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COURT OF JUDICIAL DISCIPLINE
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COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

IN RE: JUDGE MARISSA J. :
BRUMBACH :
MUNICIPAL COURT JUDGE : 2 JD 2022
1ST JUDICIAL DISTRICT :
PHILADELPHIA COUNTY :

**RESPONDENT JUDGE MARISSA J. BRUMBACH'S BRIEF IN
OPPOSITION TO THE BOARD'S PETITION FOR RELIEF FOR
INTERIM SUSPENSION WITHOUT PAY**

Respondent, Marissa Brumbach, by and through her undersigned counsel, submits this Brief in Opposition to the Petition for Interim Suspension With or Without Pay (the "Petition"), filed by the Judicial Conduct Board of the Commonwealth of Pennsylvania (the "Board") on December 14, 2022—simultaneous with a Complaint alleging nine counts of judicial misconduct. For the reasons detailed below, Judge Brumbach respectfully requests this Court deny the Petition in its entirety because the Board failed to carry its burden of demonstrating that, based on the totality of the circumstances, an interim order of suspension necessary to preserve the public's confidence in the judiciary and secure the proper administration of justice. In the alternative, even

if the Board has made a sufficient showing that the relief requested is appropriate, the suspension should be with pay and without any loss of health or other benefits.

I. INTRODUCTION

While bearing all the trappings of a typical disciplinary complaint against a sitting judge, in reality, the proceedings that have been instituted against Judge Brumbach have little—if anything—to do with the Rules of Judicial Conduct or any of the constitutional provision governing the judiciary. Rather, at its core, this matter emanates from a lack of leadership in the Philadelphia Municipal Court so profound that it has culminated in a routine administrative issues being thrust into this Court under the auspices of misconduct. To summarize, In November 2021, Judge Brumbach notified President Judge Dugan that she was taking a day off on January 7, 2022. Judge Dugan never responded to that email or communicated to Judge Brumbach whether he had taken steps to ensure that the cases assigned to her for January 7 would be considered by one of several other emergency or senior judges. His silence created uncertainty. Unsure of whether President Judge Dugan would provide coverage, Judge Brumbach developed an

alternative way to cover her cases. And that plan, regardless of how many times the Board may attempt to recharacterize it, *did not* involve adjudicating matters before their list date. On or about January 6, Judge Brumbach reviewed the paper files for each case listed on January 7 (after the District Attorney had already reviewed them) and made notations on them indicating what she believed would occur on January 7. At this time, none of these notations were adjudicated—that is, none of the notations were entered onto the electronic docket. On January 6, Judge Brumbach communicated her idea with President Judge Dugan and Administrative Judge Joffie Pittman. Neither expressed a concern about Judge Brumbach’s idea. That is, until Judge Dugan apparently believed Judge Brumbach “adjudicated” the cases. But he was—and continues to be—mistaken. The entirety of the Board’s Complaint rests on the same mistake. A careful review of the facts will make clear one thing: On January 6, Judge Brumbach did not—and indeed, could not—adjudicate any case and therefore did not violate any defendant’s due process rights.

II. PROCEDURAL HISTORY AND FACTUAL SUMMARY¹

Since January 1, 2018, Judge Brumbach has served as a judge of the Philadelphia Municipal Court. At the time of the alleged conduct, Judge Brumbach was assigned to the Traffic Division B Court (“B Court”). An understanding of Traffic Court and B Court is important to understanding the nature of the allegations.

A. Traffic Court, B Court

Philadelphia Municipal Court’s judges preside over matters in Traffic Division B Court. The judges adjudicate moving violations, commonly referred to as traffic tickets or citations, occurring within Philadelphia, issued by the Philadelphia Police Department and the Pennsylvania State Police and other police entities. If traffic citations are not electronically filed upon issuance, Traffic Court is forwarded paper copies. Once received by Traffic Court, the paper citation(s) are scanned to the Official Electronic Court Record and a Docket is generated. For all intents and purposes, the paper citation is otherwise rendered meaningless in form and substance.

¹ To the extent the facts recited herein are not contained in public record or otherwise subject to judicial notice, Judge Brumbach anticipates presenting evidence at the hearing to support the facts.

