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**COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE**

DEC 14 2022

COURT OF JUDICIAL DISCIPLINE  
OF PENNSYLVANIA

IN RE:

Judge Marissa J. Brumbach :  
Municipal Court Judge : 2 JD 2022  
1st Judicial District :  
Philadelphia County :

**TO: Marissa J. Brumbach**

**You are hereby notified that the Pennsylvania Judicial Conduct Board has determined that there is probable cause to file formal charges against you for conduct proscribed by Article V, § 17(b) and § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania, and the Code of Judicial Conduct. The Board's counsel will present the case in support of the charges before the Pennsylvania Court of Judicial Discipline.**

**You have an absolute right to be represented by a lawyer in all proceedings before the Court of Judicial Discipline. Your attorney should file an entry of appearance with the Court of Judicial Discipline within fifteen (15) days of service of this Board Complaint in accordance with C.J.D.R.P. No. 110.**

**You are hereby notified, pursuant to C.J.D.R.P. No. 302(B), that should you elect to file an omnibus motion, that motion should be filed no later than thirty (30) days after the service of this Complaint in accordance with C.J.D.R.P. No. 411.**

**You are further hereby notified that within thirty (30) days after the service of this Complaint, if no omnibus motion is filed, or within twenty (20) days after the dismissal of all or part of the omnibus motion, you may file an**

**Answer admitting or denying the allegations contained in this Complaint in accordance with C.J.D.R.P. No. 413. Failure to file an Answer shall be deemed a denial of all factual allegations in the Complaint.**

**COMMONWEALTH OF PENNSYLVANIA  
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IN RE:

Judge Marissa J. Brumbach	:	
Municipal Court Judge	:	2 JD 2022
1st Judicial District	:	
Philadelphia County	:	

**COMPLAINT**

AND NOW, this 14th day of December, 2022, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (Board) and files this Board Complaint against the Honorable Judge Marissa J. Brumbach, Municipal Court Judge for the 1<sup>st</sup> Judicial District, Philadelphia County, Pennsylvania, alleging that Judge Brumbach has violated the Code of Judicial Conduct and the Constitution of the Commonwealth of Pennsylvania, as more specifically delineated herein.

**FACTUAL ALLEGATIONS**

1. Article V, § 18 of the Constitution of the Commonwealth of Pennsylvania grants the Board authority to determine whether there is probable cause to file formal charges, and, when it concludes probable cause exists, to file formal charges against a justice, judge, or justice of the peace for proscribed conduct and to present the case in support of such charges before the Court of Judicial Discipline.
2. From January 1, 2018, to the present, Judge Brumbach has served continuously as a Municipal Court Judge for Philadelphia County, Pennsylvania.
3. By email dated November 10, 2021, Judge Brumbach informed the President Judge of the Philadelphia Municipal Court that she would be "attending an event in Florida on January 7, 2022, and unable to preside that day."

4. The President Judge did not approve Judge Brumbach's request for leave on January 7, 2022.
5. During the week of January 3 through 7, 2022, Judge Brumbach was scheduled to preside over traffic citation hearings in the Philadelphia Municipal Court.
6. There were 95 traffic citation hearings scheduled to be heard by Judge Brumbach on January 7, 2022.
7. The 95 traffic citation hearings were divided into three groups and scheduled to be heard at 9:00 a.m., 1 p.m. and 2:30 p.m. on January 7, 2022.
8. On January 4 or 5, 2022, Judge Brumbach asked a court officer to deliver the files scheduled to be heard by her on January 7, 2022, to the Assistant District Attorney (ADA) working in her courtroom.
9. Per Judge Brumbach's instructions, the court officer gave the files for the 95 citations scheduled to be heard on January 7, 2022, to the ADA and told him that Judge Brumbach wanted him to review the cases to determine if he was recommending that any of the traffic citations were to be withdrawn.
10. The ADA complied with the request and recommended that 17 of the 95 traffic citations scheduled to be heard on January 7, 2022, be withdrawn.
11. The following day, Judge Brumbach asked the same court officer to retrieve the January 7, 2022, traffic citation files and deliver them to her.
12. The court officer complied with Judge Brumbach's request.
13. On January 6, 2022, at 9:31 a.m., Judge Brumbach sent an email to the President Judge of the Philadelphia Municipal Court stating, in relevant part:

Since I have not heard from you regarding coverage and I am aware you are experiencing coverage issues across the Municipal Court with other judges, I have prepared the files for tomorrow after the Assistant District Attorney reviewed them. As such, at

least 95% of the files will have been completed by me without the necessity of coverage. If court remains open tomorrow with the impending snow forecast and anyone shows up, my staff and the court staff know what to do.

