

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

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IN RE:

J. Michael Eakin : 13 JD 2015
Justice of the Supreme Court :
of Pennsylvania :

ORDER

AND NOW, this 10th day of March, 2016, it is Ordered and Directed as follows:

1. As previously ordered, a final pre-trial conference will be conducted on Wednesday, March 23, 2016, at the Commonwealth Court Courtroom, Judicial Center, Harrisburg, at 1:30 PM.
2. Counsel for the Judicial Conduct Board and for the Respondent must file updated and supplemental pre-trial memoranda on or before Tuesday, March 22, 2016, and shall contemporaneously serve a copy on opposing counsel. The pre-trial memoranda shall contain an full updated listing of the following:
 - a. The names and addresses of all witnesses expected to testify at trial, and the subject of the testimony of each.
 - b. A list of all exhibits intended to be introduced at trial.
 - c. A list of stipulations to which opposing counsel can reasonably be expected to agree, including stipulations as to the authenticity or admissibility of exhibits.

d. A certification by each party that it has furnished the other with the materials required to be exchanged under C.J.D.R.P. No. 401(D)(1).

e. A certification by the Board that it has provided the Respondent with any exculpatory evidence relevant to the charges contained in the Board Complaint in accordance with C.J.D.R.P. No. 401(E).

f. Any disputes concerning discovery will be determined by the Court, in accordance with C.J.D.R.P. No. 403, at the final pre-trial conference.

3. At the final pre-trial conference the following administrative matters shall be considered, in accordance with C.J.D.R.P. No. 421(A), if not already disposed of by order of court:

(1) Clarification of the issues;

(2) Amendments to the pleadings;

(3) Stipulations and agreements to admit documents or other physical evidence;

(4) Limitations on the number of expert and character witnesses;

(5) Any disputes concerning discovery not previously resolved;

(6) Any other matters which may aid in the prompt disposition of the matter.

4. If the Respondent does not wish to attend the final Pre-Trial Conference, a waiver of his attendance must be filed in accordance with C.J.D.R.P. No. 421(C).

5. As previously ordered, the following attorneys are attached for trial:

a. Francis J. Puskas, II, Esq., Deputy Chief Counsel, JCB

b. James P. Kleman, Jr., Esq., Deputy Counsel, JCB

- c. Elizabeth A. Flaherty, Esq., Deputy Counsel, JCB
- d. William C. Costopoulos, Esq.
- e. Heidi F. Eakin, Esq.

6. In accordance with C.J.D.R.P. Nos. 501(B) & 502(B):

- a. The trial shall be held before the Panel of the Court and shall be open to the public;
- b. All testimony shall be under oath;
- c. The Board and the Judicial Officer shall be permitted to present evidence and examine and cross-examine witnesses;
- d. The Judicial Officer may, but shall not be required to, testify;
- e. At the conclusion of the trial, the Board and the Judicial Officer may, at the request of the Court, present oral argument and shall submit proposed findings of fact and conclusions of law.

7. In accordance with C.J.D.R.P. No. 502(B):

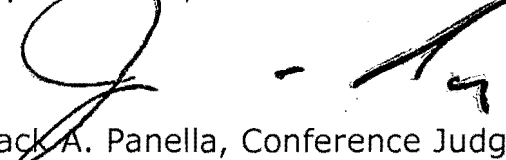
The trial shall be recorded verbatim. Requests and orders for transcripts shall be governed by Pa.R.J.A. 5000.5.

Any party requesting notes of testimony shall bear the cost of transcription.

Any witness shall have the right to be represented by counsel, but the witness' counsel shall not participate in the trial except by permission of the Court.

8. Issues raised by the parties at the Pretrial Conference held on January 21, 2016, which were subject to the briefing schedule¹ will be addressed in a separate order of court.

By the Court,



Jack A. Panella, Conference Judge

¹ At the conclusion of the initial pretrial conference held on January 21, 2016, the parties were directed to file briefs addressing twenty-four issues specified by the Court. The Judicial Conduct Board's brief was filed on February 22, 2016. The Respondent's brief was filed on March 10, 2016. Following receipt of the briefs, the Court will review the arguments of counsel and issue a court order disposing of the issues addressed in the briefs.