

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

IN RE: :
 :
 Willie F. Singletary :
 Judge : No. 1 JD 08
 Philadelphia Traffic Court :
 Philadelphia County :

BEFORE: Honorable John L. Musmanno, P.J.
Honorable Patrick Judge, Sr.
Honorable Stewart L. Kurtz
Honorable Joseph M. James
Honorable Fred Shabel
Honorable Robert E. J. Curran
Honorable John T. Robinson

OPINION BY JUDGE MUSMANNO

FILED: December 1, 2008

I. INTRODUCTION

The Judicial Conduct Board (Board) filed a Complaint with this Court on April 22, 2008 against Judge Willie F. Singletary (Respondent) consisting of five counts which charge Respondent with:

1. violation of Article V, §18(d)(1) of the Pennsylvania Constitution by engaging in conduct which brings the judicial office into disrepute (Count 1),
2. violation of Rule 15B.(2) of the Rules Governing Standards of Conduct of Magisterial District Judges which provides magisterial district judges or candidates for such office shall not engage in partisan political activity, deliver political speeches, make or solicit political contributions (including purchasing tickets for political party dinners or other functions) or attend political or party conventions or gatherings, except as authorized in subdivision C of Rule 15¹ (Count 2).

¹ Rule 15C. provides:

Magisterial district judges or candidates for such office may, in the year they run for office, attend political or party conventions or gatherings, speak to such gatherings or conventions on their own behalf, identify themselves as members of a political party,

3. violation of Rule 15D.(1) of the Rules Governing Standards of Conduct of Magisterial District Judges which provides that with respect to their campaign conduct, magisterial district judges or candidates for judicial office shall maintain the dignity appropriate to judicial office (Count 3),
4. violation of Rule 15D.(3) of the Rules Governing Standards of Conduct of Magisterial District Judges which provides that with respect to their campaign conduct, candidates for judicial office shall not make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office; make statements that commit or appear to commit the candidate with respect to cases, controversies, or that are likely to come before the court (Count 4), and
5. violation of Rule 15D.(4) of the Rules Governing Standards of Conduct of Magisterial District Judges which provides a magisterial district judge or candidate for such office shall not themselves solicit or accept campaign funds, or solicit publicly stated support, but they may establish committees of responsible persons to secure and manage the expenditure of funds for their campaign and to obtain public statements of support for their candidacy (Count 5).

The Board and the Respondent have submitted Stipulations of Fact in Lieu of Trial under C.J.D.R.P. No. 502(D)(1) and a waiver of trial. The Court hereby accepts those stipulations in pertinent part, recited below, as the facts necessary for the disposition of this case.

II. FINDINGS OF FACT

1. Pursuant to Article V, §18 of the Constitution of the Commonwealth of Pennsylvania, the Board is granted authority to determine whether there is probable cause to file formal charges, and when it concludes that probable cause exists, to file formal charges against a justice, judge or, magisterial district judge, for proscribed conduct and to present the case in support of such charges before the Court of Judicial Discipline.

and contribute to their own campaign, a political party or political organization (including purchasing tickets for political party dinners or other functions).

2. Pursuant to Rule 18 of the Rules Governing Standards of Conduct of Magisterial District Judges, the Rules also apply to, and “magisterial district judge” as used therein additionally includes, the judges of the Philadelphia Traffic Court.

3. Since on or about January 7, 2008, the Respondent has served continuously to the present as judge for the Philadelphia Traffic Court, Philadelphia, Pennsylvania, with an office located at 800 Spring Garden Street, Room 207, Philadelphia, Pennsylvania 19123-2690.

4. The Philadelphia Traffic Court is a summary court of limited jurisdiction with seven (7) elected judges, trained by the Commonwealth specifically to preside over and adjudicate citations for moving violations issued within the City and County of Philadelphia, as provided in Title 75 of the Pennsylvania Motor Vehicle Code. Additionally, the Traffic Court is responsible for the collection of fines resulting from the issuance of citations by the Philadelphia Police Department and other law enforcement agencies. In this regard, the Traffic Court judges provide for installment payments when a defendant who is sentenced to pay a fine and costs is without the financial means immediately to pay the fines and costs.

