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APR 25 2024

COURT OF JUDICIAL DISCIPLINE
OF PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

IN RE: :
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 :
 Marissa J. Brumbach :
 Municipal Court Judge : No. 2 JD 22
 1st Judicial District :
 Philadelphia County :

BEFORE: Honorable Ronald S. Marsico, P.J., Honorable Daniel E. Baranoski, J., Honorable Jill E. Rangos, J., Honorable Thomas E. Flaherty, J., Honorable Sonya M. Tilghman, J., Honorable Charles L. Becker, J., Honorable Steven D. Irwin, J., Honorable Carolyn H. Nichols, J.

PER CURIAM

FILED: April 25, 2024

**Opinion and Order Denying Judge Brumbach’s
Objections and Amended Objections
To the Findings of Fact and Conclusions of Law**

As set forth in the Court’s unanimous Opinion of March 12, 2024, Judge Brumbach signed documents entitled “Certificates of Disposition” in which she affirmed that the information therein was true and correct. These Certificates of Disposition were signed with a date of January 7, 2022, although they were actually signed the day before. See the Opinion of March 12, 2024, at 16, 19-21 for a detailed discussion of this issue. Judge Brumbach’s actions in signing, dating, and forwarding the Certificates of Disposition implied that an impartial hearing was offered to the parties and that she was ruling on the case afterward.

At the time of her premature signing of the Certificates of Disposition, Judge Brumbach had taken all the actions she could take to cause a disposition of the cases including deliberately attesting to the date of disposition and thereby implying that the disposition was reached after the parties had been offered a trial.

Judge Brumbach exercised judicial powers in signing the Certificates of Disposition when she did not know which defendants would actually appear and she thereby set in motion the ministerial acts leading to her rulings being recorded as the verdicts in those cases. By doing so Judge Brumbach took part in untruths concerning the date of the verdict and the extent of the court proceeding. Such improper actions implicate her competence and diligence.

Judge Brumbach misses the point by arguing that it is the docketing of the decision in Traffic Court that is the adjudication. As the record in this case made clear though the judge is not the official who physically enters judgment on the record; other judicial/clerical employees handle that ministerial task. Judge Brumbach's judicial actions are at issue here. It is those actions which are improper here. Judge Brumbach may have instructed her staff not to send the signed and authenticated dispositions to the *eTIMS* dispositional unit unless the defendant failed to appear, but that failsafe is not sufficient to justify signing and attesting to official dispositions in advance. In Traffic Court the verdict is effectively reached when the presiding judge circles their finding of guilty or not guilty and then signs the Certificate of Disposition (as Judge Brumbach did here prematurely.) **See Generally, Commonwealth v. Green, 862 A.3d 613 (Pa. Super. 2004)** (crucial action and date is that of Judge's action in court, not that of a clerk later filing supporting docket entries.)

Judge Brumbach also argues that she lacked the requisite intent to violate judicial ethical standards. Yet, Judge Brumbach did intentionally circle her disposition and sign the Certificates of Disposition knowing that the cases had not been called in court. Judge Brumbach may not have had any evil intent, but her actions were deliberate and knowing. **See generally, In re Muth, 237 A.3d 635**

(Pa.Ct.Jud.Disc. 2018) (Judge did not intend to display pornography to his office staff but is in violation for taking deliberate actions likely to lead to such exposure.)

Judge Brumbach’s argument that she did not violate Canon 2, Rule 2.5(A) because nothing shown at trial implicates her judicial competence or diligence is rejected. Deciding a case and signing final judicial documents in knowing violation of a requirement to give the parties an opportunity to have their day in court so the judge could have a vacation day is obviously a violation of the duty of competence and diligence. To whatever degree that was not evident before, the Court makes that clear now.

Judge Brumbach’s request for oral argument on her objections to the findings of fact and conclusions of law is rejected. The parties have been given repeated chances to argue, brief and point out any matters concerning the case. A full trial was conducted on this matter. The issues raised by Judge Brumbach in her post-verdict motion were addressed by the unanimous Court in the Opinion of March 12, 2024, and no new evidence or reasons not previously argued have been advanced. The Objections are DISMISSED.

A date for a Sanction Hearing will be set.