Traffic Court is responsible for the collection of fines and court costs resulting from guilty pleas and findings of guilt for violations of the Pennsylvania Motor Vehicle Code. Guilty adjudications subject a violator to statutorily determined fines and costs of court, as well as possible statutorily mandated “points” on a driving record. The cases are listed in three time slots: 9:00 a.m.; 1:00 p.m.; and 2:30 p.m. As relevant here, there are a number of possible outcomes for any given ticket: not guilty *in absentia*; guilty *in absentia*; a contested matter; prosecutorial withdrawal—where the prosecution decides, for whatever reason to withdraw the ticket; and re-listment—where a matter is not ripe for adjudication.

Ticketholders who fail to appear, by operation of law, consent to an *absentia* finding. *See* Pa. R. Crim. P. 1031. In these cases, the judge reads the citation to determine if the officer’s observations are sufficient to support a finding that the ticketholder is guilty of the Vehicle Code sections that were charged. If not, the ticketholder is deemed not guilty. Prosecutors do not call any witnesses nor the issuing officer from the Philadelphia Police Department, State Trooper, or another law

enforcement officer. For all intents and purposes, it is the judge and citations.

In a contested matter, the ticketholder appears to contest his or her guilt. Prosecutors do not call any witnesses or issuing officer from the Philadelphia Police Department, State Trooper, or another law enforcement officer. The number of individuals who appear to contest tickets is very low—especially after the COVID 19 pandemic.²

At each time slot, the judge first resolves any citations where the ticketholder appears to contest their guilt so as to not make them wait. From there, the Judge and the District Attorney work through the paper citations making the appropriate designations: not guilty *in abstention*, guilty *in abstention*, or withdrawal. The judge uses the paper citations to make notations consistent with each finding. The paper citations are the given to court staff referred to as the “dispositioner” to be adjudicated on the docket. As soon as the court’s

² Based on her analysis of the number of individuals who appeared from October 2021 through January 6 2022, Judge Brumbach estimated the number to be between 2 to 4 per day. During the four days prior to January 7, 2022, only five individuals appeared; nobody appeared on that Tuesday and only one on that Thursday.

findings are entered into the docketing system those findings instantaneously become an adjudication.

B. January 7, 2022

The genesis of the allegations in the Board's Complaint was a November 10, 2021 email from Judge Brumbach to President Judge Dugan relaying that she would be "attending an event in Florida on January 7, 2022, and unable to preside that day." *See* Complaint at ¶ 3.³ In the intervening months, President Judge Dugan did not respond to, or even acknowledge, Judge Brumbach's email. On January 3 and January 4, 2022, President Judge Dugan sent an email to the entire complement of Municipal Court judges indicating that he was experiencing coverage issues that week.

Given this email, and President Judge Dugan's lack of response to her own email, Judge Brumbach wanted to ensure that her judicial leave would not burden the administration of the Municipal Court. To that end, Judge Brumbach communicated with Donna Sofronski, chief of courtroom operations, and arranged for the District Attorney to review the paper files for all of the cases scheduled on January 7 so that

³ This was consistent with Rule of Judicial Administration Rule 704. *See* Pa. R. Jud. Admin. 704.

he could determine which cases, if any, he would withdraw. After the District Attorney reviewed the file, Judge Brumbach reviewed the papers files and conducted a *preliminary* assessment of the appropriate resolution of each matter, assuming none of the ticketholders showed up to contest their tickets. After annotating the relevant papers to reflect her initial inclination, Judge Brumbach then returned the files to Ms. Sofronski on January 6, where they were to remain until the listed cases were called on January 7. On January 7, Judge Brumbach *intended* to call court staff at the start of each list time to ascertain whether anybody had appeared to contest their ticket and, in the (unlikely) event one of the individuals contesting their citation had appeared, she *intended* to instruct court staff to re-list those cases to a later date, so as to ensure that their due process rights would be preserved. Judge Brumbach then *intended* to instruct staff to retrieve the paper citations that she had already marked and give them to the dispositioner for adjudication.

On January 6 at 9:31 a.m. Judge Brumbach emailed President Judge Dugan to inform him of her plan:

Since I have not heard from you regarding coverage and I am aware you are experiencing coverage issues across the Municipal

Court with other judges, I have prepared the files for tomorrow after the Assistant District Attorney reviewed them. As such, a least 95% of the files will have been completed by me without the necessity of coverage. If court remains open tomorrow with the impending snow forecast and anyone shows up, my staff and the court staff know what to do. If you have an alternate plan, let me know and I will set the proper expectations.

