

SEP 3 2020

IN THE COURT OF JUDICIAL DISCIPLINE COURT OF JUDICIAL DISCIPLINE
OF THE COMMONWEALTH OF PENNSYLVANIA OF PENNSYLVANIA

IN RE:

No. 4 JD 2020

Judge Mark V. Tranquilli
Court of Common Pleas
5th Judicial District
Allegheny County

**RESPONDENT'S VERIFIED PETITION FOR RELIEF
REGARDING AUGUST 26, 2020 ORDER OF COURT**

AND NOW comes the above-captioned Respondent, through his undersigned counsel of record, pursuant to the Court of Judicial Discipline Rules of Procedure, to respectfully submit this Verified Petition for Relief regarding this Honorable Court's Order of August 26, 2020, requesting an evidentiary hearing and oral argument and incorporating by reference herein Respondent's supporting brief, whereof the following is a statement:

I. PROCEDURAL BACKGROUND

1. On August 12, 2020, the Judicial Conduct Board ("Board" or "JCB") filed a Board Complaint against Respondent with this Honorable Court alleging that Respondent violated the Pennsylvania Constitution and the Pennsylvania Code of Judicial Conduct.

2. On August 12, 2020, the Board contemporaneously filed a four-paragraph Petition for Interim Suspension With or Without Pay pursuant to Rule 701 of the rules of this Honorable Court asserting that if Respondent "is permitted to continue exercising judicial duties during the pendency of the Board Complaint, the public's confidence in the judiciary will continue to erode." Board Petition for Relief for Interim Suspension filed Aug. 12, 2020 at ¶4.

3. On August 26, 2020, this Court entered a Per Curiam Order suspending Respondent without pay effective immediately and significantly modifying this Court's procedures by directing that discovery be completed by Tuesday, September 15, 2020,¹ directing that pre-trial memoranda be filed three days later on Friday, September 18, 2020 directing a pre-trial conference to follow on Monday, September 21, 2020, and directing that trial commence on October 5, 2020.²

4. On September 3, 2020, the Conference Judge, appointed by the Court pursuant to Rule 301(B) of this Court's rules of procedure, directed that the parties' pre-trial memoranda be filed on or before Tuesday, September 15, 2020 with the Pre-Trial Conference required under Rule 421 of this Court's rules of procedure to occur via conference call on Friday, September 18, 2020 at 1:15 p.m.

5. Contemporaneously with the filing of this petition and supporting brief, Respondent's counsel is filing an acceptance of service and entry of appearance pursuant to this Court's rules of procedure.

¹ This substantially shortens the period permitted for discovery pursuant to Rule 401 of this Court's rules of procedure. *See* Pa. C.J.D.R.P. 401(A) (Discovery Generally) (“[a]ll discovery shall be completed within 60 days of the service of the Board Complaint, unless extended by the Conference Judge for good cause shown”).

² Through this modification of the schedule provided for under this Court's rules of procedure, Respondent respectfully submits, *inter alia*, that a reasonable adjudication of an Omnibus Motion made pursuant to Rule 411 would prove highly problematic at best and that the trial considerations set forth in Rule 421 would be artificially abrogated. *See* Pa. C.J.D.R.P. 411 (Omnibus Motion) & Pa. C.J.D.R.P. 421 (Pre-Trial Conference).

II. FACTUAL BACKGROUND

6. Respondent has served as a trial judge in the Court of Common Pleas of Allegheny County since January 2014 by virtue of being elected by the voters of Allegheny County in the 2013 general election.

7. During his tenure on the bench, Respondent has never been previously charged by the Board.

8. Respondent has never been the subject of criminal charges nor have any allegations of criminal activity or corruption ever been lodged against Respondent.

9. Immediately following his investiture, on January 6, 2014, pursuant to Rule of Judicial Administration 702(1), then President Judge and now President Judge Emeritus Jeffrey A. Manning assigned Respondent to serve in the court's family division which was supervised by then Administrative Judge and now President Judge Kim Berkeley Clark.

10. During his tenure in the family division, Respondent divided his time between the juvenile section, hearing mostly criminal delinquency and dependency matters, and the adult section, hearing mostly child custody and divorce cases.

