

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

IN RE: : DOCKET NO. 3 JD 2019
:
JUDGE SCOTT DiCLAUDIO :
COURT OF COMMON PLEAS :
FIRST JUDICIAL DISTRICT :
PHILADELPHIA COUNTY :

PRE-TRIAL MEMORANDUM OF THE RESPONDENT,
JUDGE SCOTT DiCLAUDIO

Judge Scott DiClaudio, the Respondent, by and through his counsel, Samuel C. Stretton, Esquire, respectfully submits the following Pre-Trial Memorandum:

A. Witnesses at Trial and for a Sanctions Hearing

Judge Scott DiClaudio would call the following witnesses at a trial and also at the sanctions hearing. These witnesses would all testify to his excellent character for truthfulness, honesty, peacefulness and law abidingness. Most of the witnesses will also be able to testify in detail about Judge DiClaudio being an excellent jurist in terms of how he runs his Courtroom, his diligence, how there is no backlog and how he cares very much for each person and attempts to do justice. These witnesses are as follows:

1. Jeremy-Evan Alva, Esquire
Alva & Shuttleworth, LLC
1520 Locust St., Suite 700
Philadelphia, PA 19102
(215) 665-1695

2. Damon M. McLaurin, Esquire
Defender Association of Philadelphia
1441 Sansom Street
Philadelphia, PA 19102
(267) 765-6721
3. Honorable Benjamin Lerner
Senior Judge
Court of Common Pleas of Philadelphia County
1301 Filbert St., Suite 1214
Philadelphia, PA 19107
(215) 683-7059
4. Debra L. Naish, Esquire
Philadelphia District Attorney's Office
Three South Penn Square
Philadelphia, PA 19107-3499
(215) 588-5608
5. Brian J. McMonagle, Esquire
McMonagle, Perri, McHugh & Mischak, P.C.
1845 Walnut Street, 19th Floor
Philadelphia, PA 19103
(215) 981-0999
6. David M. Walker, Esquire
1420 Walnut Street
Suite 911
Philadelphia, PA 19102-4009
(215) 893-0500
7. Debra D. Rainey, Esquire
Defender Association of Philadelphia
1441 Sansom Street
Philadelphia, PA 08019
(215) 370-3263
8. Stephen F. Girman, Jr., Esquire
First Judicial District of Pennsylvania
1301 Filbert Suite, Suite 1217
Philadelphia, PA 19118
(570) 704-8109

9. David S. Glanzberg, Esquire
Glanzberg Tobia Law, PC
123 South Broad Street
Suite 1640
Philadelphia, PA 19109
(215) 981-5400
10. Annette LeBron
11. Tabathia Abney
12. Christopher McFillin
13. Duane Archie

B. Brief Summary

Judge Scott DiClaudio fully accepts responsibility for not timely resolving the debt with the athletic club. The debt was for his daughter who played there, but unfortunately, when she was approximately 13, had a back injury and cracked her vertebrae, and could no longer use the club. Judge DiClaudio attempted to cancel the membership, but was unsuccessful and this litigation arose out of that. Except for that brief background, Judge DiClaudio was wrong in how he handled the matter and he should have presented evidence if there had been a breach or he could not complete the contract. Judge DiClaudio accepts the fact that he handled this wrongly. As noted, he finally resolved the matter and paid a substantial settlement fee to resolve the case, which could have been resolved for one or two thousand dollars initially.

C. Exhibits

The Respondent, Judge DiClaudio, will adopt all the exhibits of the Judicial Conduct Board.

D. Stipulations

The Respondent, Judge DiClaudio, will agree to the stipulations of the Judicial Conduct Board set forth in their Pre-Trial Memorandum, numbers one (1) through sixty-nine (69) concerning the matters with the club.

As to the lien with the Department of Revenue for monies owed from the ticket business that the Respondent had prior to taking the bench, the Respondent would agree to the stipulation numbers seventy (70) through eight-six (86).

