

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

IN RE: :
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 :
 Michael J. Sullivan :
 Judge : No. 5 JD 14
 Philadelphia Traffic Court :
 Philadelphia County :

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OF PENNSYLVANIA

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BEFORE: Honorable Robert J. Colville, P.J.
Honorable Carmella Mullen
Honorable Jack A. Panella
Honorable John J. Soroko
Honorable David J. Shrager
Honorable David J. Barton

**Order Re: Objections and Exceptions to the
Opinion of the Court Dated January 14, 2016**

AND NOW, this 19th day of February, 2016, upon review and consideration of the Objections and Exceptions filed by the Respondent, Michael J. Sullivan, to the Opinion of this Court dated January 14, 2016, and upon review and consideration of the response filed by the Judicial Conduct Board on January 20, 2016, it is ORDERED and DIRECTED as follows:

1. The aforesaid Objections and Exceptions are Denied and Dismissed.
2. In accordance with C.J.D.R.P. NO. 503(C)(2), the Opinion of this Court dated January 14, 2016, including the findings and conclusions of law, is affirmed.
3. In accordance with C.J.D.R.P. No. 504, a hearing for the issue of sanctions is scheduled for April 1, 2016 at 1:00 p.m. in the Commonwealth Court Courtroom 5001, PA Judicial Center, 601 Commonwealth Avenue, Harrisburg, PA.

Statement of Reasons

Respondent, Michael J. Sullivan, by his counsel, has filed Objections and Exceptions to the Opinion of this Court dated January 14, 2016, which found him in violation of his responsibilities as a judge. The Objections and Exceptions focus

largely on the weight of the evidence and on the conclusions derived from that evidence.

As a side issue we note that in Paragraphs 2 and 12 of his Objections and Exceptions, Respondent Sullivan objects to a finding of a violation against him for his role in "the Shane Sullivan matter" which reference this Court finds puzzling as our Opinion contained no reference at all to Shane Sullivan.

Virtually all of the Findings of Fact included in the Opinion were stipulated to by the parties or were established by overwhelming evidence. Under ***Commonwealth v. Treiber***, 874 A.2d 26 (Pa. 2005), the weight to be given to any evidence is for the finder of fact and is not to be disturbed absent a verdict so contrary to the evidence as to shock the conscience. "Credibility determinations are for the trier of fact. As long as sufficient evidence exists in the record to support the credibility findings, [the Supreme Court] may not overturn those findings." ***In re Merlo***, 58 A.3d 1, 16 (Pa. 2012).

Although Sullivan contends that he received no compensation for any of the "considerations" that were granted to litigants who appeared before him, and that this practice had been in place long before he joined the traffic court, this contention is of no consequence. This Court has found that Sullivan regularly gave and requested favorable consideration for those who had influence or connections, and who appeared before him and other judges in the traffic court. The fact that Sullivan says he sometimes gave favorable treatment to those without such connections is of little importance.

Furthermore, Sullivan is correct that certain witnesses spoke highly of him, as a person who showed compassion for the litigants who appeared before him. However, Respondent misapprehends our function in the judicial discipline system when reviewing evidence of violations of the Constitution and the Canons:

The existence of good character evidence does not undo . . . offensive behavior. Disciplinary sanctions focus beyond the one who is charged, to the message sent to the public and the effect on the expectation of standards of behavior. “[D]isciplinary sanctions . . . are intended to protect the public . . . and maintain the integrity of the legal system.” *In re Melograne*, 585 Pa. 357, 888 A.2d 753, 755 (2005).

. . .

The Court of Judicial Discipline is charged with protecting the integrity of the judiciary and upholding public confidence in the judicial branch of government. *Melograne*, 812 A.2d at 1168-69. “In disciplining a judicial officer for his misconduct, that tribunal not only punishes the wrongdoer, but also repairs the damaged public trust and provides guidance to other members of the judiciary regarding their conduct.” *Id.*, at 1168.

In re Berkheimer, 930 A.2d 1255, 1259-60 (Pa. 2007).

The uncontroverted evidence showed that the practice of Respondent, and other judges, in appending an index card to certain case files achieved its intended result. Respondent's actions assured a more favorable outcome for those persons personally and politically connected to, in this case, Sullivan. This evidence was afforded great weight. Respondent's actions, regardless of whether they occurred as a result of an established illicit custom, or otherwise, are offensive to the fundamental notions of Due Process expected by every citizen in Pennsylvania who steps into a courtroom. That Respondent did these acts without receiving compensation does not lessen the injustices he perpetrated on our citizens -- or the entirety of the Pennsylvania judiciary and judicial system.

Because we found no merit to any of the matters raised in the aforesaid Objections and Exceptions, we did not grant Respondent's request for argument thereon.

PER CURIAM