5. On Sunday, April 22, 2007, while campaigning during the Primary Election for the position of judge of the Philadelphia Traffic Court, the Respondent appeared before a gathering of the Philadelphia First State Road Rattlers, a motorcycle club, and/or others, at the Malcolm X Park located at 52nd and Pine Streets in the City of Philadelphia.

6. The purposes of the gathering were: (1) the “blessing of the bikes” at the beginning of the summer; (2) to raise funds for the Respondent’s campaign for the Philadelphia Traffic Court bench; and (3) to encourage people to support him at the polls.

7. On or about April 22, 2007, the Respondent personally solicited funds from members of the Philadelphia First State Road Rattlers and others and his spontaneous words and actions conveyed an impression that he would be partial to his supporters.

8. The Respondent called into a circle a group of people wearing the colors of the motorcycle club.

9. The Respondent offered a blessing for the riders and their bikes and then queried:

“You’re all going to help me out?”

10. The Respondent continued:

“There’s going to be a basket going around because I’m running for Traffic Court Judge, right, and I need some money. I got some stuff that I got to do, but if you all can give me twenty (\$20) dollars you’re going to need me in Traffic Court, am I right about that?”

11. The Respondent further stated:

“Now you all want me to get there, you’re all going to need my hook-up, right?”

12. The Respondent closed by stating:

“It costs money. I have to raise \$15,000 by Friday, I just hope you have it, because I have to raise \$15,000 dollars by Friday.”

13. A total of \$285 was collected and duly reported on the Respondent’s Campaign Financial Report.

14. The Respondent did not attend judicial school until after he had been elected.

III. DISCUSSION

We find that Respondent's conduct on Sunday, April 22, 2007 while campaigning in the primary election for Judge of the Philadelphia Traffic Court at a gathering of a motorcycle club known as the "Philadelphia First State Road Rattlers" in Malcolm X Park at 52nd & Pine Streets, Philadelphia, constituted:

1. a violation of Article V, §18(d)(1) of the Pennsylvania Constitution as conduct which brings the judicial office into disrepute (Count 1);
2. a violation of Rule 15D.(1) of the Rules Governing Standards of Conduct of Magisterial District Judges which provides that with respect to their campaign conduct, magisterial district judges or candidates for judicial office shall maintain the dignity appropriate to judicial office (Count 3);
3. a violation of Rule 15D.(3) of the Rules Governing Standards of Conduct of Magisterial District Judges which provides that, with respect to their campaign conduct, magisterial district judges or candidates for such office shall: (3) not make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office; make statements that commit² the candidate with respect to cases, controversies, or issues that are likely to come before the court; or misrepresent their identity, qualifications, present position, or other fact (Count 4); and
4. violation of Rule 15D.(4) of the Rules Governing Standards of Conduct of Magisterial District Judges which provides that, with respect to their campaign conduct, magisterial district judges or candidates for such office, shall not themselves solicit or accept campaign funds, or solicit publicly stated support, but they may establish committees of responsible

² The Complaint contained the additional words "or appear to commit" which words were contained in the Rule when the Respondent's offending conduct took place as well as when the Complaint was filed. On July 22, 2008 the Supreme Court of Pennsylvania amended the Rule by deleting those words which it deemed to be an unconstitutional impairment of the right to free speech based on the decision of the Supreme Court of the United States in the case of Republican Party of Minnesota v. White, 122 S.Ct. 2528 (2002), 207 Pa. Code Ch. 51, Magisterial Doc. No. 1; No. 246, 38 Pa.B. 4353. The Supreme Court had previously (on March 17, 2008) amended Canon 7B.(1)(c) of the Code of Judicial Conduct in a similar fashion, i.e. by deleting the words "or appear to commit" from the Canon. 20 Pa. Code Ch. 33, No. 317 Judicial Administration Doc. No. 1, 38 Pa.B. 1445. In this Opinion we will consider whether Respondent's conduct constitutes a violation of Rule 15D.(3) as amended.

persons to secure and manage the expenditure of funds for their campaign and to obtain public statements of support for their candidacy (Count 5).

We find that the Board has established each of the violations listed above by clear and convincing evidence.

