

COMMONWEALTH OF PENNSYLVANIA
COURT OF JUDICIAL DISCIPLINE

COURT OF JUDICIAL DISCIPLINE
OF PENNSYLVANIA

SEP 16 2024

RECEIVED AND FILED

IN RE: : DOCKET NO. 1 JD 2023
: :
JUDGE MARK B. COHEN : :
COURT OF COMMON PLEAS : :
1ST JUDICIAL DISTRICT : :
PHILADELPHIA COUNTY : :

THE RESPONDENT, THE HONORABLE MARK B. COHEN'S, LIST OF
WITNESSES AND EXHIBITS FOR THE SANCTION HEARING SET FOR
SEPTEMBER 25TH, 2024

The Respondent, Judge Mark B. Cohen, by his counsel, Samuel C. Stretton, Esquire, respectfully submits the following list of witnesses, letters and exhibits, that may be presented at the Sanctions Hearing scheduled for September 25th, 2024:

I. WITNESSES

1. Lawyers who appear before Judge Cohen, who know him and can also provide character testimony:

A) Walter McHugh, Esquire of McMonagle, Perri, et al. with an address of 1845 Walnut Street, 19th Floor, Philadelphia, Pennsylvania 19103-4308. Mr. McHugh's phone number is 215-981-0999.

B) Brett Zeitlin, Esquire of Willig, Williams & Davidson with an address of 1845 Walnut Street, 24th Floor, Philadelphia, Pennsylvania 19103-4708. Mr. Zeitlin's phone number is 215-656-3678.

C) Michael Grasso, Esquire, with an address of 1706 Race Street, Suite 406, Philadelphia, Pennsylvania 19103. Mr. Grass's phone number is 215-988-1224.

2. Friends of Judge Cohen's Facebook account:

A) Lionel Artom-Ginzburg, Esquire, with an address of 1628 JFK Boulevard, Suite 2200, Philadelphia, Pennsylvania 19103-2105. Mr. Artom-Ginzbuerg's phone number is 215-568-1088.

B) Dennis Waterman, with an address of Society Hill Towers, 210 Locust Street, Philadelphia, Pennsylvania 19106. Mr. Waterman's phone number is 215-825-8411.

C) Michael Brint, with an address of 2019 Walnut Street, Philadelphia, Pennsylvania 19103. Mr. Brint's phone number is 215-557-0771.

D) Lorraine Poole-Naranjo, President of Berean Institute, with an address of 1901 West Girard Avenue, Philadelphia, Pennsylvania 19130. Ms. Poole-Naranjo's phone number is 215-763-4833.

E) Cecil Hankins, with an address of 732 West Wellens Avenue, Philadelphia, Pennsylvania 19120 and a phone number of 215-805-6249.

F) Minister Rodney Carpenter Muhammad, with an address of 6928 Lawnton Avenue, Philadelphia, Pennsylvania 19126 and phone number of 215-908-5202.

3. Letters in lieu of their testimony:

A) Jennifer Minich, with an address of P.O. Box 1784, Olympia, Washington, 98503. Ms. Minich's phone number is 360-866-2747, (see "R-1").

B) Natalia John, with an address of 24 H. Manchester Court, Freehold, New Jersey, 07728, (see "R-2").

C) Norman A. Carter, Jr., with an address of 2777 Nathaniel Way, Grayson, Georgia, 30017-4254. Mr. Carter's phone number is 678-815-5470, (see "R-3").

D) Arthur Hochner, with an address of 6925 Green Street, Philadelphia, Pennsylvania 19119. Mr. Hochner's email address is ahochner@comcast.net, (see "R-4").

E) Stan Horwitz, with an address of 2601 Pennsylvania Avenue, Apt. No. 549, Philadelphia, Pennsylvania 19130, (see "R-5").

