clauses of Article V, ¶ 18(d)(2) of the Pennsylvania Constitution. At the conclusion of the February 17, 2017, this Court entered an Order from the bench, suspending Judge Hladio with pay for 90 days. After an Order to extend the interim suspension, by Order dated June 19, 2017, this Court permitted Judge Hladio to return to his judicial duties. *In re Hladio*, 6 JD 2016 (Opinion, Mar. 25, 2019).

On October 10, 2017, the Board filed a second Board Complaint and a Renewed Petition for Interim Suspension. *In re Hladio*, 3 JD 2017 (consolidated with 6 JD 2016). The charges included retaliation against Board witnesses and charges of improper demeanor and bias. Judge Hladio's counsel did not oppose the Petition and on October 27, 2017, this Court granted the Petition for Interim Suspension with pay. *In re Hladio*, 6 JD 2016 (Opinion, Mar. 25, 2019).

Although many of the charges in *Younge* differ substantially from those *Hladio*, they both involve repeated instances of improper demeanor toward individuals who appear before them in court proceedings, failure to apply and uphold the law, undermining public confidence in the judiciary and prejudicing the proper administration of justice and disrepute.

This review of the prior interim suspension cases demonstrates that this Court consistently granted Petitions for Interim Suspension in cases where the Board Complaint included allegations that the respondent judge's egregious conduct prejudiced the proper administration of justice and/or undermined public confidence in the judiciary. See *Vann*, *Hladio* and *Roca*. Although this Court waited to grant the Petitions for Interim Suspension post-trial in *Segal* and after trial was deferred in *O'Neill* because of pending federal charges, neither of those judges was in a position to rule on cases because of Judge Neifield's directive.

In the instant case, after two and one half years on the bench in the Family Division, Judge Younge was transferred to the Statutory Appeals Section of the Civil Division. She continues to preside over, and rule in important and complex matters. Moving her out of Family Court does not fix the problem that she stands accused of multiple violations of the Code of Judicial Conduct and the Pennsylvania Constitution, which await decision and potential sanction by this Court. The alleged misconduct, such as failure to comply with the law, failure to ensure the right to be heard, failure to be fair and impartial and to uphold and apply the law, and prejudicing the proper administration of justice are all serious charges that call into question the integrity of the judicial system and undermine public confidence in the judiciary.

CONCLUSION:

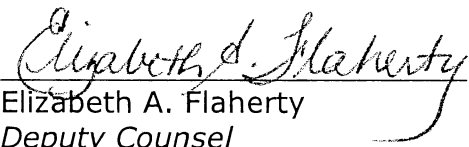
The totality of the circumstances test, as applied to the allegations of judicial misconduct set forth in the Board Complaint and the witness testimony presented at the Suspension Hearing, provides a reasonable basis for this Court to grant the Board's Petition for Interim Suspension With or Without Pay. Only then, will the integrity of the judicial system be protected from harm and public confidence restored in the judiciary.

Respectfully submitted,

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September 25, 2019

By:


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Filed opinions: January 1, 2016 - December 8, 2017
Judge Lyris F. Younge, Philadelphia County

**BOARD'S
EXHIBIT
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Cases With Original Records Filed
Lyris F. Younge, Philadelphia County