The Board filed a Motion to Withdraw Count 2 which charges that Respondent's conduct constitutes a violation of Rule 15B.(2) of the Rules Governing Standards of Conduct of Magisterial District Judges. The Motion was filed under C.J.D.R.P. No. 502(F) for the reason that, in the Board's judgment, the conduct proscribed in Rule 15D.(4) (which is the subject of Count 5) more specifically addresses the conduct of Respondent set out in the Complaint and makes the inclusion of Count 2, which charges a violation of Rule 15B.(2), unnecessary. The Board avers that the disposition of this case will be expedited if the Court's focus is on the violation of Rule 15D.(4) as charged in Count 5. We agreed that this constitutes the "good cause" required by C.J.D.R.P. No. 502(F) and granted the Motion.

Count 4. Violation of Rule 15D.(3).

We believe any discussion of this case should begin with the charges contained in Count 4. Count 4 charges a violation of Rule 15D.(3) of the Rules Governing Standards of Conduct of Magisterial District Judges. That Rule provides:

- D. With respect to their campaign conduct, magisterial district judges or candidates for such office shall:
 - (3) not make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office; make statements that commit the candidate with respect to cases, controversies or issues that are likely to come before the court; or misrepresent their identity, qualifications, present position, or other fact.

It is stipulated that, in the course of soliciting money from the assembled motorcycle club members, Respondent said:

“You’re going to need me in traffic court, am I right about that?”

By these words, Respondent is telling the crowd that the reason they should give him money to help him get elected as a judge of Traffic Court, was because they were going to “need” him in that position. Indeed, he went on to say:

“Now you all want me to get there, you’re all going to want my hook-up, right?”

No one, hearing this, could fail to understand that Respondent was promising that anyone who gave him money would get favorable consideration from him if he was elected judge. This conduct is the pure antithesis of the concept of “judge.”

We think it is beyond argument that when Respondent made the statements quoted above, he was violating the mandate of Rule 15D.(3) that he “shall not make pledges or promises to conduct in office other than the faithful and impartial performance of the duties of the office.”

As we said, “No one hearing this [Respondent’s statements quoted above] could fail to understand that Respondent was promising that anyone who gave him money would get favorable consideration from him if he was elected judge”; so, we say that no one stating this could fail to understand the same. And, so, we find that this was Respondent’s understanding; that it was his intention to convey that message; and that his conduct was an insult to the inherent and essential attribute of judicial office, and a violation of Rule 15D.(3).

Count 1. Conduct which brings the judicial office into disrepute, a violation of Article V, §18(d)(1) of the Pennsylvania Constitution.

In many cases this Court has been called upon to determine whether particular conduct is such that brings the judicial office into disrepute. Beginning with In re Cicchetti, 697 A.2d 297 (Pa.Ct.Jud.Disc. 1997) we have consistently held that:

The determination of whether particular conduct has brought the judicial office into disrepute, of necessity, is a determination which must be made on a case by case basis as the particular conduct in each case is scrutinized and weighed.

Id. at 312. See, also, e.g., In re Hamilton, 932 A.2d 1030, 1033 (Pa.Ct.Jud.Disc. 2007).

Likewise, this Court has repeatedly held that the test to be applied in making that evaluation requires a determination of whether the conduct is so extreme as to have brought the judicial office itself into disrepute.³ And, in making this determination we have consistently followed our holding in In re Smith, 687 A.2d 1229 (Pa.Ct.Jud.Disc. 1996), where we said:

“Disrepute” necessarily incorporates some standard with regard to the reasonable expectations of the public of a judicial officer’s conduct.

Id. at 1239. See, also, Hamilton, supra, at 1034, Berkhimer, supra, at 593, Harrington, supra, at 576, Joyce, supra, at 844, Trkula, supra, at 7, Cicchetti, supra, at 312.