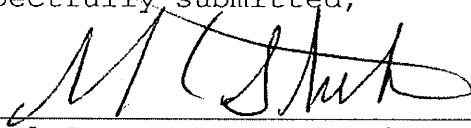
F) Nicholas Himebaugh, Executive Director, Pennsylvania House State Government Committee, (see "R-6")

4. The Respondent, Judge Mark B. Cohen, will also testify during the Sanction Hearing.

II. EXHIBITS

1. Exhibits to be used during the Sanction Hearing will be examples of recent postings by Judge Mark B. Cohen that demonstrate there are no political postings since the decision, (see "R-7" through "R-17").

Respectfully submitted,



Samuel C. Stretton, Esquire
Attorney for the Respondent,
Hon. Mark B. Cohen
103 South High Street
P.O. Box 3231
West Chester, PA 19381-3231
(610) 696-4243
Attorney I.D. No. 18491

COMMONWEALTH OF PENNSYLVANIA
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:
JUDGE MARK B. COHEN :
COURT OF COMMON PLEAS :
1ST JUDICIAL DISTRICT :
PHILADELPHIA COUNTY :

CERTIFICATE OF COMPLIANCE

I, Samuel C. Stretton, Esquire, certify 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.

Respectfully submitted,

9/17/24
Date



Samuel C. Stretton, Esquire
Attorney for the Respondent,
Hon. Mark B. Cohen
103 South High Street
P.O. Box 3231
West Chester, PA 19381-3231
(610) 696-4243
Attorney I.D. No. 18491

COMMONWEALTH OF PENNSYLVANIA
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: :
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1ST JUDICIAL DISTRICT :
PHILADELPHIA COUNTY :

CERTIFICATE OF SERVICE

I hereby certify I am this date serving a copy of the foregoing List of Witnesses and Exhibits in the captioned matter upon the following persons in the manner indicated below.

Service by electronic mail addressed as follows:

1. Joseph U. Metz, Esquire
Chief Counsel
Court of Judicial Discipline
Pennsylvania Judicial Center
601 Commonwealth Avenue
Suite 550
P.O. Box 62595
Harrisburg, PA 17106-2595
Email: Joseph.Metz@pacourts.us

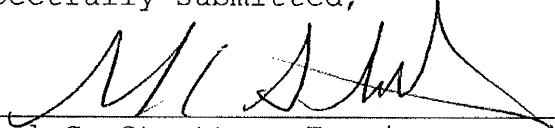
2. Stephanie Stump
Court Administrator
Court of Judicial Discipline
Pennsylvania Judicial Center
601 Commonwealth Avenue
Suite 550
P.O. Box 62595
Harrisburg, PA 17106-2595
Email: Stephanie.Stump@pacourts.us

3. James P. Kleman, Jr., Esquire
Deputy Counsel
Judicial Conduct Board
601 Commonwealth Avenue
Suite 3500
P.O. Box 62525
Harrisburg, PA 17106-2525
Email: James.KlemanJr@jcbpa.org

4. The Honorable Mark B. Cohen
1501 Arch Street
Philadelphia, PA 19102
Email: Mmacohen1@verizon.net

Respectfully submitted,

9/17/24
Date



Samuel C. Stretton, Esquire
Attorney for the Respondent,
Hon. Mark B. Cohen
103 South High Street
P.O. Box 3231
West Chester, PA 19381-3231
(610) 696-4243
Attorney I.D. No. 18491

Jennifer Minich
PO Box 1784
Olympia, WA 98507

August 14, 2024

The Honorable Thomas Flaherty
Court of Judicial Discipline
Pennsylvania Judicial Center
601 Commonwealth Avenue
Suite 5500
P.O. Box 62595
Harrisburg, PA 17106-2595

Dear Court of Judicial Discipline:

I consider The Honorable Mark Cohen to be a most upstanding legal professional, well versed in current political and judicial affairs, a top scholar who is not afraid to share his astute views. Civic engagement in political discourse is what makes the United States of America a quintessential example of democracy in our world. And I look up to Mark Cohen for his views on important current affairs.

