

**COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE**

COURT OF JUDICIAL DISCIPLINE  
OF PENNSYLVANIA

FEB 9 2023

RECEIVED AND FILED

IN RE:

Judge Marissa J. Brumbach :  
Municipal Court Judge : 2 JD 2022  
1<sup>st</sup> Judicial District :  
Philadelphia County :

**JUDICIAL CONDUCT BOARD'S REPLY TO RESPONDENT'S  
OMNIBUS MOTION**

AND NOW, this 9<sup>th</sup> day of February, 2023, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (Board) by undersigned counsel and files this Reply to Respondent's Omnibus Motion.

1. Admitted.
2. Admitted in part. The Notice of Full Investigation was dated June 21, 2022 and was delivered to Judge Brumbach on June 22, 2022. The remaining information in this paragraph is admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted.
9. Admitted.
10. Admitted.
11. Admitted.
12. Admitted.

13. Denied. The Board is without sufficient specific knowledge or information to form a belief as to the truth or accuracy of the statement. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
14. Denied. The Board is without sufficient specific knowledge or information to form a belief as to the truth or accuracy of the statement. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
15. Denied. The Board is without sufficient specific knowledge or information to form a belief as to the truth or accuracy of the statement. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
16. Denied. The Board is without sufficient specific knowledge or information to form a belief as to the truth or accuracy of the statement. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
17. Denied. The Board is without sufficient specific knowledge or information to form a belief as to the truth or accuracy of the statement. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
18. Denied. The Board is without sufficient specific knowledge or information to form a belief as to the truth or accuracy of the statement. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.

19. Denied. The Board is without sufficient specific knowledge or information to form a belief as to the truth or accuracy of the statement. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
20. Denied. The Board is without sufficient specific knowledge or information to form a belief as to the truth or accuracy of the statement. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
21. Admitted in part. The cases scheduled in Traffic Court on the relevant date, January 6, 2022, were listed in three time slots: 9:00 a.m.; 1:00 p.m.; and 2:30 p.m. The Board is without sufficient knowledge or information to form a belief as to the truth or accuracy of the statement regarding dates other than January 6, 2022.
22. Admitted in part, denied in part. Insofar as the statement contains "example[s]" of possible outcomes for any given ticket, but does not contain all possible outcomes, it is admitted. It is denied that "relatively few ticketholders"" appear for their hearing[.]" To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
23. Denied. Pursuant to Pa.R.Crim.P. 1031, ticket holders who fail to appear for the trial consent to the trial being conducted in their absence.
24. Denied. The Board is without sufficient specific knowledge or information to form a belief as to the truth or accuracy of the statement. To the extent that

this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.

25. Denied. The Board is without sufficient specific knowledge or information to form a belief as to the truth or accuracy of the statement. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
26. Denied. The Board is without sufficient specific knowledge or information to form a belief as to the truth or accuracy of the statement. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
27. Denied. The Board is without sufficient specific knowledge or information to form a belief as to the truth or accuracy of the statement. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
28. Admitted in part, denied in part. Insofar as the statement indicates that "not one of the citations at issue was marked straight guilty or not guilty, it is admitted. It is denied that the "determination was made based upon consideration of the parties' competing positions." The Board is without sufficient specific knowledge or information to form a belief as to the truth or accuracy of the statement. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
29. Denied. The Board is without sufficient specific knowledge or information to form a belief as to the truth or accuracy of the statement. To the extent that

this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.

30. Denied. The Board is without sufficient specific knowledge or information to form a belief as to the truth or accuracy of the statement. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
31. Denied. The Board is without sufficient specific knowledge or information to form a belief as to the truth or accuracy of the statement. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
32. Denied. The Board is without sufficient specific knowledge or information to form a belief as to the truth or accuracy of the statement. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
33. Denied. The Board is without sufficient specific knowledge or information to form a belief as to the truth or accuracy of the statement. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
34. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
35. Denied. The Board is without sufficient specific knowledge or information to form a belief as to the truth or accuracy of the statement. To the extent that

this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.

36. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested. By way of further response, if this paragraph is deemed to be accurate, then the converse is also accurate, that *with* electronic docket entry of court action, a resulting adjudication *does* occur.
37. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
38. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
39. Denied. The Board is without sufficient specific knowledge or information to form a belief as to the truth or accuracy of the statement. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
40. Admitted.
41. Admitted.
42. Denied. The Board is without sufficient specific knowledge or information to form a belief as to the truth or accuracy of the statement. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.