11. Based on Respondent's record of service in the family division, his experience and the needs of the court, on January 3, 2018, pursuant to Rule of Judicial Administration 702(2), then President Judge Manning transferred Respondent to the court's criminal division.

12. Upon his transfer to the criminal division, Respondent was assigned to serve as one of (then) three judges hearing cases on the Sex Offender Court ("SOC") docket.

13. Throughout his tenure as a trial judge in the criminal division, Respondent maintained a diligent work ethic as evidenced, in part, by the quantity of jury trials over which Respondent presided.

14. In his first year as a criminal division judge, Respondent presided over twenty-four jury trials – more jury trials, by a significant margin, than Respondent's colleagues, apart from the other two judges who were then assigned to the SOC docket.

15. At the conclusion of this first year, the number of judges assigned to the SOC docket was reduced from three to two and based, again, on Respondent's experience, record of service and needs of the court, Respondent was assigned as one of the two remaining judges hearing cases on the SOC docket.

16. In 2019, Respondent presided over twenty-six jury trials – again, except for his fellow colleague who was also assigned to the SOC docket, Respondent presided over a significant plurality of the jury trials heard in the criminal division that year (approximately twenty-seven percent of that year's criminal jury trials).

17. Significantly, in the month of January 2020 alone, Respondent presided over four jury trials – one each week with the jury returning verdicts late in the day on three consecutive Fridays.

18. The jury trial in the case of *Commonwealth v. Rice*, CP-02-CR-4083-2017, over which Respondent presided, was the third jury trial with the verdict returned late on Friday, January 24, 2020 – allegations concerning Respondent's discussion with the prosecutor and defense lawyer following the discharge of this jury are the genesis of this case.

19. Since the outset of the Judicial Conduct Board's investigation of Respondent and continuing until this Court's August 26, 2020 Per Curiam Order, Respondent has been

under a *de facto* suspension with pay, approved by our Supreme Court, by virtue of President Judge Clark's February 6, 2020 Order of Court. A copy of said Order of Court is attached as "Exhibit A" and incorporated herein.

20. President Judge Clark entered the above Order of Court after consultation with the Administrative Office of Pennsylvania Courts and our Supreme Court following her initial, February 3, 2020 Order of Court which, pursuant to Pennsylvania Rule of Judicial Administration 702(2), re-assigned Respondent from the criminal division of the Allegheny County Court of Common Pleas to its summary appeals docket. A copy of said Order of Court is attached as "Exhibit B" and incorporated herein.

21. Respondent fully cooperated with the Board's investigation and, *inter alia*, during said investigation, on February 24, 2020, Respondent's counsel made a request for preservation of evidence to the Allegheny County District Attorney's Office. A true and correct copy of said letter is attached as "Exhibit C" and incorporated herein.

22. Among other materials Respondent intends to seek in discovery, pursuant to this Court's rules of procedure, are the documents related to and reference in the above preservation letter.

III. PETITION TO VACATE AUGUST 26, 2020 PER CURIAM ORDER PENDING ARGUMENT AND FURTHER ORDER OF COURT

23. The February 6, 2020 Order of Court properly safeguarded the integrity of the judicial system and would continue to do so during the pendency of litigation proceeds before this Honorable Court.

24. As Respondent was not and could not preside over cases as directed by February 6, 2020 Order of Court, the integrity of the judiciary was not (and would not) be compromised.

25. For an interim suspension to attach, the Board must prove that the totality of the circumstances provides a reasonable basis to conclude that suspension of the accused jurist is required. *See id.*; *see also In re Melvin*, 57 A.3d 226, 238 (Pa. Ct. Jud. Disc. 2003).

26. Similarly, the Board must initially advance facts necessary to meet the above burden through a petition for relief. *See* Pa. C.J.D.R.P. No. 701 (whenever Board seeks relief other than filing formal charges it shall be initiated by petition for relief).

27. The entry of the interim suspension, *without pay*, of Respondent was done without any argument, hearing, briefing; the only record before this Court at the entry of said interim suspension consisted of the Board Complaint and the Board's subject petition for relief.

