

OCT 6 - 2025

COURT OF JUDICIAL DISCIPLINE
OF PENNSYLVANIA

VAN DER VEEN, HARTSHORN, LEVIN & LINDHEIM

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ATTORNEY FOR RESPONDENT

IN RE:
JUDGE SCOTT DICLAUDIO
FIRST JUDICIAL DISTRICT
PHILADELPHIA COMPLAINT

:
:
: **COMMONWEALTH OF**
: **PENNSYLVANIA COURT OF**
: **JUDICIAL DISCIPLINE**
:
: **NO. 1 JD 2025**
: **NO. 2 JD 2025**
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SECOND OMNIBUS MOTION

Judge Scott DiClaudio (“Judge DiClaudio”), by and through his attorney, Michael T. van der Veen, hereby submits this Second Omnibus Motion. In support thereof, Judge DiClaudio represents the following:

1. On or about September 9, 2025, the Judicial Conduct Board of the Commonwealth of Pennsylvania (“the Board”) filed a Complaint charging Respondent with various violations of the Rules of the Code of Judicial Conduct and the Constitution of the Commonwealth of Pennsylvania.

2. On that same day, the Board also filed a Petition for Relief for Interim Suspension Without Pay (“Petition”).

3. The factual allegations posed in the Board’s Petition center around the aforementioned September 9, 2025 Complaint.

4. A Hearing on the Board’s Petition is currently scheduled for October 6, 2025, at 9:00 A.M.

MOTION TO STAY OR IN THE ALTERNATIVE CONTINUE

5. On the afternoon of October 3, 2025, after this Honorable Court granted Respondent's Motion for Discovery, the Board provided four (4) different interview statements to Respondent.

6. For whatever reasons, the Board decided not provide this material until ordered by this Honorable Court to do so and not even a full business day before the hearing.

7. Respondent had very little time to review this material, however, in examining the statements in preparation for the October 6, 2025 Hearing, Respondent noticed the Investigator referred this matter to be criminally investigated on two (2) separate interview statements. The reasons for failing to provide these statements until the Friday afternoon before the Monday hearing are curious, especially given the fact that the Board was aware there was a referral for criminal investigation.

8. "Judicial conduct proceedings are considered quasi-criminal in nature, and, therefore, the defendant is afforded the same constitutional rights as are criminal defendants." *In re Sullivan*, 121 A.3d 623, 627 (Pa. Ct. Jud. Disc. 2015)(internal citation omitted).

9. For the first time on the afternoon of October 3, 2025, Respondent has learned about the criminal referral.

10. In order to preserve his due process rights, Respondent respectfully requests this Honorable grant his request to stay the Hearing on the Board's Petition for Interim Suspension Without Pay until the criminal investigation is concluded.

11. Judge DiClaudio has an absolute right to testify at his October 6, 2025 Hearing, but he maintains his Fifth Amendment right against self-incrimination.

12. The Board of Judicial Conduct clearly knew about the criminal referral and intentionally concealed it from the Respondent to prevent him from exercising his Fifth Amendment right against self-incrimination.

13. Furthermore, Respondent has learned of at least three witnesses he would have named on his witness list, including lead investigator Paul Fontanes.

14. As such, this Honorable Court should stay the current proceedings given the pending criminal referral to protect Respondent's Constitutional rights.

15. In the alternative, Respondent respectfully requests this Honorable Court continue the Hearing on the Board's Petition for Interim Suspension Without Pay.

WHEREFORE, for the foregoing reasons, this Honorable Court should enter an Order Staying and/or Continuing the October 6, 2025 Petition for Relief of Interim Suspension Hearing.

MOTION FOR SEQUESTRATION

16. The Board's filed witness list included three (3) individuals: (1) Judge Zachary Shaffer; (2) Judge Daniel Anders; and (3) Nicole Vernacchio.

17. As is his right, undersigned counsel attempted to speak with all three (3) above mentioned individuals. However, none of these individuals agreed to speak with the undersigned.

18. Pursuant to Pennsylvania Rule of Evidence 615, a Court may order the sequestration of witnesses as a party's request.

