

COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE

COURT OF JUDICIAL DISCIPLINE  
OF PENNSYLVANIA

OCT 16 2024

RECEIVED

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

BEFORE: Honorable Daniel E. Baranoski, P.J., Honorable Jill E. Rangos, J., Honorable Thomas E. Flaherty, J., Honorable Sonya M. Tilghman, J., Honorable Charles Becker, J., Honorable Steven D. Irwin, J., Honorable Carolyn H. Nichols, J., Honorable Jacob D. Corman, III, J.

PER CURIAM

FILED: October 16, 2024

**OPINION AND ORDER**

Judge Marissa Brumbach of the Philadelphia Municipal Court is before this Court for the determination of the appropriate sanction for her violations found in the Opinion and Order of March 12, 2024; and also described in the Opinion and Order of April 25, 2024, denying her objections to the findings of fact and conclusions of law. In those Opinions and Orders this Court detailed violations in Judge Brumbach's actions in signing Certificates of Disposition and thereby falsely affirming that all defendants had been given an opportunity to have a hearing on their case when that was not true. Judge Brumbach took these actions so she could vacation in Florida instead of presiding in court.

**Factors Considered in Determining Sanction**

In determining what sanction will be imposed for an ethical violation this Court is guided by the jurisprudence of our Supreme Court, and also by our prior decisions. Pennsylvania has adopted ten non-exclusive factors, sometimes called "Deming Factors" from the original Washington State case where they were explicated. ***In re Roca*, 151 A.3d 739, 741 (Pa.Ct.Jud.Disc. 2016)**,

**aff'd, 173 A.d 1176 (Pa, 2017), citing *In re Toczydlowski*, 853 A.2d 20 (Pa.Ct.Jud.Disc. 2004); *In re Deming*, 736 P.2d 639 (Wa- 1987).** The ten factors and their application to this case are as follows:

1. Whether the misconduct is an isolated instance or evidenced a pattern of conduct: The misconduct here was committed in one episode.

2. The nature, extent, and frequency of occurrence of the acts of misconduct: Judge Brumbach signed Certificates of Dispositions which falsely stated that the parties had been given the chance to have trials in their cases in order that it would appear she had been presiding in court on a day when she instead was vacationing in Florida.

3. Whether the misconduct occurred in or out of the courtroom: The misconduct occurred outside the courtroom.

4. Whether the misconduct occurred in the judge's official capacity: The misconduct at issue here was committed in Judge Brumbach's capacity as a judge.

5. Whether the judge acknowledged or recognized that the acts occurred: Judge Brumbach has acknowledged her conduct but maintains it is inconsequential and normal procedure for the Philadelphia Municipal Court.

6. Whether the Judge has evidenced an effort to change or modify their conduct: Judge Brumbach maintains her conduct is inconsequential and stated at her Sanction Hearing that she will refuse to sign any paper Certificates of Disposition in the future.

7. The length of service on the bench: Judge Brumbach has served as a judge for seven years.

8. Whether there have been prior complaints about the judge: There have not been prior complaints about Judge Brumbach.

9. The effect the misconduct has upon the integrity of and respect for the judiciary: Judge Brumbach's misconduct eroded respect for the judiciary in turning in untruthful documents in order for her to take a vacation day.

10. The extent to which the judge exploited his or her position to satisfy personal desires: Judge Brumbach's misconduct was for personal purposes.

Judge Brumbach signed documents entitled "Certificates of Disposition" which stated that a hearing had been offered to the parties and that she was ruling afterwards. By signing the Certificates of Disposition, Judge Brumbach was affirming that the information therein was true and correct. These Certificates of Disposition were signed with a stamped date of January 7, 2022, although they were actually signed the day before so she could avoid being present in court and take a vacation. 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 on the date listed and that she was ruling on the case afterward. This was not true.

Deciding cases and signing judicial documents in knowing violation of requirements to give the parties an opportunity to have their day in court is a violation of the judge's duty to be competent and diligent.

Very few cases similar to the present one exist. One with some similarities is ***In re Shaffer*, 885 A.2d 1153 (Pa.Ct.Jud.Disc. 2005)**. Judge Shaffer included falsehoods on his progress reports to the Administrative Office of the Pennsylvania Courts indicating the cases he was handling were going according to schedule when in reality many of his

decisions were overdue by months or even years. For the unexcused delay and his misstatements on the progress reports Judge Shaffer was sanctioned with probation for eighteen months. This Court found that Judge Brumbach falsely filled out the Certificates of Disposition in one episode rather than repeatedly as Judge Shaffer did. However, this episode involved the fraudulent signing of ninety-five (95) certificates of disposition.

There are several mitigating factors in this case. Judge Brumbach did ask for the vacation day off from her supervising judge well in advance, but did not receive a timely reply and this is certainly a mitigating factor; however, she did deliberately sign false documents in order to take a day off whether or not it was ever approved. Another mitigating factor is that Judge Brumbach notified the administrative judge and the then president judge of her plan, in advance. Judge Brumbach's plan was also just to be carried out for defendants who failed to appear for court.

Not only were there the above mitigating factors from Judge Brumbach's actions during the incident on January 6, 2022, there is the extenuating circumstance that Judge Brumbach has already been serving a form of a "suspension" since January 2022 when she was administratively removed by the former president judge from hearing any cases in court. For over two and a half years since, and up to the current time, Judge Brumbach has not heard any cases in a courtroom although she was still being compensated. Based on these mitigating circumstances, Judge Brumbach's counsel argued that no further penalty should be imposed.

The Board argued that Judge Brumbach is completely non-apologetic and that this minimizes any effect of her actions. In Judge Brumbach's allocution statement at the sanction hearing, she blamed others for this

incident including the former president judge, the Philadelphia Municipal Court and the rules of procedure, the Judicial Conduct Board and even this Court. She requested that that this Court "vacate its imposition of a violation and enter an order in arrest of judgment based upon legal error..." (*Sanction Hearing transcript, page 29, 9-14*). Judge Brumbach indicated that she will never again complete or sign a paper certificate of disposition and will demand access to electronically enter dispositions into the computer system (*Sanction Hearing transcript, page 28, 15-23*), which is a clerical task assigned to clerks or dispositioners. Throughout this entire episode, Judge Brumbach asserted vehemence in her arguments and has not demonstrated any remorse for her actions. She continues to refuse to comply with established municipal court procedures and any administrative authority that the president judge may have over the municipal court. Although this Court carefully considered Judge Brumbach's counsel's request of a sanction of no further penalty, it must be weighed against the Board's position that Judge Brumbach's vituperative and incorrect behavior can damage the public confidence in the judiciary and that any sanction imposed should guard against that from happening in the future (*Sanction Hearing Transcript, page 37-38*).

Based on the totality of the circumstances and factors of this case as presented in the trial and the subsequent proceedings, this Court has determined that a short period of probation is appropriate. This Court hereby sets the Sanction for Judge Brumbach as a reprimand and six months of probation to give Judge Brumbach an opportunity to comply with proper court procedures and administrative policies. The condition of her probation

is that she not commit any further misconduct. The president judge and administrative judge of the Philadelphia Municipal Court shall advise this Court at the end of Judge Brumbach's probation whether, in their view, she has successfully complied with the term of probation.

PER CURIAM