28. The current, interim suspension, *without pay*, has caused and continues to cause significant hardship on Respondent as his salary and benefits were (and are) the only source of income and health insurance for himself and his children.

29. For the reasons set forth herein and in Respondent's supporting brief, Respondent respectfully asserts that the entry of an interim suspension order, *without pay*, as discussed above, deviated starkly from this Court's prior practice in like circumstances and deprived Respondent of the above without due process.

30. For the reasons set forth herein and in Respondent's supporting brief, Respondent respectfully requests that the Court permit he (and the Board) to be heard on modifications to the Court's practices as set forth in the operative rules and internal operating

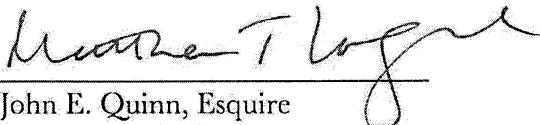
procedures *before* the Court enter an Order making any significant modifications to the standard procedures set forth therein.

IV. CONCLUSION

For the foregoing reasons and for the reasons set forth in Respondent's supporting brief, incorporated herein by reference, Respondent respectfully requests that this Honorable Court grant the relief requested in his instant petition and enter an Order of Court to said effect along with providing such other relief as the Court may deem just and proper. In conjunction with this petition, Respondent respectfully requests an evidentiary hearing and oral argument.

Respectfully submitted,

QUINN LOGUE LLC

By: 
John E. Quinn, Esquire
Pa. ID No. 23268
Matthew T. Logue, Esquire
Pa. ID No. 87416

200 First Avenue, Third Floor
Pittsburgh, PA 15222-1512
(412) 765-3800

Date: September 3, 2020

Counsel for Respondent

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

IN RE:)
)
TEMPORARY ASSIGNMENT OF)
HONORABLE MARK V. TRANQUILLI)
TO SUMMARY APPEALS)
)

No. AD - 20 - 40 - PJ

ORDER OF COURT

Filed by:

Kim Berkeley Clark
President Judge

Copies to:

Supreme Court of Pennsylvania

Hon. Thomas Saylor, Chief Justice
Hon. Max Baer, Justice
Hon. Debra Todd, Justice
Hon. Christine Donahue, Justice
Hon. Kevin Dougherty, Justice
Hon. David Wecht, Justice
Hon. Sally Mundy

Court of Common Pleas

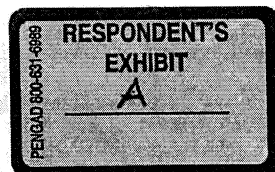
Hon. David Cashman, Acting A.J.

Hon. Kim Eaton, A.J.
Hon. Lawrence O'Toole, A.J.
Hon. Jill Rangos, A.J.
Hon. Christine Ward, A.J.

Geoffrey Moulton, Esquire
Court Administrator

Christopher Connors, Esquire
District Court Administrator

FILED
2020 FEB -3 PM 4: 13
DEPT. OF COURT RECORDS
CIVIL FAMILY DIVISION
ALLEGHENY COUNTY PA



IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

ADMINISTRATIVE DOCKET

IN RE:

TEMPORARY ASSIGNMENT OF
HONORABLE MARK V. TRANQUILLI
TO SUMMARY APPEALS

)
)
)
)
)
)

No. AD - 20 - 40 - PJ

ORDER OF COURT

AND NOW, this 3rd day of February 2020, pursuant to Pa.R.J.A. No. 702(2), subject to approval and further Order by the Supreme Court of Pennsylvania it is **ORDERED** that the Honorable Mark V. Tranquilli is assigned to preside over Summary Appeals, effectively immediately.

BY THE COURT:



Kim Berkeley Clark
President Judge

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

ADMINISTRATIVE DOCKET

IN RE:)
)
TEMPORARY ASSIGNMENT OF) No. AD - 20 - 59 - PJ
HONORABLE MARK V. TRANQUILLI)
TO ADMINISTRATIVE DUTIES)
)

ORDER OF COURT

AND NOW, this 6TH day of February, 2020, it is **ORDERED** that the Honorable Mark V. Tranquilli is temporarily assigned to perform administrative duties only, effectively immediately. Judge Tranquilli shall not preside over any cases during this assignment.

