

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

RECEIVED AND FILED
COURT OF
JUDICIAL DISCIPLINE
OF PENNSYLVANIA

2016 FEB 22 P 3:12

IN RE:

J. Michael Eakin
Justice of
The Supreme Court of Pennsylvania

.....

13 JD 2015

SECOND STATUS REPORT REGARDING COURT SUBPOENA

AND NOW, this 22nd day of February, 2016, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (the Board), by and through undersigned counsel, and files this second status report regarding the December 15, 2015 Subpoena issued by this Court to Kathleen G. Kane, Attorney General of the Commonwealth of Pennsylvania (AG Kane), and avers the following:

1. By Order dated February 11, 2016, this Court directed that AG Kane comply with this Court's Subpoena dated December 15, 2015, and directed her to produce all material specified in the Subpoena to the Board no later than February 25, 2016, or to provide an affidavit averring that the same material had already been produced. The Court also directed the Board to serve its February 11, 2016, Order upon AG Kane.
2. On February 12, 2016, Board Investigator John C. "Jack" Harlacker served a certified copy of this Court's Order of February 11, 2016, upon Attorney General Kane through Melanie Condred, an employee of the Office of Attorney General (OAG), who accepted service on her behalf at the OAG Headquarters, 16th Floor, Strawberry Square, Harrisburg, PA. Additionally, that same day, a PDF copy of the Order was also sent directly to Attorney General Kane by text and email by Deputy Chief Counsel Francis J. Puskas II.
3. Thereafter, on February 12, 2016, without an accompanying explanatory cover letter, an OAG staff member provided to the Board an envelope containing the following:

- (A) Two compact discs with the words "Pennsylvania Office of Attorney General, Judicial Conduct Board Subpoena 2/12/2016" written on them. These CDs are duplicates containing electronic copies of emails sent to and received by Justice Eakin at his wap092001@yahoo.com ("John Smith") email address and his JusticeEakin@pacourts.us email address that were contained on OAG servers.
 - (B) Two identical Microsoft Excel Spread sheets with a numerical breakdown of the emails sent by and received by Justice Eakin at his wap092001@yahoo.com ("John Smith") email address and his JusticeEakin@pacourts.us email address that were contained on OAG servers. **See Attachment "A" (Microsoft Excel spreadsheet prepared by OAG).**
- 4. Board staff reviewed the provided CDs and determined that their contents were identical to the material previously received by the Board from the OAG.
 - 5. There are no new emails involving Justice J. Michael Eakin contained on the CDs provided by the OAG to the Board on February 12, 2016.

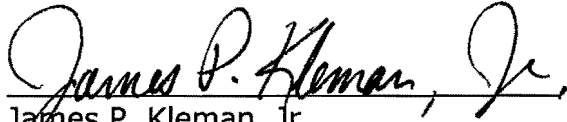
WHEREFORE, the Board files this status report regarding Attorney General Kane's compliance with this Court's February 11, 2016 Order, so that it may take any action it deems appropriate.

Respectfully submitted,

FRANCIS J. PUSKAS, II
Deputy Chief Counsel

DATE: February 22, 2016

BY:

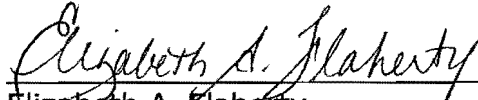


James P. Kleman, Jr.

Deputy Counsel

Pa. Supreme Court ID No. 87637

BY:



Elizabeth A. Flaherty

Deputy Counsel

Pa. Supreme Court ID No. 205575

Judicial Conduct Board
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 3500
P.O. Box 62525
Harrisburg, PA 17106
(717) 234-7911

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

IN RE:

J. Michael Eakin
Justice of
The Supreme Court of Pennsylvania

:
:
:
:
:
:

13 JD 2015

PROOF OF SERVICE

In compliance with Rule 122 of the Court of Judicial Discipline Rules of Procedure, on December 4, 2015, a copy of the Board's Second Status Report was sent by first class mail, return receipt requested, to William C. Costopoulos, Esquire, and Heidi Eakin, Esquire, counsel for Justice Eakin, and Attorney General Kathleen Kane at the following addresses:

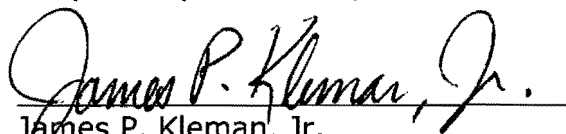
William C. Costopoulos, Esquire
Heidi F. Eakin, Esquire
Costopoulos, Foster & Fields
831 Market Street
Lemoyne, PA 17043

Attorney General Kathleen G. Kane
Commonwealth of Pennsylvania
Office of Attorney General
Strawberry Square, 16th Floor
Harrisburg, PA 17120

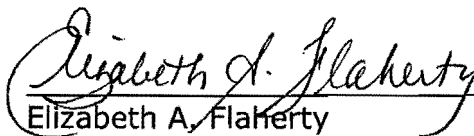
Respectfully submitted,

DATE: February 22, 2016

BY:


James P. Kleman, Jr.
Deputy Counsel
Pa. Supreme Court ID No. 87637

BY:



Elizabeth A. Flaherty

Deputy Counsel

Pa. Supreme Court ID No. 205575

Judicial Conduct Board

Pennsylvania Judicial Center

601 Commonwealth Avenue, Suite 3500

P.O. Box 62525

Harrisburg, PA 17106

(717) 234-7911

TIMEFRAME of SEARCH:
1/1/2008 to 02/12/2016

Enterprise Vault v9
(2008 to 2012)

Enterprise Vault v10
(2012 to PRESENT)

Date:
2/12/2016

PREVIOUS VAULT SEARCH RESULTS

Search

- 1 wap092001@yahoo.com (John Smith)
- 2 Justice.Eakin@pacourts.us (Eakin, Justice)

Author (From:)	Recipient (To:)
115	852
5	273

Author (From:)	Recipient (To:)
37	144
3	84

Subtotal
1,148
365
0

10/18/2015	9/30/2015
1,148	
	365

TOTALS

120	1,125	40	228
-----	-------	----	-----

GRAND TOTAL

1,513

02-12-2016_VaultSearch_JCB_Subpoena_JusticeEakin_Emails

Deleted Items

Justice.Eakin@pacourts.us (Justice J. Michael Eakin)

- From: (eVault v10) (3)
- From: (eVault v9) (5)
- To: (eVault v10) (84)
- To: (eVault v9) (273)

wap092001@yahoo.com (John Smith)

- From: (eVault v10) (37)
- From: (eVault v9) (115)
- To: (eVault v10) (144)
- To: (eVault v9) (852)

Search Folders

RECEIVED

FEB 12 2016

JUDICIAL C. BOARD

Attachment "A"