

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

SEP 17 2020

COURT OF JUDICIAL DISCIPLINE
OF PENNSYLVANIA

IN RE:

Lyris F. Younge :
Court of Common Pleas :
First Judicial District : 2 JD 2019
Philadelphia County :

JOINT STIPULATIONS OF FACT PURSUANT TO C.J.D.R.P. No. 502(D)(2)

AND NOW, this 17th day of September, 2020, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (Board) and Judge Lyris F. Younge, by and through the undersigned counsel, and submit these limited Joint Stipulations of Fact, pursuant to Court of Judicial Discipline Rule of Procedure No. 502(D)(2), as follows:

1. On January 10, 2020, the Board filed a Petition for Relief to file an Amended Board Complaint, which this Court granted on February 18, 2020.

2. On February 18, 2020, Respondent, by and through her counsel, filed an Answer, admitting to the factual averments in Paragraphs Nos. 1-270 of the Amended Board Complaint, subject to limited joint stipulations.

3. At Paragraph No. 34 of the Amended Board Complaint, the parties stipulate that the case, *In the Interest of K.R., a Minor and In the Interest of B.T., a Minor, Appeal of Brian McLaughlin, Esquire*, was not subject to the Children’s Fast Track Appeals time limits under Pa.R.A.P. No. 1925(a)(2)(ii). Docket Nos. 587 EDA 2018 and 588 EDA 2018. The Board concedes that the appeal does not appear to have been treated as a Children’s Fast Track Appeal for the following reasons: the contempt matter was bifurcated from the TPR matter; appellate counsel did not file the 1925(a) simultaneously with the February 21, 2018 Notice of Appeal; Judge Younge issued the April 20, 2018 Order to file a 1925(b) Concise Statement of Errors

Complained of on Appeal, as is standard procedure in non-fast track cases; and appellate counsel complied with that Order. The facts pertaining to *In the Interest of K.R., a Minor* and *In the Interest of B.T., a Minor*, are amended as follows:

34. On January 23, 2018, Judge Younge presided over a bifurcated hearing where she granted Attorney McLaughlin's request to withdraw from *In the Interest of K.R., A Minor*, CP-51-DP-0000933-2016 and *In the Interest of B.T., a Minor*, CP-51-DP-0000935-2016, and separately considered the contempt matter. JCB File No. 2018-090.

- a. On January 23, 2018, Judge Younge entered an Order, holding Attorney McLaughlin in civil contempt of court and fining him \$750;
- b. On January 31, 2018, Attorney McLaughlin filed a counseled Motion for Reconsideration, which remained undecided;
- c. On February 21, 2018, Attorney McLaughlin timely filed counseled Notices of Appeal to the Superior Court, but did not file Statements of Errors Complained of on Appeal on that same date. Docket Nos. 587 EDA 2018 and 588 EDA 2018;
- d. On April 20, 2018, Judge Younge ordered Attorney McLaughlin to file a 1925(b) Statement of Errors Complained of on Appeal;
- e. On May 7, 2018, appellate counsel filed a 1925(b) Concise Statement of Errors Complained of on Appeal;
- f. On July 19, 2018, Judge Younge filed the 1925(a) Opinion; and
- g. On April 29, 2019, the Superior Court issued its Memorandum and Order, vacating the January 23, 2018 Order.

4. The Counts related to Paragraph No. 34 are withdrawn from the Amended Board Complaint:

- a. Count 1(A): Paragraph 152 at page 47: Omit *In the Interest of KR, A Minor* & *In the Interest of BT, A Minor* from the list of cases.
- b. Count 3: Omit Paragraph 173 at page 50: No violation Pa.R.J.A. Rule No. 703.

c. Count 3: Paragraph 175 at Page 51: Omit *In the Interest of KR, a Minor* and *In the Interest of BT, a Minor*, from the list of cases.

5. At Paragraph No. 28 of the Amended Board Complaint, in the appeal from Judge Younge's September 1, 2016 decision in *In the Interest of S.S., a Minor*, the Superior Court remanded the case back to the trial court for a procedural defect, which was remedied by trial counsel the following day. The facts related to that remand are now included in Paragraph No. 28 at Subparagraph Nos. (d), (e), (f) and (g) as follows:

28. In the Children's Fast Track Appeal, *In the Interest of S.S., A Minor*, Docket No. 3002 EDA 2016, Judge Younge filed the 1925(a)(2)(ii) Opinion **197 days late**. JCB File No. 2018-090.

