

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

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JUDICIAL DISCIPLINE
OF PENNSYLVANIA

2016 MAR -4 P 3:47

IN RE:

J. Michael Eakin
Justice of the
Supreme Court of Pennsylvania

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13 JD 2015

PETITION FOR CHANGE OF VENUE

AND NOW, this 4th day of March, 2016, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (hereinafter "Board"), by and through undersigned counsel, and files this Petition for Change of Venue pursuant to Rule 701 of the Court of Judicial Discipline Rules of Procedure and avers the following in support thereof:

1. By Order dated February 9, 2016, this Honorable Court scheduled trial in the above captioned matter to commence on Tuesday, March 29, 2016, at 10:00 AM in Courtroom 612 at City Hall, 1400 John F. Kennedy Blvd., Philadelphia, PA.
2. Subsequently, the Board was advised by Stephanie L. Stump, Deputy Clerk of Court, that trial was moved to Courtroom 253 at City Hall, 1400 John F. Kennedy Blvd., Philadelphia, PA. The Board was further advised that Magna Legal Services would be providing technological support for the trial and the Board should contact them regarding using technology as part of evidence presentation.
3. The Judicial Conduct Board, and the law firm of Costopoulos, Foster, and Fields, are located in or around Harrisburg, PA.
4. Justice J. Michael Eakin resides in or around Harrisburg, PA.

5. The Board's Pre-trial Memorandum currently lists eleven (11) witnesses. Of the eleven (11) witnesses, two (2) are from in or around Pittsburgh, eight (8) are from in or around Harrisburg, and one (1) is from Philadelphia.
6. Justice Eakin's Pre-Trial Memorandum currently lists fourteen (14) witnesses. Of the fourteen (14) witnesses, one (1) is from in or around Pittsburgh, twelve (12) are from in or around Harrisburg, and one (1) is from Philadelphia.
7. The Judicial Conduct Board and the Court of Judicial Discipline offices are located in the Pennsylvania Judicial Center (PJC), 601 Commonwealth Avenue, Harrisburg, PA.
8. The law firm of Costopoulos, Foster, and Fields is located at 831 Market Street, Lemoyne, PA, a distance less than four (4) miles from the PJC.
9. The PJC contains three (3) Commonwealth Court courtrooms.
10. The Court of Judicial Discipline has regularly utilized the James S. Bowman En Banc Courtroom, Courtroom No. 5001, in the PJC to conduct court proceedings. This courtroom is equipped with a witness stand for the presentation of witness testimony.
11. As part of its case-in-chief, the Board's evidence will include emails sent and received by Justice Eakin. During trial, the Board intends to display said emails by projection onto a large screen in the courtroom.
12. The James S. Bowman En Banc Courtroom, Courtroom No. 5001, is equipped with state-of-the-art technology to display any media from a

laptop computer, or a Blu-ray player, onto a built-in projection screen for the court and the public to view. Additionally, there are also monitors for all judges at the bench to view evidence being presented. Further, the PJC also houses the Administrative Office of Pennsylvania Courts (AOPC) IT User Services, which is familiar with the equipment utilized in the Commonwealth Court courtrooms and may immediately address any issues that may arise concerning the use of technology in those courtrooms.

13. According to the legal systems coordinator for the PJC, the James S. Bowman En Banc Courtroom, Courtroom No. 5001, would be available for use at the time this Court has scheduled for trial in the above captioned matter.

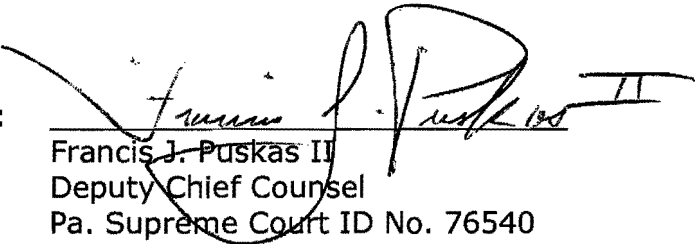
14. The Board avers that it would be more convenient, and more cost effective, for the Court to change the trial venue to the PJC in Harrisburg, PA. Counsel and the majority of witnesses are located in or around Harrisburg. Further, the PJC has technologically advanced courtrooms ready to accommodate the technology requirements needed for the Board's presentation of its case. The use of the James S. Bowman En Banc Courtroom, Courtroom No. 5001, will make unnecessary the expense of using Magna Legal Services.

WHEREFORE, the Board, by and through undersigned counsel, respectfully requests that this Honorable Court grant the requested relief and enter an order changing venue from Philadelphia to the Pennsylvania Judicial Center in Harrisburg, PA.

Respectfully submitted,

DATE: March 4, 2016

BY:


Francis J. Puskas II
Deputy Chief Counsel
Pa. Supreme Court ID No. 76540

BY:


Elizabeth A. Flaherty
Deputy Counsel
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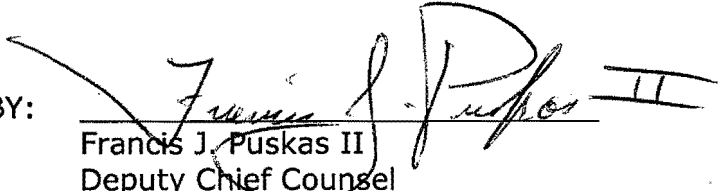
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PROOF OF SERVICE

In compliance with Rule 122 of the Court of Judicial Discipline Rules of Procedure, on March 4, 2016, a copy of the Board's Petition for Change of Venue was sent by first class mail to William C. Costopoulos, Esquire, and Heidi Eakin, Esquire, counsel for Justice Eakin at the following address:

William C. Costopoulos, Esquire
Heidi F. Eakin, Esquire
Costopoulos, Foster & Fields
831 Market Street
Lemoyne, PA 17043
717-761-2121

BY:


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