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COURT OF JUDICIAL DISCIPLINE
OF PENNSYLVANIA

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

IN RE:

Andrew T. LeFever, Esq. :
Magisterial District Judge :
Magisterial District 02-2-04 : 7 JD 2020
2nd Judicial District :
Lancaster County :

TO: ANDREW T. LEFEVER

You are hereby notified that the Pennsylvania Judicial Conduct Board has determined that there is probable cause to file formal charges against you for conduct proscribed by Article V, § 17(b) and § 18(d)(1) of the Constitution of the Commonwealth of Pennsylvania, and the Rules Governing Standards of Conduct of Magisterial District Judges. The Board’s counsel will present the case in support of the charges before the Pennsylvania Court of Judicial Discipline.

You have an absolute right to be represented by a lawyer in all proceedings before the Court of Judicial Discipline. Your attorney should file an entry of appearance with the Court of Judicial Discipline within fifteen (15) days of service of this Board Complaint in accordance with C.J.D.R.P. No. 110.

You are hereby notified, pursuant to C.J.D.R.P. No. 302(B), that should you elect to file an omnibus motion, that motion should be filed no later than thirty (30) days after the service of this Complaint in accordance with C.J.D.R.P. No. 411.

You are further hereby notified that within thirty (30) days after the service of this Complaint, if no omnibus motion is filed, or within twenty (20) days after the dismissal of all or part of the omnibus motion, you may file an Answer admitting or denying the allegations contained in this Complaint in accordance with C.J.D.R.P. No. 413. Failure to file an Answer shall be deemed a denial of all factual allegations in the Complaint.

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Magisterial District Judge	:	
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COMPLAINT

AND NOW, this 9th day of November, 2020, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (Board) and files this Board Complaint against the Honorable Andrew T. LeFever, Magisterial District Judge for Magisterial District 02-2-04, Lancaster County, Pennsylvania, alleging that Judge LeFever has violated the Rules Governing Standards of Conduct of Magisterial District Judges and the Constitution of the Commonwealth of Pennsylvania, as more specifically delineated herein.

FACTUAL ALLEGATIONS

1. Article V, § 18 of the Constitution of the Commonwealth of Pennsylvania grants to the Board the authority to determine whether there is probable cause to file formal charges against a judicial officer in this Court, and thereafter, to prosecute the case in support of such charges in this Court.
2. From January 2, 2020, to the present, Judge LeFever has served continuously as a Magisterial District Judge in Magisterial District 02-2-04, Lancaster County, Pennsylvania.

3. On July 12, 2018, Lancaster County Democratic Committee Chairperson, JoAnn Hentz, appointed Andrew T. LeFever, Esq. to fill the vacant position of Committee Person in the Lancaster City Democratic Committee (LCDC) to represent the City of Lancaster's 5th precinct of the 6th ward.

4. According to its website at www.lancastercitydemocrats.com:

Democratic Committee members are your friends, your colleagues, and your neighbors.

These elected officials promote our most sacred civic duties: voting and being involved in our government. They work to inform their neighbors about upcoming elections, provide information about candidates and issues, and represent the Democratic Party at their polling place on election days.

Committee People are elected by registered Democrats from the voting district (precinct) where they live for terms of four years. Vacancies may be filled by appointment by the Chair of the Lancaster County Democratic Committee.

5. According to its website at www.lancastercitydemocrats.com, the LCDC's "mission is to build a strong Democratic community, to recruit and elect strong Democratic candidates, and to advance the principles of the Democratic Party within the City of Lancaster, Pennsylvania."

6. On January 27, 2019, Mr. LeFever formally announced his candidacy for the position of Magisterial District Judge with a post on his public campaign Facebook page titled "Andrew LeFever for Magisterial District Judge" stating:

Hello Facebook community! I'm honored to formally announce my candidacy for Magisterial District Judge. Why am I running? Because the people of Lancaster are owed a fair, impartial justice system. The role of the District Judge is to be an arbiter and protector of the citizens and their rights. Based upon my years of experience in the criminal justice system as a practicing attorney, I believe I am well-suited to serve in that role. Thank you for your support!