14. Upon receipt of the January 6, 2022 email from Judge Brumbach, the President Judge spoke to the Administrative Judge of the Philadelphia Municipal Court about the matter.
15. That same day, the Administrative Judge spoke with Judge Brumbach about the 95 traffic citations scheduled for hearings on January 7, 2022, and her earlier email to the President Judge.
16. While speaking with the Administrative Judge, Judge Brumbach denied adjudicating the 95 traffic citations scheduled for hearings on January 7, 2022, and said that she had merely marked them with what she thought the outcome should be.
17. During the afternoon of January 6, 2022, the President Judge obtained the 95 traffic citation files that were scheduled to be heard by Judge Brumbach on January 7, 2022.
18. Upon review of the traffic citations contained in each of the 95 files it was determined that although each citation was scheduled to be heard on January 7, 2022, and each defendant had been so notified, Judge Brumbach had nonetheless adjudicated most of the citations prior to the scheduled hearing date.
19. The January 6, 2022 review of the 95 traffic citations revealed that they were marked as follows:
  - a. 28 citations were marked "Guilty in Absentia";
  - b. 30 citations were marked "Not Guilty in Absentia";

- c. 17 citations were marked "Withdrawn"; and
- d. 20 citations were adjudicated but then scribbled on in a manner indicating that the adjudication had been vacated.

Copies of the 95 traffic citations as described above are attached hereto as "Exhibit 1" through "Exhibit 95", made a part hereof, and incorporated herein by reference as though set forth in full.

- 20. Each of the 95 traffic citations examined by the President Judge bore the initials of Judge Brumbach, handwritten in ink on the line labeled "Original Signature of Judge/Hearing Officer."
- 21. The manner in which the 95 traffic citations were marked was identical to the way traffic citations are marked when a Philadelphia Municipal Court Judge presides over traffic hearings on the day the hearing is scheduled, i.e., the traffic citations looked like any traffic citation would look following a properly conducted hearing on the day the hearing is actually scheduled.
- 22. The President Judge took possession and control of the 95 traffic citations and did not permit the adjudications as written by Judge Brumbach to be entered into the record.
- 23. It was later learned that Judge Brumbach planned to be in Florida on January 7, 2022 and intended to place a telephone call to her court staff at the conclusion of each of the three court sessions on January 7, 2022.
- 24. During each of the three aforementioned telephone calls, Judge Brumbach intended to instruct her staff to docket and record the adjudications she had previously placed on each of the traffic citations for each of the traffic citations

that had been scheduled to be heard during the court session that had just concluded.

25. Judge Brumbach planned to instruct her staff to reschedule any citations for which the defendant appeared on January 7, 2022 and requested a hearing or a continuance.
26. Judge Brumbach was in Florida on January 7, 2022.
27. The Philadelphia Municipal Court was closed on January 7, 2022, due to a snow emergency.
28. On Sunday, January 9, 2022, the President informed Judge Brumbach via email that she was "not assigned to a Traffic Courtroom on Monday January 10<sup>th</sup>."
29. On the morning of January 10, 2022, Judge Brumbach attempted to obtain the 95 traffic citation files telling a court employee that the files were "incomplete."
30. Despite her efforts to obtain the 95 traffic citation files, Judge Brumbach was denied access to them.
31. Since January 10, 2022, Judge Brumbach has been assigned to administrative duties only.

### **CHARGES**

#### **Count 1- Violation of Canon 1, Rule 1.1**

32. By virtue of some or all of the conduct set forth above, Judge Brumbach violated Canon 1, Rule 1.1 of the Code of Judicial Conduct.
33. Canon 1, Rule 1.1 states the following:

Canon 1, Rule 1.1 Compliance with the Law.

A judge shall comply with the law, including the Code of Judicial Conduct.

**Count 2 - Violation of Canon 1, Rule 1.2**

34. By virtue of some or all of the conduct set forth above, Judge Brumbach violated Canon 1, Rule 1.2 of the Code of Judicial Conduct.

35. Canon 1, Rule 1.2 states the following:

Canon 1, Rule 1.2 Promoting Confidence in the Judiciary.

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

**Count 3 - Violation of Canon 2, Rule 2.1**

36. By virtue of some or all of the conduct set forth above, Judge Brumbach violated Canon 2, Rule 2.1 of the Code of Judicial Conduct.

37. Canon 2, Rule 2.1 states the following:

Canon 2, Rule 2.1 Giving Precedence to the Duties of Judicial Office.

The duties of judicial office, as prescribed by law, shall ordinarily take precedence over a judge's personal and extrajudicial activities.