Superior Court Docket Number	Caption	Case Status	Original Docket Number	Original Record Date Filed	Original Record Filed Date	Day Overdue
759 EDA 2016	In Re: K.S.T., a Minor	Closed	CP-51-AP-0000031-2016	4/4/2016	3/30/2016	0
759 EDA 2016	In the Interest of: K.S.D., a Minor	Closed	CP-51-AP-0000063-2016	4/4/2016	3/30/2016	0
830 EDA 2016	In the Interest of: J.W., a Minor	Closed	CP-51-DP-0000433-2016	4/14/2016	4/13/2016	0
1182 EDA 2016	In the Interest of: E.B., a Minor	Closed	CP-51-DP-0000319-2015	4/27/2016	5/2/2016	5
1188 EDA 2016	In the Interest of: A.N.P., a Minor Appeal of: E.	Closed	CP-51-AP-0000804-2015	5/16/2016	5/20/2016	4
1211 EDA 2016	In the Interest of: Z.V., a Minor	Closed	CP-51-DP-0001269-2015	5/16/2016	5/17/2016	1
1297 EDA 2016	In the Interest of: E.C., a Minor	Closed	CP-51-DP-0001663-2012	5/31/2016	6/3/2016	3
1299 EDA 2016	In the Interest of: P.E.C., a Minor	Closed	CP-51-DP-0001664-2012	5/31/2016	6/3/2016	3
1620 EDA 2016	In The Interest of: K.C., a Minor	Closed	CP-51-DP-000905-2016	6/24/2016	8/8/2016	45
1662 EDA 2016	In the Interest of: K.S., a Minor	Closed	CP-51-DP-0015141-2005	6/24/2016	8/25/2016	62
1677 EDA 2016	In the Interest of: T.B., A Minor	Closed	CP-51-DP-0000921-2016	6/24/2016	8/25/2016	62
1681 EDA 2016	In the Interest of: M.B., a Minor	Closed	CP-51-DP-0000920-2016	6/24/2016	8/25/2016	62
1684 EDA 2016	In the Interest of: N.B., a Minor	Closed	CP-51-DP-0000922-2016	6/24/2016	8/25/2016	62
1749 EDA 2016	In the Interest of: N.O.W., a Minor	Closed	CP-51-AP-000056-2016	6/27/2016	1/5/2017	192
1749 EDA 2016	In the Interest of: N.O.W., a Minor	Closed	CP-51-DP-0002461-2013	6/27/2016	1/5/2017	192
1839 EDA 2016	In the Interest of: X.J.N., a Minor	Closed	CP-51-AP-0000314-2015	7/1/2016	10/21/2016	112
1840 EDA 2016	In the Interest of: O.A.C., a Minor	Closed	CP-51-AP-0000315-2015	7/1/2016	10/21/2016	112
1841 EDA 2016	In the Interest of: N.A.N., a Minor	Closed	CP-51-AP-0000316-2015	7/1/2016	10/21/2016	112
1844 EDA 2016	In the Interest of: J.A.N., a Minor	Closed	CP-51-AP-0000317-2015	7/1/2016	10/21/2016	112
1845 EDA 2016	In the Interest of: J.J.N., a Minor	Closed	CP-51-AP-0000318-2015	7/1/2016	10/21/2016	112
1846 EDA 2016	In the Interest of: A.B.N., a Minor	Closed	CP-51-AP-0000319-2015	7/1/2016	10/21/2016	112
1725 EDA 2016	In Re: C.P.S.B., a Minor	Closed	CP-51-DP-0001739-2014	7/8/2016	9/13/2016	67
1725 EDA 2016	In Re: C.P.S.B., a Minor	Closed	CP-51-AP-0000100-2016	7/8/2016	9/13/2016	67
1726 EDA 2016	In Re: A.N.S.B., a Minor	Closed	CP-51-DP-0001149-2012	7/8/2016	9/13/2016	67
1726 EDA 2016	In Re: A.N.S.B., a Minor	Closed	CP-51-AP-0000101-2016	7/8/2016	9/13/2016	67
1887 EDA 2016	In the Interest of: B.A.D., a Minor	Closed	CP-51-AP-0000210-2016	7/18/2016	11/30/2016	135
1962 EDA 2016	In the Interest of: N.A.P., a Minor	Closed	CP-51-AP-0000235-2016	7/21/2016	12/20/2016	152
1963 EDA 2016	In the Interest of: D.N.P., a Minor	Closed	CP-51-AP-0000254-2016	7/21/2016	12/20/2016	152
1964 EDA 2016	In the Interest of: B.A.P., a Minor	Closed	CP-51-AP-0000253-2016	7/21/2016	12/20/2016	152
1965 EDA 2016	In the Interest of: K.D.P., a Minor	Closed	CP-51-AP-0000243-2016	7/21/2016	12/20/2016	152
1979 EDA 2016	In The Interest of: K.F.M.R., a Minor	Closed	CP-51-AP-0000392-2013	7/22/2016	2/3/2017	196
2051 EDA 2016	In the Interest of: S.E.C.B., a Minor	Closed	CP-51-AP-0000453-2016	8/1/2016	1/13/2017	165
2053 EDA 2016	In the Interest of: S.M.C.B., a Minor	Closed	CP-51-AP-0000455-2016	8/1/2016	1/13/2017	165
