

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

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JUDICIAL DISCIPLINE
OF PENNSYLVANIA

2016 MAR - 9 P 4: 23

IN RE: :
: :
J. Michael Eakin : No. 13 JD 15
Justice of the Supreme Court :
of Pennsylvania :

Before: Honorable Robert J. Colville, P.J.
Honorable Carmella Mullen
Honorable Jack A. Panella
Honorable David J. Shrager
Honorable David J. Barton
Honorable Cathy Ann Hardaway

ORDER

AND NOW, this 9th day of March, 2016, it is the unanimous decision and Order of the Court that:

- 1) The Board's Motion for Change of Venue is DENIED;
- 2) For the reasons set forth by the Court at the proceeding held on February 25, 2016, and the Rules of Procedure for the Court of Judicial Discipline having no provision for any resolution beyond the parties entering stipulations of fact pursuant to C.J.D.R.P. No. 502, Respondent's Motion to Present Mediated Resolution is DENIED; and
- 3) Notwithstanding the Court's denial of the Motion to Present Mediated Resolution, the parties may present any stipulations of fact, pursuant to C.J.D.R.P. No. 502 (D)(1) or (2), in writing, to the Trial Panel of this Court at the final pretrial conference on March 23, 2016. In the event that such stipulations serve to limit the factual testimony necessary at trial, the parties may present any witnesses

needed to address the remaining factual disputes at trial, along with argument as to how the law applies to the facts as stipulated and proved at trial. Any proposed factual stipulations must be accompanied by Respondent's written waiver of his right to seek disqualification of any judge of this Court on the basis of having received proposed stipulations of fact. At the conclusion of the trial, the parties are required to present proposed conclusions of law pursuant to C.J.D.R.P. No. 502(B)(3), which are not binding upon the Court. See C.J.D.R.P. No. 502(E). The Court hereby restates that the Rules of Procedure make no provision for, nor will the Court permit, stipulations from the parties regarding conclusions of law, or of sanctions arising from a violation or violations of the Canons of Judicial Conduct. In the event that a determination is made that a violation of the Canons or Constitution has occurred, and consistent with recent practice, the Court will entertain argument and recommendations as to any appropriate sanction, whether jointly made by the parties or otherwise, only at a sanctions hearing held pursuant to C.J.D.R.P. No. 504.

PER CURIAM