The Respondent, Judge DiClaudio, would ask for an additional stipulation that he was under the impression (wrongly so) that these liens did not have to be reported, and he has corrected that situation.

E. Rule Violations

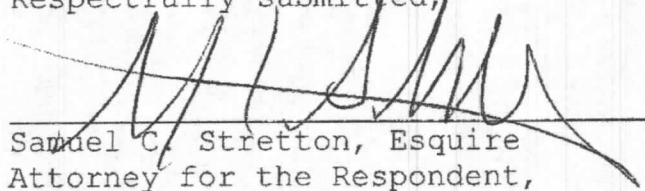
Although the Respondent, Judge DiClaudio, is aware that it is up to the Court of Judicial Discipline what Rules of Judicial Conduct have been violated, he would not object to a finding of Rule 1.1 in terms of not complying with Court Orders in Montgomery County litigation and Rule 1.1 in terms of not accurately filling out his Statement of Financial Interest.

As to Rule 1.2 about promoting confidence in the judiciary and avoiding the appearance of impropriety, he would agree to that violation for not complying with the Court Orders in the civil litigation.

The Respondent, Judge DiClaudio, would not oppose a finding of violation of Article V, Section 17(b), involving the derivative violation that a judge shall not engage in activity prohibited by law and shall not violate any Canon of legal or judicial ethics.

The Respondent, Judge DiClaudio, would oppose a violation of Article V, Section 18(d)(1) of the Pennsylvania Constitution that his conduct brought the judicial office into disrepute.

Respectfully submitted,



Samuel C. Stretton, Esquire
Attorney for the Respondent,
Judge Scott DiClaudio
103 South High Street
P.O. Box 3231
West Chester, PA 19381-3231
(610) 696-4243
Attorney I.D. No. 18491

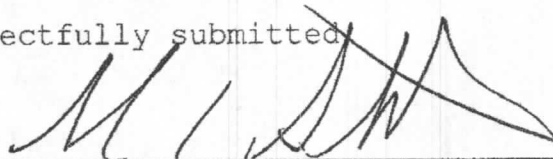
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CERTIFICATE OF COMPLIANCE

I, Samuel C. Stretton, Esquire, certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Respectfully submitted



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Honorable Scott DiClaudio
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Attorney I.D. No. 18491

9/24/20

Date

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CERTIFICATE OF SERVICE

I hereby certify I am this date serving a copy of the foregoing Pre-Trial Memorandum of the Respondent in the captioned matter upon the following persons in the manner indicated below.

Service by email & First-Class Mail addressed as follows:

1. Cathy Kane, Court Administrator
Court of Judicial Discipline
Pennsylvania Judicial Center
601 Commonwealth Ave., Suite 5500
P.O. Box 62595
Harrisburg, PA 17106-2595
Cathy.Kane@pacourts.us

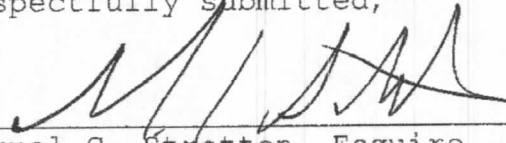
Service by email addressed as follows:

2. Melissa L. Norton, Esquire
Deputy Counsel
Judicial Conduct Board
Pennsylvania Judicial Center
P.O. Box 52525
Harrisburg, PA 17106-2525
Melissa.norton@jcbpa.org

3. Joseph U. Metz, Esquire
Chief Counsel
Court of Judicial Discipline
Pennsylvania Judicial Center
601 Commonwealth Ave., Suite 550
P.O. Box 62595
Harrisburg, PA 17106-2595
Joseph.Metz@pacourts.us

4. Honorable Scott DiClaudio
Criminal Justice Center
1301 Filbert Street
Suite 1415
Philadelphia, PA 19107
sdiclaudio13@gmail.com

Respectfully submitted,



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