FILED

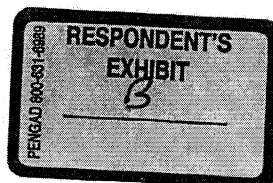
2020 FEB -6 AM 9:32

DEPT. OF COURT RECORDS
CIVIL FAMILY DIVISION
ALLEGHENY COUNTY PA

BY THE COURT:



Kim Berkeley Clark
President Judge



QUINN LOGUE LLC

200 FIRST AVENUE, THIRD FLOOR, PITTSBURGH, PA 15222-1512

John E. Quinn, Esquire
Email: jquinn@quinnlogue.com

Phone: (412) 765-3800
Fax: (866) 480-4630

February 24, 2020

VIA ELECTRONIC MAIL & HAND DELIVERY

Rebecca D. Spangler, Esquire
First Assistant District Attorney
Allegheny County District Attorney's Office
303 Allegheny County Courthouse
Pittsburgh, PA 15219
rspangler@alleghenycountyda.us

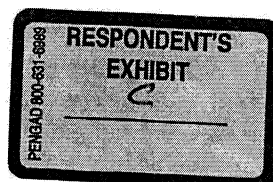
Re: February 3, 2020 Statement Authored by Special Assistant D.A. Dutkowski
Request for Preservation of Electronically Stored Information

Dear Attorney Spangler:

We are counsel to Judge Mark V. Tranquilli and write to request that your office preserve, maintain and protect all electronically stored information ("ESI") relating to the allegations of Special Assistant District Attorney Dutkowski as reflected in his February 3, 2020 statement. This request encompasses not only the electronic versions of this document¹, but includes all communications (e-mail, text messages, etc.) transmitting, referencing or related to the same.

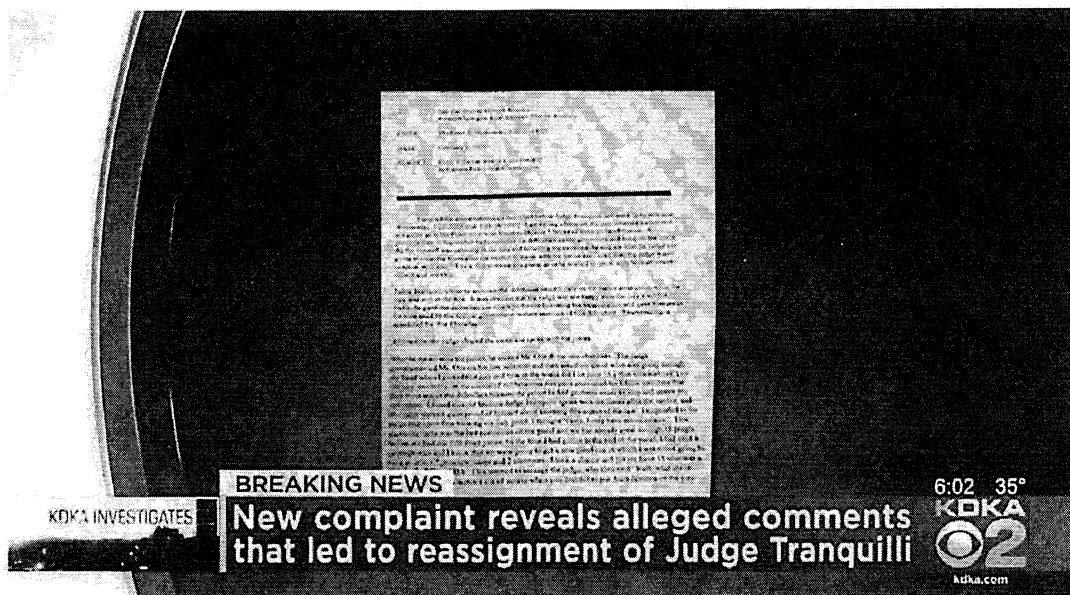
As of this writing, we have only viewed the first page of the statement and have only been able to do so from a screenshot of a television news report that appeared on KDKA-TV.