7. "Judicial candidates" are subject to the provisions of Canon 4 of the Rules Governing Standards of Conduct of Magisterial District Judges.
8. On January 27, 2019 and until March 11, 2019, Candidate LeFever served as a Committee Person in the LCDC.
9. Candidate LeFever's campaign Facebook page was routinely updated with posts concerning his campaign activities from January 27, 2019 through March 12, 2019.
10. On February 11, 2019, Candidate LeFever participated in a public LCDC meeting to determine which judicial and non-judicial candidates the LCDC would officially endorse for the 2019 municipal election.
11. At the February 11, 2019 LCDC meeting, Candidate LeFever, as a Committee Person, voted for the LCDC to endorse non-judicial candidates for the positions of School Director and Lancaster City Council.
12. At the February 11, 2019 LCDC meeting, Candidate LeFever, as a Committee Person, voted for the LCDC to endorse him for the position of Magisterial District Judge in Magisterial District 02-2-04.
13. On February 11, 2019, after a unanimous vote, Candidate LeFever received the endorsement of the LCDC for the position of Magisterial District Judge in Magisterial District 02-2-04.
14. On February 11, 2019, Candidate LeFever established his campaign committee, LANCASTER FOR LEFEVER.
15. LANCASTER FOR LEFEVER received campaign contributions between February 11, 2019 and March 12, 2019.

16. Candidate LeFever and/or LANCASTER FOR LEFEVER made expenditures for his campaign from January 5, 2019 through March 11, 2019.
17. On February 23, 2019, Candidate LeFever received the endorsement of the Lancaster County Democratic Committee for the position of Magisterial District Judge in Magisterial District 02-2-04.
18. On February 23, 2019, Candidate LeFever and his circulators began soliciting electors in the City of Lancaster's 6th Ward for placement of their signatures on Candidate LeFever's Republican and Democratic nominating petitions for the position of Magisterial District Judge in Magisterial District 02-2-04.
19. Candidate LeFever and his circulators obtained signatures on his nominating petitions from electors located in the City of Lancaster's 6th Ward on each day from February 23, 2019 through March 11, 2019.
20. On March 6, 2019, Candidate LeFever appeared at Molly's Pub and Carry Out for a campaign event with other candidates seeking nomination for non-judicial public office.
21. On March 11, 2019, Candidate LeFever participated in a public LCDC meeting as a Committee Person for the City of Lancaster's 5th Precinct in the 6th Ward.
22. Following the March 11, 2019 LCDC meeting, Candidate LeFever informed LCDC Chair Diane Topakian via letter that he was resigning from the LCDC.
23. On March 12, 2019, Candidate LeFever filed his Republican and Democratic nominating petitions with the Lancaster County Board of Elections.
24. On May 21, 2019, Candidate LeFever won the Democratic primary election for the position of Magisterial District Judge in Magisterial District 02-2-04.

25. On November 5, 2019, Candidate LeFever defeated Republican candidate John W. Kenneff in the municipal election for the position of Magisterial District Judge in Magisterial District 02-2-04.
26. Judge LeFever began his term as Magisterial District Judge in Magisterial District 02-2-04 on January 2, 2020.

CHARGES

Count 1 – Violation of Canon 4, Rule 4.1(A)(1)

27. By virtue of some or all of the conduct alleged in paragraphs 4 through 26 above, Judge LeFever violated Canon 4, Rule 4.1(A)(1) of the Rules Governing Standards of Conduct of Magisterial District Judges.
28. Canon 4, Rule 4.1(A)(1) states the following:

Canon 4, Rule 4.1. Political and Campaign Activities of Magisterial District Judges and Judicial Candidates in General

 - (A) Except as permitted by Rules 4.2, 4.3, and 4.4, a judicial candidate shall not:
 - (1) Act as a leader in, or hold an office in, a political organization.
29. The Rules Governing Standards of Conduct of Magisterial District Judge defines “judicial candidate” as being:

Any person, including a sitting magisterial district judge, who is seeking appointment or election to judicial office. A person becomes a candidate for judicial office as soon as he or she makes a public announcement of candidacy, declares or files as a candidate with the appointment or election authority, or where permitted, engages in solicitation or acceptance of contributions or support, or is nominated for appointment or election to office.
30. Judge LeFever became a judicial candidate on January 27, 2019 when he formally announced his campaign for Magisterial District Judge on his public Facebook campaign page “Andrew LeFever for Magisterial District Judge.”