2054 EDA 2016	In the Interest of: S.D.C., a Minor	Closed	CP-51-AP-0000456-2016	8/1/2016	1/13/2017	165
2234 EDA 2016	In the Interest of: Z.I.B., a Minor	Closed	CP-51-AP-0000447-2016	8/5/2016	10/21/2016	77
2234 EDA 2016	In the Interest of: Z.I.B., a Minor	Closed	CP-51-DP-0001145-2013	8/5/2016	10/21/2016	77
2237 EDA 2016	In the Interest of: Z.S.M., a Minor	Closed	CP-51-AP-0000448-2016	8/5/2016	10/21/2016	77
2237 EDA 2016	In the Interest of: Z.S.M., a Minor	Closed	CP-51-DP-0001143-2013	8/5/2016	10/21/2016	77
2239 EDA 2016	In the Interest of: Z.A.B., a Minor	Closed	CP-51-AP-0000449-2016	8/5/2016	10/21/2016	77
2239 EDA 2016	In the Interest of: Z.A.B., a Minor	Closed	CP-51-DP-0001144-2013	8/5/2016	10/21/2016	77
2139 EDA 2016	In the Interest of: J.K.L., a Minor	Closed	CP-51-AP-0000952-2015	8/8/2016	1/25/2017	170
2778 EDA 2016	In the Interest of: N.K.S., a Minor	Closed	CP-51-DP-0001111-2013	9/19/2016	3/1/2017	163
2778 EDA 2016	In the Interest of: N.K.S., a Minor	Closed	CP-51-AP-0000587-2016	9/19/2016	3/1/2017	163
2779 EDA 2016	In the Interest of: C.A.S., a Minor	Closed	CP-51-DP-0001112-2013	9/19/2016	3/1/2017	163
2779 EDA 2016	In the Interest of: C.A.S., a Minor	Closed	CP-51-AP-0000588-2016	9/19/2016	3/1/2017	163
2786 EDA 2016	In Re: S.R.S., a Minor	Closed	CP-51-AP-0000018-2016	9/22/2016	2/15/2017	146
2793 EDA 2016	In Re: S.N.G., a Minor	Closed	CP-51-AP-0000017-2016	9/22/2016	2/15/2017	146
2759 EDA 2016	In the Interest of: A.M.P., a Minor	Decided/Active	CP-51-AP-0000648-2016	9/29/2016	3/29/2017	181
2879 EDA 2016	In the Interest of: K.R.B., A Minor	Closed	CP-51-AP-0000633-2016	10/6/2016	3/7/2017	152
3002 EDA 2016	In the Interest of: S.S., a Minor	Closed	CP-51-DP-0001823-2016	10/26/2016	5/15/2017	201
3225 EDA 2016	In the Interest of: S.D.R., a Minor	Closed	CP-51-AP-0000693-2016	11/10/2016	4/7/2017	148
3796 EDA 2016	In the Interest of: K.C.H., a Minor	Closed	CP-51-DP-0002641-2015	1/9/2017	4/7/2017	88
3796 EDA 2016	In the Interest of: K.C.H., a Minor	Closed	CP-51-AP-0001066	1/9/2017	4/7/2017	88
124 EDA 2017	In the Interest of: G.S., a Minor	Closed	CP-51-DP-0002329-2016	1/19/2017	6/23/2017	155
154 EDA 2017	In the Interest of: N.M., A Minor	Active	CP-51-DP-0000856-2016	2/6/2017	8/14/2017	189
190 EDA 2017	In the Interest of: N.M., a Minor	Active	CP-51-DP-0000856-2016	2/6/2017	8/14/2017	189
193 EDA 2017	In the Interest of: ST. M., a Minor	Decided/Active	CP-51-DP-0003333-2015	2/6/2017	7/21/2017	165
195 EDA 2017	In the Interest of: SU. M., a Minor	Decided/Active	CP-51-DP-0003334-2015	2/6/2017	7/21/2017	165
196 EDA 2017	In the Interest of: Ma. M., a Minor	Decided/Active	CP-51-DP-0000643-2014	2/6/2017	7/21/2017	165
328 EDA 2017	In the Interest of: A.W., JR., a Minor	Active	CP-51-DP-0001428-2016	2/13/2017	11/3/2017	263
328 EDA 2017	In the Interest of: A.W., JR., a Minor	Active	CP-51-DP-0001513-2016	2/13/2017	11/3/2017	263
328 EDA 2017	In the Interest of: A.W., JR., a Minor	Active	CP-51-DP-0001514-2016	2/13/2017	11/3/2017	263
328 EDA 2017	In the Interest of: A.W., JR., a Minor	Active	CP-51-DP-0001515-2016	2/13/2017	11/3/2017	263
424 EDA 2017	In the Interest of: J.V.F., a Minor	Closed	CP-51-AP-0001212-2016	3/1/2017	3/30/2017	29
427 EDA 2017	In the Interest of: J.V.F., a Minor	Closed	CP-51-DP-0001724-2015	3/1/2017	3/30/2017	29
508 EDA 2017	In the Interest of: N.S., a Minor	Closed	CP-51-DP-0002470-2016	3/7/2017	6/19/2017	104

