COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

IN RE:

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

JUDICIAL CONDUCT BOARD'S REPLY TO JUDGE MARISSA J. BRUMBACH'S OBJECTIONS TO THE COURT'S FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Board respectfully submits the following reply to Respondent Judge Marissa J. Brumbach's objections to the March 12, 2024 decision of this Court finding her in violation of Canon 2, Rule 2.5(A) and Article V, § 17(B) of the Pennsylvania Constitution.

I. Introduction

The facts of this matter, as set forth in this Court's March 12, 2024 decision, are not in dispute. For purposes of this reply, the relevant facts are as follows:

5. On November 10, 2021, Judge Brumbach sent President Judge Dugan an email requesting to take off on January 7, 2022, to attend an event in Florida and also requested coverage for her courtroom assignment.

6. President Judge Dugan never answered Judge Brumbach's email request for coverage on January 7, 2022.

7. Having not received a response, on January 6, 2022 at 9:31 AM, Judge Brumbach again emailed President Judge Dugan stating:

> *"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.
If you have an alternate plan, let me know and I will set the proper expectations.
Thank you."

8. On January 6, 2022, at 11:39 AM, President Judge Dugan responded to Judge Brumbach by email:

"The alternative plan is for you to show up and handle your list. Have you coordinated with court administration in Traffic on the 95%?
So it is clear, I have not authorized you to be off on January 7th."

9. Judge Brumbach concluded from her experience and her personal study that most defendants do not appear for their scheduled trial in Philadelphia Traffic Court.

10. There were 95 traffic citations for the 45 defendants scheduled to be heard in Traffic Court where Judge Brumbach was scheduled to preside on January 7, 2022.

11. Based on her experience, Judge Brumbach developed a plan for those cases IF there was no coverage for that courtroom and IF court was open despite the expected snow. That plan was:

    a. Judge Brumbach obtained the 95 citations in advance of January 7, 2022. Judge Brumbach had the Assistant District Attorney review them and see if the prosecution intended to withdraw any. The ADA did withdraw a total of 17 traffic citations.

    b. Judge Brumbach then reviewed the remaining citations and rendered dispositions of "Guilty in Absentia" or "Not Guilty in Absentia" based solely on the information on the citation or in the file. There were 40 citations marked as "Guilty in Absentia" and 38 that were marked "Not Guilty in Absentia".

    c. After marking or circling the above dispositions, Judge Brumbach then initialed or signed the signature line on the bottom of each "Traffic Division Docket Certificate of Disposition" sheet (often on the back of the traffic citation) by the preprinted seal of the Philadelphia Municipal Court where it says:

"The information contained on this page is true and correct and the Seal of the office is affixed hereon."

The signature line where Judge Brumbach signed is marked:

"Original Signature of Judge/Hearing Officer Philadelphia Municipal Court Traffic Division"

d. Judge Brumbach advised her staff to call her while she was in Florida on January 7, 2022 and advise of the status of the cases. The above dispositions were only for defendants who did not appear. If any defendant appeared for court, their case was to be continued to another date.

See In re Brumbach, ___ A.3d ___ (Pa.Ct.Jud.Disc. 2024), 2 JD 2022, Slip op., at 11-13 (footnotes omitted).

From the aforementioned facts, this Court concluded that Respondent violated Canon 2, Rule 2.5(A) and Article V, § 17(B), Pa.Const. (a derivative violation), because she

> signed an "official 'Certificate of Disposition' and affixed her signature to these 95 traffic cases in advance. [This Court found] that [Respondent] circling her finding and affixing her signature is an official disposition. [Respondent] signed a statement that "[T]he information contained on this page is true and correct and the Seal of the office is affixed hereon." Although that statement is pre-printed on the disposition form along with the pre-printed seal of the Philadelphia Municipal Court, [Respondent] signed it. This disposition record was also pre-stamped with the date of January 7, 2022 by courtroom operations prior to being given to Judge Brumbach, Judge Brumbach signed the citation records on January 6, 2022 giving the impression that it was from a proceeding that occurred on the pre-stamped date of January 7, 2022. Judge Brumbach's actions in signing the disposition reports authenticated 40 dispositions of "Guilty in Absentia" and 38 dispositions of "Not Guilty in Absentia". Had coverage not been provided or had court not been closed due to snow, these matters could have accidentally been transferred to, or recorded by, eTIMS for entry. A judge should not sign a disposition for a case before considering all evidence in an actual fair and impartial hearing or trial.

