

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

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

ORDER

AND NOW, this 23rd day of January, 2009, after hearing held on January 6, 2009 on the question of sanctions and after consideration of the arguments of counsel on that question, the Court HEREBY IMPOSES a sanction of PUBLIC REPRIMAND upon the Respondent. The Court further ORDERS that Respondent shall be placed on probation for a period of two years commencing on the date of this Order.

Said probation shall be subject to the supervision of this Court and shall be subject to the condition that Respondent report monthly to the Chief Counsel of the Judicial Conduct Board or his designee, at the times prescribed by the Judicial Conduct Board and the Judicial Conduct Board shall file a written report monthly with this Court advising that, to its knowledge, Respondent, has, or has not, been in compliance with the Rules Governing Standards of Conduct of Magisterial District Judges and provisions of Article V of the Pennsylvania Constitution pertaining to the conduct of magisterial district judges.

The Court's conclusion that public reprimand followed by a two year period of probation is the appropriate sanction in this case is based upon the following considerations:

1. The words of Respondent which gave rise to the charges filed in the Judicial Conduct Board's Complaint:

- a. were spoken in conjunction with a prayer led by Respondent asking God's protection for the members of the motorcycle club, a total of 15 - 18 in number, those members consisting largely of members of Respondent's family and friends;
- b. were spoken in a moment of high excitement when Respondent was in his "preacher mode" and the offending words were few, brief, and fleeting.

2. This Court is aware of no other offending conduct of any kind by Respondent during his campaign for traffic court judge.

3. At the time the words were spoken, Respondent was 26 years old; had never been a candidate for political office, nor had he ever been in anyway associated with politics or political campaigns, nor had he had any education respecting the laws of Pennsylvania or the ethical rules governing the political campaigns of candidates for judicial office.

4. At the time the words were spoken, Respondent was not a lawyer and had not had the opportunity to attend any classes required for magisterial district judges once they are elected.

5. Respondent did not know that the Rules Governing Standards of Conduct of Magisterial District Judges prohibited judicial candidates from personally soliciting campaign funds but, rather, require such solicitation to be done by a "committee" – whereas no such restriction is imposed on candidates for any other, i.e., non-judicial, office.

6. Respondent's evident contrition.

7. Respondent's cooperation with the Judicial Conduct Board at every stage of its investigation and prosecution of this case.

8. Respondent's ministry in his community as Pastor of The City of Refuge Church in West Philadelphia.

9. Respondent's service in the United States Navy after September 11, 2001, until 2003, and particularly his service on board the USS Theodore Roosevelt, CVN-71, in the Persian Gulf during Operation Enduring Freedom.

10. Respondent's exemplary record as a judge of the Philadelphia Traffic Court during the past year of 2008, the first year of his service as a judge of that court.

In In re Toczydowski, 853 A.2d 20, 26 (Pa.Ct.Jud.Disc. 2004), in considering the appropriate sanction, we made reference to In re Deming, 108 Wn.2d 82, 736 P.2d 639 (1987), a case decided by the Supreme Court of Washington, where that court "established" principals or factors which it said should be considered in selecting the appropriate sanction.

We pointed out in In re Toczydowski, supra, and we reiterate, that this Court is not bound by the decisions or opinions of courts of other states on judicial disciplinary matters, especially on the question of sanctions. The Supreme Court of this Commonwealth is the sole authority on those issues;¹ we take our guidance from that Court as well as from prior opinions of this Court. That is not to say that, in a given case, this Court should not look to the opinion of a court of a brother state if well reasoned and congruous with the policy and principles to which this Court is committed.

¹ See, Pa. Const., Article V, §10(c) and In re Melograne, 571 Pa. 490, 498-99, 812 A.2d 1164, 1169 (2002) and In re Jepsen, 567 Pa. 459, 467, 787 A.2d 420, 425 (2002).

Turning now to In re Deming, the Supreme Court of Washington said that, in determining the appropriate sanction, it would consider ten “nonexclusive” factors.

These were:

- “(a) whether the misconduct is an isolated instance or evidenced a pattern of conduct.” The misconduct giving rise to the charges in this case is the only instance of misconduct by this Respondent either as a candidate for judicial office or during his service as a judge of the Traffic Court of Philadelphia, either on or off the bench.
- “(b) the nature, extent and frequency of occurrence of the acts of misconduct.” This consideration is very much akin to (a), and we note only that, as to the nature and frequency of the conduct, we are impressed by the sharp contrast this case bears to Deming. In Deming, among other things, Deming was found to have “made a myriad of improper and offensive comments and sexual innuendos to women, either in public or in his courtroom in the presence of others” (emphasis added);
- “(c) whether the conduct occurred in or out of the courtroom;
- (d) whether the misconduct occurred in the judge’s official capacity or in his private life;
- (e) whether the judge has acknowledged or recognized that the acts occurred;
- (f) whether the judge has evidenced an effort to change or modify his conduct;
- (g) the length of service on the bench;
- (h) whether there have been prior complaints about this judge;
- (i) the effect the misconduct has upon the integrity of and respect for the judiciary; and
- (j) the extent to which the judge exploited his position to satisfy his personal desires.”

Consideration of all of these factors with the exception of (i) weigh strongly in favor of leniency for this Respondent. There is no question, as we have said, that Respondent’s words at the “Blessing of the Bikes” – even though this was only one

occasion – cannot fail to cause a lessening of the public’s respect for the judiciary. Nevertheless, the cumulative effect of consideration of the Deming factors points not to imposition of a severe sanction, but, rather, in the opposite direction.

For all these reasons, we conclude that the imposition of the sanction of public reprimand followed by a period of probation is the appropriate sanction in this case.

PER CURIAM

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