

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

IN RE: JUDGE MARISSA J. BRUMBACH :
MUNICIPAL COURT JUDGE :
1ST JUDICIAL DISTRICT : 2 JD 2022
PHILADELPHIA COUNTY :
:

**RESPONDENT JUDGE MARISSA J. BRUMBACH'S ANSWER TO THE
BOARD'S COMPLAINT**

Respondent, Marissa J. Brumbach, by and through the undersigned counsel, files, pursuant to Court of Judicial Discipline Rule 413, her Answer to the Judicial Conduct Board's Complaint and avers as follows:

1. This paragraph contains a conclusion of law to which no response is required.
2. Admitted.
3. Admitted. By way of further response, the Board's averment omits the last line of the November 10 email from Judge Brumbach that states, "Kindly let me know if I should make notifications or if you are going to handle it and provide coverage for the room (not yet assigned)."
4. Admitted in part and denied in part. It is admitted that Judge Dugan informed Judge Brumbach via email on January 6, 2022—months after Judge Brumbach's November 10, 2021 email informing him that she would not be able to preside on January 7—that he did not approve her request. It is denied that Judge Dugan's approval was required pursuant to Rule of Judicial Administration 704.

5. Denied as stated. It is admitted that Judge Brumbach was scheduled to sit in traffic court during the week of January 3 through January 7. This averment is denied to the extent that it suggests that because Judge Brumbach was scheduled to sit on those days, she could not use Judicial Leave on one of those days.

6. Denied as stated. By way of further response, it is denied that there were "95 traffic citation hearings." There were 95 citations listed on the schedule on January 7.

7. Admitted in part and denied in part. It is admitted that the lists were divided into three groupings at 9:00 a.m., 1 p.m. and 2:30 p.m. on January 7, 2022. It is denied that there were "95 traffic citation hearings." There were 95 citations listed on the schedule on January 7.

8. Denied as stated. By way of further response, Judge Brumbach asked a court **employee** to deliver the 95 citations listed on the schedule for January 7 to the ADA working in her courtroom.

9. Admitted in part and denied in part. It is denied that Judge Brumbach "told" the ADA "to determine if he was recommending" any citations be withdrawn. On the contrary, Judge Brumbach asked the ADA to review the 95 citations listed for January 7 and did not tell the ADA how to conduct his review. Moreover, Judge Brumbach is without sufficient knowledge to form a belief about the veracity of what, if anything, the court employee said to the ADA.

10. Admitted in part and denied in part. It is denied to the extent the term “request” means that Judge Brumbach “told” the ADA how to conduct his review. See ¶ 9. It is admitted that the ADA recommended by making notations that 17 of the 95 citations listed on the schedule for January 7, 2022 be withdrawn.

11. Denied as stated. By way of further response, the following day, Judge Brumbach asked a court employee to retrieve the 95 citations listed for January 7, 2022 and deliver them to her.

12. Admitted.

13. Admitted. By way of further response, the Board’s averment omits the last line of the January 6 email from Judge Brumbach that states “If you have an alternate plan, let me know and I will set the proper expectations.”

14. Judge Brumbach lacks sufficient knowledge to form a belief about the veracity of this allegation.

15. Admitted.

16. Denied as stated. By way of further response, while speaking with the Administrative Judge, Judge Brumbach denied disposing any of the 95 citations listed for January 7 and said that she reviewed and marked the 95 citations in preparation for January 7. Judge Brumbach did not adjudicate any of the citations listed on January 7, and, in any event, could not adjudicate any of the cases as suggested herein.

17. Admitted in part and denied in part. It is denied that there were “95 traffic citation files that were scheduled to be heard.” There were 95 citations listed for January 7. The remainder of the paragraph is admitted.

18. Denied. By way of further response, Judge Brumbach did not adjudicate any of the citations listed on January 7, and in any event, could not adjudicate any of the listed citations in the manner suggested herein.

19. The averments in subparagraphs (a)-(c) are generally admitted. The averments in subparagraph (d) are denied. Judge Brumbach did not adjudicate any of the citations listed on January 7, and in any event, could not adjudicate any of the listed citations in the manner suggested herein. Moreover, the attached citations do not show that any adjudication occurred.

20. Judge Brumbach is without sufficient knowledge to form a belief about the veracity of the President Judge’s review of the traffic citations. It is admitted that on or about January 6, each of the paper traffic citations had Judge Brumbach’s handwritten initials on the line labeled “Original Signature of Judge/Hearing Officer.” However, those paper citations have either been thrown away, electronically reproduced, or subsequently altered as they were recirculated when the matters were relisted.

21. Denied as stated. The averments are denied to extent they suggest any hearing took place or that Judge Brumbach adjudicated or could have adjudicated the listed citations in the manner suggested hererin. Judge Brumbach made notations on the paper citations in preparation for January 7. It is admitted that

Judge Brumbach's notations were identical to those she would make following her review of a traffic citation.

22. Admitted in part and denied in part. It is admitted that the President Judge took control of the 95 traffic citations. It is denied that the President Judge's action prevented any adjudication from occurring because: (1) Judge Brumbach did not adjudicate any of the cases, and, in any event, could not adjudicate any of the cases in the manner suggested herein; (2) the cases were not going to be transmitted to the dispositioner unless and until Judge Brumbach so instructed on January 7; and (3) January 7 was a snow day and all 95 citations listed for that day were rescheduled.

23. Judge Brumbach is without sufficient knowledge to form a belief about the veracity of the allegation that "it was later learned" because Judge Brumbach does not know what was later learned or by whom. It is admitted that Judge Brumbach intended to place a telephone call at each time slot on January 7.

24. Admitted in part and denied in part. It is admitted that unless the President Judge provided coverage by assigning a judge to preside on January 7 or some other intervening event occurred altering Judge Brumbach's intention, Judge Brumbach intended, at each of the three scheduled lists to call and instruct her staff to: (1) reschedule any citation for which a ticketholder appeared and requested a hearing and/or continuance; and (2) to provide the paper traffic citations to the dispositioner to make docket entries, consistent with the notes she made on the paper citations. This averment is denied to the extent it characterizes the Judge

Brumbach's notations on the paper citations as adjudications. Judge Brumbach did not adjudicate any of the citations listed on January 7, and, in any event, could not adjudicate any of the cases in the manner suggested herein.

25. Admitted.

26. Admitted.

27. Admitted.

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29. Admitted.

30. Admitted.

31. Admitted.

32. This paragraph contains a conclusion of law to which no response is required.

33. This paragraph contains a conclusion of law to which no response is required.

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53. This paragraph contains a conclusion of law to which no response is required.

54. This paragraph contains a conclusion of law to which no response is required.

55. This paragraph contains a conclusion of law to which no response is required.

WHEREFORE Clause: This paragraph contains a conclusion of law to which no response is required.

Dated: April 24, 2023

/s/ Matthew H. Haverstick
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