Complaint at ¶ 13. In response, President Judge Dugan indicated he had not authorized her to take leave on January 7 and asked whether Judge Brumbach discussed her plan with court administration. That same day, President Judge Dugan then asked Administrative Judge Pittman to talk with Judge Brumbach about the content of that email. Judge Brumbach truthfully told Judge Pittman that she had marked the citations. Judge Pittman did not express any concern over that fact; instead he told Judge Brumbach to have a nice trip. Importantly, at this time, Judge Brumbach informed two senior judges of her plan, and neither offered any advice to the contrary. Judge Dugan instead arranged to have the January 7 files retrieved and photocopied because he believed he had caught Judge Brumbach violating the Rules of Conduct. But critically, at this time, Judge Brumbach had not adjudicated any case because she had not instructed the dispositioner to enter her notations on the paper files into the electronic docket. In fact,

the paper files were never in the custody or control of the dispositioner. Ultimately, the signed papers were entirely meaningless unless and until Judge Brumbach instructed the dispositioner otherwise.

Yet, quite inexplicably, this distinction was seemingly lost upon President Judge Dugan. Instead, on January 10, he informed Judge Brumbach that she was effectively suspended, having been placed on administrative duties, where she has remained since that date. On January 12, 2022, President Judge Dugan wrote a memo to Geoff Moulton, the Pennsylvania Court Administrator, which ultimately prompted the Board's investigation into Judge Brumbach and a Notice of Full Investigation on June 21, 2022. The present Petition is the result of that investigation.

III. STANDARD OF REVIEW

This Court “may issue an interim order directing the suspension, with or without pay,” of any judge “against whom formal charges have been filed with the court by the board or against whom has been filed an indictment or information charging a felony.” Pa. Const. art. V, § 18(d)(2). The Board bears the burden of showing that an interim suspension is required. *See In re Larsen*, 655 A.2d 239 (Pa. Ct. Jud.

Disc. 1994). In determining whether the Board has satisfied its burden, this Court considers the “totality of the circumstances”, including: (1) “the nature of the crime charged[;]” (2) “its relation, or lack thereof to the duties of the responding judicial officer[;]” (3) “the impact or possible impact on the administration of justice in this Commonwealth[;]” (4) “the harm or possible harm to the public confidence in the judiciary[;]” and (5) “any other circumstances relevant to the conduct in question.” *Id.* at 247.

IV. ARGUMENT

This Court should not issue an order suspending Judge Brumbach for two reasons. First, the Board has not alleged conduct sufficient to prove a violation of the rules of conduct or the constitution and, thus, is unable to satisfy the totality of the circumstances analysis. Second, Judge Brumbach has not been charged with any crime, and this Court has very rarely resorted to suspension in such cases.

A. The Board’s allegations are legally insufficient to prove that Judge Brumbach adjudicated the January 7 citations and thus the totality of the circumstances militate in favor of denying the Board’s Petition.

The taproot of each of the nine counts in the Complaint is Judge Brumbach’s alleged conduct on or about January 6. The Board

maintains that Judge Brumbach adjudicated the cases on or about January 6. But as explained below, Judge Brumbach did *not* “adjudicate” any case listed for January 7. And unable to show that an “adjudication” has occurred, the Board’s allegations collapse like the house of cards that they are.

Notwithstanding the Board’s freewheeling use of the term, “adjudication” is a legal term that “has a technical meaning.” *J.C. v. Dep’t of Public Welfare*, 980 A.2d 743, 747 (Pa. Cmwlth. 2009). Specifically, an “adjudication” is “a final, appealable judgment[.]” *Id.*; see Black’s Law Dictionary (11th ed.) (“adjudicate” means “[t]o rule on judicially”).⁴

In traffic court, a case is not adjudicated until the court staff enters whatever is marked on the paper files into the electronic docket. Pennsylvania Rule of Criminal Procedure 460 confirms this point. Rule

⁴ The term has been defined similarly in the administrative context. *See, e.g.*, 45 Pa.C.S. § 501 (defining “adjudication” as “[a]ny order, decree, decision, determination or ruling by an agency affecting personal or property rights, privileges, immunities, duties, liabilities or obligations of any or all of the parties to the proceeding in which the adjudication is made”); 2 Pa.C.S. § 101 (defining “adjudication” as “[a]ny final order, decree, decision, determination or ruling by an agency affecting personal or property rights, privileges, immunities, duties, liabilities or obligations of any or all of the parties to the proceeding in which the adjudication is made”); *accord* 77 P.S. § 29.