Brumbach, ***supra***, at 19-20.

II. Respondent's objections

Respondent contends that this Court erred in the following respects: (1) Based on its incorrect finding that circling her finding and affixing her signature constituted a "disposition;" (2) the court erroneously concluded that her execution of the Certificates of Disposition constituted a violation of Canon 2, Rule 2.5(A) and Article V, § 17(B); (3) this is allegedly because this Court's own legal and factual determinations indicate that Respondent's actions on those citations did not implicate either her competence or her diligence. ***See*** Respondent's objections, at 4. Respondent's claims are entirely without merit.

III. Argument

For at least the third time in this litigation, Respondent asserts that this Court's definition of the term "adjudication" is wrong, although, presently, she equivocates on the strength of that belief. Respondent acknowledged that this Court's conclusion that an "adjudication" constitutes the exercise of judicial authority in the making of a decision, not the ministerial acts of a clerk in entering the decision into the official docket, is not "wholly unreasonable." ***See*** Respondent's objections, at 5. Again, both for the reasons stated previously by the Board and presently, Respondent's belief about the nature of an "adjudication" in this Commonwealth remains incorrect.

In ***Commonwealth v. Green***, 862 A.3d 613 (Pa. Super. 2004), sitting *en banc*, the Superior Court wrestled with the question of the date when a judgment of sentence was "imposed," as that issue bore upon whether a post-sentence motion and, by extension, a notice of appeal, were timely filed by the appellant-defendant. ***Id.***, at 615. If one utilized the date of the sentence's entry on the docket at the beginning of the 10-day period allotted to file a post-sentence motion, the post-

sentence motion (and thus, the appeal) would have been timely. However, if one utilized the date of the pronouncement of sentence *in court* as its imposition date, both the post-sentence motion and appeal would have been untimely. ***Id.***

The Court reasoned that the term "imposition" of judgment of sentence referred to the date that the sentence was pronounced in court. ***Green***, 862 A.2d at 615. Among the Superior Court's considerations in reaching this conclusion was its practical view that, inasmuch as trial courts have the responsibility to inform defendants of their post-sentence rights immediately after the imposition (or "pronouncement") of sentence, defendants and the Commonwealth would have a much clearer picture of the time frame involved. ***Id.***, at 617. The Court explained that "*trial courts often do not know and have little or no control over when the sentence will be docketed. Docketing is normally the responsibility of the clerk or courts or the prothonotary.*" ***Id.*** (emphasis added). Thus, it would have created uncertainty for all involved in the process for the Superior Court to have found that the computation of time as to these important post-sentence rights rested upon the ministerial act of docketing, rather than the judicial act of "pronouncing" the sentence, as the date of its "imposition." ***Id.*** Regardless of the particular rules of court regarding appeal periods in particular cases, ***Green*** clearly stands for the proposition that a judge's formal actions in rendering a decision, not the ministerial acts that may follow it, are the key to determining when an "adjudication" takes place. In ***Green***, the relevant "adjudication," *i.e.*, imposition of sentence, took place when the judge pronounced the sentence in court. ***Green***, ***supra***, at 617.

This Court obviously relied upon the logic pronounced in ***Green*** to conclude that an "adjudication," in fact, a verdict of guilt and assessment of a fine in a

summary matter, occurs when the presiding judge circles their finding and signs the certificate of disposition. ***Brumbach, supra***, at 19-20. In traffic court, the relevant "adjudication" takes place when the judge circles their finding and signs the certificate of disposition. In the normal course, these formalities occur when the judge had conducted an actual fair and impartial hearing or trial, as was the case in ***Green***. This, however, did not occur in Respondent's case. Rather, as this Court found, Respondent took the relevant formal judicial action a day early (and in contravention of the Code and Constitution), assuming that most defendants would not appear. ***Brumbach, supra,*** at 22.