¹ Most importantly, we seek the preservation of all metadata related to this document which would include, *inter alia*: (1) the filename and identities of the actual author(s) along with the platform or software used to create the document; (2) the date that the document was created and a revision history setting forth the date(s) that underlying or related files were written to, modified, erased or deleted; (3) the dates and times that the file was opened or otherwise accessed; (4) comments, links and other hidden components; (5) the storage path of the underlying and related files; (6) the identity and location of the other related authors and documents; (7) the directories and subdirectories of the writing; and (8) deleted files and temporary files that were erased and over-written. *See e.g., Paint Township v. Clark*, 109 A.3d 796, 801-04 (Pa. Cmwlth. 2015) (finding that "[m]etadata is inseparable from [ESI], and, being a conjoined part of ESI documents, metadata must be disclosed along with an ESI document.")



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This news report was broadcast on February 5, 2020 and appears on KDKA-TV's website. (See <https://pittsburgh.cbslocal.com/2020/02/05/pittsburgh-judge-allegedly-makes-racially-charged-comments-during-meeting>). The screenshot of the statement appears below:



We have been advised and news reports indicate that Attorney Dutkowski's Feb. 3 statement was forwarded to President Judge Clark on the same day. Following the receipt of the memorandum, President Judge Clark issued an Order of Court temporarily assigning Judge Tranquilli to preside over Summary Appeals. This Order was filed with the Allegheny County Department of Court Records on February 3, 2020 at 4:13 p.m. (See *In re: Temporary Assignment of Honorable Mark V. Tranquilli to Summary Appeals*, No. AD-20-40-PJ.)

The KDKA-TV report makes reference to contents of Attorney Dutkowski's statement that we have not seen, including and importantly, the following, reported description: "[i]n his written statement, Assistant DA Ted Dutkowski said he was so sickened by the remarks that he wished to leave the judge's chambers and was moved to write a complaint detailing what was said."

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Attorney Dutkowski's statement apparently focuses on his description of events which occurred on the afternoon of Friday, January 24, 2020 following the conclusion of the trial and initial sentencing of Defendant Lamar Rice. (See *Commonwealth v. Lamar Rice*, CP-02-CR-0004083-2017, Allegheny CCP)

As discussed below and as evidenced by the filings and transcripts related to the *Rice* case, Attorney Dutkowski failed to raise any allegations regarding Judge Tranquilli's conduct until after the resentencing of Defendant Rice which occurred on Thursday, January 30, 2020. This is despite the fact that defense counsel filed a motion to recuse on Tuesday, January 28, 2020 which was argued immediately prior to the January 30, 2020 resentencing.

The transcript of the January 30, 2020 proceedings in the *Rice* case speaks for itself in stark contrast to Attorney Dutkowski's reported statement. A copy of this transcript along with the transcript from the January 24, 2020 verdict and subsequent sentencing are included with this correspondence. Pertinent parts of the January 30, 2020 *Rice* proceedings appear below and are instructive:

2

1 PROCEEDINGS
2 * * *
3 January 30, 2020
4 * * *

5 THE CLERK: Your Honor, now is
6 the time and date set for the case of the
7 Commonwealth versus Lamar Rice. Please come
8 forward, sir. Raise your right hand.
9 (Oath administered.)

10 THE COURT: All right. Counsel, place
11 yourselves on the record.

12 MR. DUTKOWSKI: May it please the
13 Court, Thaddeus Dutkowski for the
14 Commonwealth.

15 MR. COTE: May it please the Court, I do
16 Otto on behalf of Mr. Rice.

17 THE COURT: All right. Now is the
18 time and date set for the resentencing on the
19 case of Lamar Rice. We wrapped up a jury
20 trial on this case last week, and the jury
21 found the defendant not guilty of possession
22 with intent to deliver. So at that point,
23 the defendant having waived the Presentence
24 Report previously, I immediately sentenced
25 the defendant on the simple possession that

