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CONTACT:

[Stuart Ditzen](#), Assistant for Communications
215-560-6300

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Chief Justice Names Members of Juvenile Justice Commission

HARRISBURG, August 10, 2009 - Chief Justice Ronald D. Castille today named the chairman and three members of the Interbranch Commission on Juvenile Justice which is being created to investigate circumstances that led to corruption in the juvenile court of Luzerne County.

"The focus of the commission will be to examine how this situation arose and then to suggest methods to assure that this situation can never occur again in Pennsylvania," said Chief Justice Castille.

Under legislation adopted by the General Assembly and signed by the governor on Friday, August 7, the chief justice is authorized to appoint four members of the 11-member Interbranch Commission on Juvenile Justice including the chairman. Legislative leaders are authorized to appoint four members; the governor is to name three.

Chief Justice Castille named Superior Court Judge John M. Cleland as chairman of the commission. Judge Cleland was president judge of McKean County from 1984 until 2008. He is a member of the state Juvenile Court Judges Commission. He was appointed to the Superior Court last year to fill a term that expires at the end of this year.

The three others named to the commission by the chief justice are:

- Dwayne D. Woodruff, a judge of the Allegheny County Court of Common Pleas who presides in Family Court. Judge Woodruff is a member of the state Supreme Court's Juvenile Court Procedural Rules Committee.
- Kenneth J. Horoho Jr., a Pittsburgh lawyer who was president of the Pennsylvania Bar Association in 2006-07. Horoho practices divorce and family law and is an expert on child custody matters.
- George D. Mosee Jr., Deputy District Attorney of Philadelphia and chief of the district attorney's Juvenile Division. Mosee is vice chair of the Supreme Court's Juvenile Court Procedural Rules Committee.

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"They are all highly qualified and capable individuals," said Castille. "I am confident that Chairman Cleland and these commission members, working with those still to be chosen, will try to identify how and why the juvenile justice system in Luzerne County became corrupted affecting the lives of literally thousands of Luzerne County youths. Judicial corruption is intolerable, and it cannot be tolerated anywhere in this Commonwealth."

The Supreme Court initiated the concept of a special commission to examine problems in the Luzerne County juvenile justice system after federal charges were filed earlier this year against former Luzerne County Judges Mark A. Ciavarella and Michael T. Conahan. The judges were accused of receiving \$2.6 million in payments from the developer and the owner of two juvenile detention facilities. They have since agreed to plead guilty to federal fraud and tax charges.

Ciavarella has been accused in civil lawsuits of denying juveniles their right to counsel and improperly committing many to detention in violation of their civil rights while he was a juvenile court judge from 2003 to 2008.

Legislative leaders and the governor joined with the Supreme Court in agreeing to the formation of the Interbranch Commission on Juvenile Justice. House Bill 1648, adopted by the General Assembly on July 28, authorizes the commission to conduct a "noncriminal investigation and review of the operations of the juvenile justice system" in Luzerne County.

The job of the commission, as stated in the legislation, is to ascertain how the Luzerne County juvenile justice system failed, to restore public confidence in the administration of justice and to prevent similar events from occurring.

"What we have seen is what happens when the rule of law breaks down," said Judge Cleland, the commission chairman. "How does that happen? When the rule of law breaks down, it implicates all branches of government. So it is absolutely appropriate that we all look at this together and figure out what to do."

The commission's role is different from that of a special master who was appointed by the Supreme Court in February to review the individual juvenile cases handled by Ciavarella during the time he was a juvenile court judge.

The special master, Senior Judge Arthur E. Grim, of Berks County, has already recommended to the Supreme Court that 800 juvenile adjudications by Ciavarella be vacated and the records of those cases be expunged. The Supreme Court has approved that recommendation. Grim's review of other cases is continuing.

The legislation governing the Interbranch Commission on Juvenile Justice gives the commission subpoena power, authorizes it to hold public hearings and requires it to file a final report with recommendations to the Supreme Court, the governor and the legislature by May 31, 2010.