Cases with Original Records Filed
Lyns F. Younge, Philadelphia County

Superior Court Docket Number	Caption	Case Status	Case Type/Tribunal Docket Number	Original Record Due Date	Original Record Filed Date	Days Overdue
508 EDA 2017	In the Interest of: N.S., a Minor	Closed	CP-51-AP-0001113-2016	3/7/2017	6/19/2017	104
510 EDA 2017	In the Interest of: I.N.S., a Minor	Closed	CP-51-DP-0002471-2014	3/7/2017	6/19/2017	104
510 EDA 2017	In the Interest of: I.N.S., a Minor	Closed	CP-51-AP-0001114-2016	3/7/2017	6/19/2017	104
512 EDA 2017	In the Interest of: J.S., a Minor	Closed	CP-51-DP-0002472-2014	3/7/2017	6/19/2017	104
505 EDA 2017	In the Interest of: N.N.S., a Minor	Closed	CP-51-AP-0001113-2016	3/8/2017	6/19/2017	103
509 EDA 2017	In the Interest of: I.N.S., a Minor	Closed	CP-51-AP-0001114-2016	3/8/2017	6/19/2017	103
511 EDA 2017	In the Interest of: J.S., a Minor	Closed	CP-51-AP-0001115-2016	3/8/2017	6/19/2017	103
563 EDA 2017	In the Interest of: J.J.P., a Minor	Decided/Active	CP-51-DP-0000155-2016	3/14/2017	7/21/2017	129
563 EDA 2017	In the Interest of: J.J.P., a Minor	Decided/Active	CP-51-AP-0001044-2016	3/14/2017	7/21/2017	129
566 EDA 2017	In the Interest of: J.J.H., a Minor	Decided/Active	CP-51-DP-0002590-2015	3/14/2017	7/21/2017	129
566 EDA 2017	In the Interest of: J.J.H., a Minor	Decided/Active	CP-51-AP-0001046-2016	3/14/2017	7/21/2017	129
569 EDA 2017	In the Interest of: A.M.P., a Minor	Decided/Active	CP-51-DP-0002591-2015	3/14/2017	7/21/2017	129
569 EDA 2017	In the Interest of: A.M.P., a Minor	Decided/Active	CP-51-AP-0001045-2016	3/14/2017	7/21/2017	129
655 EDA 2017	In the Interest of: T.S.A., a Minor	Closed	CP-51-DP-0000879-2015	3/15/2017	4/7/2017	23
655 EDA 2017	In the Interest of: T.S.A., a Minor	Closed	CP-51-AP-0000664-2016	3/15/2017	4/7/2017	23
656 EDA 2017	In the Interest of: J.J.P., a Minor	Decided/Active	CP-51-DP-0000155-2016	3/15/2017	7/21/2017	128
656 EDA 2017	In the Interest of: J.J.P., a Minor	Decided/Active	CP-51-AP-0001044-2016	3/15/2017	7/21/2017	128
657 EDA 2017	In the Interest of: A.M.P., a Minor	Decided/Active	CP-51-DP-0002591-2015	3/15/2017	7/21/2017	128
657 EDA 2017	In the Interest of: A.M.P., a Minor	Decided/Active	CP-51-AP-000104502016	3/15/2017	7/21/2017	128
937 EDA 2017	In the Interest of: J.J.B., a Minor	Decided/Active	CP-51-DP-0001846-2016	4/17/2017	6/8/2017	52
937 EDA 2017	In the Interest of: J.J.B., a Minor	Decided/Active	CP-51-AP-0001846-2016	4/17/2017	6/8/2017	52
954 EDA 2017	In the Interest of: M.R., a Minor	Active	CP-51-DP-1000194-2016	4/17/2017	10/30/2017	196