**Count 4 and 5 - Violations of Canon 2, Rule 2.5(A) and Rule 2.5(B)**

38. By virtue of some or all of the conduct set forth above, Judge Brumbach violated Canon 2, Rule 2.5(A) and (B) of the Code of Judicial Conduct.

39. Canon 2, Rule 2.5 states the following:

Canon 2, Rule 2.5 Competence, Diligence and Cooperation.

- (A) A judge shall perform judicial and administrative duties competently and diligently.
- (B) A judge shall cooperate with other judges and court officials in the administration of court business.



**Count 6 - Violation of Canon 2, Rule 2.6(A)**

40. By virtue of some or all of the conduct set forth above, Judge Brumbach violated Canon 2, Rule 2.6 of the Code of Judicial Conduct.

41. Canon 2, Rule 2.6 states the following:

Canon 2, Rule 2.6 Ensuring the Right to Be Heard.

(A) A judge shall accord to every person or entity who has a legal interest in a proceeding, or that person or entity's lawyer, the right to be heard according to law.

**Counts 7 – Violation of Article V, § 17(b) of the Constitution of the Commonwealth of Pennsylvania**

42. By virtue of some or all of the conduct set forth above, Judge Brumbach violated Article V, § 17(b) of the Constitution of the Commonwealth of Pennsylvania.

43. Article V, § 17(b) of the Constitution of the Commonwealth of Pennsylvania states the following:

Justices and judges shall not engage in any activity prohibited by law and shall not violate any canon of legal or judicial ethics prescribed by the Supreme Court. Justices of the peace shall be governed by rules or canons which shall be prescribed by the Supreme Court.

44. A violation of the Code of Judicial Conduct constitutes an automatic, derivative violation of Article V, § 17(b) of the Constitution of the Commonwealth of Pennsylvania.

45. Judge Brumbach violated Canon 1, Rule 1.1.

46. Judge Brumbach violated Canon 1, Rule 1.2.

47. Judge Brumbach violated Canon 2, Rule 2.1.

48. Judge Brumbach violated Canon 2, Rule 2.5(A).

49. Judge Brumbach violated Canon 2, Rule 2.5(B).
50. Judge Brumbach violated Canon 2, Rule 2.6(A).
51. By violation of all, or some, of the Rules set forth above, Judge Brumbach violated Article V, § 17(b) of the Constitution of the Commonwealth of Pennsylvania.

**Count 8 and 9 - Violations of Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania**

52. By virtue of some or all of the conduct set forth above, Judge Brumbach violated Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania.

53. Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania states the following:

A justice, judge or justice of the peace may be suspended, removed from office or otherwise disciplined for . . . conduct which prejudices the proper administration of justice or brings the judicial office into disrepute, whether or not the conduct occurred while acting in a judicial capacity[.]

54. By engaging in the conduct set forth above, Judge Brumbach engaged in conduct which prejudices the proper administration of justice and thereby constitutes a violation of the Administration of Justice Clause of Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania.

55. By engaging in the conduct set forth above, Judge Brumbach engaged in conduct which was so extreme that it brought the judicial office itself into disrepute and thereby constitutes a violation of the Disrepute Clause of Article V, § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania.

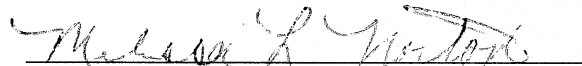
WHEREFORE, Marissa J. Brumbach, a Municipal Court Judge of Philadelphia County, Pennsylvania, is subject to disciplinary action pursuant to the Constitution of the Commonwealth of Pennsylvania, Article V, § 18(d)(1).

Respectfully submitted,

MELISSA L. NORTON  
Interim Chief Counsel

DATE: December 14, 2022

By:



MELISSA L. NORTON  
Interim Chief Counsel  
Pa. Supreme Court ID No. 46684  
Judicial Conduct Board  
Pennsylvania Judicial Center  
601 Commonwealth Avenue, Suite 3500  
Harrisburg, PA 17106  
(717) 234-7911

**VERIFICATION**

I, Melissa L. Norton, Interim Chief Counsel to the Judicial Conduct Board, verify that the Judicial Conduct Board found probable cause to file the formal charges contained in the *BOARD COMPLAINT*. I understand that the statements herein are made subject to the penalties of 18 Pa. Cons. Stat. Ann. § 4904, relating to unsworn falsification to authorities.

Respectfully submitted,

MELISSA L. NORTON  
Interim Chief Counsel

DATE: December 14, 2022

By:



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Interim Chief Counsel  
Pa. Supreme Court ID No. 46684  
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**COMMONWEALTH OF PENNSYLVANIA  
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Judge Marissa J. Brumbach :  
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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:

MELISSA L. NORTON  
Interim Chief Counsel

Attorney No.:

46684