I am actually living in Washington State these days, but I first knew Representative Cohen when I worked in the Pennsylvania House of Representatives. He was a brilliant, hardworking member of the body and I looked up to him quite a lot.

It is my hope that any judicial disciplinary board not impede a lawyer or judge from making use of their rights guaranteed by the first Amendment to the U.S. Constitution, that of free speech, in a misguided interpretation of ethics. Ethics in government, all branches, including the judicial branch, lawyers, and judges is critically important, and to go after our fundamental rights through misuse of ethics is to do harm to both rights and ethics. The rights that we enjoy in the U.S. are only upheld by these same courts. It is the courts that need to stand up both the highest ethics and our basic rights in the most professional way possible, to lead in this area. That is why it is truly important to be clear that our constitutional rights are upheld as rights. A right to freedom of speech includes political speech, and it does not matter who a person is in title or stature. We are all equal under the protection of the law. All Americans enjoy this freedom of speech as a fundamental American right.

I would actually recommend Mark Cohen to serve on the judicial ethics board, that is how ethical I believe Mr. Cohen to be. Thank you for taking my testimony to the astute, intellectual, and honorable Mark Cohen.

Respectfully submitted,


Jennifer Minich

R-1

Natalia John
2414 Manchester Ct
FRENCHWOOD, NJ 07728

8/27/24

To Judge Flaherty, my name is Natalia John. I am writing to you for full endorsement of Mark Cohen's character. Due to the unfortunate persecution of, and the violation of his right to free speech. This is the kind of politics that will dissolve our constitutional freedoms, and erode the very fabric that holds our morale together.

This man is a person of exceptional character. He is willing to tell the truth on the discourse in this fragile democracy. Do not hinder the mission of others due to worshipping "conservative" reform. I will not stand by and tolerate the suppression of free, truthful speech.

N. John R-2



Norman A. Carter, Jr.
2777 Nathaniel Way
Grayson, GA 30017-4254
770-736-3845 – H
678-815-5470 – C
ennui45@comcast.net

August 15, 2024

Honorable Thomas Flaherty
Conference Judge
Court of Judicial Discipline

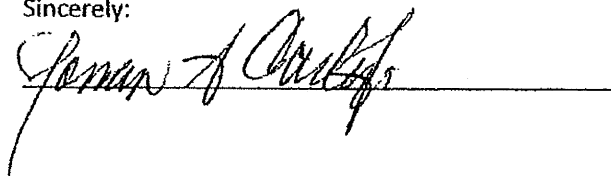
Honorable Judge Flaherty:

I thank you for taking the time to read this correspondence which I feel is of great importance. Firstly, I am a former Philadelphia Police Officer who served for twenty-five years in that capacity. I served nearly five years as a Claims Investigation Agent Supervisor for the Philadelphia Region of Pennsylvania's Office of Inspector General. I am an author of an autobiography of the challenges I faced after reporting serious incidents of criminal and unethical behavior of Police Officers and Commanders with whom I worked. Presently, I serve on City Council of the City of Snellville, Georgia. I have been a "Facebook Friend" of Honorable Judge Mark B. Cohen since January 23, 2023. Please note that it is only recently that I was made aware the he is a Judge of the Philadelphia Court of Common Pleas.

If you research my law enforcement career in Philadelphia, you will find that I had an extensive history of writing "Letters to the Editor" to the three major Philadelphia newspapers in existence at the time. One of my letters led to an appearance on Dateline NBC concerning the type of unethical police behavior that impeded the apprehension of the rape and murder of Shannon Scheiber in center city. It is important to understand that throughout my public writings I had to be keenly aware of keeping within ethical and non-political guidelines.

