

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

IN RE:

Michael G. Shaw	:	
Magisterial District Judge	:	
Magisterial District 42-3-02	:	5 JD 2016
42 nd Judicial District	:	
Bradford County	:	

ORDER

AND NOW, this _____ day of _____, 2017, upon consideration of the "Motion for Leave to File Amended Board Complaint," filed by the Judicial Conduct Board and the "Consent to Amendment to Board Complaint in *In re Shaw*, 5 JD 2015," filed by William A. Hebe, Esquire, counsel to the Respondent, it is hereby ORDERED and DECREED that the motion is hereby GRANTED.

BY THE COURT:

J.

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

IN RE:

2017 JUL 14 P 3:38

Michael G. Shaw	:	RECEIVED AND FILED
Magisterial District Judge	:	COURT OF
Magisterial District 42-3-02	:	JUDICIAL DISCIPLINE
42 nd Judicial District	:	5 JD 2016
Bradford County	:	

MOTION FOR LEAVE TO FILE AMENDED BOARD COMPLAINT

AND NOW, this 14th day of July, 2017, comes the Judicial Conduct Board, by and through Board counsel, and files this Motion for Leave to File Amended Board Complaint against the Honorable Michael G. Shaw, Magisterial District Judge for Magisterial District 43-3-02 of Bradford County, Pennsylvania for the reasons set forth herein:

1. The Court of Judicial Discipline Rules of Procedure permit the Board to file an amendment to a Board Complaint pursuant to Rule 303(A) which provides in pertinent part:

Amendments. Upon motion, the Court or the Conference Judge may permit amendments to a board Complaint with the written consent of the Judicial Officer. . . .

2. On November 1, 2016, the Board filed a Board Complaint against Magisterial District Judge Michael G. Shaw, which is pending before this Court.

3. On November 4, 2016, the Board initiated a new Confidential Request for Investigation against Judge Shaw at JCB File No. 2016-643 and conducted a full investigation.

4. On December 6, 2016, Judge Shaw's former counsel, Rinaldo A. DePaola, Esquire, filed the Answer to the Board Complaint in the CJD.

5. The subject matter of the investigation at JCB File No. 2016-643 arises from and is related to the allegations set forth in the Board Complaint in *In re Shaw*, 5 JD 2016.

6. As a result of its investigation of JCB File No. 2016-643, and pursuant to Article V, § 18(a)(7) of the Constitution of the Commonwealth of Pennsylvania, the Board determined that there is probable cause to file formal charges against Judge Shaw.

7. The factual allegations arising from JCB File No. 2016-643 are set forth in the attached Amended Board Complaint, *In re Shaw*, 5 JD 2016, at Section D, Additional Facts Pursuant to JCB File No. 2016-643, Paragraph Nos. 215-257.

8. The alleged judicial misconduct arising from JCB File No. 2016-643 occurred after November 30, 2014 and therefore, the New Rules Governing Standards of Conduct of Magisterial District Judges (R.G.S.C.M.D.J.) apply to those allegations of misconduct.

9. The allegations of misconduct based on JCB File No. 2016-643 are set forth in the attached Amended Board Complaint at Section E, Charges at Count One, Paragraph Nos. 273-278; Count Two, Paragraph No. 292; Count Three, Paragraph No. 311; and Count Four, Paragraph Nos. 330-333. The conduct set forth in Section D is also included as a basis for alleged misconduct at Count Five, Article V, § 17(b) and Count Seven, the Disrepute Clause of § 18(d)(1).

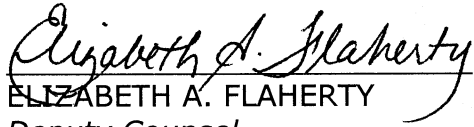
10. Judge Shaw, by and through his counsel, William A. Hebe, Esquire, consents to the amendment of the Board Complaint as evidenced by the attached Consent to Amendment of Board Complaint bearing his signature.

WHEREFORE, the Board respectfully requests that this Honorable Court grant it leave to file the attached Amended Board Complaint.

Respectfully submitted,

ROBERT A. GRACI
Chief Counsel

DATE: July 14, 2017

By: 
ELIZABETH A. FLAHERTY
Deputy Counsel
Pa. Supreme Court ID No. 205575

Judicial Conduct Board
601 Commonwealth Avenue, Suite 3500
Harrisburg, PA 17106
(717) 234-7911

**COMMONWEALTH OF PENNSYLVANIA
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IN RE:

Michael G. Shaw :
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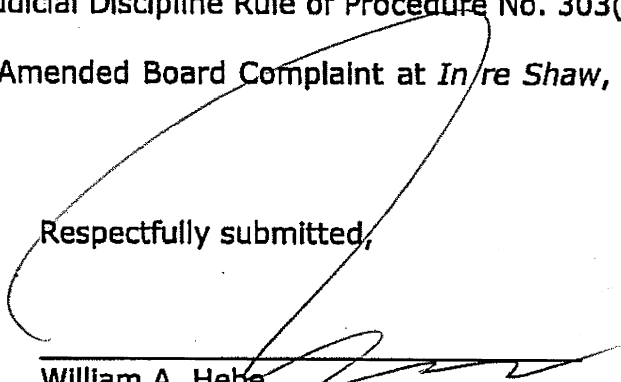
CONSENT TO AMENDMENT TO BOARD COMPLAINT in

IN RE SHAW, 5 JD 2016

AND NOW, this 14th day of July, 2017, as attorney for the Honorable Michael G. Shaw and pursuant to Court of Judicial Discipline Rule of Procedure No. 303(A), I hereby consent to the filing of the Amended Board Complaint at *In re Shaw*, 5 JD 2017.

Respectfully submitted,

By:



William A. Hebe
Spencer, Gleason, Hebe & Rague, P.C.
Attorneys at Law
P.O. Box 507
17 Central Avenue
Wellsboro, PA 16901
(570) 724-1832

**COMMONWEALTH OF PENNSYLVANIA
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IN RE:

Michael G. Shaw :
Magisterial District Judge :
Magisterial District 42-3-02 : 5 JD 2016
42nd Judicial District :
Bradford County :

PROOF OF SERVICE

In compliance with Rule 122(D) of the Court of Judicial Discipline Rules of Procedure, on or about July 14, 2017, a copy of this *MOTION FOR LEAVE TO FILE AMENDED BOARD COMPLAINT* was sent by email and UPS Overnight Delivery to Magisterial District Judge Shaw's counsel, William A. Hebe, Esquire, who agreed to accept service on behalf of his client, Judge Shaw:

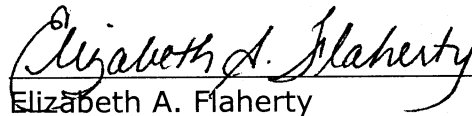
William A. Hebe, Esquire
Spencer, Gleason, Hebe & Rague, P.C.
Attorneys at Law
P.O. Box 507
17 Central Avenue
Wellsboro, PA 16901

Respectfully submitted,

ROBERT A. GRACI
Chief Counsel

July 14, 2017

BY:



Elizabeth A. Flaherty
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