

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

IN RE:

J. Michael Eakin
Justice of the Supreme
Court of Pennsylvania


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: No. 13 JD 15
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PA 19101

ORDER

AND NOW, this *8th* day of December, 2015, it is hereby
ORDERED that Judge Jack A. Panella is appointed to serve as the
Conference Judge in this matter.

BY THE COURT:



Robert J. Colville
President Judge

Judge Soroko has recused himself from this case by a letter dated
December 7, 2015, which is attached to this Order

John J. Soroko
30 South 17th Street, 12th Floor
Philadelphia, PA 19103

December 7, 2015

The Honorable Robert J. Colville
President Judge
Pennsylvania Court of Judicial Discipline
601 Commonwealth Avenue
Suite 5500
Harrisburg, PA 17106-2595

RE: Possible Future Proceedings Before the Court of Judicial
Discipline Involving Justice J. Michael Eakin

Dear President Judge Colville:

I am writing to you prompted by the fact of a number of recent press accounts to the effect that the Pennsylvania Judicial Conduct Board ("the Board") may soon initiate proceedings before the Pennsylvania Court of Judicial Discipline ("the CJD") involving Justice J. Michael Eakin and the matter of certain emails received and/or transmitted by Justice Eakin, or that such matters may otherwise shortly come before the CJD.

As I believe you are aware, by its Order dated October 20, 2014, the Pennsylvania Supreme Court had appointed Robert L. Byer as "Special Counsel" to the Pennsylvania Supreme Court in the matter of certain allegations and reports of various misconduct on the part of Seamus P. McCaffrey, then a Justice on the Pennsylvania Supreme Court.

As I believe you are further aware, in connection with his duties as its "Special Counsel", Mr. Byer filed with the Pennsylvania Supreme Court on December 19, 2014 a report entitled "Report of Special Counsel Concerning Review of Email Messages Involving Supreme Court Justices and Office of Attorney General from 2008-2012" ("the Report.") In the Report, Mr. Byer advised the Pennsylvania Supreme Court, among other things, that (i) in connection with his duties as "Special Counsel" he had undertaken at the request of the Pennsylvania Supreme Court a review of certain email messages that had been identified by the Office of Attorney General ("OAG") as involving Justices of the Pennsylvania Supreme Court and representatives of the OAG during the time period 2008-2012, (ii) that his review of those emails, while independent, was coordinated with the OAG, (iii) that the emails reviewed by him had been stored electronically on the OAG servers and he was given access to same and (iv) that in connection with that review that he had, among other things, reviewed certain emails involving Justice Eakin ("the Eakin emails.")

As I believe you are yet further aware, in the Report, Mr. Byer provided the Pennsylvania Supreme Court with, among other things, his analysis of the Eakin emails.

In view of the foregoing facts and circumstances, and in view of the fact that Mr. Byer and I are partners in the same law firm, and in view of the fact that it now appears clear that any proceedings instituted by the Board with the CJD regarding Justice Eakin, or which would otherwise come before the CJD, would involve or touch upon the matter of emails sent and/or received by Justice Eakin, I do believe that the appropriate course is that I recuse myself from any involvement or consideration of such proceedings.

Accordingly, my purpose in writing you at this time is to provide the CJD with advance notice of this so that the CJD can proceed accordingly in respect of any such proceedings involving Justice Eakin as may be initiated by the Board or as may otherwise come before the CJD.

With kindest regards.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. Soroko", written in a cursive style.

John J. Soroko