3

1 the first jury had found him guilty of a few
2 months ago but had hung on the possession
3 with intent to deliver.
4 However, when I sentenced the defendant
5 I was under the misapprehension that the
6 defendant had previously been convicted of a
7 federal drug offense, had served his sentence
8 to completion and was merely on federal
9 parole or probation, when in fact I'm given
10 to understand now that the defendant is
11 actually still serving a federal sentence for
12 a manufacturing of marijuana conviction, and
13 so when I sentenced him to 16 to 32 months
14 and gave him credit for time already served,
15 that was improper because the time he has
16 served so far is not by time, it's not
17 available to me, because it belongs first to
18 the federal government and that necessitated
19 a resentencing.
20 In addition, I believe that when I
21 sentenced him, I sentenced him to 16 to
22 32 months, which is a standard range
23 sentence, but then I also sentenced him to
24 probation after that and that exceeds the
25 statutory sentence in this case because for

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1 simple possession, having a prior conviction,
2 the most that he could be sentenced to would
3 be three years in total. 18 to 22 plus a
4 couple years of probation exceeds the
5 statutory maximum.
6 So this was brought to my attention by
7 both attorneys after the conclusion of the
8 proceedings, but by that time Mr. Rice was on
9 his way back to the county jail, the hour was
10 late. Well, hang on a second. I think
11 that's right. At any rate, counsel -- yeah,
12 that's right. That's right.
13 By that time I had spoken to the jury,
14 given them their final instructions, answered
15 questions that they had off the record, sent
16 them on their way, then the attorneys were
17 waiting for me in the hallway pursuant to my
18 request, they came in and they brought it to
19 my attention the mistakes that I had made and
20 the misunderstanding that I had about the
21 state of the defendant's sentence, and that's
22 what brings us here today.
23 Is that pretty adequate, Mr. Dzikowski
24 and Mr. Otte?
25 MR. DZIKOWSKI: Yes, Your Honor.

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1 on Mr. Rice. Obviously, this is an upgraded
2 misdemeanor with a maximum penalty of three
3 years and the sentence was within the
4 standard range. That being said, because of
5 the way the sentencing occurred, it could
6 create the appearance of partiality and on
7 that basis I filed the motion to recuse.
8 The essence of what occurred from the
9 bench was that Your Honor expressed an
10 opinion that Mr. Rice was not in fact a user
11 in view of the jury after they had just
12 acquitted him, that Mr. Rice --
13 THE COURT: Now, and you, Mr. Otte by
14 that time I had the benefit of knowing
15 Mr. Rice's background, which I did not know
16 prior to the sentencing hearing. Based on
17 what I heard from Mr. Dzikowski about your
18 client's prior record, it does not appear
19 that he is a drug addict but rather that he's
20 involved in the manufacture of drugs. So I
21 just want to make sure you understand where
22 I'm coming from, but go ahead.
23 MR. OTTE: Correct, Your Honor.
24 However, my argument is that because of
25 the fact that it was repeatedly highlighted

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5
6 MR. OTTE: Yes, Your Honor.
7 I would note that after the first jury
8 trial we waived sentencing within 90 days. I
9 don't believe we waived a Presentence Report.
10 THE COURT: I think you did.
11 THE MINUTE CLERK: Yeah.
12 THE COURT: Yeah.
13 MR. OTTE: My recollection is often
14 wrong, but I did -- I submitted it through
15 PAC file. I did file a motion for recusal on
16 Tuesday.
17 THE COURT: I have that. I just wanted
18 to bring us up to speed on where we are,
19 because I'll be honest with you, I have a
20 good memory, but I'm getting ready to start
21 the fourth jury trial in January today and
22 these cases all kind of start running
23 together, so I have to be very careful that
24 I'm on the right page with the right case.
25 All right. So you filed a motion to
recuse. What would you like to tell me?
MR. OTTE: Your Honor, the essence of
the motion to recuse is that following the
jury verdict, the jury remained in the box,
and Your Honor then proceeded to sentencing