The central paradox in Respondent's repeated arguments on this point is that she elevates the formality of a clerk's docketing of her decisions to nearly talismanic significance, whilst overlooking the import of the formalities of her acts of both circling and signing the certificate of disposition. Clearly, Pa.R.Crim.P. 1002(D)(1), cited by this Court in its decision, regardless of whatever contradictions it may exhibit with other Rules of Criminal Procedure and however the Rules require the conducting of that trial, requires adherence to the basic formality of requiring judicial action after *trial*. ***See*** Pa.R.Crim.P. 1002(D)(1) ("*At trial*, the judge shall proceed to determine the facts and render a verdict....) (emphasis added). Suffice it so say, the focus of the present litigation is to determine Respondent's improper exercise of judicial action, which, as this Court found, occurred when she circled and signed the dispositions. Therefore, Respondent's continued argument that an "adjudication" does not occur until the decision is docketed finds no support in the law of this Commonwealth. ***Green, supra***, at 617.

Respondent's next attempt to undermine this Court's decision is to contend that in order "to prevent arbitrary enforcement that threatens judicial independence," this Court's conclusion that an "adjudication" takes place when a judge takes judicial action must be coupled with an element of "intent." To that end, while recognizing that Canon 2, Rule 2.5(A) (regarding competence) bespeaks no scienter element, Respondent claims that "an intent requirement here would mean that markings on judicial documents that have not been reduced to a final appealable order may be construed as a disposition if – and ***only*** if – the jurist intended such markings to be a final judicial act that disposes the matter at issue." ***See*** Respondent's objections, at 6 (emphasis in original). Respondent then goes on to claim that the "intent" requirement she engrafts upon Canon 2, Rule 2.5(A) would exculpate her from a finding of a violation because her "markings" were made pursuant to a contingency plan she developed for the January 7, 2022 citations, which would have applied only if there was no coverage for the courtroom and if court remained open despite the expected snow. ***Id.***, at 7.

Leaving aside the incongruity of imposing a scienter requirement to a rule requiring judicial competence on the performance of judicial duties, what is notably absent from Respondent's exegesis on scienter, or intent, is the level of intent she would engraft upon Canon 2, Rule 2.5(A) to allow for its enforcement against her. The criminal law, which judicial disciplinary proceedings adheres to most closely, recognizes that an individual may be culpable of an offense if they act intentionally, knowingly, recklessly, or negligently, as the law may require, with respect to each material element of the offense. ***See*** 18 Pa.C.S.A. § 302(a). Those states are defined as follows:

(1) A person acts intentionally with respect to a material element of an offense when:

(i) if the element involves the nature of [her] conduct or a result thereof, it is [her] conscious object to engage in conduct of that nature or to cause such a result, and

(ii) if the element involves the attendant circumstances, [she] is aware of the existence of such circumstances or [she] believes or hopes that they may exist.

(2) A person acts knowingly with respect to a material element of an offense when:

(i) if the element involves the nature of [her] condition or the attendant circumstances, [she] is aware that [her] conduct is of that nature or that such circumstances exist; and

(ii) if the element involves a result of [her] conduct, [she] is aware that it is practically certain that the conduct will cause such a result.

(3) A person acts recklessly with respect to a material element of an offense when [she] consciously disregards a substantial and unjustifiable risk that the material element exists or will result from [her] conduct. The risk must be of such a nature and degree that, considering the nature and intent of the actor's conduct and the circumstances known to [her], its disregard involves a gross deviation from the standard of conduct that a reasonable person would observe in the actor's situation.

(4) A person acts negligently with respect to a material element of an offense when [she] should be aware of a substantial and unjustifiable risk that the material element exists or will result from [her] conduct. The risk must be of such a nature and degree that the actor's failure to perceive it, considering the nature and intent of [her] conduct and the circumstances known to [her], involves a gross deviation from the standard of care that a reasonable person would observe in the actor's situation.

