

COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE

COURT OF JUDICIAL DISCIPLINE  
OF PENNSYLVANIA

JUN 2 2021

RECEIVED AND FILED

IN RE: :  
 :  
 :  
 Lyris F. Younge : No. 2 JD 19  
 Court of Common Pleas :  
 First Judicial District :  
 Philadelphia County :

BEFORE: Honorable Jazelle M. Jones, P.J., Honorable John H. Foradora, J., Honorable James C. Schwartzman, J., Honorable James J. Eisenhower, J., Honorable Ronald S. Marsico, J., Honorable Daniel D. McCaffery, J., Honorable Daniel E. Baranoski, J., Honorable Jill E. Rangos, J.

OPINION BY JAZELLE M. JONES, P.J.

FILED: June 2, 2021

**OPINION AND ORDER**

Judge Lyris Younge of the Court of Common Pleas of Philadelphia County is before this Court for the determination of the appropriate sanction for her violations found in our Opinion and Order of December 1, 2020. In that Opinion and Order this Court found violations in Judge Younge's conduct in:

- a) Failing to file custody orders in a timely manner which stymied the parties from pursuing effective appeals;
- b) Misusing her power in finding those appearing before her in contempt when there was no proper basis to do so;
- c) Exhibiting improper demeanor by harshly belittling and engaging in sarcastic behavior toward those appearing before her, and;
- d) Interfering with the right to litigants to be heard and thereby exhibiting a lack of impartiality.

Judge Younge's behavior was egregious enough for this Court to find that she brought disrepute upon the judiciary.

### **Factors Considered in Determining Sanction**

In determining what sanction will be imposed for an ethical violation this Court is guided by the jurisprudence of our Supreme Court, and also by its prior decisions. Pennsylvania has adopted ten non-exclusive factors, sometimes called "Deming factors" from the original Washington State case where they were explicated. ***In re Roca*, 151 A.3d 739, 741 (Pa.Ct.Jud.Disc. 2016), *aff'd*, 173 A.3d 1176 (Pa. 2017), citing *In re Toczydlowski*, 853 A.2d 20 (Pa.Ct.Jud.Disc 2004); *In re Deming*, 736 P.2d 639 (Wa. 1987)**. The ten factors and their application to 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 Judge Younge admits.

2. The nature, extent and frequency of occurrence of the acts of misconduct: The misconduct by Judge Younge is extensive.

3. Whether the conduct occurred in or out of the courtroom: The conduct occurred inside the courtroom.

4. Whether the misconduct occurred in the judge's official capacity: The misconduct at issue here was committed in Judge Younge's capacity as a judge.

5. Whether the judge acknowledged or recognized that the acts occurred: Judge Younge has unequivocally acknowledged her improper conduct.

6. Whether the judge has evidenced an effort to change or modify her conduct: Judge Younge has voiced contrition over her misconduct and no new incidents have been charged while this case was pending.

7. The length of service on the bench: Judge Younge has served as a Judge for five years.

8. Whether there have been prior complaints about the judge: There are many complaints about Judge Younge but none preceding this case, and none after the filing of this case.

9. The effect the misconduct has upon the integrity of and respect for the judiciary: Judge Younge brought considerable disrepute upon the judiciary by her improper conduct.

10. The extent to which the judge exploited his or her position to satisfy personal desires: There is no evidence Judge Younge committed the violations for personal gain.

### **Discussion**

Judge Younge's improper conduct was discussed at length in the Opinion and Order of December 1, 2020. Judge Younge's repeated, clearly improper conduct was blatant and inexcusable. No jurist should ever behave in such a manner.

No prior cases decided by this Court are directly on point with the situation presented here. The prior cases before this Court involving a judges' failure to proceed in a timely manner, misuse of the contempt power or lack of impartiality are of limited applicability because of the extent of Judge Younge's misconduct in these areas.

In deciding on a sanction here the Court looks at the prior case law in this area for what guidance it can provide. First the Court considers ***In re Domitrovich*, 150 A.3d 592 (Pa.Ct.Jud.Disc. 2016)**. Judge Domitrovich was very unpleasant to lawyers, court employees, witnesses and others who appeared before her. As a result, Judge Domitrovich was put in a diversion program where she was ordered to counsel with a mentor for six months. Similarly in ***In re Brown*, 907 A.2d 684**

**(Pa.Ct.Jud.Disc. 2006)** a magisterial district judge made offensive comments on several occasions while off the bench and was reprimanded.

The case of ***In re Lokuta, 964 A.2d 988 (Pa.Ct.Jud.Disc. 2008)*** resulted in the removal of a judge who was rude, made offensive comments hundreds of times and even engaged in a physical fight in the courthouse. Lokuta involved an additional important violation, not present here, in that the judge, on hundreds of days, either did not show up for work at all or left before completing her calendar.