31. Judge LeFever further demonstrated that he was a judicial candidate when he announced his candidacy, formed the campaign committee LANCASTER FOR LEFEVER, made campaign expenditures, appeared at campaign events, sought and received the endorsements of political organizations, when he and his circulators solicited electors for their signatures on his nominating petitions, and when LANCASTER FOR LEFEVER received contributions and made expenditures for his campaign.
32. Rules 4.2, 4.3, and 4.4 of the Rules Governing Standards of Conduct of Magisterial District Judges do not permit a judicial candidate to hold office in a political organization.
33. The Rules Governing Standards of Conduct of Magisterial District Judge defines “political organization” as being:

A political party or group sponsored by or affiliated with a political party or candidate, the principle purpose of which is to further the election or appointment of candidates for political office, excluding a judicial candidate’s campaign committee created as authorized by these Conduct Rules.
34. By holding the office of Committee Person in the LCDC, a political organization, when he was a judicial candidate from January 27, 2019 through his resignation from the LCDC on March 11, 2019, Judge LeFever violated Canon 4, Rule 4.1(A)(1) of the Rules Governing Standards of Conduct of Magisterial District Judges.

Count 2 – Violation of Canon 4, Rule 4.1(A)(3)

35. By virtue of some or all of the conduct alleged in paragraphs 4 through 26 above, Judge LeFever violated Canon 4, Rule 4.1(A)(3) of the Rules Governing Standards of Conduct of Magisterial District Judges.

36. Canon 4, Rule 4.1(A)(3) states the following:

Canon 4, Rule 4.1. Political and Campaign Activities of Magisterial District Judges and Judicial Candidates in General

(A) Except as permitted by Rules 4.2, 4.3, and 4.4, judicial candidate shall not:

...

(3) publicly endorse or publicly oppose a candidate for any public office.

37. Judge LeFever endorsed non-judicial candidates for public office when on February 11, 2019, he, as an LCDC Committee Person, voted for the LCDC to endorse candidates for School Director and Lancaster City Council.

38. Rules 4.2, 4.3, and 4.4 of the Rules Governing Standards of Conduct of Magisterial District Judges do not permit a judicial candidate to endorse non-judicial candidates for public office.

39. By voting for the LCDC to endorse candidates for School Director and Lancaster City Council, Judge LeFever violated Canon 4, Rule 4.1(A)(3) of the Rules Governing Standards of Conduct of Magisterial District Judges.

Count 3 - Violation of Canon 4, Rule 4.2(A)(1)

40. By virtue of some or all of the conduct alleged in paragraphs 4 through 26 above, Judge LeFever violated Canon 4, Rule 4.2(A)(1) of the Rules Governing Standards of Conduct of Magisterial District Judges.

41. Canon 4, Rule 4.2(A)(1) states the following:

Canon 4, Rule 4.2. Political and Campaign Activities of Judicial Candidates in Public Elections.

(A) A judicial candidate in a public election shall:

(1) act at all times in a manner consistent with the independence, integrity, and impartiality of the judiciary.