See 18 Pa.C.S.A § 302(b) (bracketed language supplied). Further, where culpability sufficient to establish an offense is not prescribed by law, such element is established if a person acts intentionally, knowingly, or recklessly with respect thereto. ***Id.***, at § 302(c). Thus, per the logic of Respondent's claim, she could be found in violation

of Canon 2, Rule 2.5(A) if she acted intentionally incompetent, knowingly incompetent, or recklessly incompetent in the performance of her duties. ***Id.***[1] Importantly, intent can be proven by direct or circumstantial evidence; it may be inferred from acts or attendant circumstances. ***See Commonwealth v. Lewis***, 911 A.2d 558, 564 (Pa. Super. 2006).

"Competence" is not defined by Canon 2, Rule 2.5(A), and thus, under the terms of statutory construction, the term must be given its plain, ordinary meaning. ***See*** 1 Pa.C.S.A. § 1903(a). Merriam-Webster's online dictionary defines "competence" as follows: (1) the quality or state of being competent: such as a: the quality or state of having sufficient knowledge, judgment, skill or strength (as for a particular duty or in a particular respect)[; *viz*:] No one denies her *competence* as a leader. *They have demonstrated competence in their specialty or subspecialty by passing an exam* [attribution omitted]. b: legal authority, ability, or admissibility [; *viz*:] a matter within the *competence* of a judge to adjudicate. c: the knowledge that enables a person to speak and understand a language [...]. d: the ability to function in a particular way [...]; (2) a sufficiency of means for the necessities and conveniences of life[.] The comments to Canon 2, Rule 2.5(A) indicate that the use of the term in the Rule corresponds to the definition of "competence" as being "the quality or state of being competent;" specifically, "the quality or state of having sufficient knowledge, judgment, skill or strength." ***See, e.g.,*** Canon 2, Rule 2.5(A)

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[1] Moreover, any discussion of "negligence" here is inapposite to this case, as it is clear from the facts found by this Court that Respondent's conduct in circling and signing the 95 citations, regardless of its legal import, was a wholly voluntary and purposeful act or series of acts. Respondent's own argument acknowledges this, as she has no dispute that her conduct in circling and signing the certificates of disposition was anything less than wholly voluntary.

comment, at 1 and 2 (Competence in the performance of judicial duties requires the legal knowledge, skill, *thoroughness*, and *preparation* reasonably necessary to perform a judge's responsibilities of judicial office; a judge should seek the necessary *docket time* [...] to discharge all adjudicative and administrative responsibilities) (emphasis added).

Here, as this Court found, Respondent's conduct was intentional or at least knowing – she admitted that she circled and signed the citations one day prior to trial, predicated on her belief that most traffic court defendants do not show for trial. ***See Brumbach, supra***, at 11-13, at ¶¶ 9-11. Were it the case that *some* of those defendants would have failed to appear consistent with her expectation that they would not, it was her intent to direct her staff to enter the adjudications that she made previously into the docket if there was no coverage, and if court was not closed for snow, as had been expected. ***Id.***, at 12, at ¶ 11. This is clearly intentional or, at least, knowing conduct, which calls into question Respondent's "competence."

As to Respondent's state of mind, the conclusion that her conduct was intentional or at least knowing and demonstrative of a violation can be found in this Court's prior holding in ***In re Muth***, 237 A.3d 635, 642 (Pa.Ct.Jud.Disc. 2018), ironically, a case cited by Respondent as supporting her argument. In ***Muth***, the respondent judge claimed that he did not violate the Rules Governing Standards of Conduct of MDJs by viewing sexually-provocative pictures of women on his computer in his office because he did not intend for his staff to see them (which they did). ***Id.***, at 640-641. This Court rejected that argument, holding that: (1) he intentionally brought his personal computer to his office to view the pictures; (2) the back-and-forth of his employees into and out of his office created a virtual certainty that they

would be exposed to the material; and (3) as to whether the respondent judge committed harassment, the scienter required for displaying such material was the intent to show it at all, and the fact that the audience became larger than intended does not affect the liability for the offense, only, perhaps, the sanction. ***Id.***, at 642.

