

SEP 26 2025

**COMMONWEALTH OF PENNSYLVANIA  
COURT OF JUDICIAL DISCIPLINE**COURT OF JUDICIAL DISCIPLINE  
OF PENNSYLVANIA

IN RE:

Judge Scott DiClaudio	:	
Court of Common Pleas	:	1 JD 2025
First Judicial District	:	2 JD 2025
Philadelphia County	:	

**JUDICIAL CONDUCT BOARD BRIEF IN SUPPORT OF PETITION FOR RELIEF  
FOR INTERIM SUSPENSION WITHOUT PAY**

AND NOW, this 26<sup>th</sup> day of September, 2025, comes the Judicial Conduct Board of the Commonwealth of Pennsylvania (Board), by and through undersigned counsel, pursuant to this Court's Letter to Counsel dated September 23, 2025, files this Brief in Support of the Petition for Relief for Interim Suspension Without Pay of Judge Scott DiClaudio:

**PROCEDURAL HISTORY**

Judge DiClaudio has served as a judge of the Common Pleas Court of Philadelphia County since January 4, 2016, excepting a two-week suspension imposed by this Court at 3 JD 2019, which spanned August 15, 2021, through August 29, 2021. On September 9, 2025, Board counsel filed a Complaint in this Court against Judge DiClaudio, alleging that by his conduct he had attempted to influence the decisions of another jurist and, as such, had violated the Code of Judicial Conduct and the Constitution of Pennsylvania. Concurrently with this Complaint, Board counsel on September 9, 2025, filed its Petition for Relief for Interim Suspension Without Pay, for which this Court has scheduled a hearing on October 6, 2025.

**FACTUAL ALLEGATIONS**

This misconduct at the center of this case occurred on Thursday, June 12,

2025. On that date, Judge Zachary Shaffer, who also sits on the Court of Common Pleas of Philadelphia, met with Judge DiClaudio in his robing room along with Court Clerk Nicole Vernacchio regarding the purchase of Shay's Steaks merchandise. After asking Ms. Vernacchio to step out, Judge DiClaudio showed Judge Shaffer a small piece of paper on which identifying details of a pending criminal sentencing were written and told Judge Shaffer, "I've heard you might do the right thing anyway." This sentencing was, at the time, scheduled to take place on the following Monday, June 16, 2025, before Judge Shaffer. The defendant in this matter shares a social and professional acquaintance of Judge DiClaudio.

The day following this conversation, June 13, 2025, Judge Shaffer reached out to Administrative Judge Daniel Anders. The two met, along with Supervising Judge Rose Defino-Nastasi, at which time Judge Shaffer related to them the interaction with Judge DiClaudio. Judge Shaffer then recused from any further proceedings. On June 15, 2025, Judge Anders made the decision to limit Judge DiClaudio's judicial duties to authoring 1925(a) Opinions for cases currently pending.

### **ANALYSIS**

The Constitution of Pennsylvania authorizes this Court to issue interim suspension orders in matters pending before the Court, providing that:

Prior to a hearing, the court may issue an interim order directing the suspension, with or without pay, of any justice, judge or justice of the peace against whom formal charges have been filed with the court by the board or against whom has been filed an indictment or information charging a felony. An interim order under this paragraph shall not be considered a final order from which an appeal may be taken.

Pa. Const., Art. V, § 18(d)(2).

Administrative Judge Anders' limiting directive to Judge DiClaudio should not be viewed as a substitute for the issuance of an Order for Interim Suspension by this Court, as no specific authority to suspend a judge is vested in that office. Rather, the current limiting directive issued by Judge Anders may be rescinded at any time, returning Judge DiClaudio to the full complement of judicial duties, even prior to a final decision by this Court as to the charged violations. Because only this Court is empowered to order the interim suspension of a judge, the Board asks that it exercise such authority, despite any administrative restrictions currently placed on Judge DiClaudio's duties.