As an elected official serving in a non-partisan position, I am still bound by ethical and non-political guidelines. Throughout the nearly nineteen months that Judge Cohen and I have shared opinions via social media, we have opined about bettering the human condition without stepping into the sphere of political partisanship. For me, and I am sure with Judge Cohen, this is essential. Both of us care about our neighbors, our country, and our world. Such a concern is outside of the realm of politics. All of us, regardless of public service, must have the freedom to communicate publicly that being "our brother's keeper" is a moral imperative and not a partisan political platform. Again, thank for taking the to read this correspondence.

Sincerely:



R-3

September 3, 2024

Judge Thomas Flaherty
Conference Judge
Court of Judicial Discipline
Philadelphia, PA

Re: Judge Mark B. Cohen

Dear Judge Flaherty,

I have known Judge Cohen for about 35 years, since his time as a State Representative. We have been Facebook friends since 2012. I got to know him when I was president of Temple University's faculty union, the Temple Association of University Professionals. I would go to Harrisburg on a yearly basis to ask for greater funding for Temple, sometimes accompanying Temple's senior administrators. Occasionally during these visits, I would meet with Representative Cohen to ask for his help. Sometimes, I would also ask for his support on labor-related legislation or express support for some bills he sponsored. I retired from my union position and from Temple's faculty in December 2017 and am now an emeritus professor.

Over the past 12 years, I have enjoyed Judge Cohen's daily posts on Facebook. I check my Facebook feed several times per day, so I've seen virtually all his messages. Once he became a judge in 2018, I noticed that he stopped making partisan comments and made more neutral or strictly informative ones. Since that time, I have not seen any political, partisan, or biased posts. I believe that the claims that his Facebook messages are "Democratic" or "left wing" are not credible.

Thank you for the opportunity to express my perspective. I hope that you will take my views under consideration in your ultimate decision.

Sincerely,



Arthur Hochner
6925 Greene St.
Philadelphia, PA 19119
ahochner@comcast.net

R-4

Stan Horwitz
2601 Pennsylvania Ave. Apt. 549
Philadelphia, PA 19130
Phone: 856-571-2374
Email: stan.horwitz@gmail.com

Dear Honorable Judge Flaherty,

I am writing to express my concerns regarding the judicial discipline proceeding against Philadelphia Family Court Judge Mark Cohen. I read the complaint against Judge Cohen, including the Facebook postings that serve as evidence. Judge Cohen and I have been interacting on Facebook for several years and I never felt he was attempting to influence my political opinions. This disciplinary proceeding is an insult to me and an attempt to violate my First Amendment right to assemble online and communicate with Judge Cohen peacefully.

This disciplinary proceeding raises some questions I ask you to please consider.

Is Judge Cohen accused of showing any political bias that influenced any of the decisions he has made in his courtroom? Has Judge Cohen expressed any public views that might give any plaintiff or defendant in any cases he has adjudicated reasonable cause to question his fairness? Exactly how have any of Judge Cohen's Facebook postings shown any bias that would influence citizens on how we should vote?

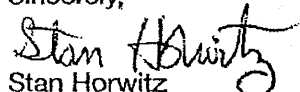
As a born and raised Pennsylvanian, I find this disciplinary proceeding against Judge Cohen an infringement on my right to free speech. Is there any evidence that Judge Cohen has successfully influenced anyone else's voting decisions? No offense to him, but I don't need Judge Cohen to tell me how to vote. I suspect that you and everyone else who has read his Facebook postings don't either. None of the postings I have seen on Judge Cohen's Facebook page have attempted to influence how I or anyone else votes. All of his postings on current events are simply statements of fact, not endorsements of the Democratic Party or any Democratic candidate.

Although I am not an attorney, it seems to me that Judge Cohen has the same First Amendment right to peacefully assemble and share his thoughts on social media platforms such as Facebook as anyone else. Judge Cohen has never posted anything about any case he has heard on his Facebook page. Limiting discourse about current events with Judge Cohen in a public forum, such as Facebook infringes on the rights of everyone who engages in conversation with him.