460 allows for an appeal from a summary proceeding by “filing a notice of appeal within 30 days after *entry* of the guilty plea, the conviction, or other final order from which the appeal is taken. Pa. R. Crim. P. 460(a). The term “entry” as used in Rule 460 is defined as “the date on which the issuing authority enters or records the guilty plea, the conviction, or other order in the magisterial district judge computer system.” *Id.*, cmt; *see also* Pa. R. Crim. P. 471 (a certified copy of the disposition report is generated when a matter is adjudicated); Pa. R. Crim. P. 1037 (appeals from Philadelphia Traffic Court take place “after the entry of a guilty plea or conviction”). This same rule holds true in other criminal cases, *see* Pa. R. Crim. P. 720, and in civil cases, *see* Pa. R. Civ. P. 236. The appellate rules confirm the same. *See* Pa.R.A.P. 108(a)(1) (“[T]he day of entry shall be the day the clerk of the court or the office of the government unit mails or delivers copies of the order to the parties, or if such delivery is not otherwise required by law, the day the clerk or office of the government unit makes such copies public.”); Pa.R.A.P.

301(a) (“[N]o order of a court shall be appealable until it has been entered upon the appropriate docket in the trial court.”).⁵

The common thread running through these rules is finality. That is, to constitute an “adjudication,” the judicial act must be a final pronouncement or decree settling the rights of the parties in the particular dispute. Accordingly, what emerges from this constellation of authorities—particularly Rule 460, which is directly on-point—is that a Philadelphia Municipal Court Judge’s initial assessment of a traffic citation is not an adjudication until it is entered in the electronic docket.

Indeed, there are two important reasons for Rule 460. First, Rule 460 provides a defendant with adequate notice. For instance, a defendant who does not appear in traffic court has no way of knowing the outcome of the case until the matter is adjudicated via the electronic docket, which, in turn, triggers instantaneous electronically generated notice consistent with the criminal rules. Second, the rule accounts for

⁵ Both rules apply except in a criminal case where no post-sentence motion has been filed. Post-sentence motions are not required for summary offenses. This exception therefore cannot apply in the summary context. Appellate rights relating to summary offenses are as prescribed in Rule 460, which is consistent with Rule 301(a).

administrative backlogs. It's commonplace for a judge to sign an order on one day and for the prothonotary to enter an order some day after the judge signs the order. And nobody (except the Board apparently) can seriously contest that it would be improper for a jurist to sign an order, but reconsider the order before its entry on the docket. This rule recognizes that during any deadtime between a judge's signature and the prothonotary's entry, no adjudication has yet taken place.

The Board rests the entirety of its argument on the fact that Judge Brumbach signed the paper citations. But the paper citations—even after being signed—had no legal significance or effect and until they were electronically docketed. Indeed, the incoherence in the Board's construct is laid bare not only by the multitude of authorities interpreting the term "adjudication," but also by the practical realities of this very case.

To begin, if Judge Brumbach had, in fact, adjudicated these cases, as the Board insists, then why weren't each of the defendants immediately notified of their appellate rights? And why were each of the matters relisted and later adjudicated? If the Board's contention is correct, then then the Municipal Court engaged in a mass double

jeopardy violation because, under its theory, multiple defendants who had been “adjudicated” as “not guilty,” were *retried* for the same offense.

Not only is it impossible to characterize the *effect* of Judge Brumbach’s actions as “adjudications,” but it is also impossible to conclude that she marked the citations with the *intent* of rendering “adjudications.” Specifically, in the email correspondence attached to President Judge Dugan’s memo, the court’s administrative staff relayed that a day or two after annotating the citations with her initial assessments of the appropriate outcome, Judge Dugan reviewed those matters again. Moreover, at no point after conducting her review of the matters scheduled for January 7, did Judge Brumbach instruct the staff to mark those cases as adjudicated in the docket. To the contrary, she specifically, explained that the staff should wait for her direction. In short, what the Board characterizes as “adjudications” were nothing more than annotations reflecting Judge Brumbach’s preliminary assessment, which were subject to change and—not being final determinations—by definition, were not adjudications.