19. As such, Respondent respectfully requests this Honorable Court grant Respondent's request to have all witnesses sequestered during all proceedings, including but not limited to the October 6, 2025 Hearing.

WHEREFORE, for the foregoing reasons, this Honorable Court should enter an Order granting Respondent's motion for sequestration and order that all witnesses during proceedings related to these matters be sequestered.

MOTION FOR RECUSAL

20. "Recusal is an official means by which a member may disqualify himself or herself from participating in a pending matter. In this regard members shall be guided by Rule 5(C) of the Rules Governing the Conduct of Members of the Court of Judicial Discipline, pertaining to disqualification." 207 Pa. Code § 111.

21. Pursuant to Rule 5(c)(2) of the Rules Governing the Conduct of Member of the Court of Judicial Discipline,

A member should not participate in a proceeding in which the member's impartiality might reasonably be questioned, including but not limited to instances where: (a) the member has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding; (b) the member served as a lawyer in the matter in controversy, or a lawyer with whom the member practices or previously practiced law served during such association as a lawyer concerning the matter, or the member or such lawyer has been a material witness concerning it; or (c) the member or the member's spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person: (i) is a party to the proceeding, or an employee of a party; (ii) is acting as a lawyer in the proceeding; (iii) is known by the member to have a substantial financial interest in the outcome of the proceeding or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding; or (iv) is to the member's knowledge likely to be a material witness in the proceeding.

22. Respondent has become aware that a member of the Court hearing this matter is Mr. Charles Becker.

23. Mr. Becker is an employee at Kline & Spector, a law firm in Center City Philadelphia.

24. Respondent was a client of Kline & Spector several years ago.

25. Further, Respondent's counsel was in contentious litigation with Kline & Spector earlier this year. Despite such litigation being over, Respondent's counsel has received numerous letters from Mr. Becker's law firm indicating they will be suing Respondent's counsel.

26. Given the above, Respondent respectfully requests Mr. Becker be recused from hearing this matter due to Respondent's attorney-client privilege and the fact that Respondent believes Mr. Becker cannot be fair and impartial.

WHEREFORE, for the foregoing reasons, this Honorable Court should enter an Order Ordering Mr. Charles Becker be recused from these matters.

Respectfully submitted,

**VAN DER VEEN, HARTSHORN,
LEVIN & LINDHEIM**

Date: October 6, 2025

BY: */s/ Michael T. van der Veen*
Michael T. van der Veen, Esquire
Attorney for Respondent

VERIFICATION

I, Michael T. van der Veen, Esquire, verify that the statements made in the foregoing motion are true and correct. I understand that the statements herein are made subject to the penalties of 18 Pa. Cons. Stat. Ann. § 4904, relating to unsworn falsification to authorities.

Respectfully submitted,

**VAN DER VEEN, HARTSHORN,
LEVIN & LINDHEIM**

Date: October 6, 2025

BY: */s/ Michael T. van der Veen*
Michael T. van der Veen, Esquire
Attorney for Respondent

VAN DER VEEN, HARTSHORN, LEVIN & LINDHEIM

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ATTORNEY FOR RESPONDENT

IN RE:
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CERTIFICATE OF COMPLIANCE

I, Michael T. van der Veen, Esquire, 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.

Respectfully submitted,

**VAN DER VEEN, HARTSHORN,
LEVIN & LINDHEIM**

Date: October 6, 2025

BY: */s/ Michael T. van der Veen*
Michael T. van der Veen, Esquire
Attorney for Respondent

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CERTIFICATE OF SERVICE

I, Michael T. van der Veen, hereby certify a copy of this Motion was sent electronically,
by email, and/or by USPS first class mail upon the following:

Court of Judicial Discipline
601 Commonwealth Avenue
Suite 1500
Harrisburg, PA 17120
Jennifer.love@pacourts.us

Judicial Conduct Board
601 Commonwealth Avenue
Suite 3500
Harrisburg, PA 17120
Elizabeth.Hoffheins@jcbpa.org

Respectfully submitted,

**VAN DER VEEN, HARTSHORN,
LEVIN & LINDHEIM**

Date: October 6, 2025

BY:

/s/ Michael T. van der Veen
Michael T. van der Veen, Esquire
Attorney for Respondent