***In re Hladio, 220 A.2d 1219 (Pa.Ct.Jud.Disc. 2019); and In re Marraccini, 908 A.2d 377 (Pa.Ct.Jud.Disc. 2006)*** are other cases involving rude conduct by a judge in court. In each of these cases the respondent was reprimanded or put on probation for his conduct.

In cases involving Common Pleas Judges failing to keep up with the required work load the Court considers the following: ***In re Dagher, 657 A.2d 1032 (Pa.Ct.Jud.Disc. 1995)*** (six cases involving delays of one to seven years) ***In re Smith, 687 A.2d 1229 (Pa.Ct.Jud.Disc. 1996)*** (61 cases unreasonably delayed beyond 6 months) **and *In re Fisher, 657 A.2d 535 (Pa.Ct.Jud.Disc. 1995)*** (several estates and 19 termination of parental rights cases delayed for lengthy periods.) All of these judges were disciplined with a reprimand or counseling. The present case, however, involves conduct far worse than that discussed in the cases in the preceding paragraphs involving poor demeanor and failure to complete work cases where a reprimand or corrective counseling was ordered.

At the Sanction Hearing Judge Younge informed the Court that at the time of her misconduct she was suffering from a serious medical condition and undergoing great personal difficulties which contributed to her poor attitude and actions. Character witnesses testified on her behalf in a sincere and forthright manner.

On the other hand, witnesses for the Judicial Conduct Board credibly testified to the havoc Judge Younge had wreaked in their lives with her imperious actions in cases involving their children and themselves. Her clearly unwarranted contempt findings even resulted in two people being imprisoned when such treatment was improper under the law.

The Court views this case as the most egregious one involving rude demeanor, failure to timely proceed and imperious action it has seen. In considering the cases where the Court has removed a jurist from office it is important to note that such an extreme penalty has generally involved a criminal conviction, or at least clearly criminal conduct on the part of the offending jurist. The few exceptions involved the removal of judges with a multitude of violations who also had essentially stopped working. Accordingly in this case the Court imposes the most severe sanction it ever has handed down short of dismissal.

Weighing the sum of evidence presented before us and considering the Deming factors the Court sets the sanction in this case as follows:

- a) Judge Younge is to serve a six month suspension without pay commencing July 6, 2021 at 12:01 A.M. through January 6, 2022 at 11:59 P.M.;
- b) Judge Younge will serve a probationary term from June 2, 2021, until the end of her current judicial term in January of 2026;
- c) Judge Younge is prohibited from serving in the Family Court Division during her probationary term;
- d) After input from both parties a mentor chosen by this Court will be appointed to consult with Judge Younge on a schedule to be determined by the Court, and;

e) Judge Younge will write and deliver an individual letter of apology to each of those persons she wronged as described in the Opinion and Order of the Court of December 1, 2020.

\*Judge Schwartzman files a Dissenting Opinion which Judge Eisenhower joins.

\*Judge Foradora files a Concurring Statement which Judge McCaffery joins.

COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE

IN RE: :  
: :  
Lyris F. Younge : No. 2 JD 19  
Court of Common Pleas :  
First Judicial District :  
Philadelphia County :

BEFORE: Honorable Jazelle M. Jones, P.J., Honorable John H. Foradora, J., Honorable James C. Schwartzman, J., Honorable James J. Eisenhower, J., Honorable Ronald S. Marsico, J., Honorable Daniel D. McCaffery, J., Honorable Daniel E. Baranoski, J., Honorable Jill E. Rangos, J.

**DISSENT BY JUDGE SCHWARTZMAN**

I dissent from the sanction handed down by the majority. I would remove Judge Younge and bar her from seeking future judicial office.

Judge Younge had eighteen years of experience as an attorney in Family Court before she became a judge, vastly more background in family law than most new judges. In spite of this extensive knowledge in the very court she was serving on she caused one disaster after another.

At the time the Complaint was filed Judge Younge was over a year behind in issuing her opinions in dozens of fast track appeals involving whether parents would be permitted to raise their children or would lose them to foster care. By failing to complete these opinions in a timely manner (which the law sets at thirty days after the hearing) Judge Younge effectively denied the parents any chance at an effective appeal. Delays of a year and over are especially egregious; a year away from one's parents in the life of a young child is especially harmful. The fast track appeal process began to avoid such lengthy delays. Judge Younge's inaction in *de facto* spoiling

timely appeals in her extremely delayed fast track cases was a denial of justice to the parties.