960 EDA 2017	In the Interest of: C.M.M., a Minor	Active	CP-51-AP-0000665-2017	4/17/2017	7/13/2017	87
960 EDA 2017	In the Interest of: C.M.M., a Minor	Active	CP-51-DP-0001567-2014	4/17/2017	7/13/2017	87
986 EDA 2017	In the Interest of: A.F., a Minor	Active	CP-51-DP-0000020-2015	4/21/2017	7/13/2017	83
989 EDA 2017	In the Interest of: F.F., Jr., a Minor	Active	CP-51-DP-0000021-2015	4/21/2017	7/13/2017	83
991 EDA 2017	In the Interest of: C.M., a Minor	Active	CP-51-DP-0001567-2014	4/21/2017	7/13/2017	83
1141 EDA 2017	In the Interest of: R.A.W., a Minor	Active	CP-51-AP-0000893-2016	5/8/2017	6/26/2017	49
1141 EDA 2017	In the Interest of: R.A.W., a Minor	Active	CP-51-DP-0001345-2015	5/8/2017	6/26/2017	49
1143 EDA 2017	In the Interest of: C.S.C., a Minor	Active	CP-51-AP-0000894-2016	5/8/2017	6/26/2017	49
1143 EDA 2017	In the Interest of: C.S.C., a Minor	Active	CP-51-DP-0001346-2015	5/8/2017	6/26/2017	49
1144 EDA 2017	In the Interest of: C.T.C., a Minor	Active	CP-51-AP-0000895-2016	5/8/2017	6/26/2017	49
1144 EDA 2017	In the Interest of: C.T.C., a Minor	Active	CP-51-DP-0001347-2015	5/8/2017	6/26/2017	49
1263 EDA 2017	In the Interest of: K.N.B., a Minor	Active	CP-51-AP-0000058-2017	5/18/2017	8/18/2017	92
1263 EDA 2017	In the Interest of: K.N.B., a Minor	Active	CP-51-DP-0000884-2015	5/18/2017	8/18/2017	92
1267 EDA 2017	In the Interest of: K.N.W., a Minor	Active	CP-51-AP-0000059-2017	5/18/2017	8/18/2017	92
1267 EDA 2017	In the Interest of: K.N.W., a Minor	Active	CP-51-DP-0000838-2015	5/18/2017	8/18/2017	92
1836 EDA 2017	In the Interest of: D.S. a/k/a D.D.G.S., a Minor	Active	CP-51-DP-0000647-2017	7/10/2017	9/15/2017	67
1836 EDA 2017	In the Interest of: D.S. a/k/a D.D.G.S., a Minor	Active	CP-51-AP-0000440-2017	7/10/2017	9/15/2017	67
2095 EDA 2017	In the Interest of: K.A.R.J., a Minor	Active	CP-51-AP-0001266-2016	7/28/2017	10/26/2017	90
2553 EDA 2017	In the Interest of: N.D.L.S., a Minor	Active	CP-51-AP-0000026-2017	9/5/2017	9/21/2017	16
2594 EDA 2017	In the Interest of: L.S.M., a Minor	Active	CP-51-AP-0000707-2017	9/11/2017	11/17/2017	67
2641 EDA 2017	In the Interest of: E.O., a Minor	Active	CP-51-DP-0000127-2017	9/13/2017	11/1/2017	49
2643 EDA 2017	In the Interest of: B.O., a Minor	Active	CP-51-DP-0000228-2017	9/13/2017	11/1/2017	49
2807 EDA 2017	In the Interest of: T.J.J.M., a Minor	Active	CP-51-AP-0000447-2017	9/28/2017	11/30/2017	63
2810 EDA 2017	In the Interest of: T.M., a Minor	Active	CP-51-DP-0002285-2016	9/28/2017	11/30/2017	63