Testing Respondent’s conduct in this case against this standard, our decision on the question comes easily; for, certainly, the reasonable expectations of the public would include the expectation that a candidate for judicial office would not offer the quid pro quo of favorable treatment in his court in exchange for a financial contribution to his

³ In re Hamilton, 932 A.2d 1030, 1034 (Pa.Ct.Jud.Disc. 2007); In re Berkhimer, 877 A.2d 579, 593 (Pa.Ct.Jud.Disc. 2005); In re Harrington, 877 A.2d 570, 576 (Pa.Ct.Jud.Disc. 2005); In re Joyce, 712 A.2d 834, 844 (Pa.Ct.Jud.Disc. 1998); In re Trkula, 699 A.2d 3, 7 (Pa.Ct.Jud.Disc. 1997); In re Cicchetti, 697 A.2d 297, 312 (Pa.Ct.Jud.Disc. 1997); In re Smith, 687 A.2d 1229, 1239 (Pa.Ct.Jud.Disc. 1996).

campaign. As stated earlier, this is an insult to the inherent and essential attribute of judicial office.

We note, also, that Respondent's conduct did not take place in the still, dark air of a closet – it took place in the sunlight during a rally in a public park.

We hold that this conduct of Respondent was so extreme as to bring the judicial office into disrepute.

Count 3. Violation of Rule 15D.(1).

Rule 15D.(1) of the Rules Governing Standards of Conduct of Magisterial District Judges provides:

D. With respect to their campaign conduct, magisterial district judges or candidates for such office shall:

(1) maintain the dignity appropriate to judicial office, and shall encourage members of their family to adhere to the same standards of political conduct that apply to them.

On the question whether the conduct of Respondent described in the Findings of Fact and discussed above constitutes a violation of Rule 15D.(1) we refer to the definition of “dignity”:

dignity n., 1.a. the presence of poise and self-respect in one's deportment to a degree that inspires respect.

The American Heritage Dictionary of The English Language, 1979 edition, p. 369.

Certainly, Respondent's offer to place his office in the service of anyone who would put “twenty dollars (\$20)” in “a basket [that's] going to be ... going around” does not bespeak of “poise” and “self-respect”; neither is it deportment “that inspires respect.”

On the contrary, it inspires disrepute, which is “the absence or loss of reputation.”⁴ We

⁴ The American Heritage Dictionary, *supra*, p. 381. And, see “Synonyms: disgrace, dishonor, shame, infamy, ignominy, odium, scandal, obloquy, opprobrium, disrepute, discredit, degradation.” *Id.* at 377.

have so held. And so we hold that the Board has established that Respondent, with respect to this campaign conduct, did not maintain the dignity appropriate to the judicial office – a violation of Rule 15D.(1) of the Rules Governing Standards of Conduct of Magisterial District Judges.

Count 5. Violation of Rule 15D.(4).

Rule 15D.(4) of the Rules Governing Standards of Conduct of Magisterial District Justices provides:

- D. With respect to their campaign conduct, magisterial district judges or candidates for such office shall:
 - (4) not themselves solicit or accept campaign funds, or solicit publicly stated support, but they may establish committees of responsible persons to secure and manage the expenditure of funds for their campaign and to obtain public statements of support for their candidacy.

The stipulated facts in this case establish that on April 22, 2007, a few weeks before the primary election, Respondent went to Malcolm X Park for the purpose of personally soliciting campaign funds, that he did personally solicit campaign funds, and that he did personally accept campaign funds – all in violation of Rule 15D.(4). And, so, we find that the Board has established a violation of that Rule.

IV. CONCLUSIONS OF LAW

1. Respondent’s conduct at the “Blessing of the Bikes” on April 22, 2007 at Malcom X Park in West Philadelphia, during his primary campaign for the office of judge of the Philadelphia Traffic Court, constitutes:

- (a) conduct such that brings the judicial office into disrepute, a violation of Article V, §18(d)(1) of the Pennsylvania Constitution;
- (b) a violation of Rule 15D.(1) of the Rules Governing Standards of Conduct of Magisterial District Judges;

- (c) a violation of Rule 15D.(3) of the Rules Governing Standards of Conduct of Magisterial District Judges;
 - (d) a violation of Rule 15D.(4) of the Rules Governing Standards of Conduct of Magisterial District Judges.
2. Respondent is subject to discipline under Article V, §18(d)(1) of the Pennsylvania Constitution.

Morris, J., did not participate in the consideration or disposition of this case.