43. Admitted.
44. Admitted.
45. Denied. The Board is without sufficient specific knowledge or information to form a belief as to the truth or accuracy of the statement. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested. By way of further answer regarding the email referred to in this paragraph, at the January 6, 2023 suspension hearing before this court, President Judge Patrick Dugan testified that he "may have sent something to Judge Brumbach saying that, you know, we're having difficulty with coverage." See N.T. 59.
46. Denied. The Board is without sufficient specific knowledge or information to form a belief as to the truth or accuracy of the statement. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
47. Denied. The Board is without sufficient specific knowledge or information to form a belief as to the truth or accuracy of the statement. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested. By way of further response, the Board's Complainant does not identify the "court officer" referred to in paragraphs 8 to 10.
48. Denied. The Board is without sufficient specific knowledge or information to form a belief as to the truth or accuracy of the statement. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.

49. Denied. The Board is without sufficient specific knowledge or information to form a belief as to the truth or accuracy of the statement. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
50. Admitted.
51. Denied. The Board is without sufficient specific knowledge or information to form a belief as to the truth or accuracy of the statement. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
52. Denied. The Board is without sufficient specific knowledge or information to form a belief as to the truth or accuracy of the statement. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested. By way of further response, the Board Complaint at paragraph 25 states: "Judge Brumbach planned to instruct her staff to reschedule any citations for which the defendant appeared on January 7, 2022 and requested a hearing or continuance."
53. Admitted.
54. Admitted.
55. Admitted.
56. Denied. The Board is without sufficient specific knowledge or information to form a belief as to the truth or accuracy of the statement. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.



57. Denied. The Board is without sufficient specific knowledge or information to form a belief as to the truth or accuracy of the statement. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
58. Denied. The Board is without sufficient specific knowledge or information to form a belief as to the truth or accuracy of the statement. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
59. Denied in part and admitted in part. The Board is without sufficient specific knowledge or information to form a belief as to the truth or accuracy of the statement. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested. It is admitted that Judge Dugan arranged to have the January 7 files retrieved and photocopied.
60. Denied. The Board is without sufficient specific knowledge or information to form a belief as to the truth or accuracy of the statement. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested. To the extent that this paragraph contains a legal conclusion no response is necessary.
61. Admitted.
62. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.

63. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
64. No response is required.
65. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
66. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
67. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
68. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
69. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
70. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.

71. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
72. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
73. Admitted.
74. Admitted.
75. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
76. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
77. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
78. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
79. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.

80. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
81. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
82. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
83. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
84. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
85. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
86. Denied. The Board is without sufficient specific knowledge or information to form a belief as to the truth or accuracy of the statement. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.

87. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
88. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
89. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
90. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
91. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
92. Admitted in part, denied in part. It is admitted that the Court did not notify any of the individuals about their appellate rights on January 6, 2022. To the extent this paragraph contains a legal conclusion, no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
93. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.

94. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
95. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
96. Denied. The Board is without sufficient specific knowledge or information to form a belief as to the truth or accuracy of the statement. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested. By way of further response, read together, paragraphs 36, 53 and 71 of Respondent's Omnibus Motion indicate that Respondent intended to instruct her staff to give the marked citations to the dispositioner for entry into the electronic docketing system, thereby resulting in an adjudication.
97. Admitted.
98. Denied. The Board is without sufficient specific knowledge or information to form a belief as to the truth or accuracy of the statement. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
99. Denied. The Board is without sufficient specific knowledge or information to form a belief as to the truth or accuracy of the statement. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.

100. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
101. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
102. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
103. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
104. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
105. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
106. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
107. Admitted.
108. Denied. The Board is without sufficient specific knowledge or information to form a belief as to the truth or accuracy of the statement. To the extent that

this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.

109. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
110. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
111. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
112. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
113. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
114. No response is required.
115. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
116. Admitted.



117. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
118. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
119. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
120. No response is required.
121. Admitted.
122. Admitted.
123. Admitted in part and denied in part. It is admitted that the Board attached to its Complaint photocopies of the 95 traffic citations relevant to the matter now before this court. It is denied to the extent that this paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
124. Admitted.
125. Admitted.
126. Admitted in part and denied in part. It is admitted that the exhibits, 1-95 are photocopies of each citation as they existed on January 6, 2022. It is denied to the extent that this paragraph contains a legal conclusion to which no

response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.

127. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.

128. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.

129. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.

130. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.

131. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.

132. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.

133. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.

134. No response is required.

135. Admitted.
136. Admitted.
137. Admitted.
138. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
139. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
140. Admitted.
141. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
142. Denied. This paragraph contains a legal conclusion to which no response is necessary. By way of further response, pursuant to Pa.R.E. 1003 "a duplicate is admissible to the same extent as the original unless a genuine question is raised about the original's authenticity, or the circumstances make it unfair to admit the duplicate." To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
143. No response is required.
144. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.

145. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
146. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
147. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
148. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
149. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.
150. Denied. This paragraph contains a legal conclusion to which no response is necessary. To the extent that this paragraph is construed to set forth factual allegations, they are denied and strict proof thereof is requested.

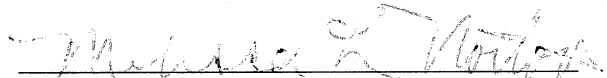
WHEREFORE, the Board, by and through Melissa L. Norton, Chief Counsel, respectfully requests that this Honorable Court deny Respondent's Omnibus Motion in its entirety.

Respectfully submitted,

Melissa L. Norton  
Chief Counsel

DATE: February 9, 2023

By:



MELISSA L. NORTON

Chief 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 Marissa J. Brumbach  
Municipal Court Judge  
1<sup>st</sup> Judicial District  
Philadelphia County

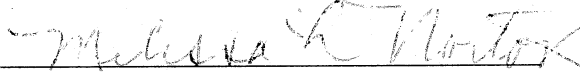
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2 JD 2022

**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  
Chief Counsel

Attorney No.: 46684

**COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE**

IN RE:

Judge Marissa J. Brumbach	:	
Municipal Court Judge	:	2 JD 2022
1 <sup>st</sup> Judicial District	:	
Philadelphia County	:	

**MEMORANDUM OF LAW**

At the outset, the Board notes that this court’s standard of review regarding a motion to dismiss has not been explicitly stated. However, it is generally accepted where the facts are not in dispute, this Court exercises a standard of review similar to a civil court passing upon a motion for summary judgment. Therefore, to the extent that the facts relevant to Judge Brumbach’s motion are undisputed, this Court must view the record in the light most favorable to the Board, *i.e.*, the non-moving party, and all doubts as to the existence of a genuine issue of material fact must be resolved against Judge Brumbach, *i.e.*, the moving party. **See, e.g., Gallagher v. GEICO Indem. Co.**, 201 A.3d 136-137 (Pa. 2019). To the extent there are genuine issues of material fact, this Court should not grant Judge Brumbach’s motion. **See, e.g., Del Pielago v. Orwig**, 151 A.3d 608, 620, 621 (Pa. Super. 2016) (where allegations in pleadings and depositions raise issue of material fact, matter should be presented to trier-of-fact for resolution).

Essentially, in paragraphs 22-63, Judge Brumbach asserts that the facts alleged by the Board are legally insufficient to establish any misconduct because “[each] of the Board’s nine allegations of misconduct hinge on its ability to prove, as a matter of law, that Judge Brumbach **adjudicated** any of the 95 citations before their January 7 list date.” **See** Judge Brumbach’s Omnibus motion, at ¶66. This allegation invites this Court to play the referee in a battle of semantics.

With Judge Brumbach having enjoined this conflict, the Board notes first that her contention obviously rests on a misunderstanding of the word “adjudication” as it applies in the context of judicial disciplinary proceedings and on a misapplied technical definition of the word which, conveniently, overlooks part of the definition itself in order to further her argument.

To explain, according to the precedent supplied by Judge Brumbach at ¶69 of her Omnibus motion, the term “adjudication” has a “technical meaning.” **See J.C. v. Dep’t of Public Welfare**, 980 A.2d 743, 747 (Pa.Cmwlth. 2009). This is a correct statement of part of the analysis in **J.C.** However, in **J.C.**, the Commonwealth Court was referring to the “technical meaning” of the term “judicial adjudication” in accordance with its use in juvenile dependency and delinquency proceedings. **Id.**, at 747 (discussing term “adjudication” as used in 42 Pa.C.S.A. § 6341(a),(c)).

Perhaps this is why, when the Commonwealth Court was searching for a definition of the term to determine the timeliness (and, therefore, validity) of a “founded report” of child abuse in a dependency case entered upon a criminal conviction, the Commonwealth Court defined the word in the parlance of the criminal law to mean “final judgment.” *Id.*, at 747 (because Judicial Code does not define the phrase “judicial adjudication” beyond the terms of Juvenile Code itself, Commonwealth Court looked to the common meaning of “judicial adjudication” to define the term in the context of a criminal proceeding to determine “founded” report of abuse.). Obviously, as the Commonwealth Court recognized, the use of the term “adjudication” in the Juvenile Code cannot be imprinted upon other legal contexts when it is not appropriate to do so, even when considering a matter that had its genesis under the Juvenile Code in the first place. *Id.*

Ironically, so it is with the present case – merely because these complaints arise from criminal matters, the use of the term “adjudication,” strictly construed in the criminal context regarding the finality of a judgment of sentence, is inapt when considering judicial misconduct charges. *See, e.g., J.C., supra*, at 747. Interestingly overlooked by Judge Brumbach here, the Commonwealth Court also noted that the primary definition of the term “adjudication,” as defined by Black’s Law 8<sup>th</sup> Edition, meant simply, “[t]he *legal process* of resolving a dispute; the process of judicially *deciding* a case.” *See, e.g., J.C.* at 747 (internal citations omitted; emphasis added). It is this definition of the term “adjudication” used by the Board and this Court in the course of judicial disciplinary matters arising under the rules governing a judge’s conduct, not, as Judge Brumbach would have it, an unduly-restricted use of the term to mean a final, appealable judgment of sentence. *See, e.g.*, Judge Brumbach’s Omnibus motion, at ¶ 77.