Judge Cohen and I have never met in person, but his sister Sherrie and I know each other. When I supported Sherrie in her bid for an at-large seat on the Philadelphia City Council, I attended a small event for her at the Country Club Diner. I asked Sherrie why her brother wasn't there. Sherrie explained that judges can't support political candidates. That's despite Sherrie running for office as an independent candidate, not as a Democrat. You will not see any evidence in Judge Cohen's Facebook postings that he supported his sister's campaign. That's clear evidence of his integrity and his commitment to being non-partisan. Judge Cohen's decision to be uninvolved with his sister's political ambitions and that none of his Facebook postings recommend anyone support Democratic candidates are reasons enough to dismiss this disciplinary proceeding against him.

If Judge Cohen ever gives us voters a reason to doubt his fitness as a judge, we can exercise our right to remove him from the bench when he comes up on our ballot for judicial retention. I, therefore, respectfully ask you to please dismiss this disciplinary proceeding against him.

Sincerely,


Stan Horwitz

R-5

Honorable Thomas Flaherty
PA Court of Judicial Discipline
601 Commonwealth Avenue, Suite 5500
P.O. Box 62595
Harrisburg, PA 17106-2595

Dear Judge Flaherty,

I write to offer my personal and wholehearted support for Judge Mark B. Cohen as the Pennsylvania Court of Judicial Discipline deliberates on his case. As a dedicated public servant with decades of experience in the Pennsylvania House of Representatives and the Philadelphia Court of Common Pleas, Judge Cohen has shown unwavering commitment to justice and the protection of civil liberties throughout his career.

The case at hand, addressing Judge Cohen's social media activity, raises profound questions about the balance between judicial impartiality and the First Amendment rights of judges. In his role, Judge Cohen has consistently upheld the values of fairness, equity, and the rule of law, both in his judicial decision and in his thoughtful engagement with the public. His posts, which have no relation or bearing to cases that could appear before his courtroom, represent his passion for important societal issues and his deep concern for the public good.

In today's world, social media offers a platform for everyone, including judges, to share opinions on matters that impact their communities. Judge Cohen's posts, while sometimes reflective of his personal views, do not impinge on his ability to rule impartially in the cases before him. I firmly believe that Judge Cohen's posts should be viewed in the context of his long-standing history of integrity and professionalism.

Judge Cohen's distinguished record includes his pivotal role in shaping public policy, protecting workers' rights, and supporting civil rights causes during his time as a legislator. His advocacy for issues like labor movements, environmental protections, and access to health care further underscore his dedication to the people of Pennsylvania. As a judge, he continues to uphold the principles of justice with impartiality even when engaging in discourse about the very issues that affect our society.

I respectfully urge the Court to consider Judge Cohen's long and illustrious career in public service, as well as his right to express personal views, in rendering its decision. Judges must walk a fine line between upholding ethical standards and exercising their own rights as citizens, and I believe that Judge Cohen has done so responsibly.

Thank you for considering my perspective in this important matter.

Sincerely,



Nicholas Himebaugh
Executive Director
PA House State Government Committee



Mark's Post



Mark B. Cohen

4 days ago ·



3% of all voters still undecided on their Presidential choice. A massive campaign effort on both sides to convince them is being made.

5

3 comments

Like

Comment

Share

R-7



Mark B. Cohen
4 days ago · 🌐

...

Both major political parties are targeting rural Americans living in swing states. It's good that these sometimes forgotten Americans are being paid attention.

👍👍 7

1 comment

👍 Like

💬 Comment

🔗 Share



Dimitrios Bastas
Because of the Electoral College they hold more political power than the millions who greatly outnumber them that live in the cities.

4d Like Reply

5 🗨️



Comment as Matt Jackson

👍👍👍👍👍👍



Mark B. Cohen
4 days ago · 🌐

...

A beautiful mural a very short distance away from my long-ago legislative district office at 6001 N. 5th Street.