- a. On September 1, 2016, Judge Younge presided over an Adjudicatory Hearing and entered an Order, adjudicating S.S. dependent and ordering that he be removed from his home and placed in residential foster care;
- b. On September 26, 2016, Attorney Aaron Mixon timely filed a Notice of Appeal to the Superior Court and a Concise Statement of Errors Complained of on Appeal. Docket No. 3002 EDA 2016;
- c. The 1925(a)(2)(ii) Opinion in the Children's Fast Track Appeal was due on October 26, 2016;
- d. On November 28, 2016, the Superior Court remanded the appeal back to the trial court, but retained jurisdiction, because Attorney Mixon had not yet submitted a completed Docketing Statement Form;
- e. On November 29, 2016, Attorney Mixon filed the Docketing Statement Form;
- f. On January 4, 2017, the Superior Court entered an Order, vacating its November 28, 2016 Order, based on its receipt of the completed Docketing Statement Form;
- g. On May 12, 2017, Judge Younge filed the 1925(a)(2)(ii) Opinion, 197 days after the October 26, 2016 due date, 164 days after Attorney Mixon filed the Docketing Statement Form, and 128 days after the

January 4, 2017 Superior Court Order, vacating the remand to the trial court; and

h. On October 18, 2017, the Superior Court filed its Memorandum and Order, reversing Judge Younge's September 1, 2016 Order.

6. Based on the stipulation of counsel for the Board and for Respondent, the Counts related to Paragraph No. 28, Count 1(A) and Count 3, are amended as follows:

a. Count 1(A): Page 46, Paragraph 152, within the list of cases, the "Days Late" for *In the Interest of S.S., A Minor*, should be listed as 197 days after the October 26, 2016 due date, 164 days after Attorney Mixon filed the Docketing Statement Form, and 128 days after the January 4, 2017 Superior Court Order, vacating the Nov. 28, 2016 Order to remand the case.

b. Count 3: Page 51, Paragraph 175, within the list of cases, the "Days Late" for *In the Interest of S.S., A Minor*, should be listed as 197 days after the October 26, 2016 due date, 164 days after Attorney Mixon filed the Docketing Statement Form, and 128 days after the January 4, 2017 Superior Court Order vacating the Nov. 28, 2016 Order to remand the case.

7. At Paragraph Nos. 77, 80-83, a transcription error in the Amended Board Complaint is corrected within the Proposed Findings of Fact to reflect the correct date of the August 17, 2017 Non-placement Review Hearing in *In the Interest of D.C., A Minor*, *In the Interest of D.J.M., A Minor*, and *In the Interest of D.M., A Minor*. The correct date is set forth at Paragraph No. 39 of the Amended Complaint.

8. At Paragraph Nos. 33(b) and 49(c) & (d), a transcription error in the Amended Board Complaint is corrected within the Proposed Findings of Fact to reflect that DHS is the appellant in *In the interest of G.S., a Minor*, 124 EDA 2017.

9. At Paragraph No. 90, a transcription error in the Amended Board Complaint is corrected within the Proposed Findings of Fact, to reflect the Adoption Docket number, rather than the Dependency Docket number, in *In the Interest of*

A.N.P., a Minor, Docket No. CP-51-AP-0000804-2015. The Adoption Docket number is set forth correctly at Paragraph No. 46.

10. At Paragraph Nos. 17, 20 and 21, the name of the Superior Court Case Flow Manager is omitted.

11. Paragraph No. 133(e) is omitted.

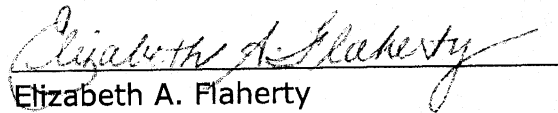
WHEREFORE, the Board and Respondent, by and through their counsel, respectfully request that this Honorable Court accept these limited joint stipulations, amending the Amended Board Complaint and Respondent's Answer thereto.

Respectfully submitted,

Chief Counsel
Richard W. Long

September 17, 2020

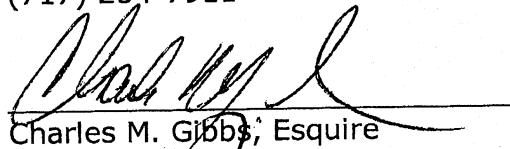
By:



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Sept 11, 2020


By:



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Sept 11, 2020

By:


Lyris F. Younge
Respondent

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CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Judicial Conduct Board of Pennsylvania

Signature: 

Name: Elizabeth A. Flaherty
Deputy Counsel

Attorney No.: 205575

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PROOF OF SERVICE

In compliance with Rule 122(D) of the Court of Judicial Discipline Rules of Procedure, on the date below, a copy of the *Joint Stipulations Of Fact Pursuant To C.J.D.R.P. No. 502(D)(2)* was sent by UPS Overnight Delivery to Charles M. Gibbs, Esquire, counsel to the Honorable Lyris F. Younge at the following address:

Charles M. Gibbs, Esquire
McMonagle Perri McHugh Mischak Davis
1845 Walnut Street, 9th Floor
Philadelphia, PA 19103

Respectfully submitted,

Date: 09/17/2020

BY: Elizabeth A. Flaherty
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