THE SUPERIOR COURT OF PENNSYLVANIA
JUDGE'S CHAMBERS
200 FOUR FALLS CORPORATE CENTER
SUITE 302
WEST CONSHOHOCKEN, PA 19428

SUSAN PEIKES GANTMAN
PRESIDENT JUDGE

(610) 832-1651
FAX (610) 832-1659

May 31, 2018

Detective Paul Fontanes
Commonwealth of Pennsylvania
Judicial Conduct Board
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 3500
P.O. Box 62525
Harrisburg, PA 17106

Re: Subpoena No. 2018-021
Judge Lyris Younge
India Campbell, Esq.
(Judge Younge's Law Clerk from 1-2016 through 7-8-2016)
Lynne Summers, Esq.
(Judge Younge's Law Clerk from 7-2016 to present)

Dear Detective Fontanes,

Pursuant to the subpoena issued by the Judicial Conduct Board dated May 29, 2018, enclosed are the following emails:

1. Email dated May 18, 2018 from Michele Grimmig to me with list of Judge Younge's overdue records;
2. Email exchange dated June 24, 2016 between Lisa Eldridge and India Campbell regarding Judge Younge's request for extension until week of July 5, 2016;
3. Email exchange dated July 8, 2016 between Judge Younge and Lisa Eldridge regarding extension of time to file opinions in the outstanding appeals and notice of India Campbell's departure;
4. Email dated July 20, 2016 from Lisa Eldridge to Judge Younge enclosing delinquent records list;
5. Email dated July 20, 2016 from Lisa Eldridge to Judge Younge regarding Lynne Summers' assistance so Judge Younge could "get back on track";

BOARD'S
EXHIBIT

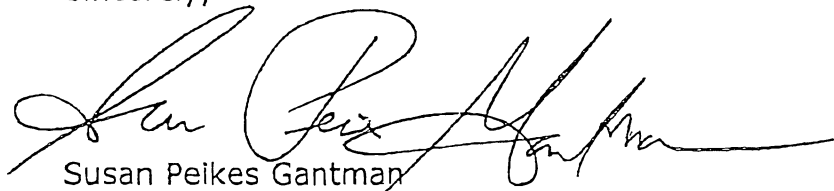
3

6. Email exchange dated July 27, 2016 between Lisa Eldridge and Lynne Summers regarding completion of opinions on the delinquent records list;
7. Email exchange dated August 12, 2016 between Lisa Eldridge and Lynne Summers regarding projected completion of overdue opinions;
8. Email dated September 7, 2016 from Lisa Eldridge to Lynne Summers enclosing current overdue records list;
9. Email dated September 8, 2016 from Lynne Summers to Lisa Eldridge acknowledging overdue list and plan to consult Judge Younge regarding new dates for filing of opinions;
10. Email exchanges dated October 17-19, 2016—Lisa Eldridge, Michele Grimmig and Lynne Summers concerning transcript request on overdue case N.O.W.;
11. Email dated October 21, 2016 from Lisa Eldridge to Lynne Summers acknowledging receipt of two cases (Nunez and ZB);
12. Email dated November 3, 2016 from Lisa Eldridge to Lynne Summers requesting updates (cases attached);
13. Email dated November 4, 2016 from Lisa Eldridge to Lynne Summers enclosing Judge Younge's list;
14. Email dated November 14, 2016 from Lisa Eldridge to Michele Grimmig forwarding message from Lynne Summers concerning plan for submitting Judge Younge's opinions;
15. Email exchange dated December 1-6, 2016—Lisa Eldridge, Michele Grimmig and Lynne Summers concerning update on case 1749 EDA 2016;
16. Email dated December 9, 2016 from Lisa Eldridge to Lynne Summers requesting updates for several overdue CFT records;
17. Email exchange dated December 15-16, 2016—Lisa Eldridge, Michele Grimmig and Lynne Summers when Lynne Summers confirms the filing of several opinions;
18. Email dated December 28, 2016 from Lisa Eldridge to Lynne Summers enclosing Judge Younge's list;
19. Email dated February 16, 2017 from Lisa Eldridge to Lynne Summers enclosing Judge Younge's delinquent list;
20. Email dated March 8, 2017 from Lisa Eldridge to Lynne Summers enclosing Judge Younge's overdue records list;
21. Email dated April 21, 2017 from Lisa Eldridge to Lynne Summers enclosing Judge Younge's overdue records list;
22. Email dated May 5, 2017 from Lisa Eldridge to Lynne Summers regarding cases remanded by Superior Court and compliance with Order;
23. Email dated June 5, 2017 from Lisa Eldridge to Lynne Summers enclosing Judge Younge's delinquent list;
24. Email dated June 26, 2017 from Lisa Eldridge to Lynne Summers re compliance on remanded case, K.S.;