R-8



Jane Golden

August 15 at 10:46 PM · 🌐

Beautiful mural by Winnie Sidharta Ambron - 5957 North 5th Street. The process was as beautiful as the final image and it is wonderful.

👍❤️👍 8

1 share

👍 Like

💬 Comment

📄 Share



Comment as Matt Jackson



Mark B. Cohen

4 days ago · 🌐



FBI unable to find a motive in attempted Trump assassin Thomas Matthew Crooks. He had no coherent political ideology, FBI says.

👍 1

4 comments

👍 Like

💬 Comment

📄 Share



Liz Reasey

I still think it was just a suicide by cop, with the added benefit of the notoriety and publicity of attempting to murder a former President. Pathetic - and unnecessary. It's a shame his parents didn't get him a therapist instead of letting him have ... See more

4d Like Reply

R-9



Voter registrations are greatly increasing, as the 2024 elections get closer. A good sign for American democracy!

R-10



It's a great day to be a TV station owner in Pa. AdImpact projects that Presidential campaigns will have more TV ads in Pa. than in any state, \$360 million worth.

5

1 comment 3 shares

Like

Comment

Share

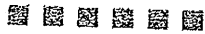


Susan McLeer
Glad I don't watch TV except on State occasions.

4d Like Reply

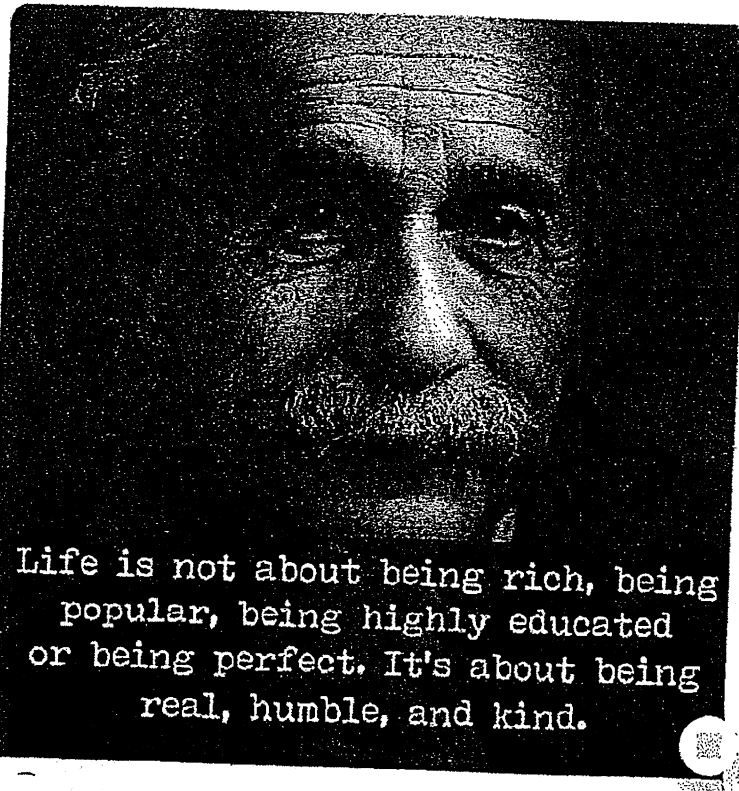


Comment as Matt Jackson



Mark B. Cohen
August 26 at 8:32 AM · 🌐

If Einstein didn't say this, he should have!



R-11



Ruth Wilkinson Facebook comment

11

7 comments 1 share

Like

Comment

Share

View more comments



Harvey Cantor
Not when democracy is at stake!

1w Like Reply

2



Comment as Malt Jackson



Mark B. Cohen
August 25 at 5:34 PM



In Pennsylvania first-time voters at a given polling place are required to show identification. Be prepared to do so if you have just re-registered, or are voting for the first time at a polling place for any reason.

