

COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE

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OF PENNSYLVANIA

2016 SEP 23 A 11: 28

IN RE: :  
: :  
Kenneth Miller : No. 8 JD 15  
Former Senior :  
Magisterial District Judge :

BEFORE: Honorable Jack A. Panella, P.J., Honorable John J. Soroko, J., Honorable David J. Shrager, J., Honorable David J. Barton, J., Honorable Doris Carson Williams, J.

OPINION BY JUDGE BARTON

DATE: SEPTEMBER 23, 2016

**SANCTION OPINION**

On June 1, 2016, this Court found Respondent Kenneth Miller (Respondent Miller), a former Senior Magisterial District Judge, is subject to the jurisdiction and authority of the Court of Judicial Discipline for the acts complained of in the Complaint. We further found: (1) Respondent's conduct was a violation of the Constitution of Pennsylvania, Article V, §18(d)(1) in that he was convicted of a felony; and (2) Respondent's conduct was a violation of the Constitution of Pennsylvania, Article V, §18(d)(1) in that his actions brought the judicial office into disrepute.

These violations involved Respondent Miller contacting an employee of the Philadelphia Traffic Court ("PTC") for the purpose of securing a favorable adjudication of a traffic ticket issued to the son of a Delaware County court clerk. On February 2, 2012, Respondent Miller placed a telephone call to PTC administrator William Hird to follow-up on his earlier request that had been sent by U.S. Mail. This telephone call was intercepted by the FBI through a court-approved wire tap.

On February 12, 2013, Respondent Miller pleaded guilty in the United States District Court for the Eastern District of Pennsylvania to one count of a violation of 18 U.S.C. §1341 Mail Fraud, a felony.

A sanction hearing was held before this Court on September 8, 2016. The Judicial Conduct Board ("Board") did not call any witnesses. Respondent Miller called nine witnesses and also exercised his right of allocution.

Respondent Miller's witnesses and his own testimony established that Respondent began judicial service in 1970, as a justice of the peace, then district justice, and following the 2004 legislative name change, as magisterial district judge. Respondent Miller retired in 2006 and was approved to serve as a senior magisterial district judge. Pursuant to assignments of the Supreme Court, Respondent Miller was assigned to PTC for approximately one year ending in early 2008. Prior to his resignation on January 7, 2013, he was assigned to various magisterial districts, which assignments typically were for a period of one month.

Respondent Miller's witnesses established that his judicial service, spanning 43 years in all, was recognized by his community, friends and acquaintances as honorable. He was involved in a number of community, professional, and church organizations.

This Court is also convinced that Respondent Miller understands the significance of his constitutional violations and their import on the entire Pennsylvania judiciary. We note that Respondent Miller has accepted responsibility for his serious ethical lapse. He has demonstrated this acceptance on numerous occasions: he pleaded guilty to a felony charge of

mail fraud in Federal Court; he testified for the Government at the criminal trial against others who were manipulating cases at PTC; he appeared before this court at the trial of another judicial officer and was prepared to testify as requested by the Board but was not called as a witness; and he has stipulated to the factual predicates in this case.

This Court further finds that Respondent Miller's conduct was an isolated incident and that the violation was not motivated by lucre. Respondent's lengthy service, his current status as retired and no longer eligible to serve as a senior judge based upon his current age, the additional evidence reviewed herein, and the unique factors present in this case, cause us to mitigate the more profound sanction of removal which we often associate with cases that violate the sanctity of the judicial process.

