

**COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE**

IN RE:

Judge Mark B. Cohen
Court of Common Pleas
1st Judicial District
Philadelphia County

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1 JD 2023

**RESPONSE OF JUDICIAL CONDUCT BOARD TO THE MOTION OF THE
RESPONDENT, JUDGE MARK B. COHEN, FOR DISCOVERY PURSUANT TO
RULE 401**

AND NOW, this 15th day March, 2023, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (Board), by and through undersigned counsel, and files this Response to the Motion of the Respondent, Judge Mark B. Cohen, for Discovery Pursuant to Rule 401, and in support thereof, avers the following:

1. The Board filed a Board Complaint against Judge Cohen in this Court on February 23, 2023, and served same to Judge Cohen through counsel on that date.
2. Court of Judicial Discipline Rule of Procedure 401, regarding discovery, states, in relevant part, the following:
 - (A) All discovery shall be completed within 60 days of the service of Board Complaint, unless extended by the Conference Judge for good cause shown.

* * *

 - (E) Disclosure by the Board. Upon filing of the Board Complaint, the Board shall provide the Judicial Officer with any exculpatory evidence relevant to the charges contained in the Board Complaint.
3. Upon the filing of the Board Complaint, Board counsel informed Judge Cohen's counsel that there was, in counsel's judgment, no exculpatory evidence within the Board's possession to provide to him.

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4. By its terms, Rule 401's 60-day period will conclude on Monday, April 24, 2023.
5. Consistent with its responsibility under Rule 401, the Board will provide relevant discovery to Judge Cohen by April 24, 2023.
6. Judge Cohen's present discovery motion is patently premature under the explicit terms of Rule 401.

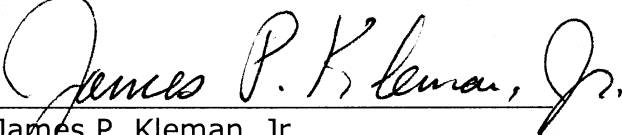
WHEREFORE, it is respectfully requested that this Honorable Court deny Respondent's Motion for Discovery.

Respectfully submitted,

MELISSA L. NORTON
Chief Counsel

DATE: March 15, 2023

BY:



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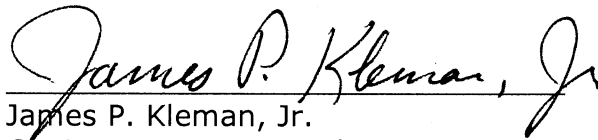
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VERIFICATION

I, James P. Kleman, Jr., Senior Deputy Counsel to the Judicial Conduct Board, verify that the facts set forth in the foregoing response are true and correct to the best of my knowledge, information, and belief. I understand that the statements made in this petition are subject to the penalties of 18 Pa.C.S.A. § 4904, regarding unsworn falsification to authorities.

March 15, 2023

By:



James P. Kleman, Jr.
Senior Deputy Counsel
Pa. Supreme Court ID No. 87637
Judicial Conduct Board
Pennsylvania Judicial Center
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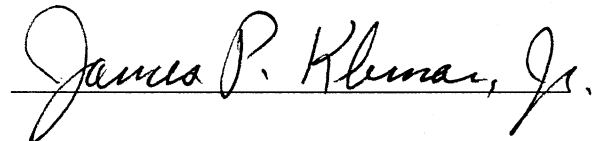
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CERTIFICATE OF COMPLIANCE

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

Submitted by: Judicial Conduct Board of Pennsylvania

Signature: 

Name: James P. Kleman, Jr.
Senior Deputy Counsel

Attorney No: 87637

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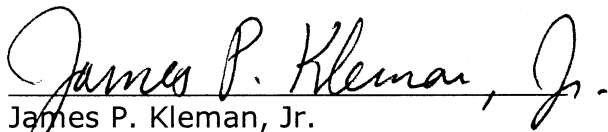
PROOF OF SERVICE

In compliance with Rule 122 of the Court of Judicial Discipline Rules of Procedure, on March 15, 2023, a copy of the Board's foregoing Response was sent by UPS Overnight to Judge Cohen's counsel, Samuel C. Stretton, Esquire, at the following address:

Samuel C. Stretton, Esquire
103 South High Street
P.O. Box 3231
West Chester, PA 19381-3231

Respectfully submitted,

DATE: March 15, 2023



James P. Kleman, Jr.
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