25. Email exchange dated July 12-13, 2017—Lisa Eldridge, Lynne Summers and Keith Lee regarding amended order for case, K.S.;
26. Email dated July 14, 2017 from Lisa Eldridge to Lynne Summers enclosing Judge Younge's delinquent opinions list;
27. Email dated July 17, 2017 from Lisa Eldridge to Lynne Summers requesting update on case, K.S.;
28. Email dated August 2, 2017 from Lisa Eldridge to Lynne Summers enclosing Judge Younge's overdue opinions list;
29. Email dated August 17, 2017 from Lisa Eldridge to Lynne Summers enclosing Judge Younge's overdue list;
30. Email dated September 20, 2017 from Lisa Eldridge to Lynne Summers enclosing Judge Young's overdue records list;
31. Email dated November 30, 2017 from Lisa Eldridge to Lynne Summers enclosing Judge Younge's overdue records list;
32. Email dated December 18, 2017 from Lisa Eldridge to Lynne Summers enclosing Judge Younge's overdue records list;
33. Email dated January 30, 2018 from Lisa Eldridge to Lynne Summers enclosing Judge Younge's overdue opinions list;
34. Email dated February 9, 2018 from Lisa Eldridge to Lynne Summers enclosing Judge Younge's overdue opinions list;
35. Email dated March 27, 2018 from Lisa Eldridge to Lynne Summers enclosing Judge Younge's overdue opinions list;
36. Email dated April 10, 2018 from Lisa Eldridge to Lynne Summers enclosing Judge Younge's overdue list;
37. Email dated April 30, 2018 from Lisa Eldridge to Lynne Summers enclosing Judge Younge's overdue opinions list and requesting update;
38. Email dated May 2, 2018 from Lynne Summers to Lisa Eldridge confirming filing of opinions and reference to anticipated dates for filing of remaining opinions;
39. Email dated May 17, 2018 from Lisa Eldridge to Lynne Summers enclosing Judge Younge's delinquent list;

Thank you.

Sincerely,



Susan Peikes Gantman
President Judge Superior Court

PJG/II

CJD Orders for Interim Suspension

CASE	TYPE OF PETITION	DISPOSITION BY CJD	CHARGES
Larsen	Interim Suspension With Pay	Denied (before trial)	Illegal drug purchase
Larsen	Interim Suspension Without Pay	Granted (after conviction)	Illegal drug purchase
Strock	Interim Suspension With Pay	Granted	Misappropriation of Court funds
Smith	Interim Suspension With Pay	Denied	This was a trumped-up case
McFalls	Interim Suspension Without Pay	Denied-suspended with pay	Failure to perform judicial duties and public drunkenness
Jaffe	Interim Suspension Without Pay	Granted	Extortion
Cioppa	Interim Suspension With Pay	Granted	Sexual harassment of litigants
Ballentine	Interim Suspension With Pay	Granted	Dismissing her own motor vehicle violations
Melvin	Interim Suspension With Pay	Granted	Improper use of judicial employees for personal benefit
Melvin	Interim Suspension Without Pay	Granted	Improper use of judicial employees for personal benefit