As was the case in ***Muth***, Respondent's underlying conduct in circling and signing the certificates of disposition was clearly voluntary and purposeful conduct, which was improper at its inception because she exercised judicial power prior to a required hearing. When one passes on the issue of "intent" in judicial disciplinary matters, the fact that Respondent intended her adjudications to become final only in a set of certain circumstances is essentially no different than the ineffective defense brought by the respondent judge's in ***Muth***, *i.e.*, he intended that his viewings remained "private." Suffice it to say, but for a limited exception explained below, this Court's jurisprudence is clear that the intent to perform the act underlying the violation is sufficient to prove the intent to violate the Code itself, which occurred here. ***Id.***, at 642. The fact that Respondent's expectations came crashing down when her plan was revealed does not obviate her liability for the violation, such expectations are relevant only, perhaps, for the sanction phase of this matter. ***Id.***, at 642.

Muth echoes this Court's prior discussion of "intent" in the seminal case of ***In re Smith***, 687 A.2d 1229, 1236-1238 (Pa.Ct.Jud.Disc. 1996). In ***Smith,*** this Court held that the violation of "neglect or failure to perform the duties of office" set forth at Article V, § 18(d)(1) of the Pennsylvania Constitution requires the Board to demonstrate that the neglectful judge "be aware to some degree that [their] inaction is resulting in or has resulted in the nonperformance of a duty of office," *e.g.*, by

showing alternatively that the judge: (1) knows that the nonperformance of some act is likely to result in an omission on their part with regard to an important judicial duty; (2) has reason to believe that the nonperformance of some act is likely to result in an omission on their part with regard to an important judicial duty, but disregards the belief; or (3) does not realize that the nonperformance of some act is likely to result in an omission on their part with regard to a significant duty, when a judge of common sense would realize that the nonperformance of the act constitutes a deviation from a standard expected of judges. Here, it is clear that Respondent consciously decided to render dispositions in the 95 citations to facilitate her extrajudicial interests, while at the same time failing to adhere to her duty to conduct trial before doing so. This, in the Board's view, is intentional, or at the very least, knowing conduct, that was neglectful of her duty. ***Id.***, at 1236.

In re Crahalla, 747 A.2d 980 (Pa.Ct.Jud.Disc. 2000), *aff'd,* 792 A.2d 1244 (Pa. 199), ***In re Whitaker***, 948 A.32d 279 (Pa.Ct.Jud.Disc. 2008), and ***In re Arnold***, 51 A.3d 931 (Pa.Ct.Jud.Disc. 2012), all cited by Respondent, and all predating ***Muth***, do not command a different result. In ***Crahalla,*** an evenly-divided court declined to find a violation of then-extant Rule 11 (regarding solicitation of funds for charitable organizations) for the respondent judge's act of sending a letter seeking attendees for a dinner to benefit the local Boy Scouts, where the respondent judge served as the chair of the dinner committee. ***Id.***, 747 A.2d at 989. The judges of this Court in support of dismissal found that the undefined *mens rea* to demonstrate culpability for violating the Rules was not proven by the Board, inasmuch as the respondent judge resigned from his position as dinner committee chair after being advised that his conduct could be a violation of Rule 11. ***Id.***, at 981. In ***Whitaker***, the respondent

judge also immediately ceased the activity that later caused the Board to file one of the charges against him (gainful employment with a fire company, another government entity), which vitiated his intent to violate the relevant Rule. ***Whitaker***, at 301-302. Neither ***Crahalla*** nor ***Whitaker*** shield Respondent from liability as she never took any action to cease or renounce her conduct.

