

**IN THE SUPREME COURT OF PENNSYLVANIA**  
**EASTERN DISTRICT**

IN RE: CONFLICT OF INTEREST  
OF THE OFFICE OF THE PHILADELPHIA  
DISTRICT ATTORNEY

No. 125 EM 2019

PETITION OF: MAUREEN FAULKNER,  
WIDOW OF DECEASED POLICE OFFICER  
DANIEL FAULKNER

**ORDER**

AND NOW, March 6, 2020, the undersigned having been appointed to serve as Special Master by Order of the Supreme Court of Pennsylvania dated March 3, 2020, it is hereby ordered that the issues as framed in the petitioner's King's Bench Petition and subsequent pleadings will be addressed as follows:

1. That participation will be limited to those attorneys for the petitioner and the District Attorney's Office ("DAO") who have to date entered an appearance of record.
2. That the burden will be placed initially on the petitioner to prove by clear and convincing evidence that participation in the underlying criminal case (*Commonwealth v. Wesley Cook, a/k/a Mumia Abu-Jamal*, No. 290 EDA 2019; CP-51-CR-0113571-1982) by the DAO or anyone identified either in the petition or pursuant to this order presents the appearance of a conflict of interest that would

compromise a reasonable person's confidence in the fair and impartial administration of justice.

3. That in the event the Special Master determines that the petitioner has made such a showing by clear and convincing evidence, the DAO would then have the opportunity to prove by clear and convincing evidence that remedial measures may be, or have been, adopted to insulate any attorneys or staff involved in the prosecution of the underlying case from any influence that would interfere with the exercise of their independent professional judgment regarding an assessment of the merits of the underlying case, the development of legal strategy, or the litigation of any contested issue.
4. That in furtherance of this process, the parties are directed to comply with the following directives:
  - (a) On or before March 23, 2020, the DAO shall file with the Office of the Prothonotary of the Supreme Court of Pennsylvania, Eastern District, under seal, and serve a copy on counsel for the petitioner, a list of all attorneys and staff of the DAO, or other non-DAO personnel assisting them, who have had, or it is reasonably anticipated will have, a significant involvement in prosecuting the underlying case, including the assessment of the merits of the case, the development of legal strategy, or the litigation of any contested issue.
  - (b) On or before April 8, 2020, counsel for the petitioner shall file, not under seal, any requests for the disqualification from participation in the underlying case of any person identified either in previous pleadings or

pursuant to paragraph 4. The petitioner shall specifically state the basis for each disqualification request, and shall specifically identify any action taken to date by the DAO or any individual whose disqualification is requested that supports the petitioner's contention that a conflict exists.

(c) On or before April 24, 2020, the DAO may either concede any of the petitioner's requested disqualifications or request an opportunity to contest the petitioner's requests for disqualification.

5. That, if necessary, a hearing will be scheduled to consider any appropriate evidence and legal arguments.
6. That either at a hearing scheduled pursuant to paragraph 5 or by subsequent order, the DAO may be directed to present any plan adopted by the DAO, or as ordered by the Special Master, to implement any remedial measures appropriate to maintaining confidence in the fair and impartial administration of justice.
7. That the Report of the Special Master to be issued in accordance with the Supreme Court's order of March 3, 2020, will address whether the participation in the underlying case by any attorneys or staff of the DAO presents the appearance of a conflict of interest such as to impede the fair and impartial administration of justice.

BY THE COURT:

  
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John M. Cleland, Senior Judge  
Special Master