42. By voting, as an LCDC Committee Person, for the LCDC to endorse him for the position of Magisterial District Judge in Magisterial District 02-2-04, Judge LeFever violated Canon 4, Rule 4.2(A)(1) of the Rules Governing Standards of Conduct of Magisterial District Judges.
43. By voting, as an LCDC Committee Person, for the LCDC to endorse candidates for School Director and Lancaster City Council, Judge LeFever violated Canon 4, Rule 4.2(A)(1) of the Rules Governing Standards of Conduct of Magisterial District Judges.
44. By engaging in campaign activity from January 27, 2019 through March 11, 2019 while he was a Committee Person in the LCDC, Judge LeFever violated Canon 4, Rule 4.2(A)(1) of the Rules Governing Standards of Conduct of Magisterial District Judges.

Count 4 - Violation of Article V, § 17(b) of the Constitution of the Commonwealth of Pennsylvania

45. By virtue of some or all of the conduct set forth above, Judge LeFever violated Article V, § 17(b) of the Constitution of the Commonwealth of Pennsylvania.
46. Article V, § 17(b) of the Constitution of the Commonwealth of Pennsylvania states the following:

Article V, § 17(b) Derivative Violation

Justices and judges shall not engage in any activity prohibited by law and shall not violate any canon of legal or judicial ethics prescribed by the Supreme Court.

47. A violation of the Rules Governing Standards of Conduct of Magisterial District Judges constitutes an automatic, derivative violation of Article V, § 17(b) of the Constitution of the Commonwealth of Pennsylvania.
48. Judge LeFever violated Canon 4, Rule 4.1(A)(1).

49. Judge LeFever violated Canon 4, Rule 4.1(A)(3).
50. Judge LeFever violated Canon 4, Rule 4.2(A)(1).
51. By violation of all, or some, of the Rules set forth above, Judge LeFever violated Article V, § 17(b) of the Constitution of the Commonwealth of Pennsylvania.


WHEREFORE, Andrew T. LeFever, Magisterial District Judge in Magisterial District 02-2-04, Lancaster County, Pennsylvania, is subject to disciplinary action pursuant to the Constitution of the Commonwealth of Pennsylvania, Article V, § 18(d)(1).

Respectfully submitted,

RICHARD W. LONG
Chief Counsel

DATE: November 9, 2020

By:



COLBY J. MILLER
Deputy Counsel
Pa. Supreme Court ID No. 311599
Judicial Conduct Board
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 3500
P.O. Box 62525
Harrisburg, PA 17106
(717) 234-7911

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VERIFICATION

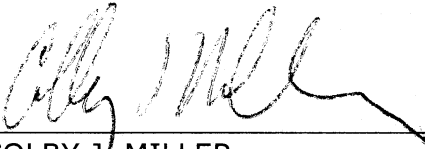
I, Colby J. Miller, Deputy Counsel to the Judicial Conduct Board, verify that the Judicial Conduct Board found probable cause to file the formal charges contained in the *BOARD COMPLAINT*. I understand that the statements herein are made subject to the penalties of 18 Pa. Cons. Stat. Ann. §4904, relating to unsworn falsification to authorities.

Respectfully submitted,

RICHARD W. LONG
Chief Counsel

DATE: November 9, 2020

By:



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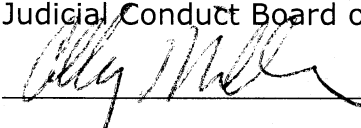
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CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Judicial Conduct Board of Pennsylvania
Signature: 
Name: Colby J. Miller
Deputy Counsel
Attorney No.: 311599

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PROOF OF SERVICE

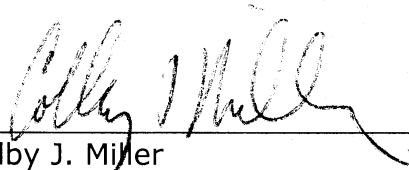
In compliance with Rule 122 of the Court of Judicial Discipline Rules of Procedure, on the date below a copy of the Board's Complaint was sent by UPS overnight mail to Robert A. Graci, Esquire, counsel for Magisterial District Judge Andrew T. LeFever at the following address:

Robert A. Graci, Esquire
Saxton & Stump, LLC
4250 Crums Mill Road, Suite 201
Harrisburg, PA 17112

Respectfully submitted,

DATE: November 9, 2020

BY:



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