

Commonwealth of Pennsylvania
COURT OF JUDICIAL DISCIPLINE

IN RE: DOCKET NO. 1 JD 2025
JUDGE SCOTT DICLAUDIO
COMMON PLEAS JUDGE
1ST JUDICIAL DISTRICT
PHILADELPHIA COUNTY

CERTIFIED FROM THE RECORD

JUL 14 2025

Janet J. Fox
Clerk of Court

ADDENDUM TO OMNIBUS MOTION OF THE RESPONDENT JUDGE
SCOTT DICLAUDIO

On or about July 1, 2025 Ms. Hoffheins provided in discovery the Request for Investigation initiated and signed by Chief Counsel Ms. Melissa Norton.

On its face, rule of Operation Procedure 3.01: Opening a Complaint is confusing, and at first glance, contradictory. Upon review and examination of the Pennsylvania Constitution, The Judicial Conduct Board's governing principles, and the Operation Procedure Manual of the Chief Counsel of the Judicial Conduct Board collectively, it becomes clear that the Chief Counsel violated the Constitution of Pennsylvania by initiating the Respondent's preliminary inquiry or investigation.

Rule 3:01 states:

EXCEPT WHEN ACTING ON ITS OWN INITIATIVE OR AT THE WRITTEN REQUEST OF THE SUPREME COURT OF PENNSYLVANIA, OR THE STATE COURT ADMINISTRATOR, THE BOARD SHALL NOT INITIATE ANY PRELIMINARY INQUIRY OR INVESTIGATION WITHOUT HAVING FIRST RECEIVED A COMPLAINT.

There is no evidence to support that this investigation was initiated by the Supreme Court or the Court Administrator. The term "except when acting on its own initiative", no doubt means the Judicial Conduct BOARD.

Section 18, Article 5 of the Pennsylvania Constitution establishes that ... "The BOARD shall be composed of twelve (12) members, as follows: Two Judges, other than senior Judges, one from the Courts of Common Pleas and the other from either the Superior Court or The Commonwealth, one Justice of the Peace who need not be a

member of the bar of the Supreme Court, three non-Judge members of the Bar of the Supreme Court, and six non lawyer electors.

Accordingly, Chief Counsel for the Judicial Conduct Board is not a member of the Board. In subparagraph 6 or Section 18, it is stated, that the Board "shall appoint Chief Counsel and other staff ...", as any Corporate Board routinely would when conducting business. Chief Counsel is not a member of the Board because of her appointment.

Rule of Operating Procedure 1.01: Authority of the Judicial Conduct Board states

—

"The Constitution of the Commonwealth of Pennsylvania and relevant statutory and decisional law empower the Board to act in matters of Judicial conduct. This authority to act SHALL BE exercised EXCLUSIVELY by the Board operating as a committee of the whole, except that specified matters of a purely supervisory or ministerial nature may be delegated by the Board by resolution to the Chair, Vice Chair, Chief Counsel, or a Committee of the Board. Absent any specific delegation, the responsibility shall reside EXCLUSIVELY with the Board. "

Furthermore, Rule OP 2.11 – Authority of Chief Counsel states: ".... Chief Counsel is not empowered to exercise any of the responsibilities specifically reserved by the Board."

In the Rules of Procedure of the Judicial Conduct Board, Chief Counsel "is the lawyer in charge of the screening and investigation of complaints, the prosecution of formal charges, and the performance of other duties as directed by the Board." Additionally, Rule 2 of the aforementioned Rules of Procedure guide us on the Rules of Construction, paragraph 3, defines "Shall" as mandatory and "May" as permissive.

The first sentence was previously believed to give Authority to Chief Counsel to "initiate" inquiries or investigation. When evaluating and interpreting the relevant statutes and procedures, it becomes evident that Ms. Norton lacked the authority to initiate the Respondents' investigation and is in violation of the Pennsylvania Constitution, The Rules Governing the Judicial Conduct Board AND the Rules governing Chief Counsel to the Judicial Conduct Board. The second part of the sentence *specifically* prohibits Ms. Norton from initiating a preliminary inquiry or investigation without first receiving a complaint. Obviously, this rule could not possibly mean receiving a complaint she herself initiated. Ms. Norton in fact did file and initiate the Respondents' initial complaint. It's illogical that Ms. Norton could initiate the inquiry, and investigation, as Chief Counsel and members of her office are the very individuals this Rule is drafted to prohibit from initiating complaints.

In evaluating the statutory intent in this area, we are also guided by common sense. Rule of Operating Procedure 2.13: Reviewing and Processing Complaints states that "Chief Counsel Shall be responsible for assigning filed complaints to staff attorneys. Chief Counsel SHALL conduct an initial review of all filed complaints and ***assesses the asserted claims before assigning them to staff attorney for further review, processing, and investigation.*** The integrity of this investigation was severely compromised when Ms. Norton, or someone under the supervision of Ms. Norton assessed the initial claim.