Deborah Carasso, Nicholas Himebaugh and 19 others

2 comments 12 shares

Like

Comment

Share

View more comments



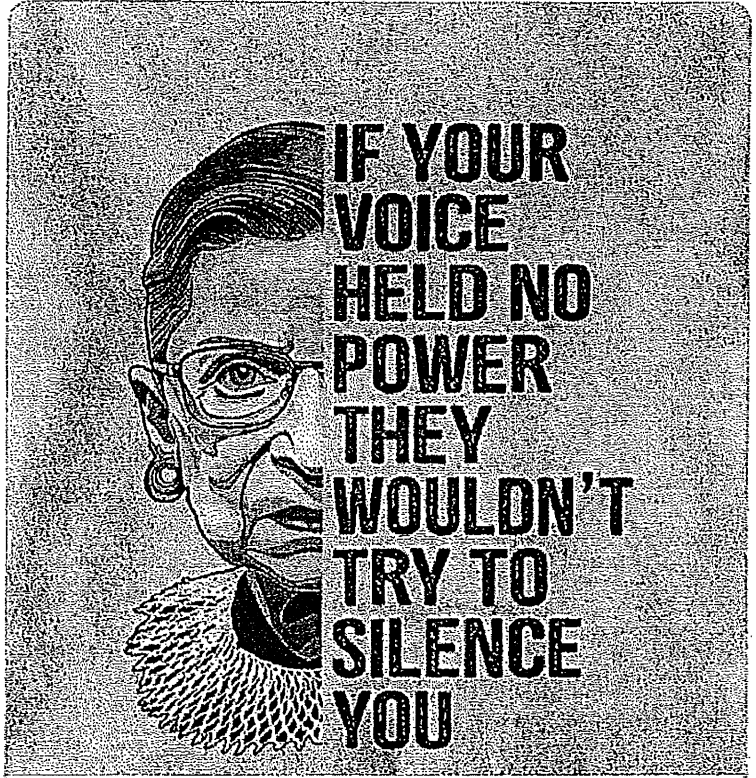
Marcia Patricia Glogowski
Make sure a valid address is up to date. No marks should be on your ballots either.... They'll be disqualified.

1w Like Reply

R-12



Iruel thanks to Neal Likov for sharing!



Cynthia Fleming Smalling
July 31 · 🌐



👁️ 13

6 shares

👍 Like

💬 Comment

🔗 Share



Comment as Matt Jackson



R-13



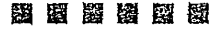


Deborah Carasso
Extremely dangerous

3d Like Reply



Comment as Matt Jackson



Mark B. Cohen
August 23 at 5:25 PM · 🌐



Whichever major candidate you wish to win the Presidential race, you can find polls showing that he or she is ahead. But whatever any polls say, you should VOTE.

👤 Mark B. Cohen, Deborah Carasso and 20 others

4 comments 3 shares



Like



Comment



Share

View more comments

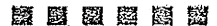


Steven Kaplan
The only poles that vote are in port richmond....

1w Like Reply



Comment as Matt Jackson



Mark B. Cohen
August 23 at 5:05 PM · 🌐



In 1971, my dad, Philly Councilman David Cohen, withdrew from Philly mayor's race, but too late to get his name off primary ballot. He still got 1% . We'll see if RFK, Jr, who will be on the ballot in up to 18 states after withdrawing, does as well.

👤 Faith Horne and 17 others

13 comments 1 share

R-14



NYT: In a surprise move that has made clear his intentions to withdraw his candidacy before Friday's press conference, RFK, Jr. has filed papers to withdraw from Arizona's ballot. We'll see if Cornel West becomes the next to withdraw.

9

8 comments

Like

Comment

Share

View more comments



Author

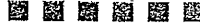
Mark B. Cohen

It turns out to be a partial withdrawall We'll see how long that lasts.

