

COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE

IN RE: :  
 :  
 William I. Maruszczak :  
 Magisterial District Judge : No. 1 JD 18  
 Magisterial District Court 38-1-09 :  
 38<sup>th</sup> Judicial District :  
 Montgomery County :

**ORDER**

AND NOW, this 4<sup>th</sup> day of October, 2019, it is hereby ORDERED that  
Respondent William I. Maruszczak:

1. Is hereby REPRIMANDED; and
2. Is to serve a one year period on PROBATION commencing immediately. As a condition of PROBATION Respondent Maruszczak is to submit to a comprehensive psychological assessment by a licensed psychologist designed to assess impulse control and anger related issues including treatment recommendations, if any. Completion of treatment, if recommended, is a condition of PROBATION. The parties are to confer and within forty five (45) days issue either a joint recommendation to the Court of the psychologist to be utilized or, if they cannot agree, their individual recommendations for such a psychologist.<sup>1</sup>

PER CURIAM

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

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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**

**I. Introduction**

Magisterial District Judge William I. Maruszczak (Respondent Maruszczak) is before this Court for the determination of an appropriate sanction for the violations found in our Opinion dated January 9, 2019. In that opinion we found Respondent Maruszczak committed violations by his conduct in loudly and publicly berating former supporters who had changed their support to his election opponent.

**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 Washington State case where they were explicated that we consider in arriving at a sanction. ***In re Roca, 151***

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

**A.3d 739, 741 (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 639 (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 several incidents with different former supporters. All of the incidents involved former friends and occurred in the course of a contested election.

2. The nature extent and frequency of occurrence of the acts of misconduct: Respondent Maruszczak loudly confronted former supporters in an abrasive manner upon finding out they were backing his election opponent. There were three separate instances of such misconduct.

3. Whether the conduct occurred in or out of the courtroom: The misconduct at issue occurred outside of the courtroom.

4. Whether the misconduct occurred in the judge's official capacity: The misconduct occurred in the course of a campaign for re-election.

5. Whether the judge acknowledged or recognized that the acts occurred: Respondent Maruszczak has acknowledged his improper conduct.

6. Whether the judge has evidenced an effort to change or modify his conduct: Respondent Maruszczak has promised not to engage in any further improper conduct. There was no prior history of misconduct.

7. The length of service on the bench: Respondent Maruszczak has served as a Magisterial District Judge for twenty two years.

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

9. The effect the misconduct has upon the integrity of and respect for the judiciary: Although Respondent Maruszczak's misconduct was clearly wrong it was not found to amount to a violation of the Disrepute Clause.

10. The extent to which the judge exploited his or her position to satisfy personal desires: Respondent Maruszczak's misconduct was committed in the pursuit of re-election.

## II. Discussion

Respondent Maruszczak's misconduct arose out of his surprise and anger at finding former political supporters instead backing his electoral opponents. Such conduct, while clearly wrong, is more understandable when it occurs in the course of a hard fought election rather than in the normal course of judicial proceedings. Such misconduct warrants a sanction nonetheless.

Among the prior cases that provide some guidance is ***In re Tidd*, 181 A.3d 14 (Pa.Ct.Jud.Disc. 2018)** wherein a magisterial district judge yelled at his staff when he found out they had filed a disciplinary complaint against him with the Judicial Conduct Board. After considering all the circumstances ***Tidd*** was reprimanded.

Similarly we note ***In re Marraccini*, 908 A.2d 377 (Pa.Ct.Jud.Disc. 2006)** where a magisterial district judge referred to litigants awaiting hearings in his courtroom as "morons" (resulting in a reprimand) and ***In re***

**Brown, 907 A.2d 684 (Pa.Ct.Jud.Disc. 2006)** where a magisterial district judge was rude to litigants and staff (resulting in a reprimand.)

Respondent Maruszczak's misconduct is obviously improper and violative of the ethical standards required of judicial officers. This Court is aware that emotions can run high during an election campaign but that does not excuse this misconduct.

Here we set forth the sanction to be a reprimand and a probationary period of one year. Among the conditions of probation is that Respondent Maruszczak shall submit to a comprehensive psychological assessment by a licensed psychologist designed to assess impulse control and anger related issues including treatment recommendations if any. Completion of treatment, if recommended, will be a condition of probation. The parties to this case are to confer and within forty-five (45) days either issue a joint recommendation to the Court of the psychologist to be utilized or, if they cannot agree, their individual recommendations for such a psychologist.