Finally, the lack of merit in the Board's position is brought into full focus by the fact that the Board—despite alleging a deprivation of “due process”—is unable to identify a single defendant whose due process rights were implicated by Judge Brumbach's plan.

In the end, it matters not that Judge Brumbach wrote on the paper citations themselves. Judge Brumbach could have made the same notations on scratch paper and her actions would have had the same import and effect (none) as the notations at issue here. Indeed, judges across this commonwealth take notes and anticipate outcomes of cases before they hear argument on the case. To many, such conduct evinces diligence, preparation, and prudence—in other words, being a judge. Under the Board's theory, however, the jurist who asks his law clerk to recommend the outcome of a summary judgment motion in a memo before the case is argued would violate the rules of conduct. That is untenable.

As such, the Complaint does not allege sufficient facts, which (if proven) could establish as a matter of law that Judge Brumbach adjudicated any of the January 7 citations before that date, or that she tried to do so.

Returning to the totality of the circumstances analysis against this backdrop, each of the prongs fails.⁶ First, as detailed more fully above, the charges in the Board's Complaint are legally insufficient to support a finding any of the Complaint's nine counts. Second, although the Board's complaint facially relate to Judge Brumbach's duties as judge by alleging violations of the Rules of Conduct and Constitution, the relation is immaterial because Judge Brumbach has not violated any of those rules. Instead, Judge Brumbach has always and continues to uphold her judicial oath to the fullest. Third, the administration of justice in Municipal Court will benefit if Judge Brumbach is not suspended. Since taking the bench, Judge Brumbach has proved a capable and dedicated jurist. Judge Brumbach cares deeply about her role as judge and works tirelessly to do her best work. Indeed, before this Complaint, Judge Brumbach has not been previously charged by the Board. Fourth, and finally, the public's confidence in the judiciary

⁶ Preliminarily, the totality of the circumstances factors are rooted in the presumption that criminal charges have been filed. *See In re Larsen*, 655 A.2d at 247 (the first prong is "the nature of the *crime* charged" and the second prong the crime's relation to judicial duties) (emphasis added). And this makes sense because as explained below, this Court has cautioned against imposing interim suspension where no criminal charges have been filed. Thus, their cases where no criminal complaint has been filed is questionable, and should be reconsidered by this Court.

would not be undermined by Judge Brumbach's continued service; in fact, the public would benefit from having a dedicated and impartial jurist administer justice.

By way of conclusion, the Board cannot support the allegations in its Complaint with any legal or factual authority. Judge Brumbach never adjudicated any of the cases listed for January 7. And the reasons for Judge Brumbach's continued service are legion.

B. A review of this Court's past interim suspension orders confirms that Judge Brumbach must not be suspended.

A comparison to other cases where the Board sought interim suspension confirms that it would be an affront to justice if Judge Brumbach is suspended with or without pay where no criminal charges have been lodged against her. In this regard, this Court's astute observation regarding the importance of prior discipline bears highlighting. Specifically, *In re Bruno*, this Court observed:

We think it is important that we look at other cases where interim suspensions have been sought and suspension orders entered both with and without pay. There are at least two reasons why this is important. One is that it is important courts dispense "equal justice under law"—and be seen to—so that those whose conduct resembles others' conduct and whose circumstances resemble others' circumstances receive treatment which resembles the treatment in the other cases. The second reason is that we

consider it to be a major part of this Court's job to inform, by its decisions, the judges of the Commonwealth so that they will have some measure of educated expectations as to the action this Court might take in given cases.

In re Bruno, 69 A.3d 780, 795 (Pa. Ct. Jud. Disc. 2013). Accordingly, in keeping with this construct, a review of the circumstances under which an interim suspension has been deemed appropriate is useful.