KATHLEEN WISEMAN (412) 350-5414

1 that he had a prior possession with intent
2 and a federal manufacturing conviction. It
3 was repeatedly highlighted in the view of the
4 jury. It creates appearance that Your Honor
5 believes that the jury verdict was one
6 incorrect, and two, that Mr. Rice may or
7 should be punished in excess of what somebody
8 who was convicted for a simple possession
9 would be.
10 Now, it's not obviously in my ability
11 to know what Your Honor thinks. However, the
12 standard for recusal is the appearance of
13 impartiality, and the case law --
14 THE COURT: Inappropriately, you mean.
15 MR. OTTE: Well, impartiality or
16 inappropriately, inappropriately relating to when a
17 judge has a financial interest in a case and
18 impartiality when it's more of a personal
19 interest in seeing the person punished or not
20 punished, for that matter.
21 And the case law is clear that this
22 applies not just at trial but also at
23 sentencing. So if you know, if somebody
24 moves for recusal prior to trial, I think in
25 this case Mr. Rice did file a pre-sentencing

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1 for recusal that was never presented to the
2 court because I did not feel it was
3 meritorious and I thought it bordered on
4 frivolous. It was never presented pretrial.
5 However, the issue that can require
6 recusal does not end after the person is
7 convicted. That issue goes through
8 sentencing until the judge loses jurisdiction
9 in the case 30 days after he's sentenced.
10 And on top of that, part of the case
11 law indicates that the standard requires that
12 the judge's impartiality cannot reasonably be
13 questioned. Now, reasonableness is sort of a
14 flimsy standard, but in this case based on
15 the way the trial proceeded with the verdict
16 being what it was and then what occurred
17 during sentencing, I think it does create a
18 situation in which a reasonable observer
19 could believe that there was some animus.
20 Now, obviously the sentence, it was a
21 standard range sentence, but that doesn't
22 change the nature of the motion for recusal.
23 THE COURT: Mr. Dutkowski.
24 MR. DUTKOWSKI: Your Honor, I've looked
25 at the motion that was filed. The

1 Commonwealth takes no position relative to
2 this motion. It was filed after sentencing
3 in this matter. The court heard the
4 testimony. The jury heard. Heard the
5 defendant's recusal motion. The defendant's
6 certain history, which the court is entitled
7 to hear at the time of sentencing and he is
8 to give the court a full picture of the
9 defendant and defendant's history and the
10 reasons stated in the motion that he could
11 give someone the appearance that the court
12 had favored the defendant was a drug dealer and
13 not a drug user. Looking at the defendant's
14 criminal history, one could get that
15 impression.
16 THE COURT: Well, let me, let me state
17 at the outset that, you know, coming into
18 this, the return of this second verdict, I
19 didn't know anything about Mr. Rice's prior
20 record, I didn't know his prior record score
21 was a five, you know, and because he had
22 previously waived a Presentence Report for
23 the misdemeanor conviction, I saw no reason
24 to delay sentencing.
25 It's my practice that when a jury

The defense motion to recuse which was filed after Thursday, January 24 and which was argued on Thursday, January 30, as reflected above, fails to identify that which Attorney Dutkowski reports in his Feb. 3 statement. Indeed, the Commonwealth, through Attorney Dutkowski, ostensibly being aware of conduct that so sickened the prosecutor, took no position regarding the defense motion to recuse.

Despite being afforded ample opportunity to air the claims contained in the subject statement prior to the resentencing of Defendant Rice on January 30, Attorney Dutkowski chose to allow Judge Tranquilli to rule on the defense's recusal motion and ultimately resentence Defendant Rice without the benefit of hearing the allegations reflected in Attorney Dutkowski's Feb. 3, 2020 statement.

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The above background is provided in order to emphasize the import of this request to preserve ESI. Because of its nature, ESI may be easily changed or corrupted and as such we request that your office undertake all reasonable measures to retain the subject ESI in native format. Such measures would presumably include discontinuation or appropriate modification of relevant data destruction and/or backup tape recycling policies.

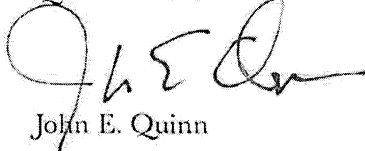
We also request that you undertake the necessary measures to apprise the relevant persons or custodians of the obligation to preserve ESI which, as you know, extends not only to computers and devices (i.e. mobile phones, tablets, etc.) owned or controlled by your office but to those (including personal) to or through which ESI may have been communicated or stored.