This Court has determined that the decision to place a judge under interim suspension should be determined based upon the totality of the circumstances, and has identified several factors to aid in that calculus:

1. The nature of the alleged misconduct;
2. The relation, or lack thereof, of the alleged misconduct to a judge's duties;
3. The impact or potential impact on the administration of justice;
4. The harm or possible harm to the public's confidence in the judiciary; and
5. Any other circumstances relevant to the conduct in question.

*In re Larsen*, 655 A.2d 239, 247 (Pa.Ct.Jud.Disc. 1994); *In re Smith*, 712 A.2d 849, 851-52 (Pa.Ct.Jud.Disc. 1998); *In re Jaffe*, 814 A.2d 308, 318 (Pa.Ct.Jud.Disc. 2003). Although the above factors originated in the context of disciplinary cases involving criminal charges against a judge, their reach has since been expanded.

In the present case, the nature of the alleged misconduct is the June 12, 2025,

discussion between Judge DiClaudio and Judge Shaffer, during which Judge DiClaudio made statements that would tend to influence Judge Shaffer's sentencing decision on a case scheduled before him, namely *Commonwealth v. Dwayne Jones*, CP-51-CR-7199-2024. The preamble to the Code of Judicial Conduct emphasizes the honor and integrity of the judiciary, stating that "[a]n independent, fair, honorable and impartial judiciary is indispensable to our system of justice." By attempting to influence the decisions of another jurist, Judge DiClaudio's behavior necessarily undercuts these foundational principles and interferes with the fair administration of justice, whether or not the target of that influence deigns to act upon it. Thus, the nature of the misconduct here, clandestine and designed to be corrupting as it was, augers overwhelmingly in favor of a suspension without pay. *See, e.g., In re Orie Melvin*, 57 A.2d 226, 253 (Pa.Ct.Jud.Disc. 2012) (where the nature of conduct is so egregious and exhibits patent disregard for the law, suspension without pay is required to ameliorate the harm to the judiciary flowing from the conduct).

Furthermore, although the alleged misconduct here does not relate directly to Judge DiClaudio's *own* judicial duties, his behavior sought to interfere with the duties of another jurist to decide a defendant's penalty free from outside influence. Furthermore, Judge DiClaudio only had the opportunity to attempt to influence Judge Shaffer by virtue of his own judicial position. It is notable that, although Judge DiClaudio's duties are currently limited, he retains his access to the courthouse and, as such, to his colleagues.

Finally, the potential harm to the public's confidence in the judiciary cannot be understated. Judge DiClaudio's conduct here gives the impression that special treatment may be garnered based upon one's social circles and personal influence.


It is essential to the public trust that every person who stands before our justice system is adjudicated solely based upon the individual circumstances of their case, free from outside influence. A reasonable individual viewing the allegations here would necessarily reconsider the independence and impartiality of our judiciary. If Judge DiClaudio is permitted to perform *any* judicial duties during the pendency of this case, the public's confidence in our judiciary will continue to erode. *Orie Melvin, supra*, at 253.

Respectfully submitted,

MELISSA L. NORTON  
Chief Counsel

DATE: September 26, 2025

By:

  
Elizabeth A. Hoffheins  
Deputy Counsel  
Pa. Supreme Court ID No. 209623  
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(717) 234-7911

**VERIFICATION**


I, Elizabeth A. Hoffheins, Deputy Counsel to the Judicial Conduct Board, verify that the statements herein are true and correct and made subject to the penalties of 18 Pa. Cons. Stat. Ann. § 4904, relating to unsworn falsification to authorities.

Respectfully submitted,

MELISSA L. NORTON  
*Chief Counsel*

Date: September 26, 2025

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**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: Judicial Conduct Board of Pennsylvania

Signature: 

Name: ELIZABETH A. HOFFHEINS  
Deputy Counsel

Attorney No.: 209623

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**PROOF OF SERVICE**

In compliance with Rule 122 of the Court of Judicial Discipline Rules of Procedure, on the below date a copy of this Brief in Support of Petition for Relief for Interim Suspension Without Pay was served by First-Class Mail and email upon Michael T. van der Veen, Esquire, counsel for Judge DiClaudio at the following address:


Michael T. van der Veen, Esquire  
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Respectfully submitted,

DATE: September 26, 2025

By:

  
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