

The ten factors and their application to this case are as follows:

1. Whether the misconduct is an isolated instance or evidenced a pattern of conduct: The conduct at issue here involves conduct during then-candidate LeFever's campaign for Magisterial District Judge in 2019. As he admitted, he did not resign as a member of a county political committee before publicly announcing his candidacy for this judicial position and he cast a vote as a committee person for his endorsement by the political committee. These are two actions but not a pattern of conduct.

2. The nature, extent, and frequency of occurrence of the acts of misconduct: The nature, extent, and frequency of Magisterial District Judge LeFever's acts of misconduct are set forth under the first factor immediately above. They consist of two closely related acts.

3. Whether the conduct occurred in or out of the courtroom: Magisterial District LeFever's conduct all occurred out of the courtroom.

4. Whether the misconduct occurred in the judge's official capacity: The misconduct at issue here was committed when Magisterial District Judge LeFever was a candidate.

5. Whether the judge acknowledged or recognized that the acts occurred: Magisterial District Judge LeFever has acknowledged his improper conduct, stipulated to it, and has apologized for his conduct.

6. Whether the judge has evidenced an effort to change or modify his conduct: Magisterial District Judge LeFever has expressed contrition for his misconduct. The nature of the misconduct committed by Magisterial District Judge LeFever cannot be changed or modified as it could only be committed by a candidate.

7. The length of service on the bench: Magisterial District Judge LeFever began his service on the bench in January 2020, and has sat for three years.

8. Whether there have been prior complaints about the judge: There have not been prior complaints about Magisterial District Judge LeFever.

9. The effect the misconduct has upon the integrity of and respect for the judiciary: Magisterial District Judge LeFever's misconduct occurred early in the year in which he was a candidate. It does make the judiciary appear to be more politically involved than is permitted.

10. The extent to which the judge exploited his or her position to satisfy personal desires: Magisterial District Judge LeFever did not yet have a judicial position to exploit.

Discussion

Magisterial District Judge LeFever stayed on as a political committee person for forty-three days after announcing his candidacy, in contravention of a specific rule forbidding such conduct. He also voted in the political committee to endorse himself as a candidate. Magisterial District Judge LeFever has served three years in that position with no other ethical problems and presented excellent character evidence. Nonetheless a clear violation of the ethical rules forbidding his conduct here was committed. This misconduct resulted in an unfair advantage for Magisterial District LeFever. His presence on the political committee voting for others and voting to endorse himself are both egregious violations of the ethical rules.

Another person sought the nomination for the Magisterial District position but lost to Magisterial District LeFever in the vote of the committee of which he improperly remained a member (and voted for himself).

The Court considered removal from office or suspension as a potential sanction but, after weighing all the circumstances, has decided on the following.

The integrity of judicial elections is of paramount importance to sustaining public confidence both in our electoral system and the institution of the judiciary. This Court views Magisterial District Judge LeFever's interference with the endorsement process and the primary election as a grave matter. His politically shady efforts to subvert the nomination process resulted in an unfair advantage and may have eliminated the chances of his opponent. For this reason, this Court seriously considered Magisterial District Judge LeFever's removal from office as a sanction. While we decline to take that step, after weighing all of the circumstances, our decision not to remove Magisterial District Judge LeFever should not be read as a after-the-fact absolution of his conduct. Judicial candidates are accountable for their actions during political campaigns. Other courts have the power to remove a candidate from the ballot for violations of the election code. The Judicial Conduct Board may bring charges against a judge for violations of the judicial canons or ethics or rules of conduct that occur during judicial elections. This Court may remove judicial officers for such misconduct. This Court's decision not to remove Magisterial District Judge LeFever does not mean that that this Court abjures the power to remove a judicial officer in a future case.

Disciplinary sanctions are intended to protect the public, maintain the integrity of the legal system, and repair the damaged public trust and provide guidance to other members of the judiciary regarding their conduct. ***In re Berkheimer, 930 A.2d 1255, 1260 (Pa. 2007)***. The Judicial Conduct Board recommended a period of suspension for the sanction for Magisterial District Judge LeFever. This Court does not want to punish the judicial district and residents of Magisterial District Judge

LeFever's district by imposing a suspension. It wants to punish Magisterial District Judge LeFever himself for his conduct and send a message to the other judicial candidates that violations of the rules during political campaigns will not be tolerated. Therefore, the Court of Judicial Discipline reprimands Magisterial District Judge LeFever and ORDERS that he pay a fine of \$15,000 either to be paid by Magisterial District Judge LeFever in one payment within thirty days of this order or to be paid at a rate of \$1,500 per month for ten months. The fine will be sent to the Court of Judicial Discipline by check or checks payable to the Commonwealth of Pennsylvania. Magisterial District Judge LeFever's check will then be taken to the Treasury Department where it is to be deposited into the General Fund of the Commonwealth of Pennsylvania. Magisterial District Judge LeFever will be on a period of probation until the fine is paid in full.

Any additional ethical violation or failure to pay the fine as directed will be a violation of the probation.