Based on a comprehensive survey of this Court's decisions, undersigned has been able to identify only *two* instances—both involving exceptional circumstances—in which this an interim suspension has been ordered in the absence of a criminal complaint. See *In re Tranquilli*, 4 JD 2020 (judge demonstrated pattern of racist and improper statements that called into question his ability to administer justice and undermined public confidence)⁷; *In re Hladio*, 6 JD 2016 (a

⁷ Notably, even the serious misconduct involved in *In re Tranquilli* was not sufficient to produce a unanimous decision in favor of an interim suspension. Specifically, in a thoughtful dissent, Judge Fedora explained:

In my view the Judicial Conduct Board should not pursue an interim suspension petition unless: (a) criminal charges have been filed, or; (b) criminal activity has allegedly occurred, or; (c) the Judge has previously been charged by the Judicial Conduct Board. I believe the President Judge of each Judicial District has the authority to make the appropriated assignment or suspension to protect the integrity of the Judiciary in the time between the filing of a Complaint by the Judicial Conduct board and its resolution at trial; the same as the President Judge can between the allegation of wrongdoing and the filing of charges. In this case the most severe sanction has been issued before the trial has occurred.

magistrate was accused harassing a law clerk, improper conduct toward parties and witnesses in litigation, and failing to uphold the law). And in *In re Hladio*, despite the serious nature of the magistrate's conduct, this Court was apparently reluctant to enter an order of suspension as evidenced by the limited term-of-days suspension with pay.⁸

The Board's allegations against Judge Brumbach do not rise to the level of the allegation in *In re Tranquilli* and *In re Hladio*. To begin, Judge Brumbach's conduct was entirely consistent with the rules of conduct because she did not adjudicate any case. Additionally, Judge Brumbach has not demonstrated any pattern or practice of detrimental to the administration of justice. To the contrary, Judge Brumbach actually sought to effectuate the administration of justice by openly communicating with supervising judges about what she believed to be a just, and efficient plan. Notably, none of this conduct can be said to undermine the public's confidence in the judiciary because it was done with the public's best interest in mind.

In re Tranquilli, 4 JD 2020, Order dated August 26, 2020.

⁸ The suspension was for ninety days and was extended for about a month before the judge was reinstated. See *In re Hladio*, 6 JD 2016, Order dated Feb. 2, 2017; *Id.*, Order dated May 4, 2017; *Id.*, Order dated June 19, 2017.

Instead, this Court should follow the precedent set in *In re Younge*, 2 JD 2019, *In re LeFever*, 7 JD 2020 and *In re McKnight*, 1 JD 2021. The conduct in *In re Younge* was particularly egregious prompting six Confidential Request for Investigation for, among other things, inordinate delay, impartiality, fairness and right to be heard, demeanor that occurred over a two-year period. Yet, this Court denied the Board's petition for suspension. In *In re LeFever* this Court declined to suspend a judge who faced only a Board complaint for allegedly engaging in improper political activities. And in *In re McKnight*, 1 JD 2021 this Court initially issued an interim order suspending a judge who faced criminal charged. Critically, however, this Court later granted the Board's Petition for Relief for Lifting of Interim Suspension Without Pay after a criminal acquittal, leaving only the Board's complaint.

Finally, as the *In re Bruno* court observed, even when a jurist charged with criminal conduct, this Court has at times declined to enter an interim suspension. *See In re Bruno*, 69 A.3d at 796; *see e.g.*, *In re Smith*, 712 A.2d 849 (Pa. Ct. Jud. Disc. 1998). And, as further explained by the *In re Bruno* Court, this Court has been reluctant to suspend a jurist without pay. *See id.* at 796-97.

This Court should deny the Board's request here because it is the only resolution that promotes equal justice in the suspension context and also sets expectations for the judges of this Commonwealth. *See In re Bruno*, 69 A.3d at 795.

V. CONCLUSION

The stakes at this preliminary stage are significant. The Board's Petition, if granted, will irreparably taint Judge Brumbach's reputation. But the Board has come to this Court with a legally insufficient claim that is rife with speculation. Stated plainly, if the Board intends to preliminary de-robe a judge and damage her reputation, it should provide evidence instead of only specious claims. For the foregoing reasons, the Court should deny the Board's Petition For Relief For Interim Suspension. Alternatively, if the Court decides an interim suspension order is appropriate, the Court should enter an order for suspension with pay.

Respectfully Submitted,

Dated: January 5, 2022

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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.

Dated: January 5, 2023

/s/ Matthew H. Haverstick

CERTIFICATE OF SERVICE

I, Matthew H. Haverstick, hereby certify that on January 5, 2023, I caused a true and correct copy of the attached Brief in Opposition to the Petition For Relief For Interim Suspension to be served on the following via overnight Federal Express and email:

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