

COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE

IN RE: :  
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 :  
 Andrew M. Hladio :  
 Magisterial District Judge : No. 6 JD 16  
 Magisterial District 36-1-01 :  
 36<sup>th</sup> Judicial District :  
 Beaver County :

BEFORE: Honorable Doris Carson Williams, P.J., Honorable David J. Barton, P.J.E., Honorable Jeffrey P. Minehart, J., Honorable Michael J. Barrasse, J., Honorable Jazelle M. Jones, J., Honorable John H. Foradora, J., Honorable James C. Schwartzman, J.,<sup>1</sup> Honorable James J. Eisenhower, J.

PER CURIAM

FILED: October 4, 2019

**OPINION**

Former Magisterial District Judge Andrew M. Hladio (Respondent Hladio) is before this Court for the determination of the appropriate sanction for the violations stated in our Opinion dated March 25, 2019. In that Opinion we found violations in Respondent Hladio's conduct in multiple instances involving inappropriate demeanor, lack of patience, rudeness and retaliatory conduct. We observed Respondent Hladio's disabling physical and mental health problems and realize these played a large part in his misconduct.<sup>2</sup>

**Factors Considered on Sanction in Determining**

In determining what sanction will be imposed for an ethical violation we are guided by the jurisprudence of our Supreme Court, and also from our prior decisions. We have adopted ten non-exclusive factors, sometimes called "Deming factors" from the original

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<sup>1</sup> The Honorable James C. Schwartzman did not participate in this Decision.

<sup>2</sup> Respondent Hladio retired from service on November 17, 2017, while this case was pending.

Washington State case where they were exposit that we consider in arriving at a sanction. ***In re Roca*, 151 A.3d 739, (Pa.Ct.Jud.Disc. 2016), *aff'd*, 173 A.3d 1176 (Pa. 2017) citing *In re Toczydlowski*, 853 A.2d 24 (Pa.Ct.Jud.Disc. 2004); *In re Deming*, 736 P.2d 630 (Wa. 1987).** The ten factors and our analysis of each in this case are as follows:

1. Whether the misconduct is an isolated instance or evidenced a pattern of conduct: The conduct at issue here does involve multiple incidents of different types as detailed in our Opinion of March 25, 2019.

2. The nature extent and frequency of occurrence of the acts of misconduct: The misconduct was committed frequently.

3. Whether the conduct occurred in or out of the courtroom: The misconduct was committed both in and out of the courtroom.

4. Whether the misconduct occurred in the judge's official capacity: The misconduct occurred both in and out of Respondent Hladio's official capacity.

5. Whether the judge acknowledged or recognized that the acts occurred: Respondent Hladio has acknowledged his misconduct.

6. Whether the judge has evidenced an effort to change or modify his conduct: Respondent Hladio has resigned his commission. His testimony at the sanction hearing made clear that his physical and mental difficulties limit his future actions.

7. The length of service on bench: Respondent Hladio served as Magisterial District Judge for seven years.

8. Whether there have been prior complaints about the judge:  
No evidence was presented of any prior complaints against Respondent Hladio.

9. The effect the misconduct has upon the integrity of and respect for the judiciary: Respondent Hladio was found not to have brought disrepute upon the judiciary. His ill health, both mental and physical, point away from such a finding.

10. The extent to which the judge exploited his or her position to satisfy personal desires: While Respondent Hladio's misconduct does involve the use of his position for personal satisfaction his physical and mental difficulties ameliorate such a determination.

## **II. Discussion**

Our review of our prior case law reveals no cases directly on point with the present situation. Respondent Hladio's mental and physical difficulties are obvious to the Court and unquestionably contributed greatly to the acts of misconduct he committed.

If Respondent Hladio did have his full faculties his case would be somewhat reminiscent of ***In re Lokuta*, A.3d 964 A.2d 988 (Pa.Ct.Jud.Disc. 2008)** where the jurist was removed for repeated, deliberate disciplinary violations.

Here, however, Respondent Hladio's appearance before us, as well as the rest of the record, makes clear that he is suffering from mental and physical difficulties which greatly limits further participation in many pursuits for him.

Accordingly, we issue a reprimand for the conduct committed here.