Lastly, in ***Arnold***, as to the specific offense of "prejudicing the proper administration of justice," a violation of Article V, § 18(d)(1), this Court held that the Board had to prove that the respondent judge acted with the "knowledge and intent" that the conduct would have a deleterious effect upon the administration of justice, for example, by effecting a specific outcome. ***Id.***, 51 A.3d at 939. This Court found that the Board met its burden by establishing the respondent judge's attempts to evade responsibility by lying and encouraging false testimony of witnesses against her to affect the outcome of her own case. ***Id.***, at 940. ***Arnold*** is inapposite to the facts of this case because the violation found in that case, prejudicing the proper administration of justice, carries with it a defined standard of intent that is well-established in the case law on the subject. ***Id.***, 939-940. Here, on the other hand, there is no case law setting forth what constitutes a violation of Canon 2, Rule 2.5(A) other than the general principles of culpability as stated in ***Muth***. ***Id.***, at 642. As noted above, the principles in ***Muth*** are controlling here. Therefore, Respondent's argument regarding her state of mind is without merit.

The remaining prong of Respondent's argument, supported by extra-jurisdictional precedent, is that her conduct regarding the 95 citations does not implicate her "competence" or "diligence," as contemplated by Canon 2, Rule 2.5(A). This argument is, simply, nonsensical.

As noted above, the comments to Canon 2, Rule 2.5(A) indicate that the Rule requires that a judge possess "the legal knowledge, skill, *thoroughness*, and *preparation* reasonably necessary to perform a judge's responsibilities of judicial office" and to "seek the necessary docket time [...] to discharge all adjudicative and administrative responsibilities." (emphasis added). It is true, as Respondent claims, that one seldom sees a judge of any experience adjudicate a case without legal justification prior to the culminating event that justifies the adjudication, in this matter, a trial or a hearing. However, the fact that Respondent sought to sidestep such an elementary legal proposition hardly demonstrates either *thoroughness* or *preparation* on her part. Rather, where as here, a judge decides a case too early to facilitate their own private interests and without legal justification to do so, the conduct establishes neglect and a lack of forethought so basic to judging that one can readily conclude that the offending judge, in this case Respondent, demonstrated a lack of competence in the matter. ***See*** Canon 2, Rule 2.5(A), *comment* at 1, 2. Whatever her other legal knowledge or skill may be in other legal disciplines or matters, Respondent failed to follow the precepts of the Rule as to the 95 citations at issue, and, thus, the evidence was clearly sufficient in this case to support this Court's conclusion of a violation of Canon 2, Rule 2.5(A) and, by extension, Article V, § 17(b) of the Pennsylvania Constitution.[2]

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[2] The implication of Respondent's argument appears to be that, in order to prove a violation of Canon 2, Rule 2.5(A), the Board would be required to demonstrate that Respondent was ignorant of certain legal precepts. ***See, e.g.,*** Respondent's objections, at 9-11. While this ignorance may also, in fact, be a violation of the Rule, the comments to the rule certainly indicate that a judge may be found to have lacked competence for a number of reasons, "knowledge" and "skill" merely being two of those reasons. ***See*** Canon 2, Rule 2.5(A), *comment* at 1, 2. Moreover, neither the Board nor this Court are obliged to read the precepts of the Code in the same fashion as a criminal statute. ***Cf. Matter of Cunningham***, 538 A.2d 473, 482 (Pa. 1988)

Respondent's arguments regarding "diligence" are a red herring – the Board did not claim that Respondent lacked diligence. To the contrary, as implied by her own argument, Respondent exhibited too much diligence by rendering judicial decisions prior to the proper time. This, again, bespeaks a lack of competence on Respondent's part. ***See*** Canon 2, Rule 2.5(A), *comment* at 1, 2. Moreover, to the extent that Respondent argues that the Board cannot prove a violation of Canon 2, Rule 2.5(A) without demonstrating both a lack of competence and a lack of diligence on the part of a judge, her argument flies in the face of logic and the prior precedent of this Court. To explain, to read the two commands of the Rule conjunctively would lead to absurd results – a judge who is competent but indolent could escape liability for violating the Rule, as would a judge who is expeditious but incompetent. This Court cannot read the Rule in such a way as to result in patent absurdity. ***See, e.g., Commonwealth v. Bush***, 166 A.3d 1278, 1285 (Pa. Super. 2017). Secondly, in ***Smith***, this Court found a discrete violation of the Constitution for a lack of diligence (couched in that case as "neglect and failure" to perform the duties of office) without finding an additional violation of "prejudicing the proper administration of justice" emanating from the same section of the Constitution. ***Smith***, ***supra,*** at 1237-1238. In any event, as it has been often stated, this Court need not address each of the ways that a judge potentially violated the Code, especially where one is plain on its