PA Supreme Court Orders for Interim Suspension

CASE	TYPE OF PLEADING FILED IN CJD	DISPOSITION BY SUPREME COURT	DISPOSITION BY CJD	CHARGES
Amati	None filed until after conviction	Suspended with pay 4/23/99	Suspended without pay 4/24/01 (after conviction)	Obstruction of justice, etc.
Joyce	None filed	Suspended with pay 8/21/07	No disposition	Insurance fraud
Merlo	None filed	Suspended with pay 12/22/10	No disposition	Repeatedly late and absent from work, etc.
Singleary	None filed	Suspended without pay 1/5/12	No disposition	Showing photos of his erect penis
Melvin	Petition for Suspension with pay 5/18/12	Suspended with pay 5/18/12	Suspended with pay 5/22/12; Order amended to suspend without pay 8/30/12	Improper use of judicial employees for personal benefit
Mulgrew	Petition for Suspension without pay 9/14/12	Suspended without pay 9/19/12	Suspended with pay 9/14/12	Theft of government funds
Nocella	None filed	Suspended with pay 11/9/12	No disposition	Misrepresentation of qualifications, etc.

In re Bruno, 69 A.3d 780, 796-97 (Pa.Ct.Jud.Disc.2013).

The following chart illustrates this Court's Suspension Orders based on criminal charges between 2014 and 2019:

<u>Interim Suspension Based on Criminal Conduct</u>			
<u>Case</u>	<u>Petition</u>	<u>Disposition</u>	<u>Charges</u>
<i>Shaner</i> 2 JD 2014	With/Without Pay Sept. 14, 2014	Suspended from accepting further Senior MDJ assignments	Criminal charges
<i>Jennings</i> 4 JD 2014	Without Pay July 23, 2015	Granted. July 28, 2015	Criminal charges
<i>Sullivan</i> 5 JD 2014	Without Pay Jan. 31, 2013	Granted Aug. 19, 2013 Lifted in part, restoring back pay, but not permitted to preside over cases. Nov. 18, 2014.	Criminal charges
<i>O'Neill</i> 4 JD 2015	With/Without Pay Mar. 11, 2015	Granted Without Pay Feb. 2, 2016. Note: Jan. 29, 2016 Trial continued based on Pending Federal Indictment	Criminal charges
<i>Joy</i> 12 JD 2015	With/Without Pay Aug. 13, 2015	Granted Without Pay Aug. 17, 2015	Criminal charges
<i>Dougherty</i> 1 JD 2016	With/Without Pay May 12, 2016	Granted Without Pay May 16, 2016	Criminal charges
<i>Waltman</i> 7 JD 2016 1 JD 2019	With/Without Pay Dec. 16, 2016	Granted Without Pay Dec. 16, 2016	Criminal charges Criminal Conviction

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

IN RE:

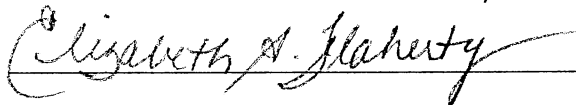
Lyris F. Younge :
Court of Common Pleas :
First Judicial District : 2 JD 2019
Philadelphia County :

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:

Elizabeth A. Flaherty
Deputy Counsel

Attorney No.:

205575

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

IN RE:

Lyris F. Younge :
Court of Common Pleas :
First Judicial District : 2 JD 2019
Philadelphia County :

PROOF OF SERVICE


In compliance with Rule 122(D) of the Court of Judicial Discipline Rules of Procedure, on September 25, 2019, a copy of the *Judicial Conduct Board Brief in Support of Petition for Relief for Interim Suspension With or Without Pay* was sent by UPS Overnight Delivery to Charles M. Gibbs, Esquire, counsel to the Honorable Lyris F. Younge at the following address:

Charles M. Gibbs, Esquire
McMonagle Perri McHugh Mischak Davis
1845 Walnut Street, 19th Street
Philadelphia, PA 19103

Respectfully submitted,

September 25, 2019

BY:


Elizabeth A. Flaherty
Deputy Counsel

Pa. Supreme Court ID No. 205575
Judicial Conduct Board
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 3500
P.O. Box 62525
Harrisburg, PA 17106
(717) 234-7911