Were it the case otherwise, this Court would not have sanctioned the respondent judge in *In re Merlo*, 34 A.3d 932, 962 (Pa.Ct.Jud.Disc. 2011), *aff’d* 619 A.3d Pa. 1 (Pa. 2012). In that case, the respondent judge gave “standing instructions to her staff” as to how landlord/tenant cases should be “handle[d]” on days when the respondent judge was absent, purposefully and without reasonable excuse, from her court. *Id.* Strikingly similar to Judge Brumbach’s admitted “plan” with the citations in the present matter, the instructions given in *Merlo* covered three situations: (1) cases where the landlord was present and the tenant was not; (2) cases where both the landlord and tenant were present and agreed to the landlord’s position on the case; and (3) cases where both the landlord and tenant were present but disagreed as to what the landlord’s position on the case. *Id.* If the landlord appeared in court and the tenant did not, or if both parties appeared and agreed to the relief requested by the landlord, the staff was instructed to enter judgment. *Id.* If both parties appeared but could not reach an agreement, the staff was to reschedule the case. *Id.* This Court found that former Judge Merlo’s conduct violated Rule 4A of the Rules Governing the Standards of Conduct of Magisterial District Judges which required her to “be faithful to the law and maintain competence in it” because she was failing to conduct a hearing as required by law. *Id.*, at 963-964. Thus, the finality of a




judgment is, at best, of limited value where, as here, when a judge is alleged to have engaged in misconduct during the adjudicative process to reach a verdict that is legally improper. *Id.*, at 962-964.

Similar to the case in *Merlo*, Judge Brumbach's "plan," was to direct Municipal Court staff to enter her "notations," into the electronic docketing system without conducting a trial in the absence of the defendant. Whatever semantical gymnastics Judge Brumbach presently employs to defend herself, these so-called "notations" were, in fact, verdicts on each of the citations, albeit neither final nor appealable. Clearly, a "verdict" in a criminal matter, regardless of its ultimate finality, is part and parcel of "the process of judicially *deciding* a case," *J.C. supra*, and constitutes an "adjudication" in the parlance of judicial discipline cases. *Merlo*, 34 A.3d at 962-964. Thus, Judge Brumbach's failure to conduct a trial *in absentia* prior to rendering a *verdict* in the citation pleaded in the complaint, as required by Pa.R.Crim.P. 1031, is a clear violation of the law, and the Board's use of the term "adjudication" in the Board Complaint it filed against her is neither fatally defective nor improper. Furthermore, Judge Brumbach's belief that a mere review of the "probable cause" contained in the files associated with the traffic tickets complied with her duty to conduct a trial in the defendant's absence raises the specter of a jurist who is not competent in her understanding of the law.

Respectfully submitted,  
Melissa L. Norton  
Chief Counsel

DATE: February 9, 2023

By:

  
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**COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE**

IN RE:

Judge Marissa J. Brumbach  
Municipal Court Judge  
1<sup>st</sup> Judicial District  
Philadelphia County

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**VERIFICATION**

I, Melissa L. Norton, Chief Counsel to the Judicial Conduct Board, verify that the statements made in the Judicial Conduct Board's Reply to Respondent's Ominibus Motion are made subject to the penalties of 18 Pa. Cons. Stat. Ann. § 4904, relating to unsworn falsification to authorities.

Respectfully submitted,

MELISSA I. NORTON  
Chief Counsel

Date: February 9, 2023

By:



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**COMMONWEALTH OF PENNSYLVANIA  
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IN RE:

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**PROOF OF SERVICE**

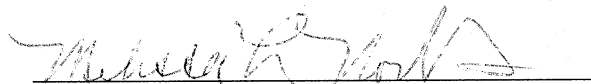
In compliance with Rule 122 of the Court of Judicial Discipline Rules of Procedure, on February 9, 2023, a copy of the Board's foregoing Reply to Respondent's Omnibus Motion and Memorandum of Law were sent by First Class Mail and Email to Matthew H. Haverstick, Esquire as follows:

Matthew H. Haverstick, Esquire  
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Respectfully submitted,

DATE: February 9, 2023

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