

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

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JUDICIAL DISCIPLINE
SEP 11 2017

2017 SEP - 1 P 12:45

IN RE: :
: NO. 5 JD 16
Michael G. Shaw :
Magisterial District Judge :
Magisterial District 42-3-02 :
42nd Judicial District :
Bradford County :

ANSWER TO FIRST AMENDED COMPLAINT

1-214. Judge Shaw's Answer to paragraphs 1 through 214 of the original Complaint are incorporated herein.

215-221. Admitted.

222-225. Admitted.

226. Denied. Judge Shaw is unsure as to the exact nature of any verbal agreement reached between the parties.

227. Admitted.

228. Admitted.

229. Admitted, except that Judge Shaw wishes to point out that so far as he knows, no hearings were held in any of the enumerated cases, so he was not required to exercise any judicial judgment; rather, he and his office staff performed routine ministerial functions with regard to the 42 listed collection matters.

230. Admitted.

231. Admitted, except that Judge Shaw would again point out that no hearings were held in any of the 11 matters referred to and the cases involved the exercise by his office staff and himself of routine ministerial functions.

232. Admitted.

233. Judge Shaw does not believe that he communicated with debtors to attempt to negotiate payment prior to the filing of civil complaints, and proof of that allegation is demanded.

234. Admitted.

235. It is unknown whether Mr. DePaola and/or attorneys in his firm file civil cases if there is a settlement agreement. The only reason a civil case would be filed if there is a settlement agreement would be if a party breached the settlement agreement.

236. Admitted.

237. Admitted.

238. Admitted.

239-244. Admitted.

245. Admitted.

246. Admitted.

247. It is admitted that a Notice of Intent to Defend form was issued and served, but it was probably handled by a member of Judge Shaw's office staff.

248. Admitted.

249. It is admitted that Mr. DePaola and his associate represented litigants in a number of cases filed in Judge Shaw's district court; the exact number, however, is unknown to Judge Shaw and, further, it is unlikely that any hearings were held in connection with any of the collection cases referred to.

250. It is unknown to Judge Shaw when and under what circumstances Board counsel may have given notice to Mr. DePaola about the apparent conflict of interest, and proof is demanded.

251. Admitted.

252. States a legal conclusion to which no responsive pleading is required.

253. Admitted.

254. States factual and legal conclusions and opinions to which no responsive pleading is required.

255. It is denied that any alleged improper conduct by Judge Shaw implicated or affected his judicial decision making process or exercise of judgment.

256. States legal and factual opinions and conclusions to which no responsive pleading is required.

257. It is denied that any alleged improper conduct by Judge Shaw implicated or affected his judicial decision making process or exercise of judgment.

258. States legal and factual opinions and conclusions to which no responsive pleading is required.

259. States legal and factual opinions and conclusions to which no responsive pleading is required.

260. States a legal conclusion to which no responsive pleading is required.

261. States a legal conclusion to which no responsive pleading is required.

262. Admitted.

263. States legal and factual conclusions and opinions to which no responsive pleading is required.

264. States legal and factual conclusions and opinions to which no responsive pleading is required.

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271. States a legal conclusion to which no responsive pleading is required.

272. States legal and factual opinions and conclusions to which no responsive pleading is required.

273. Admitted.

274. Judge Shaw denies that any alleged improper conduct influenced the exercise of his judicial discretion, conduct or judgment.

275. It is denied that Judge Shaw at any time did anything to advance the private interest of others nor did he permit his relationship with any person to influence him in the exercise of judicial discretion and judgment.

276. Judge Shaw denies that at any time he allowed any relationship with another person to influence his exercise of judicial discretion and judgment.

277. Judge Shaw denies that at any time he allowed any relationship with another person to influence his exercise of judicial discretion and judgment.

278. States a legal conclusion to which no responsive pleading is required.
279. States legal and factual opinions and conclusions to which no responsive pleading is required.
280. Admitted.
281. Judge Shaw denies that he permitted his social or community interests or relationships to influence his judicial decision making or judgment.
282. Judge Shaw denies that he permitted his social or community interests or relationships to influence his judicial decision making or judgment.
283. Judge Shaw denies that he permitted his social or community interests or relationships to influence his judicial decision making or judgment.
284. States a legal and factual conclusion and/or opinion to which no responsive pleading is required.
285. States a legal and/or factual conclusion or opinion to which no responsive pleading is required.
286. Admitted.
287. Judge Shaw denies that he allowed any relationship or messaging with another person to influence his judicial decision making.
288. It is denied that Judge Shaw at any time allowed his relationship with another person to influence him in his exercise of judicial discretion and decision making.

289. It is denied that Judge Shaw allowed any communication with any person to influence his judicial decision making or exercise of judgment.

290. States a legal conclusion to which no responsive pleading is required.

291. States a legal and factual conclusion and/or opinion to which no responsive pleading is required.

292. Admitted.

293. It is denied that Judge Shaw considered *ex parte* or other communications concerning a pending or impending proceeding to influence or affect his judicial decision making or exercise of judicial discretion.