1w Like Reply



Comment as Matt Jackson



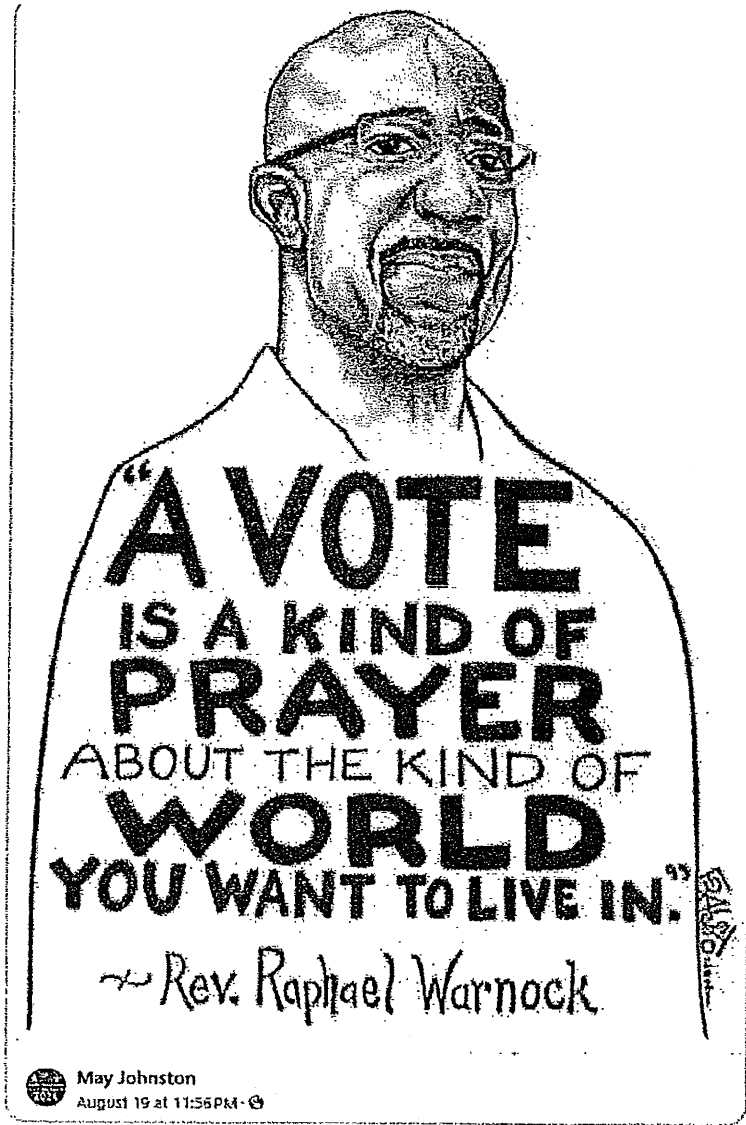
Mark B. Cohen



August 22 at 10:31 PM ·

True. Everyone should VOTE for the world they want.

R-15






 May Johnston
August 19 at 11:56 PM · 

 4



 Like

 Comment

 Share

 Comment as Matt Jackson



 Mark B. Cohen
August 22 at 10:12 PM · 

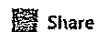
R-110



Watching large parts of both major party conventions , I think it is obvious that each party represents a starkly different view of our country's future. People should vote for the party that bests represents their views.

Gery Kosinski, Roberta Jacobs-Meadway and 11 others

11 comments



View more comments



Fred Gusoff
Which party cherishes the U.S. Constitution?

1w Like Reply



Author

Mark B. Cohen

Fred Gusoff That's a question that I should answer after my term as judge expires on December 31, 2024.

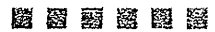
1w Like Reply

31

View more replies



Comment as Matt Jackson



Mark B. Cohen

August 22 at 8:32 PM · 🌐

...

I agree!



Naked Cuddles True facts

August 20 at 5:02 PM · 🌐

A lot of problems in the world would disappear if we talked to each other instead of about each other...

R-17