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(specificity requiring exhaustive list of all the ways a judge could be shown to lack "independence," "integrity," or "impartiality" is unnecessary and inappropriate for Code of Judicial Conduct; judges need not be given specific examples of same, a judge should be sensitive to such situations and, if not, their competency to hold judicial office could be subject to serious question.). Additionally, the Board, like this Court, resolves matters before it on a case by case basis. ***See, e.g., In re Eakin***, 150 A.3d 1042, 1047 (Pa.Ct.Jud.Disc. 2016). Whatever her other strengths may be, Respondent violated Canon 2, Rule 2.5(A) as a result of the facts found in this case.

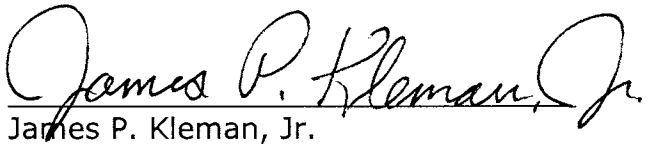
face, as even one violation of the Code by a judge may result in sanction. ***In re Merlo***, 34 A.3d 932, 963-964 (Pa.Ct.Jud.Disc. 2011) *aff'd* 58 A.3d 1 (2012). For the reasons stated previously, this Court found sufficient evidence to conclude that Respondent's conduct violated the "competence" requirement of Canon 2, Rule 2.5(A), and Respondent's arguments to the contrary are entirely without merit.

IV. Conclusion

WHEREFORE, the Board respectfully requests that this Court overrule Respondent's objections.

Respectfully submitted,

MELISSA L. NORTON
Chief Counsel

April 3, 2024 By: 

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COMMONWEALTH OF PENNSYLVANIA
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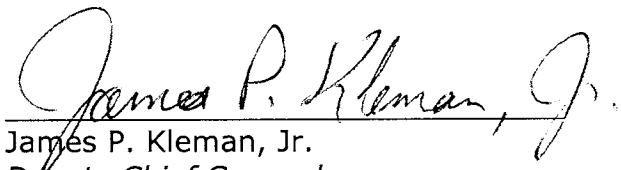
IN RE:

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

VERIFICATION

I, James P. Kleman, Jr., Deputy Chief Counsel to the Judicial Conduct Board, verify that the statements made in the Judicial Conduct Board's Reply to Judge Marissa J. Brumbach's Objections to the Court's Findings of Fact and Conclusions of Law are made subject to the penalties of 18 Pa. Cons. Stat. Ann. § 4904, relating to unsworn falsification to authorities.

Respectfully submitted,

Date: April 3, 2024 By: 

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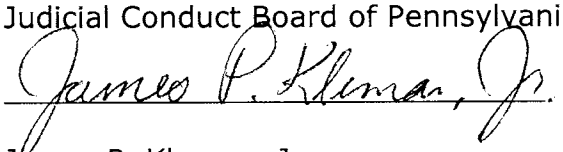
IN RE:

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

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: 

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COMMONWEALTH OF PENNSYLVANIA
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IN RE:

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

PROOF OF SERVICE

In compliance with Rule 122 of the Court of Judicial Discipline Rules of Procedure, on April 3, 2024, a copy of the Judicial Conduct Board's Reply to Judge Marissa J. Brumbach's Objections to the Court's Findings of Fact and Conclusions of Law was sent by First Class Mail and Email to Matthew H. Haverstick, Esquire as follows:

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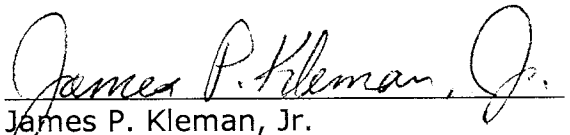
Respectfully submitted,

By: 

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