294. Judge Shaw denies that he allowed his relationship with any person to affect his judicial decision making or exercise of judicial judgment.

295. Judge Shaw denies that he allowed *ex parte* communications to impact his judicial decision making in any way.

296. States a legal conclusion to which no responsive pleading is required.

297. States a legal and/or factual opinion or conclusion to which no responsive pleading is required.

298. Admitted.

299. Judge Shaw denies that he allowed any communication, *ex parte* or otherwise, to affect his decision making in the referenced case.

300. Judge Shaw denies that he permitted *ex parte* or other communications to affect his decision making or exercise of judgment in the referenced matter.

301. Judge Shaw denies that he allowed any *ex parte* or other communications to affect his judicial decision making with regard to the referenced matter.

302. States a legal conclusion to which no responsive pleading is required.

303. States a legal conclusion to which no responsive pleading is required.

304. Admitted.

305. States a legal conclusion and/or argument to which no responsive pleading is required.

306. States a legal conclusion and/or argument to which no responsive pleading is required.

307. States a legal conclusion and/or argument to which no responsive pleading is required.

308. Admitted.

309. It is admitted that Judge Shaw did not recuse himself from his position as Treatment Court Judge, but in further answer thereto avers that at no time was his judgment affected by outside or improper influences and his desire was to continue as Treatment Court Judge through graduation of participants.

310. Admitted.

311. States a legal conclusion to which no responsive pleading is required.
312. States a legal conclusion to which no responsive pleading is required.
313. Admitted.
314. States legal conclusion and/or argument to which no responsive pleading is required.
315. Judge Shaw denies that he acted in anything other than an impartial manner with regard to A.F.'s case.
316. Judge Shaw denies that he acted in any manner other than impartially with regard to A.W. or her mother.
317. Judge Shaw admits that he did not recuse himself, but further avers that he acted in an impartial manner with regard to the referenced case.
318. Judge Shaw denies that he exercised any judicial decision making or exercise of judgment since the misdemeanor was "waived" to the Court of Common Pleas.
319. It is denied that Judge Shaw acted in anything other than an impartial manner with regard to V.F.'s preliminary hearing.
320. Judge Shaw denies that he acted in anything other than an impartial manner with regard to the collection matters filed in his court by Mr. DePaola or his firm. The matters were handled in a ministerial manner by Judge Shaw or his office staff, not requiring the exercise of judicial discretion or judgment.

321. Judge Shaw denies that he acted in any manner other than impartially with regard to the referenced cases.

322. States a legal conclusion to which no responsive pleading is required.

323. States a legal or factual opinion or conclusion to which no responsive pleading is required.

324. Admitted.

325. States a legal conclusion to which no responsive pleading is required.

326. States a legal conclusion to which no responsive pleading is required.

327. States a legal conclusion to which no responsive pleading is required.

328. States a legal conclusion to which no responsive pleading is required.

329. States a legal conclusion to which no responsive pleading is required.

330. Admitted.

331. Judge Shaw denies that he prejudiced the proper administration of justice at any time.

332. Judge Shaw denies that he prejudiced the proper administration of justice at any time.

333. States a legal conclusion to which no responsive pleading is required.

334. States a legal conclusion to which no responsive pleading is required.

335. Admitted.

336. It is denied that Judge Shaw engaged in any conduct that brought disrepute upon the judicial office itself.

337. Denied for the reasons set forth in paragraph 336 herein.

WHEREFORE, Judge Shaw requests that the Amended Complaint against him be dismissed.

SPENCER, GLEASON, HEBE & RAGUE, P.C.

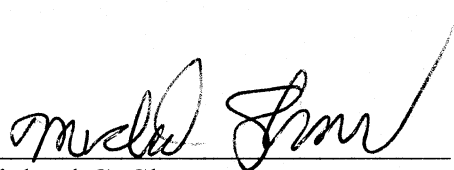
By: 

William A. Hebe, Attorney for
Magisterial District Judge Michael D. Shaw
17 Central Avenue
Wellsboro, PA 16901
570-724-1832
I.D. #16601

VERIFICATION

I verify that the statements made in the foregoing Answer are true and correct.

I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.



Michael G. Shaw

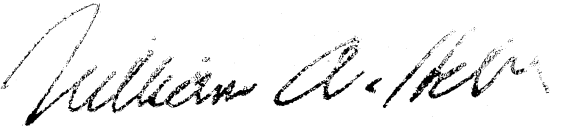
Dated: 8-29-17

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing Answer was served on the following by United States First Class Mail, postage prepaid, this 29 day of August, 2017:

Elizabeth A. Flaherty, Deputy Counsel
Judicial Conduct Board
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 3500
Harrisburg, PA 17120

SPENCER, GLEASON, HEBE & RAGUE, P.C.

By: 
William A. Hebe, Attorney for
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