On or about April 1, 2024, the request for investigation was "filed" by Ms. Norton. It was alleged by Ms. Norton that: "According to a February 27th, 2024, news article in the Philadelphia Inquirer, Judge DiClaudio's wife, Jackee DiClaudio, has recently opened a sandwich shop in Philadelphia called Shay's. The article, "a Philly Judge inspires his wife to open a cheesesteak shop. What's the Verdict?" makes references to Scott DiClaudio's position as a Judge. Based on the content of the article, ***it seems that Judge DiClaudio discussed his position as a Judge while speaking with the reporter. For example, the reporter writes that DiClaudio's Court Crier "may have addressed him as Whiz Honor"***

Codified in OP 3.04, paragraph 3, a requirement in all complaints is an "obligation of a complainant to explain the nature of his or her grievance against a Judge And Chief Counsel should review the matter in a non-technical, general manner for any prima facie claim made under the Code, the Rules, or the Pennsylvania Constitution. It goes on to state that "prima facie claim" is one that on its face presents sufficient facts that would raise a presumption, unless disproven or rebutted, that a Judicial officer has violate a Canon, Rule or Pennsylvania Constitution.

Ms. Norton, or a subordinate, was required to adhere to this Rule. As the author of the Complaint Ms. Norton, or a subordinate, certainly could not ethically or practically evaluate this initial request for investigation, and more importantly, said request lacked the necessary information to move forward.

On the website maintained by Chief Counsel it is stated that: "all complaints must identify the Judge against whom the confidential request for investigation is being filed and ***specify the allegations which the request is based.***" A review of Ms. Norton's request for investigation reveals that the complaint failed to establish a prima facie showing.

Chief counsel reviews several hundred complaints made each month, it's doubtful that if another source filed this initial request for investigation, it would have moved forward. Knowing that this allegation was unsubstantiated, and never verified, Ms. Norton, or a

subordinate of Ms. Norton proceeded with this "investigation". Chief Counsel, or said subordinate, then took the unusual step to send an undercover Investigator to validate the veracity of the allegations.

On June, 19th, 2024, an investigator assigned by Chief Counsel, memorialized the following:

"At the direction of Chief Investigator Paul Fontanes, I went to Shay's Steaks on 6/19/24. This is located at 200 N. 16th St. Phila, PA 19102. Prior to going to that location, I reviewed several online images and articles that depicted Judge Scott DiClaudio's face, so I was familiar with him. At approximately 3:10 PM, I entered the establishment and was immediately greeted by DiClaudio, who was standing in front of the counter where the customers were. He showed me how to use the ordering tablet / Kiosk and explained different options. While helping me, he spoke loudly so everyone could hear and said, "this is my wife's business". After helping me, he socialized with customers and then announced that he had to run errands and exited the establishment. He did not return. I left at approximately 3:20 pm. "I did not see anything inside the store that indicated he was a Judge."

After said report was written it would be the obligation of Chief Counsel to review and evaluate this evidence and decide if it was warranted to move forward. It would be inconceivable to think that this information would substantiate any allegations or give reason to move forward in this matter. On the contrary, the investigator's report provided numerous exculpatory statements, which would have negated any further need to continue with this investigation. It should be noted that in the original complaint there was an allegation that the respondent was at the restaurant at 3pm, and potentially, this somehow violated a code of conduct (that allegation was withdrawn). After an interview with Administrative Judge Anders, and with his guidance and information, the board declined to move forward with that "issue." Ironically, June 19th was a Court and National Holiday, known as Juneteenth, and the Respondent is permitted to spend his days off as he wishes.

The intent of the previously discussed statutes and rules is to ensure impartiality and accountability in bodies like the Judicial Conduct Board. The segregation of duties and different functions prevents conflict of interest and maintains public confidence in the integrity of the judiciary. These rules are important to prevent potential bias in the process and improper pressures. Public trust dictates that the Judicial Conduct Board operate fairly and independently, thus strengthening the integrity of the judiciary. Ms. Norton does not have the unilateral power or authority to launch probes, as the statutes set forth ensure judicial officers are not investigated arbitrarily. The requirement that a

complaint SHALL be filed by someone other than Chief Counsel, prior to the launch of a preliminary inquiry or investigation, is in place to protect the sanctity of these matters.

Respondent respectfully requests that the complaint filed in this matter be dismissed forthwith as Ms. Norton has clearly violated the Pennsylvania Constitution, and the rules and procedures set forth in the Judicial Conduct Board's Operations Manual.

X 

Date: _____

Honorable Scott DiClaudio, Respondent