The Allegheny County Bar Association endorses and courts have often utilized the services of bit-x-bit, LLC which is located in the Frick Building in order to comply with best practices in relation to requests to preserve ESI. Should your office be willing, we would agree to engage the services of bit-x-bit, LLC in order to minimize any impact of this request and to assist in the preservation process.

If anything in this letter is unclear, if you have any questions, or if you wish to discuss these matters, please feel free to contact me at your convenience. Your prompt attention to this request and anticipated cooperation with the same is greatly appreciated.

Very truly yours,

QUINN LOGUE LLC



John E. Quinn

JEQ/mlt

Enclosures

cc: Deputy Counsel James P. Kleman, Jr. (w/enc.)

IN THE COURT OF JUDICIAL DISCIPLINE
OF THE COMMONWEALTH OF PENNSYLVANIA

IN RE:

Judge Mark V. Tranquilli
Court of Common Pleas
5th Judicial District
Allegheny County

No. 4JD 2020

VERIFICATION

The undersigned is the Respondent in the above-captioned matter who submits the following Verification pursuant to the Court of Judicial Discipline Rules of Procedure. The foregoing pleading is based upon information that Respondent has furnished to counsel and information that has been gathered by counsel in preparation of said pleading. The language of said pleading is that of counsel and not of Respondent. Respondent has read the foregoing pleading and to the extent that the same is based upon information that he has provided to counsel, it is true and correct to the best of the undersigned's knowledge, information and belief. To the extent that the content of the foregoing pleading is that of counsel, Respondent has relied upon counsel in making this Verification. Respondent understands that false statements herein are made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

Date:

9/3/20

Mark V. Tranquilli

IN THE COURT OF JUDICIAL DISCIPLINE
OF THE COMMONWEALTH OF PENNSYLVANIA

IN RE:

Judge Mark V. Tranquilli
Court of Common Pleas
5th Judicial District
Allegheny County

No. 4 JD 2020

[PROPOSED] ORDER

AND NOW this _____ day of September, 2020, upon consideration of Respondent's Verified Petition for Relief regarding the August 26, 2020 Per Curiam Order in the above-captioned matter, it is hereby ORDERED that argument on said petition will be held on September ____, 2020 at _____ (a.m./p.m.) in a manner and location to be determined and that said August 26, 2020 Per Curiam Order of Court is vacated pending argument and further Order of Court.

[PER CURIAM]

IN THE COURT OF JUDICIAL DISCIPLINE
OF THE COMMONWEALTH OF PENNSYLVANIA

IN RE:

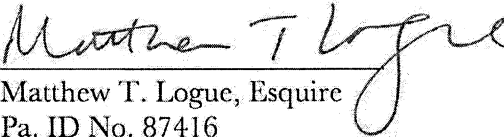
Judge Mark V. Tranquilli
Court of Common Pleas
5th Judicial District
Allegheny County

No. 4 JD 2020

CERTIFICATE OF COMPLIANCE

The undersigned certifies that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by:


Matthew T. Logue, Esquire
Pa. ID No. 87416

IN THE COURT OF JUDICIAL DISCIPLINE
OF THE COMMONWEALTH OF PENNSYLVANIA

IN RE:

Judge Mark V. Tranquilli
Court of Common Pleas
5th Judicial District
Allegheny County

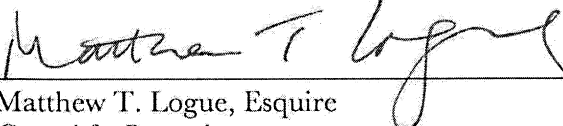
No. 4 JD 2020

PROOF OF SERVICE

Pursuant to Rule 122 of the Court of Judicial Discipline Rules of Procedure, the undersigned certifies that on the below date a true and correct copy of the foregoing Verified Petition for Relief in the above-captioned matter was served upon the following attorneys of record to the parties in this proceeding by USPS First-Class Mail and electronic mail.

James P. Kleman, Jr., Esquire
Deputy Counsel
Judicial Conduct Board of Pennsylvania
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 3500
P.O. Box 62525
Harrisburg, PA 17106
james.klemanjr@jcbpa.org

Date: September 3, 2020


Matthew T. Logue, Esquire
Counsel for Respondent