



ADMINISTRATIVE OFFICE of PENNSYLVANIA COURTS

Media Advisory

Nov. 2, 2015

HARRISBURG — Recently, the Attorney General furnished a disc to the Judicial Conduct Board, with a copy to the Supreme Court, containing emails attributed to a personal email account of a colleague, Justice J. Michael Eakin. The Attorney General indicated that these emails may violate Rules 1.2 and 3.1(c) of the Code of Judicial Conduct, which, collectively, require judges always to act in a manner that promotes public confidence in the judiciary, regulate their extra-judicial activities appropriately, and avoid impropriety as well as the appearance of impropriety.

In response, Special Counsel was retained to review these emails and make a recommendation as to what response, if any, was warranted on the part of the Supreme Court. Special Counsel has now completed this review and presented a report.

In this report, Special Counsel has recommended against Supreme Court involvement, since the matter does not present the sort of extraordinary circumstances that would warrant the Court's intervention. Rather, it is the considered recommendation of the Special Counsel that the Court should defer to the constitutionally-prescribed disciplinary apparatus. In this regard, Special Counsel has observed that the Judicial Conduct Board is charged with conducting investigations into complaints of judicial misconduct and with determining whether further proceedings may be needed.

The Supreme Court has decided, at the present time, to abide by the recommendation of Special Counsel. Furthermore, members of the Court take special note of the following excerpt from the report of Special Counsel:

At the very least, submission of this issue to the Judicial Conduct Board should serve as an admonition that jurists should not send or be part of networks that regularly exchange insensitive emails or similar materials because such conduct could cast both the jurist and the judiciary into disrepute or could cause a reasonable person to question the impartiality of a judge and the judicial system.

Members of the Supreme Court are well aware of the impact of these emails on such terms. Links to separate statements by Justices Debra Todd and Correale F. Stevens are below.

The report of Special Counsel is also accessible through the link below.

[Report of Special Counsel](#)
[Statement by Justice Todd](#)
[Statement by Justice Stevens](#)

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