Judge Younge's blatant and egregious misuse of the contempt power is another reason to deny her further judicial service. Her brazen invocation of her contempt powers even resulted in one of her worst ethical violations, in the imprisonment of a non-party for twenty one days in a clearly illegal manner. Her similarly ill-founded contempt findings against other innocent persons detailed in our December 1, 2020, opinion are further evidence of Judge Younge's lack of fitness to continue on the bench.

Maintaining judicial temperament is a vital part of the job of a judge. Judicial temperament is defined as:

"Compassion, decisiveness, open-mindedness, courtesy, patience, freedom from bias and commitment to equal justice under the law."  
ABS Standing Committee on the Federal Judiciary Report, P.4 (2020).

Judge Younge repeatedly failed at every element of this definition under any reasonable reading of the record.

An additional factor to weigh here is that five prominent members of the Domestic Relations Bar sent letters to this Court asking for the removal of Judge Younge. These letters were unsolicited. They chronicled the lasting harm that she caused to children and their parents.

Such letters are rare in their strongly worded and exceptionally well documented request.

Judge Younge had help available to her. Her cousin, Judge John Younge, was presiding in the same courthouse and was available to consult with her at her request. Yet she never sought his help while she committed one violation after another.



I have searched case law in Pennsylvania and have been unable to find a case of such egregious conduct in a similar fact setting.

I appreciate and have taken into consideration Judge Younge's apologies. I am sure they are sincere. I also have considered the testimony of her daughter and accept and believe she was a good mother. However, none of this excuses her conduct in the numerous complaints in this matter.

Removing her from the bench for six months and allowing her to return to the bench does not adequately address the "disrepute" she has brought to the judiciary and the harm she has caused to numerous litigants.

Judge Lyris Younge caused great harm and hardship to many people with her imperious and unethical conduct. Her time as a judge should end now. She should be permanently removed.

\*Judge Eisenhower joins in this Dissent.

COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE

IN RE:            Lyris F. Younge                    :  
                      Court of Common Pleas                    :  
                      First Judicial District                    :        No.    2 JD 19  
                      Philadelphia County                    :

CONCURRING STATEMENT BY JUDGE FORADORA

While I join in the Opinion of Judge Jones, and the majority of the Court, regarding the sanctions assessed against Judge Younge in this case, I write separately; because in my view, the Judicial Conduct Board should not have pursued an interim suspension petition in this case for the same reasons set forth in my dissent *IN RE: Tranquilli*, 4 JD 20, August 26, 2020.

“In my view the Judicial Conduct Board should not pursue an interim suspension petition unless: Criminal charges have been filed; criminal activity has allegedly occurred; or the judge has previously been charged by the Judicial Conduct Board.”

In this case, Judge Lyris Younge was the subject of a Board complaint filed on August 20, 2019. The Complaint was 72 pages long, containing 266 numbered allegations that Judge Younge had 30 days to answer, according to the Rules of this Court. At the same time and date (August 20, 2019), the Board filed a petition for interim suspension. A hearing was held on September 12, 2019, seven days before the time period wherein Judge Younge would have had to answer the complaint against her. That interim suspension was ultimately denied by this Court, on October 2, 2019. However, that does not change the fact that Judge Younge’s attorneys had insufficient time to engage in minimal discovery or answer the complaint. The short time period allowed between the filing of the case and the interim suspension hearing made it next to impossible to defend their client or even to engage in adequate cross examination of witnesses.

When a person is elected judge in Pennsylvania, that person gives up their right to participate in the electoral process, other than voting (Code of Judicial Conduct Rules 4.1- 4.5).

That person gives up their right to be involved in certain activities and sit on public boards (Code of Judicial Conduct Rules 3.1-3.15); and, finally, that person gives up their right to remain silent (Code of Judicial Conduct Rule 2.16(A)). Judges happily accept these losses of privileges, knowing the awesome power of the judicial position and honor of serving as a judge.

It should not be a rule that a judge gives up the right to defend himself/herself when accused of non-criminal judicial misconduct. But, in practice, that is what happens. A large number of judges across the Commonwealth of Pennsylvania, had careers in public service, before ascending to the bench, like Judge Lyris Younge. They also are parents supporting children and families. Because of their chosen career path, many do not have significant savings or assets from which they can mount what most often is a very costly defense. When an interim suspension petition is sought and granted, these judicial officers are without compensation immediately; and, therefore, unable to defend themselves.

I believe, for misconduct which does not rise to the level of those three areas quoted in *Tranquilli, Supra.*, a judge should be allowed to remain in their job as modified by their supervising judge or the President Judge; to protect the public, as well as judicial integrity, until the Court of Judicial Discipline can hold a full hearing. After full consideration of the entirety of the case, the Court of Judicial Discipline can render the appropriate and just decision.

This Court, unlike the press and media outlets, should not rush to judgment with less than all the facts.

\*Judge McCaffery joins in this Concurring Statement.